



Northwood Board of Selectmen
Minutes of July 10, 2007

Town Hall Northwood NH – July 10, 2007

Call to Order

Chairman Bryer called the meeting to order at 6:00 pm.

Roll Call

Chairman Scott Bryer, Selectman Alden Dill, Selectman Ken Curley, and Interim Town Administrator Sandy Garrett.

Citizen's Forum

Mr. Bryer explained that citizen's forum is open to everyone; however, he would like to have comments related to the items on the agenda or as a result of discussions within the meeting. In addition, he requested that any citizen's comments refrain from defamation of character and personal attacks against volunteers, and employees of the town. In closing, he stated that this will help to keep these meetings on a positive note. Mr. Bryer also mentioned that when speaking, citizens must use the microphone.

Interim Town Administrator's Report

Consent Calendar

Annual CDBG Report

Ms. Garrett presented the board with the annual CDBG Report. She explained that the semi annual report provides an update of the status from the past 6 months. ****Motion** Mr. Curley motioned to approve the chairman signing the CDBG report. Seconded by Mr. Dill. Motion passed unanimously; 3/0.** The report was signed by Mr. Bryer. Ms. Garrett stated that it is time for a public hearing for the Tower View septic system replacements. The purpose for the public hearing is to inform the public as to the progress of the project. She suggested the hearing be scheduled for August 14 so that proper noticing can be completed. ****Motion** Mr. Curley motioned to authorize the public hearing for the CDBG for August 14. Seconded by Mr. Dill. Motion passed unanimously; 3/0.**

Intent to Cut - Coop, Map 219; Lot 32

Ms. Garrett presented the board with an intent to cut for Coop, Map 219; Lot 32. ****Motion** Mr. Dill motioned to approve the intent to cut. Seconded by Mr. Curley. Motion passed unanimously; 3/0.** The intent to cut was signed by the board.

Financial Statement - Mason & Rich

Ms. Garrett presented the board with a draft financial statement from Mason & Rich. She stated that the representation letter needs to be signed by the chair and the treasurer. ****Motion** Mr. Dill motioned to approve the chairman and treasurer signing the management representation letter for Mason & Rich. Seconded by Mr. Curley. Motion passed unanimously; 3/0.** The letter was signed by the chair. The treasurer also signed the letter as he was present at the meeting. Mr. Bryer explained that the audit was an unqualified audit; however, the audit did show one pending issue. He stated that the auditor's opinion that someone needs to write management discussions and analysis on the financial statements for fiscal year 2006. Mr. Bryer asked Ms. Garrett to check with the auditors regarding the time frame of completion for this.



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Agreement and Release - Auguston and Gardiner

Ms. Garrett presented the board with two agreement and release documents. One is for Auguston on Lynn Grove Road and the other is for Gardiner on Old Woods Road. Mr. Dill stated that these agreements are building permits for the two properties. ****Motion** Mr. Dill motioned to approve the agreement and release documents for Auguston on Lynn Grove Road and for Gardiner on Old Woods Road. Seconded by Mr. Curley. Motion passed unanimously; 3/0.** The two documents were signed by the board.

Fireworks Permits - Madison and Wilson

Ms. Garrett presented the board with two fireworks permits and noted that both permits have previously been signed by the fire and police departments. The permits are for Robert Madison and James Wilson. ****Motion** Mr. Dill motioned to approve the fireworks permits for Mr. Madison and Mr. Wilson.** Mr. Bryer noted that the permits are both signed by the fire and police chiefs. Ms. Garrett stated that it is a formality that the selectmen sign the permits. Mr. Bryer stated that he felt that it is a mute point to sign one permit as the date of one has passed. He recommended that they not be approved as it is a mute point. Mr. Dill stated that on Friday he spoke with Ms. Garrett on the phone regarding the permit for Mr. Wilson and was alright with the permit request and would not have an issue signing the permit now. **Motion passed unanimously; 3/0.** The two permits were signed by the board.

Current Use Penalty - Millstone Realty Trust, Map 217; Lot 35.

Ms. Garrett presented the board with a current use penalty for Millstone Realty Trust, Map 217; Lot 35. ****Motion** Mr. Dill motioned to approve the current use penalty for Millstone Realty Trust, Map 217; Lot 35. Seconded by Mr. Curley. Motion passed unanimously; 3/0.** The penalty was signed by the board.

Purchase Order - Primex Property & Liability

Ms. Garrett presented the board again with the purchase order for Primex Property & Liability. She contacted Primex as directed and the amount does include a 5% discount. ****Motion** Mr. Dill motioned to approve the purchase order for Primex for \$29,161.00 for the annual property and liability for the town. Seconded by Mr. Curley. Motion passed unanimously; 3/0.** The purchase order was signed by the board.

Network Managers Renewal Contract

Ms. Garrett again presented the board with the renewal proposal of the contract for Network Managers for signatures. Ms. Garrett explained that Mr. Curley was to review the contract and he stated he was unable to do so and this item was tabled.

Vendor Manifest:

Vendor manifest #30 was presented to the board in the amount of \$164,810.67. Ms. Garrett noted that the trustees of the trust funds purchase orders were included within this vendor run. ****Motion** Mr. Dill motioned to approve the vendor manifest for \$164,810.67. Mr. Curley seconded. Motion passed unanimously; 3/0.**



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Employee Accruals Request

Ms. Garrett explained that this request has come before the board as an employee has been recently deployed and requested that all accruals be paid out to zero and paid to the employee's family while away. She stated that the accumulative hours total 225.25. Mr. Bryer stated that he does not have a problem with paying the amount under comp time and that the selectmen could authorize the payment of all accruals. He explained that historically he does not recall doing this type of a payment. He suggested that the board review the personnel policy. Mr. Bryer also mentioned that he feels that since this is a personnel matter, the police commission would probably have the authority to approve all accruals being paid out. Ms. Garrett stated that she would forward this to the police commission.

Preliminary Contract for School Resource Officer (SRO)

Ms. Garrett presented the board with the preliminary contract for the SRO and stated that town counsel has a question relative to the terms for the reimbursement for the cruiser use. A discussion was held regarding the billing process for salary, benefit, and payroll tax reimbursement expenses from Coe Brown Northwood Academy (CBNA). Mr. Bryer stated that the agreement appears to be reasonable and asked about detail rates for CBNA. He is unsure as to how the figure provided of \$3,000. was justified. Ms. Garrett stated that she needs to know how to bill CBNA for the cruiser usage. The board agreed to have cruiser billing done quarterly. Mr. Bryer recommended that the board approve the agreement, pending justification of the amount of \$3,000. Ms. Garrett noted that she will have the contract re-drafted noting the cruiser billings. The board will address this further at their next meeting.

PSNH Poles ~ Green Street

A letter has been received from PSNH regarding poles on Green Street. ****Motion** Mr. Dill motioned to accept the PSNH to petition to place poles on Green Street. Mr. Curley seconded. Motion passed unanimously; 3/0.**

Non-public Session

6:30 pm **Motion Mr. Curley made a motion, seconded by Mr. Dill, to go into a non-public session under RSA 91-A:3II(c).**

Roll Call Vote:

Selectman Curley-yes

Selectman Dill-yes

Selectman Bryer-yes

Motion passed unanimously; 3/0.

7:06 p.m. **Motion Mr. Curley motioned to come out of the non-public session. Seconded by Mr. Dill. The motion passed unanimously; 3/0**

****Motion** Mr. Curley motioned to seal the minutes of the non-public session. Seconded by Mr. Dill. Motion passed unanimously; 3/0.**



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Mr. Bryer stated that the purpose of the non-public session was to interview Paul Martel for the interim town administrator position. No decisions were made. Mr. Bryer noted that the board is also checking into Municipal Resources Inc. (MRI) to be cost effective for the town.

Interim Town Administrator's Report (Continued)

Consent Calendar

Mr. Bryer stated that it was brought to his attention that Sandy Garrett received a request to review the manifest while the board was in the non-public session. Mr. Bryer explained that if a member of the public has a request to please provide the request in writing and the board will respond within the RSA 91-A:3 requirements. Harriett Cady stated that the request forms are not required to see the manifest, under case law Choppy vs. the Town of Sanbornton. Mr. Bryer responded by stating that Ms. Cady had not been recognized by the chairman. Mr. Bryer stated that the board would not be handing over documents for review during the meetings. He stated that the manifest would be available during regular business hours for review and the town will honor the request. Mr. Bryer respectfully requested that the meeting not be interrupted again.

Recommendation of Employment

Ms. Garrett stated that she has received a recommendation letter to hire Michael Nereson from Fire Chief George Ashford. ****Motion** Mr. Dill motioned to hire Michael Nereson as an on call fire fighter, pending background check. Mr. Curley seconded. Motion passed unanimously; 3/0.**

Downeast Energy

Ms. Garrett stated that she has prices for Downeast Energy for the town's contract. She explained that the school has not put the contracts out to date; therefore, the town does not have a contract. She stated that the propane and fuel are still needed to run the town's buildings and with no contract, the prices are not at a contracted rate. Ms. Garrett stated that she has spoken to the SAU and they have advised her that this will be Bill Tappan's first order of business when he begins, not until the end of July. Mr. Bryer requested that there be a discussion held at a meeting.

School Lot Tax Deed and Land Purchase

Ms. Garrett stated that she has received a letter requesting to purchase school lots. Mr. Bryer stated that there was a period for purchasing these lots and that time has ended. He added that he believes that the issue would need to go before another town meeting; however, he believes that the town gives authority to the board to buy and sell land. Ms. Garrett noted that the parcel has been taken for tax deed and the building is owned by the town and family members would like to pay the taxes to regain the deed. However, the person that currently owns this did not buy the land from the town. Mr. Bryer explained that these are 99 year leases and there are specific numbers of years to continue the lease. Further discussion continued regarding the deed transfer. Ms. Garrett explained that the family wants to pay the taxes but wants to buy the land that the cottage sits on otherwise they will not pay the taxes. Mr. Bryer stated that this matter cannot be determined tonight and he requested more research to be done.



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Taxes Collection Status

Ms. Garrett provided a spreadsheet from the tax collector showing the status of tax revenue that has been received to date.

Selectmen's Comments

Alden Dill stated that he would not be able to attend the July 12 planning board meeting. He explained that only a selectman can vote for a selectman and asked if another selectman would be able to attend.

Mr. Bryer mentioned that he has noticed several letters from David Burton. He stated that he has tried to contact Mr. Burton and was not able to obtain a telephone number. He requested that the board try to clarify what was done during the flooding and respond to Mr. Burton. Mr. Curley stated that when Mr. Burton contacted the board and Sun via email, he in turn forwarded the email to Emergency Management Director Robert Young who knew all of the steps taken during the flooding. Mr. Curley added that he copied Mr. Burton on that email as well and has not received a response. Mr. Bryer suggested that the board write a letter and respond to Mr. Burton via the Suncook Sun.

Mr. Bryer stated that the town's emergency management system was in place. Phones services were lost; however, the phone system was manned by the police department 24/7 so that 911 service was functioning for emergencies services. He added that he felt that the town addressed the situation in an appropriate manner and this is a misunderstanding.

Mr. Dill noted that the town has an emergency management committee and the meetings are open to the public to make any situations better.

Acceptance of Minutes

Minutes of June 12, 2007: ****Motion**** Mr. Curley made a motion, seconded by Mr. Bryer, to approve the minutes of June 12, 2007, as amended, as follows:

Page 3: Remove: "seconded by Mr. Dill"

Motion passed; 2/0/1. Mr. Dill abstained, as he was not at the meeting.

Non-Public Minutes of April 10, 2007: ****Motion**** Mr. Bryer made a motion, seconded by Mr. Dill, to approve the non-public minutes of April 10, 2007, as written. Motion passed; 3/0.

Non-Public Minutes of May 1, 2007: ****Motion**** Mr. Dill made a motion, seconded by Mr. Curley, to approve the non-public minutes of May 1, 2007, as written. Motion passed; 3/0.

Non-Public Minutes of May 14, 2007: ****Motion**** Mr. Bryer made a motion, seconded by Mr. Dill, to approve the non-public minutes of May 14, 2007, as written. Motion passed; 3/0.

Minutes of June 26, 2007: ****Motion**** Mr. Curley made a motion, seconded by Mr. Dill, to approve the minutes of June 26, 2007, as amended, as follows:

Page 8: Add Case #.

Motion passed; 3/0.



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Citizen's Forum

John Lane stated that based on the guidelines stated by Mr. Bryer for the public comment portion, he asked how the public is to bring up an issue of interest to the town if it was not addressed on the agenda or the meeting. He stated that he feels that this issue does not warrant be put on hold for the agenda for the next meeting. Mr. Bryer replied that the member of the public could either be put on the next agenda or ask the board if they would consider addressing the matter at the current meeting.

Marion Knox requested that the board revisit the June 26 minutes. She referred to page 8 regarding Mr. Wolf's comments about bed bottom inspections.

Minutes of June 26, 2007: ****Motion** Mr. Curley made a motion, seconded by Mr. Dill, to reopen the minutes of June 26, 2007, for additional discussion. Motion passed; 3/0.**

Page 8: Add: Mr. Bryer requested that additional points be noted reflecting discussion held on bed bottom inspections in that he spoke to DES and requested an opinion on bed bottom inspections. That opinion was that the inspections are a good thing if there is someone on staff that is qualified through a certification process in the area of septic design. Mr. Bryer added that towns that do not have this expertise have the potential to problems. ****Motion** Mr. Bryer made a motion, seconded by Mr. Dill, to approve the minutes of June 26, 2007, with the above additional comment. Motion passed; 3/0.**

Rick Wolf commented relative to the fact that the public cannot speak to the board and address their concerns during the meetings now. Mr. Bryer explained that elected officials are subject to comments and criticisms from the public. He stated that this is not to limit discussions. Mr. Bryer stated that he does not believe that it is appropriate to criticize town employees and volunteers. He explained that if there is a serious concern regarding an employee or town volunteer, the board encourages that it be addressed with the board. Mr. Bryer then referred to RSA 91 noting reputations and added that if a member of the public has a matter to discuss with the board regarding an employee or volunteer that may effect someone's reputation being damaged; it should be requested to be addressed in a non-public session. Mr. Bryer added that some statements that have been made could be perceived to effect people.

Harriet Cady explained why she requested to see the manifest. She referred to case law of Choppy and the Town of Sanbornton, in which the judge stated that a manifest is approved at a meeting it must be available for the public to view at the meeting. Ms. Cady further explained that there was a vendor that she had directed Ms. Garrett to make a check out for, which had not been done. She would like to make sure that the check has been made out as part of this manifest. Mr. Bryer stated that he is not trying to limit access; however, he does not want to get into a habit of distributing documents while the meeting is ongoing. He added that he supports people with getting the documentation and information they need, just not during a meeting. He suggested if the board is comfortable with, Ms. Cady could review the manifest at the end of tonight's meeting or she could review the manifest during regular business hours of town hall.



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Mr. Dill replied that he is not aware of the court case cited and would prefer that the information requested be reviewed during normal business hours. Mr. Bryer suggested that the board review the cited court case. He added that there is no intent of the board to be in violation of the law or to limit access to any public documents. Ms. Cady replied that she does not intend to come to town hall to see the vendor items and make a special trip when she is here at the meeting already. She noted that she would take the board back to court under the cited case if deemed necessary.

Mr. Curley stated that the board would review the case and he agreed to remain with the process to come in during regular business hours. Mr. Bryer stated that the necessary research will be done and the board will make their determination at the next public meeting.

Jean Lane asked if the water cooler can be brought back out for public usage again. The board agreed.

Kate McNally requested that the board review the process and procedure of how to retrieve information and documents relative to the right to know law. She explained that it was her understanding that all requests for information were to be put in writing. Mr. Bryer replied that he has never had a problem with allowing people to review information if it is available immediately. He stated that it is his belief that people should have access to all public records. He further explained that the board was concerned with the possibility of disruption during the meeting process. Further discussion was held regarding consistency of processes and procedures. Ms. McNally noted that the process has been that all requests must be done in writing by filling out the town's proper forms.

Mr. Bryer stated that he has received complaints that non residents were speaking at the selectmen's meetings. He stated that this is not a town meeting in where you must be a resident to speak. He added that it is his belief that anyone can come in to the meeting and speak under the first amendment. The board decided to obtain an opinion from counsel relative to non residents speaking at the meetings and town counsel's reply was that a non resident is allowed to speak at the meetings. Mr. Bryer stated that it is not his purpose to try to prevent people from bringing issues to the board. The purpose is to limit the discussion to the agenda. Requests of people will not be denied, the issues will be addressed by being put on the agenda.

7:45 p.m. ** Motion Mr. Curley motioned to adjourn, seconded by Mr. Dill. Motion passed; 3/0.**

Respectfully submitted,

Lisa Fellows-Weaver
Board Secretary