



## Selectmen's Meeting

### Town Office

Wednesday, September 19, 2012

Present: Jed Brummer, Chair; Sam Seppala, Selectman; Roberta Oeser, Selectman; Carlotta Lilback Pini, Town Administrator; Linda Stonehill, Administrative Assistant

## APPROVED MINUTES

6:00pm Call to Order / Pledge of Allegiance

### CITIZEN'S FORUM

John Kauer asked what day was designated as the budget marathon (Saturday, November 3<sup>rd</sup>). He then asked about the status of the DPW's exhaust system; Public Works Director Mike Cloutier said he's looking at two systems and making sure they're OSHA-approved. We'll probably present it in a warrant article.

John asked about the rumor that the dump may close on Fridays. Roberta said it was started by one person but never discussed by the Selectmen. Mike: I'm trying to research how many people use the dump on Friday and will bring that before the Board. With the volume we do, I don't think closing on Fridays is feasible. Jed: A member of the Budget Advisory Committee floated the idea, but nothing's changing right now that we know of.

John said the collapsed culverts on Main Street were fixed by the Highway Department within 48 hours and he was very pleased. Roberta also thanked Mike Cloutier and his team for replenishing the gravel after a heavy rain.

Holly Koski asked whether the police survey was being mass mailed (it later was mass e-mailed) and what the cutoff date was for applications (October 1<sup>st</sup>).

MOTION: Roberta motioned to approve the accounts payable and payroll manifests, Sam seconded, and all were in favor.

### GENERAL BUSINESS

#### Appointment to the Energy Commission:

Richard Mellor: Marty Aho, one of the owners of Energy Saver Enablers (a local company who does energy efficiency work), would like to become a member of the Energy Commission.

MOTION: Roberta motioned to appoint Marty Aho to the Energy Commission, Jed seconded, and Sam disclosed for the record that Marty is his nephew.

#### Woman's Club transfer of the Anderson Scholarship Fund to the Town's Trustees of the Trust Funds:

Sarah Dengler said the Scholarship Committee of the Rindge Woman's Club would like to turn over the management of its Jaffrey-Rindge scholarship fund investment portfolio to the Trustees of the Trust Funds. Ted Covert, Chair of the Trustees of the Trust Funds, said they'd be happy to manage it for the Woman's Club. It will show as a separate line item in the Citizen's Bank reports and the Town will hold those funds as a fiduciary only. The fund will be managed according to the rules of its trust, which may be different from the rules governing the Town's funds: for example, when people donate money to the Town and the Trustees invest it, the Town may use only the interest generated, not the principal.

MOTION: Subject to the verification of whether a warrant article was passed authorizing the receipt and management of other funds “indefinitely,” Roberta motioned to accept the transfer of the management of the Woman’s Club Scholarship Committee’s funds to the Trustees of the Trust Funds, Jed seconded, and all were in favor.

Kimball Road easements to Pearly Pond over Town property:

Dave DuVernay said that David Graham erected a sign over the Town-owned easement saying “no public access,” put his canoe rack there, and installed a chain across the ROW. He wants to keep his canoe rack there. David was told when he bought the house that it came with beach rights and that the right of way, included in his deed, could only be used by those with deeded access. Now he’s hearing that anyone can use it, but if he has deeded rights, he said it doesn’t seem like the public should have the same access.

Someone else with deeded access built a storage shed on this Town-owned parcel. Dick Isakson, President of the Lake Association, advised removing the shed and fire pit. Town Attorney Gary Kinyon said the Town can bar everyone from using the easement or chain it off, giving a key to the few with deeded access. If the Town sells the property, there will be no warranties on rights except for anyone with exclusive access (Dave knows of no one). Carlotta said that the easement is only about 15’ wide so probably would not have much value to anyone without deeded access.

MOTION: Jed moved to accept Dave DuVernay’s recommendation to allow David Graham to keep his canoe rack in place if he will sign a waiver for damages and make sure the rack does not interfere with emergency access by the Fire Department. Roberta seconded and all were in favor.

Police Chief’s job description:

At the last Selectmen’s Meeting, the board discussed MRI’s recommendations regarding the Police Chief’s job description and asked Carlotta to reach out to LGC and the Town Attorney for input. Roberta had disagreed with the job description’s mention that the Police Chief would report to the Town Administrator.

Holly Koski distributed a handout from Bob and Ronni Hamilton explaining the differences between Town Managers and Town Administrators. Roberta distributed a handout saying that the Town Administrator has administrative, not supervisory, powers. Carlotta: The distinction made by our Town Counsel is that the Selectmen cannot tell the Police Chief how to prosecute a crime. The Selectmen do have administrative supervision over the Police Chief and they are able to delegate that to an Administrator. The fact that the Town Manager statute exists does not take away from this ability. Roberta: Administration and supervision are two different things. You go to your supervisor if you can’t handle something. No one has more authority than a Department Head. And you have no more authority than they do. Department Heads have to go to the Selectmen. Carlotta: Our town counsel said this position has supervisory authority over the Police and Fire Chiefs and it assists the Select Board in managing the Town. Jed: If Department Heads, the Police Chief, Public Works Director, or the Fire Chief were not to report to the Town Administrator but to the Selectmen instead, how would that work?

Roberta: They would have to come to the Board. We have to decide matters that are beyond the scope of their authority to run their Departments. A Town Administrator cannot do this – we have a Town Administrator sign and negotiate things after we have reviewed them. I think the statute says you can’t grant the powers that are given to a Town Manager. An administrator is not a supervisor. A supervisor has more power. Jed: Not the power to run a Police Department. Roberta: The Town Administrator has no more authority than a Department Head. Jed: In Carlotta’s job description, the Department Heads report to her. This is the most efficient way to run a town and it’s what other towns have found. And, she should have the authority to hire and fire. Roberta: I think it’s preemptive to institute a quasi-Town Manager form of government to a Town Administrator. Having an administrative liaison between the Department Heads and this Board is absolutely fine. But one with supervisory authority? No.

Jed: So, if there's a supervisory question, the Department Heads would have to come to the Selectmen? Most Selectmen serve for three years and things change as they rotate on and off, and there has to be some consistent system for the Town to run efficiently. We meet every other week, and having every decision come to the Selectmen would hold things up. Roberta: This board used to meet every week. Jed: I think you're advocating a dysfunctional way of running a town. Roberta: It's worked for two hundred years. Jed: Rindge is not the same as it was 200 years ago. The Selectmen should deal with policy, not supervisory matters. Roberta: The voters in 1996 changed the warrant article to have a Town Administrator.

Sam: Do the Department Heads have the authority to hire or fire Town employees? Roberta: No, they make recommendations. Sam: So the only ones with the authority to hire and fire are the Selectmen. You can delegate the administrative duties but you cannot empower beyond them. Carlotta: This Board just gave the Recreation Director the authority to hire and fire his part-time after-school and summer camp staff without coming to the Board. Mike Cloutier: If you applied that policy to one department, it should apply to all departments. Roberta: Maybe we should discuss it. Carlotta: Craig was given authorization to hire the summer camp and after-school program staff without coming to this Board. Jed: Every employee has to be accountable to their Department Head and the Selectmen judge how well they do. Sam: I don't think you should invest that much power in the Department Heads. They can present recommendations. Carlotta: We're discussing whether the Board is going to change the job descriptions of the Department Heads and Town Administrator and remove the supervisory authority that has been in my job description since 2002. Is the Board contemplating that change?

Roberta: The description says administrative and that's not supervisory; supervisors have more power and authority than their employees do. Sam: If you give Department Heads the power to hire and fire, you've given them the power to run the Town. Jed: The Department Heads are in charge of running their departments the way they think they should be run, and if they don't do a good job, we have the responsibility to fire them. And they can recommend that we fire one of their staff members. Jed: But in terms of working with the Department Heads on a day-to-day basis, Carlotta holds Department Head meetings every other week. Are we to assume the supervisory role that Carlotta has? The ultimate authority is the Selectmen, but the day-to-day operation is through the Town Administrator. Carlotta: We're talking about what I've been doing since I've been hired and whether I'll still be doing it. The Chiefs and DPW Director come into my office for advice, and if the Board wants every little decision to come to them, we can take that out of my job description. Sam: I don't think the voters would want anyone other than those they elected to make that decision.

Roberta: The Administrator's description misses something. It was given to the Town as a guide. This job description was for a Town Administrator in Scituate, MA and MA is a home rule state. The information in here correlates with MA law. The word they changed from MA to NH is "thorough knowledge of NH general laws" – we don't have them. We have RSAs. I think this whole job description needs to be looked at because there are several things in it that are being done by other people. Jed: We have to hire a Chief, and we have to finalize his job description. Are you suggesting we change Carlotta's job description? Roberta: I suggest that she's an administrative liaison to the Selectmen and that the supervisory authority rests with the Selectmen. Jed: Then do we decrease her salary? Are you suggesting we change her job responsibilities? Roberta: This job description should have been reviewed 10 years ago instead of using a boilerplate template from MA. Carlotta: I had proposed at last year's budget session that we have someone evaluate all the job descriptions; the job descriptions have not been updated to reflect those changes, and the pay plan was another component of that. In 2002 there was a comprehensive classification study done and I agree that it's time. There are two legal opinions in front of you from NH lawyers saying it's entirely appropriate for the Selectmen to delegate supervisory responsibility of the Department Heads to the Town Administrator.

Roberta: I think it's up to this Board to evaluate performance. Carlotta: I've always brought recommendations for the Board's review. Jed: Unless you're with that Department Head on a very regular basis, you're not going to be able to make a good evaluation. Carlotta is the likely one to make that recommendation to the Selectmen. Ted Covert: I agree that you should give enough supervisory power to your Town Administrator so she can handle the routine things on a day-to-day basis. She has to have the authority to know who's on leave and vacation and to do the budgets, etc. She has to have enough authority to get the job done. You have to delegate enough power to whomever you have doing the day-to-day things.

Dave DuVernay: You're getting hung up on a definition: "supervision" means what Carlotta does—reviewing with the Department Heads what they're working on, where they're going next, and what they might consider. Sam: I don't think you should delegate hiring and firing. Jed: We're just asking her to supervise the Department Heads; she reports to us and we make the final decision. Sam: Change her description to read direct administrative responsibility. Carlotta: I think this is a foot in the door to eroding this position and I object vehemently. This has been in place for 10 years and it's worked.

Roberta: People think you're an administrative Department Head because they haven't voted for a Town Manager. Dick Isakson: I worked 20 years for the county commissioners and supervised 10 guys. If I wanted to fire one, I'd bring him to the Commissioner. But he let me run my shop. The Selectmen can't be here every day and you can't have all the Department Heads meet every day with the Selectmen. And if this job has worked for 10 years, I don't think there's a problem. Roberta: Who's the boss if the Department Heads manage their departments? Jed: They need someone to go to, the Town Administrator, who is the first line of responsibility for the Department Heads. If she doesn't have that responsibility, then her position doesn't mean much.

Carlotta: That has happened in the past and it's led to problems. This Board would need to meet more frequently because business decisions need to be made. And I can't make decisions if the Department Heads know they can come to you and get a different decision. They can appeal my decision to you in a formal process. What I'm not okay with is the Department Heads bypassing me because they think they don't need to come to me. I would recommend that we undertake a complete review of the classification and compensation system. Jed: But now I would recommend that we stay with the current job description for hiring a new Chief. Roberta: The paragraph is vague. Jed: If you want to get an attorney to argue your point, it will use town money. Roberta: One of the attorneys say "administrative" and one says "administrative supervisory" and the response says Town Administrator / Administrative Assistant. Carlotta: My job description says I have direct supervisory responsibility. Jed: We'll table this for now because we have to get things done tonight.

Appointment of J/R Cooperative School District Budget Advisory Committee representative:

Rick Sirvint was our representative last year and he's expressed interest in continuing this year.

**MOTION:** Roberta motioned to appoint Rick Sirvint as the JRCSD BAC representative, Sam seconded, and all were in favor.

Town of Rindge propane contract:

Public Works Director Mike Cloutier said that Allen Mathewson came in 60 cents less than the other bidders at \$1.749 for the year.

**MOTION:** Roberta motioned to approve the propane contract with Allen Mathewson, Sam seconded, and all were in favor.

TOWN ADMINISTRATOR'S REPORT

The Chamber of Commerce is reviving its newsletter. We're awaiting draft financials from the auditors, and the Police Chief hiring process is well under way. The Woman's Club is planning the Harvest Fair for October 6<sup>th</sup> and the Rec. after school program has grown.

Roberta: The Planning Board approved the excavation permit on Woodbound Road but I suggested they include the same language as for Rindge Sand & Gravel so the Selectmen can shut the operation down if there's damage to the road, and also control their hours. Jed: What about remediation of the old pits? Roberta: A bond wasn't posted and the previous owner is deceased. They're using the old pit for ATVs and motorcycles so no vegetation has had a chance to establish. Bob Van Dyke is the contractor who wants to excavate on Rick's land. They're advertising trails going to Cathedral of the Pines.

The Meeting House Oversight Committee is waiting to hear whether we'll receive an LCHIP grant. The Telecommunications Committee said Argent wants us to sign a Confidentiality Agreement before we can review their financials (which Richard Marshall, FPU's CFO, will review). FastRoads will have a tent at the Farmer's

Market tomorrow and will hold an open house at the Recreation Center on October 4<sup>th</sup>. The CIP Committee is meeting Monday. Everyone's invited to sign the 50<sup>th</sup> anniversary card for Franklin Pierce University.

Is there local regulation of fireworks that end up in ponds? Richard Mellor: There are far more fireworks now than there used to be. Fireworks are nasty, even though they're a little better than they used to be--they still contaminate. They get in ground water and ultimately your drinking water.

The Personnel Committee will convene October 4<sup>th</sup>. A hazard mitigation plan for preventive steps to mitigate natural disasters is in the front hall and also on the website. If FEMA approves it, it will go back to the board for official adoption. Carlotta, Interim Police Chief Frank, and Ellen Smith attended a workshop on municipal budget law. A financial forecasting session outlined the challenges for municipalities in the face of increasing expenditures and decreasing revenues.

#### Route 202 / Forristall Road

DOT's plans for Route 202 / Forristall intersection. Carlotta: They're proposing starting the right turn lane farther back, creating an island and placing the stop bar closer to 202. Mike: An island will obstruct the view looking to the left, and a stop sign on the island will make it worse. Also, the island will be a maintenance nightmare. The DOT doesn't want an island on their (state) road; they want it on our (town) road. Carlotta: Don't they need this Board's authorization to make changes on a town road? They held a public forum and thought they were all set. The consensus was to ask the DOT to meet with the Selectmen and discuss alternatives.

The Planning Department recommended rejoining the Southwest Regional Planning Commission (SWRPC) but felt the dues should come from the general Administration budget rather than the Planning budget since membership would benefit the whole town. Carlotta will see where the DRA recommends the dues come from. Considering the trend towards level funding, a cut of \$6,600 would have to be made to accommodate it so, since we're just going into budget season, it may be premature to commit even though it's important. Roberta: It was not money well spent at the time – the SWRPC was a revolving door. Richard Mellor: The regional planning opportunity is now and for the next few years and I'd hate to miss this window. Kim McCummings: The town has benefitted from the SWRPC even though we haven't paid dues, but that will come to an end. They're now focusing on regional planning and if we're a member, we will be able to take advantage of that.

Richard Mellor: We had a special ConComm/Crime Watch meeting about the vandalism at Tetreault Park that happens weekend after weekend; they've stolen the sink and all the copper, have smashed the windows and burned the stairs. The Chief said I'd have to file an official crime report--are we obscuring the fact that this is a problem? Carlotta: Frank has authorized patrols. Unfortunately, our insurance company will not cover the vandalism because the property was vacant. Richard: We are going to install a gate and posts and clear the area so parked vehicles can be seen from the road. The Police Department's budget is not adequate for the needs of the town, yet the BAC has recommended a 2% cut across the board. Roberta: I think it's time for FPU to step up the plate and become a responsible part of this community; maybe they should start paying for their own police officer—we can't be constantly responding to their puking kids. Jed: They pay \$80,000 to the town and \$400,000 total. Roberta: Eighty percent of our resources go to FPU. Richard: Everyone wants to pay less, but the Police Dept. is in dire shape and we have to find the funds to support a Police Dept. that can do the job.

Jed expressed appreciation for Holly Koski's work on the Hawkers and Peddlers policy.

#### MOTION:

Jed motioned to go from Public to Nonpublic for personnel. Sam seconded, and all were in favor.

#### MOTION:

Jed motioned to go from Nonpublic for personnel to Public session and adjourn the meeting, Sam seconded, and all were in favor.

The meeting adjourned at 9:45pm.

*Minutes respectfully submitted by Linda Stonehill, Administrative Assistant*