

**Town of New Boston
Selectmen's Meeting
September 17, 2001**

A regular meeting of the Board of Selectmen was called to order by Gordon Carlstrom at 7:01 PM.

<u>PRESENT:</u>	Gordon Carlstrom	Chairman
	David Woodbury	Selectman
	David Delorey	Selectman
	Burton Reynolds	Town Administrator

PUBLIC COMMENT: Dave Delorey opened the meeting by reading a personal tribute to the catastrophic happenings of September 11, 2001, and is an addendum to these minutes. Thank you Dave.

APPOINTMENTS:

7:00PM Lee Murray & Dennis Sarette Clerical Opening

- **Clerical Position** - Lee Murray was present to discuss the filling of the clerical position for the Highway and Building Inspector Departments. This position requires working one day a week for the Highway Department and two days a week for the Building Inspector. Michele Brown has done the work in the past and has expressed interest in the position again. Selectmen discussed proper hiring procedure. There is currently no procedure in the personnel manual. Selectmen would like Burton to write a policy for future instances. Based upon Lee Murray and Burton Reynolds recommendations, Dave Delorey moved to interview Michele Brown. Dave Woodbury seconded the motion. All were in favor. Dave Woodbury stated that in the future, all job openings should be advertised, and suggested that positions, such as the directors of Summer Recreation and the After-School Programs, probably ought to come before the Selectmen as well.
- **Truck Replacement** – Lee Murray requested permission to negotiate the purchase of a newer pickup truck to replace the red pickup that they now have. The cost of the truck is \$5500.00 and would come from excess Block Grant money and trade-in of the old truck at approximately one thousand dollars. The truck is a 1989 Dodge Diesel with 4-wheel drive. It has forty thousand miles on it and the transmission has been replaced. The Selectmen granted him permission to negotiate the purchase.

APPOINTMENT:

7:15PM Cemetery Trustees

Present were Tom Pine of Tucker Mill Road (a current elected Trustee), Dave Woodbury (Treasurer), and Bob Todd (Secretary of the New Boston Cemetery). The trustees are in the process of creating a new deed for the purpose of transferring ownership to the Town. Once the deed is produced, it can be assigned, which will activate the new Trustees for the Town. Deeds which are on hand will be used as a reference. Bob Todd is willing to work with Leslie Nixon in enumerating the parcels, and offered to contact Leslie on this matter. CD's that have matured are being placed in a savings account until the transfer of the deed to the Town Trustees. This transfer should be completed in approximately one month.

APPOINTMENT:

7:45PM Nic Strong Planning Department

Nic Strong asked to be placed on the agenda to discuss the "Planning Department". No materials were provided to the board in advance of the meeting or at the meeting. Her discussion focused on three items:

- Ensuring the attendance of Selectmen ex-officio
- Improving inter-board communications
- Procedures of the Planning Board meeting of Sept. 11th

Also in attendance was a quorum of the Planning Board including Chairman Rick Riendeau, Peter Hogan and Selectman Ex-Officio David Delorey.

Selectman's attendance – Selectmen have missed meetings of the Planning Board on more than one occasion and no other Selectman was asked to attend. Selectmen already have a rotating backup schedule and were encouraged to use it. In the event that the attendance of the current ex-officio member can

reasonably anticipate being absent, the next Selectman in the normal rotation of responsibility will be contacted.

Inter-board communications – Members of the Planning Board felt that pertinent information had not been relayed accurately to the Selectmen’s Board, and Nic offered to send a memorandum to the Board regarding important information. Selectmen agreed that a memorandum would be in order when there are issues involving controversy or potential problems that need to be brought to the attention of the Selectmen’s Board.

Nic will identify the important issues at the Planning Board meeting and send a memorandum to the Selectmen in order to avoid mis-communication. Gordon also suggested periodic meetings between the Planning Board and the Selectmen’s Board.

September 11th meeting – The Planning Board held it’s regular meeting at 7:00PM on Tuesday, September 11th despite the nationwide catastrophes. Dave Delorey informed Rick Riendeau in the morning that he would not be able to attend the meeting. Dave Delorey had a subsequent discussion via telephone that evening with Chairman Riendeau and Selectman Delorey reasonably believed that the Planning Board meeting would not commence. When Dave Delorey was informed that the meeting was in fact in progress, he dispatched himself forthwith and arrived at the meeting at 7:35PM with the intent to participate in the hearing of Mr. Foistner’s sub-division hearing and then go home to hear the President’s speech on television at 8:30PM. Nic and other individual and unnamed members of the Planning Board are concerned that Dave Delorey has a personal agenda and was pushing for this particular applicant. Gordon emphasized that the Selectmen should be reviewing the hearings with an unbiased opinion and fairness to all. It was established that there are currently no procedures for ad hoc site walks. The Selectmen also discussed the issue and determined that no Selectman should go on a site walk alone with the applicant. Gordon suggested that the Planning Board’s Rules of Procedure be updated to include the procedures for missed site walks for the future. Dave Delorey pointed out that Mr. Foistner should have been invited to the Selectmen’s meeting because he is entitled to a fair process, and that Town Administrator Burton Reynolds refused to invite him. He quoted that the purpose of the town’s zoning by-law is to promote health, safety, prosperity, convenience and general welfare, and that the best way to do that is through good communication amongst all those involved.

Non-Public Issue- At this time Nic asked why the Board of Selectmen discussed in non-public session last week, the lack of notice of the decision being sent, which turned out to be incorrect. In accordance to the statutes, Nic should have been notified and allowed to be present and that the discussion be public. The subject of the non-public session was to discuss personnel matters. It is Dave Delorey’s view that the issue was about Burton and he was in fact present. Dave Delorey pointed out that the planning board has not produced minutes in a timely manner, and as a result has adversely and unfairly reflected on Nic Strong, and that Burton did not take responsibility to make sure that she have the proper resources to produce the minutes in compliance with the law. According to the statute, the minutes of the Planning Board meetings are to be produced within 144 hours of the meeting. Dave Delorey stated that another reason for his comments was to make sure that all Boards are kept in compliance with the statutes.

Lou Maynard stated that according to the RSA’s, a letter of decision from the Planning Board is supposed to be issued within a five day period to the appropriate individual. Nic replied that the statute applies only to final approval or denial of an application, and that the Planning Board follows the statute.

APPOINTMENT:

9:10PM

Brent Armstrong & Willard Dodge

Planning Topics

No materials were provided to the board in advance of the meeting. Willard Dodge stated that he and Brent Armstrong listened to a copy of the tape from the September 11th Planning Board meeting. After listening to the portion of the meeting that Dave Delorey attended and participated in, Willard also felt that Dave Delorey was clearly advocating for the applicant in this case. He went on to state that in the past, the position of the ex-officio has always been to represent the Board of Selectmen and the Town of New Boston at the Planning Board meetings. Willard suggested that the other members of the Selectmen’s Board listen to the tapes and decide whether or not the ex-officio member was advocating for the applicant. Dave responded by explaining to the Board of Selectmen that the only objective of the meeting was to determine whether or not the application was complete. He said that upon review of the application, the Selectmen will find that the application was complete, but the plans were not. Accordingly, the Planning Board voted to accept the application as complete. There was no vote taken regarding the completeness of the plans. It has been the history of the Planning Board to attach administrative conditions to applications

where minor procedural or substantive defects need to be remedied. It is most important to determine whether the process is being followed, and Dave would like to have a meeting for the process review. Peter Hogan stated that it is the position of Burton Reynolds that he is the "gatekeeper" when it comes to persons requesting to be placed on the agenda, and that he decides who will get to see the Selectmen or not. Dave Delorey went on to comment that based on the events of the evening, there ought to be a discussion as to whether or not the Town Administrator ought to be replaced. Peter Hogan was in agreement.

Mr. Foistner stated that he had the FBI in town to find out why a particular parcel had not been delivered. Mr. Foistner sent a letter to the Board of Selectmen six months ago and has not heard anything in this matter.

MINUTES: the Selectmen reviewed the minutes of July 23rd and August 27th. Dave Delorey moved to accept the minutes as amended. Dave Woodbury seconded the motion. All were in favor.

OLD BUSINESS:

- 1) **Planning Issues** – The meeting of September will be a work session held upstairs at Town Hall in the Grange Hall. It involves wetland issues and a large crowd is expected. On Tuesday the 25th, the Cell Tower will be coming in at 7:00PM to give a half-hour visual presentation. Rightway Builders was adjourned from the last meeting and will be discussed on the 18th. The third hearing is at 8:00PM, which is a continuance for JFL Enterprises. (A letter dated September 10th from Attorney Drescher has been received regarding the wetland compliance. Mr. Foistner's attorney has filed something with the ZBA.) At 8:30PM is M&M Investment Trust, which is a joint hearing with the Zoning Board of Adjustment. Edward Chauncey subdivision on Campbell Road is at 9:15PM and at 9:30 is Howard Hanson for a wetlands crossing. **Cable Contract** – Dave Delorey has presented a proposed procedure for organizing and running the public hearing. It would include the following:
 - Comments from the public
 - Issues to resolve
 - Items to negotiate

Dave Delorey moved to establish Wednesday, October 10, 2001 at 7:00PM in the New Boston Town Hall, a public hearing for the renewal of the cable television service contract with Adelphia Communications. Dave Woodbury seconded the motion. All were in favor. Brandy Mitroff stated that Jack Mitroff has a copy of Milford's cable contract but has not yet had time to review it. It was decided by the Board to advertise the hearing in the Union Leader. This will be the only opportunity for the public to communicate to the Selectmen what should be in the cable contract.

- 2) **Performance Criteria for Town Administrator** – Criteria came from two different sources which were public corporations. The Selectmen reviewed the document that Burton produced for the personnel manual and discussed how the criteria would be rated. The Selectmen will review this again at next week's meeting.

NEW BUSINESS:

- 1) **Performance Criteria for Department Heads** – The Selectmen reviewed the contents of the document outlining criteria to be used during department head reviews. Burton will be reviewing department heads the week of September 24th. Selectmen will further review and submit their comments to Burton on Wednesday, September 19th.

OTHER:

- 1) **West Nile Virus** – it has been determined that a crow found in New Boston was affected with the West Nile Virus, however, there is no cause for alarm. It is suggested that residents wear long sleeve shirts and empty any containers with standing water in their yards. Spraying is not an option at this point, and the frost will eliminate further danger to the public.
- 2) **Traffic Study** – A traffic study will be done for the proposed Library on the Post Office driveway next Wednesday through Sunday, for the purpose of validating the old traffic study.

The results should not exceed the prior study. Burton will call the State for the results of the count.

- 3) **Sympathy Card** – The Selectmen signed a sympathy card to be sent to Mr. & Mrs. Jim Hawkins of Hooper Hill Road with regard to his mother's death, Janice Hawkins.
- 4) **Timber Yield Tax** - Bob Todd will be in next week to speak on this subject.
- 5) **Copies of Letters** - Dave Delorey requested that copies of letters that come to the Board be given to the Selectmen along with reminders to read.

NEW BUSINESS (CONT'D):

- 2) **Department Head Performance Reviews (non-public)** – Dave Woodbury made a motion at 10:23PM to enter into a non-public session according to RSA91A: 3 Section III (c), for the purpose of reviewing the department head performance reviews. Dave Delorey seconded the motion. Members of the Board were polled individually and all were in favor.

A motion was made by Dave Woodbury at 11:10PM to exit the non-public session according to RSA91A: 3 Section III (c). Dave Delorey seconded the motion. Members of the Board were polled individually and all were in favor.

Dave Woodbury made a motion to adjourn the meeting at 11:11PM. Dave Delorey seconded the motion. All were in favor.

Prepared by Cindy Romano