

TOWN OF DANBURY - Board of Selectmen

Meeting Minutes

Wednesday , May 2, 2018 6:00 pm

Members Present: James Phelps
Jessica Hatch
Lyn England
Administrative Assistant Karen Padgett

Jim Phelps opened the meeting at 6PM. Representatives from The New Hampshire Department of Transportation were at the meeting to discuss a bridge replacement /rehabilitation project for the bridge over the rail trail near Spear Hill Road. The minutes of that discussion are attached.

Checks/Applications/Signatures

- **Payroll and accounts payable** were signed.
- Lyn made a motion to accept the minutes of April 18 as written, motion seconded by Jessica and passed unanimously.
- Jim made a motion to approve a building permit for **Kevin Donahue, 418-028-001**, for a storage shed. Motion was seconded by Lyn and passed unanimously.
- Timber tax billing was reviewed for D. Sprague, operation 17-111-02-T. Jim motioned to approve the timber tax billing in the amount of \$2,044.06, seconded by Lyn. Motion passed 3-0. Jim made a motion to approve the timber tax billing for Hatch operation 17-111-12-T in the amount of \$372.40. Lyn seconded the motion and it passed 2-0 with Jessica Hatch abstaining from the vote.
- The Board reviewed an Intent to Cut for Donna Sprague, Map 4412-007. Jim made a motion to approve the intent to cut, seconded by Lyn. Motion passed 3-0 and the intent was signed.
- Jim made a motion to convey the tax deeded property at 18 Aspen Lane back to Kimberly Dale. All payments of taxes, interest and penalties have been made. Motion was seconded by Lyn and the motion passed 3-0. The deed was signed and will be sent to the Merrimack County Registry of Deeds for recording.
- A Declaration of Right to Inter for T. Austin was signed.
- A purchase order from the Fire Department for the installation of two radios was reviewed. Jim made a motion to approve the purchase order, seconded by Jessica. Motion passed 3-0.

Old Business:

- FEMA phone conference last Tuesday and meeting 5/15/18
- On demand training from the New Hampshire Municipal Association legal team on the right to know law is confirmed for May 24 @6:30pm. An email has been sent to committees/departments encouraging attendance.

New Business:

- Brook Dupee of HMC Precision Manufacturing requested a letter from the Selectboard stating that the business is consistent with the town's zoning ordinances. A Home Occupation business has already been approved for Karl Hannan. He is applying for his FFL Class 7 license. The Board agreed to send the letter that had been prepared by Karen.
- Letters were sent to the owner of 409-057 and 412-041 regarding zoning ordinance violations.

Highway: Road Agent Cornell

- A purchase order for the balance of the winter sand was presented in the amount of \$22,165. Lyn asked the Road Agent why he wanted the sand delivered instead of going to get it. Jeremy Cornell stated that he has two reliable trucks and he does not want to run them into the ground. It's not worth the fuel and the wear and tear on the trucks. Lyn stated that it had been done that way for years. Cornell's reply was that in the past it was used as fill in work and he doesn't need any fill in work. There is plenty of work to do.

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Jessica stated that she does not have a problem with it being trucked in, but has a problem with it being done at this time of year. She said that if that's the way he'd like to do it, she hopes it works out for him. It's not what she has heard is the best route to go.

She asked if he has plenty of salt. Also, if the amount of the purchase order is just for sand and not rental of other equipment to push it up and mix with salt. Road Agent Cornell stated that it is just for sand. If he needs to rent something it will come out of his rental and lease budget.

Lyn again stated that if the sand is picked up, even though manpower is being used, you would be able to have more sand on hand. Jeremy again repeated that he does not need the wear and tear on the truck. Also, he does not see very much down time, he has work scheduled out 2 weeks ahead.

Jessica made a motion to sign the purchase order, even though she disagrees with the timing. She also does not have a problem with it being hauled in because she wants the highway workers out working on the roads. Motion was seconded by Lyn. Motion passed 2-0 with Jim Phelps abstaining.

- Road Agent Cornell reported on a conference call with FEMA representatives and Chief Austin regarding the Oct 31, 2017 storm damage. The town may be eligible for reimbursement of 80% from the federal government and 15% from the state. Another aspect of the discussion was the possibility of money being available from hazard mitigation for the Roy Ford Rd bridge/culvert. An in-person meeting is scheduled for May 15 at 9am. Marc Appolloni of FEMA asked that a member of the Board of Selectmen be present at the next meeting.
- The Town is still holding a bond check from Jared King Logging. Jeremy stated that no work was done on Poverty Pond Road that would not have normally been done. No damage was caused by the logging. Mr. King has offered to buy some material, gravel or stone for the town road. Jim will contact him and ask him to have a load delivered to the highway garage.
- Only 1 application has been received for the highway department position.

At 8:00 pm Lyn made a motion to go into non public session per

RSA 91-A:3, II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

Motion was seconded by Lyn. Jim - yes, Jessica - yes, Lyn - yes. Motion passed unanimously.

At 8:25 the Board came out of non public with no decisions made, no votes taken.

Selectmen

Jim made the following motion:

The Town of Danbury authorizes the LRPC to issue a Request for Proposals (RFP) on our behalf to take part in a regional propane and/or oil joint purchasing initiative. We understand this means jointly issuing an RFP to purchase oil and/or propane at a group rate. We agree not to shop around during the joint bidding process so that our group will have a stable purchasing volume for bidders to base their bid price on. We further understand that we are under no obligation to accept the joint bid price if it is not competitive for our town to do so.

Motion was seconded by Jessica. Motion adopted.

Lyn found an error in the weekly payroll. She stated that it could be corrected in the next payroll.

Karen disagreed that it was an issue and stated that correcting it in a future payroll would be difficult. Previous post payroll corrections have caused ongoing issues, difficult to correct. Jim suggested letting it go for now.

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Discussion ensued.

Karen asked that Lyn make the correction. Karen left the room, then returned.

Jessica offered a solution to the issue. Karen asked that Lyn make the correction next week, because she wasn't understanding the problem.

Karen informed the Board about an issue with the Valic retirement reporting the employer contributions and that Valic is working on correcting the reporting issue.

Jim asked if there was a resolution to the issue. Lyn responded that it was going to be left as it is. What follows is transcribed directly from the recording of the minutes:

Karen: I would like to tender my resignation. If you'd like me to place an ad, I will.

Jim: Thanks, Lyn. Great job. You win again. F** you. Bitch." Jim left the meeting.

Karen - to Chief Suckling - Did you want to come in?

Chief Suckling: Hold on one second.

Lyn: I think that's frigin' inappropriate of what he called me and that better be on the f***ing minutes. Excuse my language, but that better be on the minutes.

Jessica: I don't know if the tape is on because after everybody left I shut the tape off.

Chief Suckling: Jim, come back.

Lyn: Why is he bringing him back? I want it in the minutes about he just reacted and...oh no, it's in the minutes. I think he should just...I don't know

Karen: Me?

Lyn: No, well if you, it's-

Jim: Are you happy? You ought to be real proud.

Karen: Jim. Let's continue with the meeting. (To Chief Suckling) You had something?

Chief Suckling: Yes. Quick question. Has anyone from this board asked anyone in Alexandria about my hours recently?

All answered "no"

Chief Suckling: Anyone? Are you sure about that?

Lyn: Not yet

Chief Suckling: Not this year? Not at all? Ok.

Lyn: But I will be.

Chief Suckling: (To Lyn) What was last Thursday about? With all that texting?

Lyn: I'm not going to get into that right now.

Chief Suckling: You're texting as a Selectboard member and I'm asking you about it at an open meeting.

Lyn: Yeah I did. I asked you a personal question to answer me and you..

Chief Suckling: Were you asking me as a Selectboard member or as Lyn England, a citizen of Danbury? I'm curious. I request respectfully that any communication to the Police Chief doesn't go through my cell phone that it goes through email addresses, ok?

Lyn: Give me your email address

Jessica: I don't have your email address

Chief Suckling: danburychief@gmail.com. Ok? This town doesn't pay for my cell phone, but we've asked for it before. I'm saying right now Lyn, the way that people are getting treated in this town, by you, is appalling. The biggest resource in this town is the people that work here. And time and time again you're telling my department that-what their not doing-to other people outside here. And then telling people that we're terrible.

Lyn: Telling what you're not doing? I haven't even made any comments about this department.

Chief Suckling: That's absolutely not true. The comments you made at Freudenberg while the boys were doing detail there all came straight back to me from you Lyn.

Lyn: What did I say to them? I didn't say anything. And you should've heard the comments they were saying about you. And I'm not going to get into this because what they said I'm not going to get into it. Because they have a right to say what they want to say and I'm not going to repeat it. And if you want to make stuff up, make it up.

Chief Suckling: I'm not the one who's making stuff up.

Lyn: I'm not making stuff up.

Chief Suckling: But you are.

Lyn: No

Chief Suckling: You absolutely are. Time and time again. You're telling them what a terrible department-

Lyn: Telling them?

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Chief Suckling: Yep

Lyn: No

Chief Suckling: They all came and told me straight away.

Lyn: Oh yeah.

Chief Suckling: And the backhandedness from you. And you have been asking for my personnel files in Alexandria.

Lyn: No, no

Chief Suckling: For my time cards. The hours that I've worked.

Lyn: I will.

Chief Suckling: You have been Lyn.

Lyn: No - I haven't. I will, though.

Chief Suckling: You have been.

Lyn: And it will be under a - I'll do it the right way. Don't you worry.

Chief Suckling: Well, you haven't been and that's the problem. And that's what we're here to talk about. And if you want to deny it, that's fine. But you have been, Lyn, you have been asking them for my personnel records and I'm wondering why.

Lyn: Your personnel records? I have not.

Chief: Time cards. Hours worked.

Lyn: Why don't you go sit in that diner out in Bristol in the morning.

Chief: Why?

Lyn: Just go sit there. Listen to stuff. I'm not going to have any more discussion with you tonight, Dave. I'm not going to argue with you about what you heard or anything. And if you want to talk about - I don't think that I have been bad to people.

Chief: No you absolutely have. We've lost employees in this town because of you. I'm not going to sit here and argue with you anymore. Karen, I sent you an email about an RSA would you mind printing that up?

Lyn: And you aren't on duty.

Chief: Pardon me?

Jessica: Can I just clarify, if I have an issue at my house can I call you or do I have to go get on my email.

Chief Suckling: Like what kind of issue?

Jessica: Like the time when people were shooting at my husband.

Chief: Do it through dispatch. 768-5568. It goes straight to them if we're working.

Lyn: What is the dispatch number?

Chief: 768-5568

Lyn: Are we finishing this meeting Jim?

Jim: I don't know where we are right now to be honest with you, Lyn.

Chief: There's an RSA that I've found that reads: Any town at any annual meeting, under an article in the warrant for said meeting, may vote to elect by ballot one or more permanent constables or police chiefs or other police officers for full-time duty in said town and may rescind such action in like manner. No election of such permanent constable or police chief or police officer shall be held until the next succeeding annual meeting after the vote of the town. Any police chief or police officer or constable elected at an annual meeting may serve a one-year, 2-year, or 3-year term, as determined by the town at such annual meeting. I would ask that the Board get clarification from the town attorney as to whether having a part time chief is actually constitutional or is allowed in this statute.

Jessica: I'm confused. What are we doing?

Chief: So what it says is your allowed to elect a

Jim: Right, which means town meeting, it doesn't mean a selectmen's meeting.

Chief: Correct, correct.

Jim: All right. (reading statute)May vote to elect by ballot one or more permanent police chiefs for full time duty and may rescind such action. So that's saying permanent full time.

Chief: But, I'm not sure that it allows for a part time position and that's

Jessica: Well that's why I'm a little confused. Where are you trying to go here? Are you asking us to hire a part time. I just. I don't know where we are. Because you come in, you're at her and I, and then you say there's an RSA. Where are we at?

Chief: So what I'm asking for is clarification, I think that town counsel needs to look at this RSA and see whether it allows for an elected part time chief.

Lyn: He wants to be full time.

Jim: Well I'm sure we can have an elected part time chief because, well I'm sure in the sense that we've been doing it for years and so have other communities. But I've got a feeling that uh.

Jessica: That's what you are.

Jim: This allows the election of a full time permanent constable.

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Chief: I'm not sure that it allows for election of a part time chief.

Jim: I'm going to go under the assumption that, I'm going to have to do some research on this, but I'm going to go under the assumption that there's also a provision that also allows us to elect a part time one.

Chief: I'm just asking for clarification.

Jessica: Yeah, I mean, you can elect a full time one if the people so vote to have to turn this into a full time just like

Chief: It's a provision to allow a vote for, sorry, have an elected police chief. It doesn't necessarily say in there that you can have a part time police chief. I've talked to people and they say you could do it either way and they suggested you get town counsel to have a look at it.

Jim: I'm not sure I fully understand your question.

Jessica: Yeah, that's where I'm at. He's basically saying the town has done this wrong all this time having a part time chief and that you say it needs to be a full time chief and that's what you are right now because you are elected and you are the full time chief

Chief: Not necessarily. I'm asking for clarification that says the RSA will allow for a part time chief. That's all I'm asking.

Jessica: Ahh. I'm pretty sure it said part time in something we read about the whole Highway Department and all that in another RSA.

Jim: Ok. ok.

Chief: I just caution people that I believe payroll records to be part of personnel files. Is that true or not?

Jim: Well payroll records, time cards and whatever are public records I believe. They are certainly eligible to be audited and stuff. Personnel records such as employment applications, letters of reprimand, references or anything of that nature are considered to be confidential. Payroll records would be public.

Chief: If anyone has any questions about the hours I'm working in either town, feel free to ask me and I'll show them.

Jim: Ok. Is there anything else you'd like from us?

Chief: That's it for me.

Jim: Thank you.

Chief: Thank you. Have a good night.

Chief Suckling left the meeting.

Jessica: Could somebody just clarify with me what his email is if I have to email him?

Lyn: danburychief@gmail.com

Jim: Karen, where are we with you right now.

Karen: I'm upset. I've been upset for a couple of months.

Jim: Should we be talking about this right now or should we be recessing and all calming down. I'm not exactly in the best frame of mind myself.

Karen: Do you want to look over the lease for the DCC? Is that something that's of immediate importance?

End of minutes transcribed directly from the meeting recording.

The renewal lease for the Danbury Community Center was reviewed. This will be a ten year lease. The Board made some changes. Karen will update the lease and send it to the Kendra Braley to review with the DCC Board.

FYI/Review

- April property sales
- Legislative Bulletin
- Health Officers Association Workshop
- Signed changes in pay forms

At 9:10pm Jim made a motion to adjourn, seconded by Jessica. Motion passed. Meeting adjourned.

Respectfully submitted Karen Padgett, Administrative Assistant