

ALTON BOARD OF SELECTMEN

Minutes

February 20, 2019

6:00 PM

1 Monument Square

Alton, NH 03809

Approved: March 4, 2019

Chairwoman C. Shapleigh convened the meeting at 6:00 PM and led the assembly in the Pledge of Allegiance to the Flag and a Moment of Silence. The following staff members were present:

Cydney Shapleigh, Chairwoman
John Markland, Vice Chairman
Virgil MacDonald, Selectman
Philip V. Wittmann, Selectman
Reuben Wentworth, Selectman
Elizabeth Dionne, Town Administrator

Agenda Approval

R. Wentworth made a motion to approve the agenda and J. Markland seconded with all in favor of the motion.

Announcements

- The Town Clerk/Tax Collector's Office will be closed on Tuesday, March 12th for the Election which will be held from 7:00 AM to 7:00 PM in the lower level of St. Katharine Drexel Church, 40 Hidden Spring Road.

Public Input | (limited to 3 minutes per person on agenda items only)

Peter Keen voiced concerns regarding voting at the church and recommends it be moved back to PMHS. P. Keen stated the school is centrally located, it was used successfully for the Deliberative Session, it meets all the criteria for ADA Act of Congress, if there are any impediments that have to be adjusted then they have to make the accommodations as part of the Act. Primarily the issue is this, with everything that has been happening in the Catholic Church and has been for quite some time, potentially there might be people that could or have been abused in any manner and could be somewhat intimidated by going to the church and could bring some discomfoting experiences from the past. In addition, there could be some learning and educational opportunities for both the Town and School. The kids at the school need to perform some type of community service and it would be a prime time for them whether it be a valet at the entrance of the school, umbrellas, wheelchairs etc. He urged the Board to contemplate returning to the school for voting. It is a disservice by holding the elections at the church.

Bob Holt noted he has the same concerns as Mr. Keen. He had previously inquired and was told it was due to handicap accessibility however, with the Deliberative Session being held at the school it appears there are, in his opinion no problems. He voiced an issue of Church vs. State and wasn't sure of the laws on this matter but feel that they are not supposed to be together; it is not right. The location is at the north end of town and is a long way for people and would like the Board to consider changing the location and it wouldn't cost the town any money.

Andrea Caruso approached the Board to voice her opinion regarding the walkways going into the church, which are much more hazardous than the school, especially for the elderly. Personally, she would like to see some sort of valet bus loop to help the elderly come into the school even if it means working something out with the School Board. A. Caruso feels that St. Katharine's is more of a hazard for the seniors.

R. Wentworth agrees with the comments that were voiced regarding the church location opposed to PMHS, which is more centralized. Reasons were discussed such as guns, isle way accessibility, walkways etc. for both locations.

C. Shapleigh gave an overview of the background information, which lead up to the change:

- The school did not ask the town to leave the location
- There were several written complaints from folks due to the distance from the parking lot to the auditorium
- There is not a large turnout in years that don't have as large of a turnout
- The Auditorium walkways are very narrow for check-in (many complaints)
- No private place to sit in years when there are very lengthy ballots
- Several attempts were made working with the school to have parking moved so that it would be closer
- Complaints continued for three (3) years before a move was made
- Tried the Pearson Road Center, there was not enough parking
- It is not illegal to hold elections in a church; it can be done
- There is a handicapped entrance on the side of the church for anyone who does not want to use the walkway and available every year
- There is an elevator however there is nobody to escort them if need be and noted there is nobody at PMHS either
- The location may not be ideal but we have a real lack of space in the town where we can get people in and out in an efficient manner.
- You can never please everybody and will get complaints regardless
- Workshop days for the school are not up to the Board of Selectmen the school days are under contract and planned well in advance by the school
- It was the Moderators choice; the Board can agree or disagree but it is his/her choice

Kelly Sullivan inquired whether there were any baseline numbers for voting turnout at PMHS opposed to the Church knowing it would vary year to year. C. Shapleigh stated that those numbers would be available in the Town Clerk's Office.

Appointments:

- All in for Alton-Community Profile Presentation by Kelly Sullivan and Andrea Caruso

Kelly Sullivan and Andrea Caruso Co-Chairs of the All in for Alton Community Profile gave an overview presentation of their group. Packets were distributed to the Board and available for the audience. The group was made up of several interested parties/volunteers and in conjunction with UNH Cooperative Extension and the Town Planner. The basis for the program was to get input from the community for what and where they would like to see the Town move forward in the future. The goal was to seek as many avenues to capture as many voices as possible. All in for Alton has met monthly since October and continue; discussions have included a community based website (online portal), family oriented recreation/community facility complex, Main Street Revitalization, Connection of all recreational trails, youth/student lead community actions. Repeated in many conversations was, people are looking for ways to connect. Currently we are dreaming of a recreation center/facility because people are traveling outside of town for such. People are leaving Alton to go to other places to engage in other activities such as sports. The Board is being asked to set aside monies to start an exploratory committee for research. This is a multi-year study and thought process. J. Markland stated that he was very enthused about the amount of people that showed up to participate and the different age brackets that showed up.

Old Business:

1. Discussion on Right To Know (RTK) Law Fee Research

L. Dionne was asked at the last to do some research with other municipalities on what they charge for information that is provided through the RTK requests. In the binders there are for documents: Information collected on February 12, 2019, Information collected on July 13, 2018, Information collected on December 17, 2016, and the Town's current fee schedule. C. Shapleigh asked what the Board would like to do tonight, have some time to look at this information or make a decision tonight. R. Wentworth stated that he feels that \$.50 a copy is still too low and should go up. R. Wentworth stated that he feels that a police report should be the same as the price for a copy. He feels that it should be brought back at a later meeting. It is the consensus of the board to take a look at the fee schedule and come back with their thoughts at the next meeting.

2. Discussion on Policy Changes for Salaried Employees

L. Dionne explained that because the Board denied the Police Chief's request to meet with him in Non-Public Session, he is here in open session to discuss the Policy changes that effect salaried employees. L. Dionne summarized the changes that went into effect and the reasons for them. V. MacDonald asked how many officers get holiday pay. Chief Heath stated that it is the entire roster. J. Markland asked if the Town Policies address the rotating schedule for officers. L. Dionne stated that it does. R. Wentworth stated that it was his understanding that you had to physically work 40 hours before you received time and a half.

J. Markland reads a memo that he prepared ahead of time with his opinions on this matter:

I appreciate your articulate memo submitted to this body regarding your concerns relative to Policy Changes for Salaried Employees.

I want to first preface my comments by saying by no means does it reflect negatively upon the dedication and professionalism of our town's law enforcement individuals. I believe this Board would agree that the men and women of the Alton Police Department are doing a commendable job in performance of their duties.

I would like to first address your interpretation of the prior Board of Selectmen's decision in 2009 and reaffirmation of 2015. It is your belief that these decisions that were made during Board meetings were contractual in nature. I have reviewed the information you provided to this Board to support your argument. It is in my opinion that no contract was produced out of either meeting, which typically specifies the agreed upon conditions with all parties signing the agreement, as is normal in most contracts.

I can understand the Board's decision in 2009 to wanting the Police Chief to work holidays, as I would have also agreed at that time, due to the fact that the Police Department went through a personnel change that vacated the top three law enforcement officials for the town, leaving the town without anyone in a leadership role with any administrative experience. Since 2009, the following Board of Selectmen oversaw the promotion of individuals within the department, to include the Police Chief position, Lieutenant position, and Sergeant positions. Also, during this period, the town has graciously spent a large sum of money to provide education to individuals in the department to further develop their supervisory, leadership, and law enforcement administrative duties. Because of this, I believe the Alton Police Department is in a much better place having qualified individuals who can assume leadership responsibilities in the absence of the Chief.

Because of this development, I personally do not see the need for the Police Chief to be "working" during the holidays. Of course, this does not negate the responsibility of the Police Chief to be available in case of major incidents that may arise.

To further justify how I came to this conclusion, additional information was submitted to this Board that showed on several occasions over the past years in which you had either put in a personal day, vacation day, only worked a few hours on the holiday, or adjusted your hours on weeks that had holidays in them, so that you actually took the holiday off while still collecting additional holiday pay.

I am more interested in treating all the town employees fairly, to include other Department Heads who also get called in on holidays but receive no additional payment for their services. I appreciate this Board's decision to create the newly developed policy which addresses this very issue.

In reviewing the information you provided to this Board in regards to policy 3.4-A.2, it is my opinion that this further clarifies that no "agreement was set forth in writing" based upon a decision made by the Boards in 2009 and 2015. I would respectfully disagree that minutes from a meeting is a contractual agreement, as no Board of Selectmen should be limited in policy changes based upon prior Board decisions. I further reviewed the Town of Alton's Personnel Manual and would submit to this Board that in the same policy area stated above, 3.4-A.1 (b), it states: "Salary employees shall be required to work a 5-day work week totaling at least forty (40) hours. Due to extenuating circumstances, exceptions may be made, however the Department Heads are expected to work their regular scheduled hours."

This leads me to your second request that additional language be added to the policy developed by this Board. Upon reviewing this portion, I appreciate you giving this Board the focus to review state law RSA 105:2-a, which provides protections for Police Chiefs over a governing body and dismissal. It also does provide additional information to say that a Police Chief has the authority to direct and control all employees of his or her department in their normal course of duty and shall be responsible for the efficient and economical use of all department equipment. While there is no mention of scheduling in the state law, previous case decisions have supported the Police Chief having the ability to schedule his officers accordingly when other governing bodies have tried to interfere with micromanaging their departments. It is my belief in this case, this Board has done nothing to interfere with your ability to schedule the officers to properly cover the town. The decision made by this Board in its

development of the policy in which you address in this memo does further clarify the Board's ability to set policy for Department Heads to create a fair and equal treatment among our managers. As you said in your memo, you are the only manager that handles a department that maintains 24/7 seven days a week coverage with full time personnel. I remain open to re-evaluate the current policy if you can provide information that showed your position worked regular scheduled rotating patrol shifts that cover the town on a consistent basis.

If you are able to provide this information, this will help in furtherance of your initial request for holiday pay, as in the Town of Alton's Personnel Manual 3.4.7 (d), which states: "Police Officers who are required to work a revolving shift schedule which does not allow for time-off on holidays except when the holiday happens to fall on a scheduled day off by chance shall be eligible for holiday pay on a pro-rated basis of eight (8) hour per full month of employment, with no other holiday leave benefits to be applied...."

In conclusion, based upon the information you have provided to this Board, the information provided by the Town Administrator and Finance Director, and in reviewing the Personnel Manual, I cannot support your request at this time. Of course, I agree to whatever the majority of the Board decides, and I thank the Chair for the time allowed to express my opinion.

R. Wentworth stated that this is a "golden goose" opportunity. Chief Heath stated that his reasoning for coming here tonight was not for the policy changes and not that he was ungrateful. He stated that he is focusing mainly on special events or training. He stated that by all means he will respect the Board's wishes and move on. C. Shapleigh asked if being a salaried employee means you have to work 40 hours a week. Chief Heath stated no. J. Markland feels that Chief Heath being a top official should be a part of and want to be a part of special events. J. Markland stated that he would be willing to go through and check to see if Chief Heath has put in 40 hours a week for the last few years. Chief Heath stated that he was just looking for clarification.

3. Discussion on Amendment Proposal; Ordinance Relative to Sales or Solicitation on Public Property, Private or Park Property

L. Dionne stated that she did research on the fees that other municipalities charge for certain types of large events. C. Shapleigh summarized some of the information received.

R. Wentworth stated that he feels that if someone wanted to sell shirts that the fee should be so high, but if someone wanted to sell hot dogs then the fee is not high enough. He doesn't feel we should limit the amount of days that they are there if they are on state property. C. Shapleigh stated that it needs to be discussed with our attorney and brought back at the next meeting. L. Dionne stated that she will speak to the Town Attorney to see if there is any liability for someone to vend on state, town, or private property.

New Business:

1. Highway Department; Bid Recommendations - Approval
a. Line Painting

Ken Roberts is recommending Industrial Traffic for the 3-year Line Painting bid. He stated the they had to do some negotiating due to the amount of money in the budget. They will do less yellow line and concentrate on the markings, crosswalks, etc.

C. Shapleigh made a motion to accept the Highway Managers recommendation of Industrial Traffic for the Line Painting Bid and J. Markland seconded with all in favor of the motion.

b. Roadside Mowing

C. Shapleigh asked where the bids were advertised. M. Jarvis explained where the bids are usually posted. R. Wentworth stated that he can't see spending this amount of money and it ends up looking horrible.

V. MacDonald made a motion to accept the Highway Managers recommendation of Talco Enterprises LLC for the Roadside Mowing Bid. R. Wentworth stated that he would like to know what newspapers it was advertised in for the next meeting. C. Shapleigh seconded with all in favor of the motion.

2. Highway Department; Backhoe Repair Recommendation- Approval

K. Roberts stated that his mechanics do not have the tools to fix the backhoe, they are better off shipping it out to be repaired. V. MacDonald asked if was worth fixing. K. Roberts stated that is up for replacement in a few years and right now they do not have a backup machine. He stated that right now the parts are 8-9 days out and looking at mid-March to get it back. He asked the Board whether to take it out of the Capital Reserve or the Operating Budget line 207 which is for basic maintenance. C. Shapleigh asked if this was the company that they bought the machine from. K. Roberts said that he didn't know. He stated that they truly do not know the cost until they start to fix it. V. MacDonald stated that he thinks it should come out of the Maintenance Capital Reserve.

C. Shapleigh made a motion to accept the recommendation not to exceed \$7,870.53 and V. MacDonald seconded with all in favor of the motion.

3. Highway Department; Radio System Purchase Recommendation - Approval

K. Roberts stated that this is for the new truck. They tried installing the old radio and it is not working well at all. He stated that they went out for a quote and would like to take it out of the Capital Reserve fund for equipment.

J. Markland made a motion to accept the recommendation for 2-Way Communication in the amount of \$1,033.00 out of the Equipment Capital Reserve and C. Shapleigh seconded with all in favor of the motion.

4. Right to Know Record Retention Policy - Approval

J. Markland made a motion to accept the policy as written and C. Shapleigh seconded. R. Wentworth stated that businesses have to keep records for 7 years but when it comes to the government they can get rid of them in 3. L. Dionne stated that this is in reference to only correspondence with Right To Know Law requests. She stated that it is really taking up a lot of room. All were in favor of the motion.

5. Annual Agreement Payment in Lieu of Taxes, Alton Housing for the Elderly, Inc. - Approval

R. Wentworth motioned to approve the agreement of payment in lieu of taxes for Alton Housing for the Elderly and J. Markland seconded. The vote was 4 approved and 1 opposed (VM).

Selectmen Reports

R. Wentworth stated the Ruth Arsenault came into his store with concerns about the vehicles on the ice and the amount of people and planes landing. He asked her if she spoke to Fish and Game and she did not. He told her that should be who she should speak to first or the Safety Officers that were on the lake. He told her he would pass the information on to the powers that be. R. Wentworth stated that next year that the Police should be concerned with the parking from the Community Center to Sandy Point.

P. Wittmann stated that the Old Home Week Committee met on the 11th and spent most of the meeting talking about repeat advertisers. He stated that the Parks & Rec Committee was supposed to have a meeting last night but did not have a quorum instead they had a workshop.

J. Markland had nothing to report.

V. MacDonald stated that the Planning Board will stand by the Board of Selectmen about the rumble strips. He stated that they are using the All in for Alton as the Master Plan.

C. Shapleigh had nothing to report.

Town Administrator Report by L. Dionne

Town Hall Upstairs Counter Proposal

L. Dionne asked if the Board would reconsider having a counter installed on the 2nd floor for safety purposes. She explained some of the concerns for safety that have been happening recently. She explained that the counter would start just before the windows that are on the left and go across to the corner right next to her office. She asked if they would reconsider, if not putting something up temporary.

J. Markland made a motion that he feels that it is a safety issue and should not be overlooked by this board and approves installing a counter on the 2nd floor and C. Shapleigh seconded. R. Wentworth stated that he would not recommend giving this vendor any more money until the 2 front doors are back and installed. He would like to see a more detailed safety plan for the whole Town Hall. P. Wittmann stated that he would like to see some more bids. The vote was 2 approve and 3 opposed (VM, RW, PW) motion fails.

Donor Town Coalition Communities

L. Dionne explained that she has been having her secretary forward emails to the Board. She stated that there are quite a few House Bills out there right now. One, that Portsmouth is a leader on is for towns to fund a lobbyist. She is not sure on the cost. She asked the Board to think about this as whether or not this is something they want to do.

L. Dionne stated that Mr. Keen came to visit her about moving the voting location to the high school but he has already spoken to the Board during the Public Input.

Castleberry Fairs Negotiations

L. Dionne stated that she has not finished negotiations yet. She stated that she sent out an email this morning to them and is hoping it will be an agreement so the Special Events permit can be approved.

R. Wentworth stated that he would like to see the Police there directing traffic to keep it moving. He stated that traffic does not move through there enough it gets bottle necked.

Approval of Minutes

January 16, 2019 (Housekeeping Add Excused to P. Wittmann)

J. Markland made a motion to reopen the minutes of Workshop Session for January 16, 2019 for an amendment and C. Shapleigh seconded with all in favor of reopening.

J. Markland made a motion to amend the minutes as presented noting it was to add excused absence for P. Wittmann and C. Shapleigh seconded with all in favor of the motion.

J. Markland made a motion to approve the minutes of Workshop Session as amended adding Excused to P. Wittmann for January 16, 2019 and V. MacDonald seconded with all in favor of the motion.

February 4, 2019

J. Markland made a motion to approve the minutes of Public Session, February 4, 2019 as presented and V. MacDonald seconded with all in favor of the motion.

February 5, 2019

J. Markland made a motion to approve the minutes of Workshop Session, February 5, 2019 and V. MacDonald seconded with all in favor of the motion.

Approval of Consent Agenda

J. Markland made a motion to approve the Consent Agenda and V. MacDonald seconded with all in favor of the motion.

1. 2018 Timber Warrant

Boy Scouts of America Griswold Scout Reservation	Map 10 Lot 1 Places Mill Road	Operation #18-011-22 T	\$564.36
David R Hussey 2007 Revocable Trust	Map 5 Lot 72-7 356 Suncook Valley Road	Operation #18-011-13 T	\$515.26

2. 2019 Veterans Credits Approval

Ricard, Trevor S	38 Grandview Lane	Map 4 Lot 17G	\$500.00
Elliott, Barry G	29 Sedlari Way	Map 10 Lot 16-5	\$500.00
Cox, William A	208 Fort Point Road	Map 18 Lot 5	\$500.00
Bothwick, Harold M. Jr	8 Old Wolfeboro Road	Map 29 Lot 71	\$1400.00

3. 2019 Veterans Credit Denial

MAKS 4 Irrevocable Trust (Gregory Swenson)	74 Roberts Cove Road	Map 19 Lot 14-2	\$500.00
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Public Input II (limited to 5 minutes per person on any Governmental/Town Business)

Ken Roberts stated that it was policy of the previous Finance Officer that you could not put down on the time sheets the hours that you actually worked. He stated that it would be difficult to go back and look at the correct hours worked. It has only been recently that they have started to put them down. Sick time cannot be used for Over time per the Personnel Manual.

Bob Holt stated that he would like to comment on the security issue. It should be a security issue for whole Town Hall not just the second floor. He agrees with R. Wentworth and change out the doors. If not put a security guard with a metal detector just like the courts. He can't see putting money into the wall. On the Line Painting and Roadside Mowing he didn't have any figures. He stated that no one in the audience knows what the numbers are. These are maintenance items. He suggests talking to the state about a boom mower. He feels that the backhoe can be pushed onto the trailer with the loader or excavator.

Peter Keen stated that last week Jehovah Witnesses drove down his driveway. He asked the Board to entertain a thought from Helen Keller. Safety and Security do not exist in nature. You need to train the employees to give them a level of confidence. He installed a digital facial recognition system that allows him to load a picture into his system. The cameras recognize the face. You could have a system on the door. Trespass by town officials when Trask Side Road was being updated. State and Select Board people were looking into the garage. All in for Alton and eminent domain could be used with the Bahre property.

Loring Carr stated that it is a very sad day that we have to talk about citizens coming into Town Hall. Could consider temporary panels. He asked if the Personnel Manual was changed on January 4. He asked if they would look at the legal court case that he dropped off and reconsider the default budget.

Discretionary Action on Requests for Appointments (No discussion, majority vote required to allow/not allow appointment)

None

Non-Public Session: Vote to enter into non-public session pursuant to RSA91-A:3, II (a) through (k) as deemed necessary.

None

Adjournment:

J. Markland made a motion to adjourn.

R. Wentworth commented that he feels while listening and when the Board is discussing particulars regarding RTK or anything that the person or persons should be referred to as “they” not “he” or “she” as it might cause problems moving forward.

J. Markland made a motion to adjourn and V. Macdonald seconded with all in favor of the motion.

The meeting adjourned at 8:27 PM.

Respectfully submitted,

Mary K. Jarvis

Mary K. Jarvis
Recording Secretary