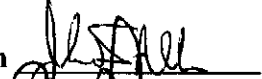



John Allen   
Bob Thompson   
Bill Lockard \_\_\_\_\_

**Selectmen's Board Meeting**  
February 25, 2016

Present: John Allen, Chairman; Bill Lockard, Selectmen

Visitors: Town Office Administrator Julie Atwell, Police Chief Doug Jette, Videographer Hank Benesh, Bea Davis, Bob Davis, Stan Weiss, George Howard, Gino Funicella, Larry Seibert, Jerry Dougherty, Martha Benesh

Chairman John Allen called the meeting to order at 4:03 p.m.

**1. Amend & approve minutes**

- a. Selectmen's Meeting – February 11, 2016 The minutes were approved as written.
- b. Non-Public – February 11, 2016 – sign minutes envelope RSA 91-A:3, II(c) **Selectman Lockard, seconded by Chairman Allen, made a motion to seal the minutes. The motion passed unanimously.**

**2. Update on February 11, 2016 Action Items**

- a. Wentworth Icebar At the last meeting there was a question regarding the hours of operation for the Icebar; it will be open from six to ten thirty. Chief Jette wanted to know if that was a “hard” time; Chairman Allen is sure the Wentworth will try to abide by that but the Police are allowed to nudge them if they go over.
- b. Upcoming Selectmen's Meeting dates March 10<sup>th</sup> is the Town Meeting at 7 p.m. held at the Whitney Center. Selectmen's meeting dates are March 24<sup>th</sup>, April 14<sup>th</sup> and 29<sup>th</sup> and May 12<sup>th</sup> and 26<sup>th</sup>.

3. **Police Report** Chief Jette has two items for discussion today. For the past six months he's been looking at a container ordinance in town. To lead off the discussion he'd like to thank Bea Davis; she did a lot of work going back twenty years and found a Consumption of Alcohol ordinance that was in effect in 1982. The one already on the books accomplishes everything; he is withdrawing the one he put on the ballot. It is called a Drinking and Loitering ordinance so at a future meeting he may be looking at negating the loitering portion. This speaks to a lot of what goes on in town and prohibits it. Chairman Allen wondered if Chief Jette planned to also reconsider the fine. Chief Jette noted the proposed fine was fifty

dollars but it was never his intention to punish people with the fine. He's happy with the fine that's there of twenty five dollars. In talking about the ordinance he had somehow said something about the Chamber of Commerce being involved in an ad inviting folks to the Falls. He read the article and found it wasn't the Chamber. How it came out of his mouth, he apologizes profusely; for him to imply that the Chamber was doing something bad for the town is false and totally on him; he was wrong to imply that. He doesn't know how he went from reading the ad to saying the Chamber was at fault. The second item is that beginning next Thursday the Police Department is kicking off Coffee with a Cop. It's a general assembly with police department members and business owners at Whitney's Inn looking to start to close the gap between the police and in-town businesses. There will be invitations monthly to go to other locations to keep that going and build the relationship. Folks may not agree with what the police do but maybe folks can get to the point where if someone hears a rumor people will be able to say "I don't believe that's how Ryan or Doug or Lauren would react". It's a new ideal of policing in the country; positive interaction within the community. He hopes to get some exposure by inviting folks from the *Conway Daily Sun*. Chief Jette once again emphatically apologizes to the Chamber and the Warrant article for the ordinance has been taken off the list of things to discuss at the town meeting. If the one that exists needs to be amended, that can be done at a Selectmen's meeting.

4. **Public Comment** Larry Seibert would like to thank Chief Jette for reaching out to everyone. He'd also like to point out that there are a couple of ordinances in town, like the 1982 Drinking and Loitering ordinance, that are not easily located. Because they are not Zoning Ordinances the town doesn't have them in a book anywhere. Over the years the Selectmen have created ordinances and people don't know where they are. There should be a book of Ordinances. Office Administrator Atwell has already started going through the old books to see what's out there.

Gino Funicella has a statement to read into the record; it is as follows:

During the past week, copies of two settlement agreements were finally made available at the Town Clerk's office in accordance with the Right to Know law. One complaint was made by Diane Falcey, former Town Administrator filed in court against the Town of Jackson and Jerry Dougherty IV in his position as Selectman. The second complaint was made by Ella Cressy, former Assistant Town Administrator vs. Town of Jackson.

Ella Cressy received fifty-five thousand dollars in a settlement that was filed and affirmed to on December 19, 2014. It took more than a year before the information was made available for public viewing and only after requests were made to the Selectmen on separate occasions pursuant to the Right to Know laws.

The settlement of Diane Falcey's case was filed and affirmed to on January 22 of this year. The total amount of Diane's settlement was one hundred eighty thousand dollars. The larger portion of one hundred thirty thousand dollars was paid by the town's insurance carrier. Of particular interest was that the Town of Jackson agreed to pay her directly thirty six thousand for "economic loss" plus fourteen thousand dollars for "non-economic loss." This portion of the settlement was not covered by insurance apparently due to the method of discharge by the selectmen.

I want to make it clear that the incidents that took place which caused these suits to be filed all happened before Bill Lockard became a selectman. Obviously the dismissal of two fine employees, Diane Falcey and Ella Cressy, with the resulting legal settlement would indicate that civility was more than lacking in that selectmen's office.

One glaring legal issue in the Ella Cressy case is that the town did not place the release in the Town Clerk's office to be made available for public viewing for fourteen months, which is in violation of the Right to Know law.

## 5. Building Inspector

- a. Weekly Report – Kevin Bennett Building Inspector Bennett is not in attendance; there is no report.

## 6. New Business

- a. Trustees of Trust Funds – Signature Required **Selectman Lockard, seconded by Chairman Allen, made a motion to withdraw three thousand seven hundred eighty seven dollars and forty eight cents from the Town Office Equipment Maintenance Expendable Trust Fund (0047) for Dell invoices number XJW965TW9 Dated 1/22/16, XJW63WCM7 Dated 1/8/16 and XJW6FN6D4 Dated 1/11/16 and forty five dollars and ninety seven cents from the Town Office Equipment Maintenance Expendable Trust Fund (0047) for Staples Order #9734721700 Dated 2/2/16. The motion passed unanimously.**
- b. Report of Cut – Signatures Required **Selectman Lockard, seconded by Chairman Allen, made a motion to approve the report to cut for Map R32, Lot 32. The motion passed unanimously.**
- c. Registry of Deeds – Internet Policy **Selectman Lockard, seconded by Chairman Allen, made a motion to approve the Registry of Deeds – Internet Policy. The motion passed unanimously.**
- d. Interim Bridge Inspection Update This is an FYI; the Valley Cross Road Bridge is in compliance with DOT recommendations; no action is needs to be taken at this time.

- e. NCC – Representative Request Bob Stevenson was thanked for his time serving as Jackson’s Representative to the North Country Council. The opening will be put in Enews.
- f. Planning Board Notice – (the Town is an abutter) – design Review Request This is Map R14, Lot 5; the Old Jackson Village Inn on Dinsmore Road is being made into condos. The town is an abutter and being notified if anyone wants to attend.

**7. Old Business**

- a. Employee use of town vehicle Bob Davis noted Selectman Lockard has said the town wasn’t going to buy another truck to go back and forth to Conway. It would be cheaper to get a car to run back and forth to Conway; the town’s employee is putting one hundred fifty miles a week. It would be possible to use the cruiser; Chief Jette noted that would impact the Cruiser Capital Reserve Fund. It was noted the old cruiser is already paid for; Jackson owns it; it can be run into the ground. It was clarified that the town is not buying a new vehicle; it’s a vehicle the town already owns. Selectman Lockard doesn’t support this. This will go on the agenda under action items.

- 8. Public Comment** Bea wants to know if it’s necessary to have a Commercial Driver License (CDL) to drive the big plow truck. This should also apply to the Fire Trucks as those are bigger. The Selectmen will find the answer to this. Gino had another thought regarding town vehicles. Town employees get further and further away; the Selectmen ought to really look at employees bringing their own vehicle to town. Letting employees use the vehicles has mileage added on; it gets very expensive and there can be accidents. Gino also thinks the operators of the large trucks do have to have a CDL. Certainly an emergency vehicle might be a different; there are certain members of the Fire Department using the little pick-up truck; that truck was to be utilized for meetings or for the fire crew to go to Concord; it was not meant to be used for all around travel. That was the original intent.

Selectman Lockard would like to apologize to the town regarding anybody who is upset about his service. He was approached by someone that told him he was giving the town poor service and has been bad for the town. This person was so angry they were shaking. Selectman Lockard doesn’t want anybody to be that angry about what he does. Selectman Lockard would like to very sincerely apologize for what he did. The Selectman are doing this the best they can; they aren’t trying to make things worse; it may seem like it sometimes; the Selectmen certainly would like to be respected for their service but no one should be that angry.

9. **Non-Public Session Selectman Lockard, seconded by Chairman Allen, made a motion to go into Non-Public Session in accordance with RSA 91-A:3, II(c) at 4:31 p.m. The motion passed unanimously.**

- a. RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

The Board returned to Public Session at \*\*\*\*

There being no further business, the meeting was adjourned at \*\*\*\*

Respectfully submitted by:

*Martha D. Tobin*

Recording Secretary