

John Allen _____
Bob Thompson _____
Bill Lockard _____

Selectmen's Board Meeting
January 28, 2016

Present: John Allen, Chairman; Bob Thompson and Bill Lockard, Selectmen

Visitors: Town Office Administrator Julie Atwell, Police Chief Doug Jette, Town Clerk/Tax Collector Karen Burton, Videographer Hank Benesh, Bea Davis, Bob Davis, Stan Weiss, George Howard, Linda Terry, Gino Funicella, Margie Furlong, Martha Benesh, Helene Matesky, Chris McAleer, Bartlett Selectman Gene Chandler

Chairman John Allen called the meeting to order at 4:32 p.m.

1. Amend & approve minutes

- a. Selectmen's Meeting – January 14, 2016 The minutes were approved as written.

2. Update on January 14, 2016 Action Items

- a. Investment Policy This will be discussed later (see agenda item 8a).
- b. Valley Cross Road Bridge As discussed at the last meeting, there will be work done; this will be on-going.
- c. Upcoming Selectmen's Meeting dates The upcoming meeting dates are Wednesday February 3rd with the Building Code and Warrant Article Hearings to follow (**this was rescheduled to the regular meeting date of Thursday February 11th**); February 25th; and March 10th will be the Town Meeting at 7 p.m. All up-coming Selectmen's meetings will be held at 4 p.m.

3. **Police Report** Chief Jette reported that it's been a pretty quiet couple of weeks; there's no update yet regarding Cop Sync. There have been a few concerns received from citizens regarding parking at Double Head; there was a concern that the trucks couldn't get by.

4. **Public Comment** Gino Funicella noted he's heard in these meetings the mention of fifty thousand dollars being paid out to a suit that is going on. In accordance with RSA 91A:4,VI "Every agreement to settle a lawsuit against a governmental

unit, threatened lawsuit, or other claim, entered into by any political subdivision or its insurer, shall be kept on file at the municipal clerk's office and made available for public inspection for a period of no less than 10 years from the date of settlement.” He called the Office and there are no records of recent activity. He’d like the Board to please look into that; the Board needs to make it part of the record of the town so the people can see it. Town Office Administrator Atwell asked if Gino spoke with Administrative Assistant Hoyt about this; he did not. Town Office Administrator Atwell asked who Gino talked to regarding this; Gino talked with someone regarding the law.

5. Building Inspector

- a. Weekly Report – Kevin Bennett Inspector Bennett is not in attendance; Chairman Allen reviewed the report which included the permit below.
- b. Building Permit 2016-06 Map R12 Lot 164 – (Owner – Brooks – 226 Green Hill Road) – Bathroom

6. **Trustees of the Trust Funds – Warrant Article – Linda Terry** Linda is speaking on behalf of the Trustees of the Trust Funds (Trustees); they are proposing a Warrant Article and would like the Board’s support. Currently the funds in the Capital Reserve Fund are invested in the New Hampshire Investment Pool; it is a zero point three one percent return. The Trustees would like to retain an investment professional to generate a plan to increase the return and provide for some growth of the funds. Payment could be authorized in two ways; both would have to happen through the Town Meeting Process. Their goal is to interview a number of professionals and to allow the investment fees to come out of the income earned in the funds. Linda read the Article. Selectman Lockard is concerned; the advisor gets his money whether the town makes any at all. Selectman Thompson is concerned about the increased risk to the funds. Linda noted the plan is to have a balanced risk and the financial planner would put together that package. Chris MacAleer noted there’s no denying that there will be an increased risk but over the long run this has proven to be the right way to go. The Board also needs to understand, even if the Warrant Article is approved, it doesn’t mean they will actually retain someone this year. Office Administrator Atwell would like to know where the funds will come from to pay for fees should the income from the funds not cover them. Chris reminded the Board there is no such thing as an investment strategy that has no risk. Selectman Thompson wondered if the proposed investment strategy is common in other towns; the Trustees will be looking at that; the firm they have spoken with is already providing services to a significant number of towns and cities. Stan Weiss asked if the FDIC program covers town funds in appropriate institutions; it does but only up to two hundred fifty thousand dollars per bank account and the town has its funds all in one. Stan suggests setting up multiple accounts so all will be covered to the maximum. There are internet banks that are paying one to one and a half percent and are FDIC insured. Funds can’t be co-mingled; there is almost two million dollars in the town’s funds. Helene did talk with Northway Bank

about moving money around in various CDs; Jackson has about sixty different funds; that would be difficult logistically to keep straight; banks won't do the paperwork for free and the Trustees have no way to pay for those services. The proposed approach is conservative. Martha Benesh noted internet banks haven't really been vetted even if they are FDIC insured. Selectman Lockard wants to make sure the Trustees are just asking for the Selectmen to support the Warrant Article and it's not about the method of investment or the consultant to be hired; this was affirmed. The Trustees would continue to have total oversight. Helene let the Board know that Linda Terry is an investment attorney and Chris MacAleer is an investment broker so the Trustees are in a better position to do that analysis; the Trustees have skills that weren't available to them before. Selectman Thompson would like to have some examples of other towns working with these investment firms. Chris has a couple of proposals from firms; he can get these to the Selectmen. He was able to provide the sample from Charter Trust immediately.

7. **New Business**

- a. **Report of Cut Selectman Thompson, seconded by Selectman Lockard, made a motion to sign the Report of Cut for Map R1255, Lots 2 and 3. The motion passed unanimously.**

- b. **Old Library Management Committee Margie Furlong joined the Board; the OLMC heard about trust funds being available that were given to the library years ago; it was given to the Old Library and the Old Library Management Committee is wondering if there is a way some of that could come to the Old Library. The building should get taken care of; there's rotting going on and it will take about thirty thousand to repair it. The OLMC believes the Old Library is entitled to some of that money because that is where the money went to start with. Selectman Thompson noted they have gotten one estimate for twenty nine thousand five hundred; there is rotted wood on the exterior and lots of things to protect in the building that might have been questioned at the time to be prudent prior to having the plumbing done but this is where we are at. Helene noted Margie came to the Trustees last week and mentioned the need for some funds for the Old Library and asked about the March Trust. The money was given when the Old Library was serving the library function. The library is now the building right here (next to the Town Offices). Helene doesn't see how anyone could say the repairs to the Old Library building can come out of the March Trust. Linda did take a look at the will; she clarified that she is not a Trust and Estate lawyer however, the bequest was given to the Jackson Public Library; there is nothing to differentiate between or among buildings. Helene also found something in 2000 where the Library Trustees petitioned the court as the town wanted to use the March Fund. The Attorney General's report says the Selectmen have no authority to use those trust funds; the money was not given to reduce the tax rate of Jackson and may not be used for that. There is a mechanism to fund raise**

and that's to ask for tax funds. The AG's office is not going to be happy if Jackson asks this question again. If the funds are used for any other purpose, that breeches the trust and the town may be subject to legal action. Margie wondered what the Selectmen wanted to use the money for; it was for general library purposes. Selectman Thompson asked when the March Fund was last used for library purposes and was informed the fund is used every month. The Library Trustees have chosen not to use the principal at this time but the income from all the library trusts (about sixteen hundred dollars) goes into the operating budget. If the Library Trustees decide to use the principal that would still require a Warrant Article. The last time anything was done to the Old Library was painting in 2004. Selectman Thompson noted what prompted this request was the estimate for thirty thousand dollars when the OLMC started looking into renovating the building. They have already poured sixty thousand dollars into it for the water and plumbing. They were looking for alternative funding; do they go back this year and ask the voters to support a thirty thousand dollar warrant article or is there another way to find other funding sources. This is the first time the Selectmen have talked about this. A phased approach is not doable; once the wood that's rotten is replaced it has to be protected. Selectman Lockard is concerned about having a Warrant Article to ask the town for tax revenue to fix it. The town approved putting repairs into the building; the OLMC needs money for those repairs. They are going to have to try to get it from the voters, just as they did with the sixty thousand dollars before. There are some funds left in the Maintenance of Town Buildings budget line. The Office and OLMC have gone through to find little pockets of funds they can utilize and have around sixteen thousand dollars now; they should get to work on the Warrant Article wording. Part of the wording could be to release funds to offset the amount. They would have to request the whole amount of thirty thousand dollars offset by eight thousand dollars from the OLMC and eight thousand from the town. Even if the Selectmen were to bring the unexpended fund down by that amount they will still be reducing taxes; this is the year to do it. Office Administrator Atwell will work on this with the OLMC for the Warrant Article Hearing.

- c. Ordinance Discussion Chief Jette brought in his proposed article regarding consumption of alcohol and read it. There were a number of concerns raised by the Selectmen and members of the public regarding those venues in town which regularly serve alcohol. Chief Jette noted places like the Skimos, the Wentworth and Eagle Mountain House assume the responsibility of liability with their licenses. The draft Ordinance was crafted based on Holderness, Madison and Conway and was then reviewed by town counsel. This will be voted on at Town Meeting. Gino is concerned that the town is establishing a new law; they are getting voluminous; he wondered if there's a problem in town; are there beer cans being thrown around town; are there a bunch of things going on that the public doesn't hear about? What about folks going over to the gazebo

across the street and opening a bottle of champagne? There are restaurants all over town; are the police going to be watching for people walking around with a can of beer? If the town doesn't have a big problem; it can start them by having this ordinance. Chief Jette noted this Ordinance is being generated to response to glass on the rocks at the Falls. There has certainly been alcohol at both the Covered Bridge Dance and the Duck Race; the town doesn't want to wait for a lawsuit. Selectman Lockard agrees with Gino but also relies on Chief Jette's input so defers to him. He hopes Gino will be at the public meeting to ask these questions. Gino noted he can see someone having a brewski on their lawn; the police get involved and things get hot. There was a recent incident he heard about at the Covered Bridge; someone got pepper sprayed because they didn't use a turn signal. Maybe there is something else the town can do; Gino doesn't like a new law. What happens is a lot of people don't know that's a law and end up having to pay a two hundred dollar fine. He wondered if the town is going to post the law. Chairman Allen's concern at Jackson Falls is that glass and rocks are not a good combination. Gino thinks if that's the case the area should be posted, "No drinking here; ten thousand dollar fine". Selectman Thompson is as supportive as he was five months ago when Chief Jette brought this forward. When asked if this is a ballot issue or will there be discussion at Town Meeting it was explained that the vote happens first then the Town Meeting is held. There is concern that this means there will be no discussion to be had about this ordinance. There will be another hearing about this ordinance on February 3rd 11th. Bob Davis asked what is going to happen at Whitneys'; they drink down at the cook out place; he wondered if they will get nailed when they cross the road. The same thing happens at Eagle Mountain House, too. Folks cross the street with alcohol all the time. Chief Jette reiterated that this is covered under those locations liability insurance and/or licenses.

- d. Building Code Change Inspector Goudreau had pointed out last year that the state's Building Code limits an accessory apartment to one hundred twenty square feet; 7a will be adjusted from two hundred square feet to reflect that.
- e. Resignation as Alternate to the Library Board of Trustees – Warren Schomaker The Board accepts the resignation and thanks Warren for his service in this position. The open seat will be posted.
- f. NHEC – Winter Cutting – FYI NHEC will be clearing and cutting around the lines in town from now until April; there will probably be traffic delays and detours.
- g. Annual Deed Search Contract – Town Clerk/Tax Collector **Selectman Lockard, seconded by Selectman Thompson, made a motion to sign**

the contract with Sanders Searches, LLC. The motion passed unanimously.

8. Old Business

- a. Annual Update – Investment Policy The only change is that the town used to have a week to make deposits since there is no bank in town. Now if there is a deposit over seventy five thousand dollars the deposit has to be made within two days. **Selectman Lockard, seconded by Selectman Thompson, made a motion to accept the annual update to the Investment Policy. The motion passed unanimously.**
 - b. Meeting with Bartlett The Board needs to set up a meeting with Bartlett regarding the Transfer Station. The one previously set up for Monday won't work. There is already a Bartlett/Jackson Ambulance meeting set up for Thursday February 4th at 4 p.m.; Office Administrator Atwell will check to see if Bartlett can add this on following that meeting.
 - c. Caldwell Case The ZBA decided not to go forward; the implication is that the patio stays in place.
9. **Public Comment** George Howard is concerned there was a meeting about the Transfer Station and there are no minutes from it. He wondered if the Board has any information about personnel up there. There have been nine applications received; Bartlett reviewed them first then the Jackson Selectmen made their recommendation. They want to have the meeting with Bartlett to put that person in place as well as to put in some updates regarding recycling.

Gino wants to know if the Transfer Station is still recycling products; the items recycled are tin, aluminum, glass, paper and cardboard. Plastics are being dumped. Gino asked if the Transfer Station is still controlled by Bartlett; it was affirmed they do all the hiring and paying of employees. They ask for Jackson's input and that is provided.

There being no further business, the meeting was adjourned at 5:37 p.m.

Respectfully submitted by:

Martha D. Tobin

Recording Secretary