

TOWN OF BARNSTEAD
TOWN HALL
SELECTMEN'S MEETING
MINUTES OF OCTOBER 20, 2015

Attendance: Chairman Gordon Preston, Vice-Chairman Priscilla Tiede, Richard Duane, David Kerr, and Edward Tasker. There were 2 members of the public in attendance.

The meeting was called to order at 5:00 p.m. and opened with the Pledge of Allegiance.

Signatures: Payroll and Weekly Manifest, MS-1, an intent to cut application, 1 timber tax levy, the LEOP reimbursement & final report forms and inter-office memos.

On a motion to go into non-public at 5:03 p.m. per RSA: 91-A 3II (c) made by P. Tiede and seconded by D. Kerr; the Board voted: G. Preston, yes; P. Tiede, yes; R. Duane, yes; D. Kerr, yes; and E. Tasker, yes. The Board came out of the non-public session at 5:15 p.m. and **on a motion** by P. Tiede and seconded by R. Duane; the Board voted unanimously to seal the minutes.

Steve Vail had called previously to report that the Highway Dept. was doing a fantastic job on Colbath Road and asked that the message got passed on to the crew.

Appointments: The Board met with Police Chief McDowell, who presented his 2016 budget requests. He would like to increase the secretary's position to full time at \$26,895, which includes a 3% raise and will allow the office to be open 8:00 – 4:00 Monday through Friday. He also wants to increase his fulltime staff by 1 more position, also with a 3% raise which would increase that line by \$54,798 to \$190,600 and his part-time staff to include an animal control officer for 32 hours per week (\$21517 a year) with 3% raises and this would increase that line item from \$68,463 to \$140,320. The Chief asked for an increase of \$12,000 for the prosecutor because he is doing a lot more work under his 1099 contract. The Board asked if the Chief spoke with the prosecutor and McDowell stated that he did. It was pointed out that the Select Board negotiated the contract with the prosecutor.

Other increases included the admin telephones by \$1,500 due to air cards and increased technology; an increase of \$1,760 for the new IMC modules; a \$575 increase for dues and subscriptions to include on-line classes (IACP training is done on line, and it is more cost effective to do that than go to the Academy). He added that he is able to access over 150 different Standard Operating Procedure policies on-line. Office supplies are up by \$500; crime medical services are up \$400; vehicle repairs increased by \$5,000 and crime equipment is up by \$8,630 to include a Taser Safety Plan (the plan is \$43,000 over 5 years which includes new tasers). E. Tasker asked about the cost of replacing chairs as that line was increase by \$800 for chairs.

Chief McDowell would like a van for animal control and stated that he had no luck through the 1033 program (government surplus). He has talked with Bonneville about a price for a Dodge Transit van with a yellow light on top, graphics with the Department's patch and the letters that say Animal Control for \$25,500. The Chief mentioned that he could purchase some items from this year's budget and E. Tasker asked for a list of what the costs would be. P. Tiede noted that his increase is over \$190,000 without including any of the social security, medicare, health dental and retirement costs. She asked if there was anything he could reduce or forego and the Chief said there was not; that he was spreading it out.

The Chief stated that the evaluations are coming over on everybody in the department. There were also increases to the training line in the amount of \$1,500 and the Chief explained that the Police Standards and Training Council no longer provides free training. D. Kerr wondered if any of our paramedics could provide some of the training. G. Preston asked about the DARE program that increased from \$1 to \$500 and R. Duane commented that the State Police usually provide this. The Chief stated that he wanted one of our officers to do the program. The police's budget also included a new police cruiser for \$45,000 and a brief discussion ensued on the type of vehicle.

P. Tiede asked if the civil forfeiture dog notices had all been delivered that was given to the police department on September 24th and McDowell stated that all but 5 had been delivered. It was mentioned that summons' would have to be issued for anyone not paying and registering their dogs. There was discussion about the policy for handling of dogs and P. Tiede stated that there is not a town ordinance so they go by the RSA's. She felt that the dogs have to be picked up by the police and Chief McDowell replied that there needs to be a way to transport them. Chief McDowell informed the Board that he had gotten a couple of quotes to turn the shed next to the police station into a dog kennel with heat and electricity. One quote was for \$4,300 but did not include the electrical costs. G. Preston noted that he had assembled a large dog cage and it was in the police station garage. McDowell commented he had an issue putting a dog in the garage when it was 22 degrees out. E. Tasker pointed out that the dog is out running around at 22 degrees and that you only have to hold the dog for a couple hours usually. The Chief added that he had spoken with the State Veterinarian and she said she didn't advise using cruisers to pick up dogs. E. Tasker pointed out that the State Veterinarian is a male, not a female and McDowell told him that it was a representative for that office. McDowell stated that the second issue is with people who have allergies to animals. P. Tiede asked the Chief if he have a transcript of what the State Vet's Rep had told him and he stated that he did not. P. Tiede mentioned that the Selectmen's Office contacted the State Veterinarians office as well.

The Chief told the group that he spoke with the Gilmanton police chief and they have a local couple that does animal control 24/7, but all the paperwork is done by the police. McDowell stated that if we had someone like that, then he wouldn't need to build a shelter and G. Preston commented that the temporary set-up would work. P. Tiede asked McDowell if there was a way that the Police would pick up the dogs and the Chief responded that the dogs cannot be in his cruisers and that he would not sign off on that. P. Tiede asked him if the Select Board directed him to do it, was he saying that he would

not and the Chief replied that he still would not do it. E. Tasker told the Chief that he needed to think about that because if he refused a directive from the Board that the police will transport dogs, then he (Tasker) was prepared to make a motion to put the Chief on administrative leave. The Chief replied that he would take administrative leave. He explained that he is not trying to be insubordinate, but it is a liability issue. E. Tasker noted that every other town does it and he is tired of the tail wagging the dog. The Chief stated that he does not want the liability and E. Taker reminded him that it is not the chief's liability, but the Town's liability. The Chief suggested the Board contact a resident who has taken in dogs and ask her about parasite problems. He further explained that if you bring dogs in, you have to recon the kennels (clean them each time). P. Tiede expressed her concern about liability to the Town if people call the Police and they say that they don't deal with dogs – especially if it's an incident where someone has been bitten – which would be a much bigger liability. The Chief stated that there has been no training for his officers, there is no vehicle to transport dogs, and no place to house them. It was mentioned that the Town already has the ACO vehicle (currently at the Highway Garage). P. Tiede suggested using the Humvee but the Chief explained that the vehicle is too high and you'd have to lift dogs in and out of it. E. Tasker stated that he got laughed out of Town Meeting for proposing a \$5,000 kennel in the past.

P. Tiede stated that Pittsfield has an ACO officer but she is not 24/7 and that their Police will transport dogs in their cruisers. The Chief stated that the police do not transport in the cruisers as he used to work part-time for Pittsfield. P. Tiede told the Chief she actually witnessed a Pittsfield officer putting 2 dogs in his cruiser on Rte. 28. And the Chief stated that they are not supposed to, as that is not the policy. He added that Alton has a special vehicle to transport dogs. D. Kerr asked how many dogs per day and the Chief told him they had 209 calls to date; but P. Tiede pointed out that the police don't actually do anything. McDowell told her that the calls are still logged as calls for service and again she stated that said that the Police say that they can't do anything about it, so it should not show on the reports. The Chief commented that he just wanted to get this issue fixed and that was why he was requesting an ACO position for 32 hours per week and a vehicle in his 2016 budget. He added that the ACO person would also be working on licensing, etc. with the Town Clerk and putting on clinics. P. Tiede said that she would love to be able to say yes to his proposal but as a taxpayer she couldn't justify a 32 hour position and is looking for a solution that the Town can afford. She asked if the ACO would handle all animals – cats, fish, horses, wild animals and the Chief told her that an ordinance would have to be in place. E. Tasker commented that he does not want to hear another report that the public called the Police and they did not respond to a dog issue. The Chief stated that the ACO program should be under the Police Department, not the Selectmen's and that the Board took it away. G. Preston responded that the Board did not take it away – that it's a contracted position not an employee position. P. Tiede commented that people do not feel they are getting their tax money worth when the police won't take care of the calls. E. Tasker added that even if they got a van with a yellow light they'd still have trouble getting an ACO person as there needs to be someone to pick up dogs. The Chief told the Board that they do have snares, but he doesn't know how good they are so he wants new ones as well as gloves for protection. D Kerr noted that after all this, still no progress had been made. R. Duane pointed out that the estimate for turning the police shed into a kennel didn't

include fencing for the dog to go outside. The Chief stated that it wasn't needed, that they would insulate the walls, put a ceiling fan up, put in electricity and put in dividers. P. Tiede commented that if there wasn't any fencing, where would the dogs go to the bathroom and who would be cleaning the place. The Chief said that someone would have to check on the dogs and P. Tiede wondered if someone would be walking them etc.

P. Tiede asked if the Chief had filled the fulltime position yet and he stated that he had 8 applications. She asked if he had any applications for part-time help and he said he did. She next asked when the new cruiser is getting marked and the Chief told her he's waiting for Alan to call him. R. Duane suggested getting someone else, as it's been several weeks that this has been going on and each time there's a different reason for it not being done. D. Kerr asked about the personnel policies and the Chief said that he had a couple issues with them that he had brought to the Board a couple weeks ago. P. Tiede pointed out that months before the updated personnel policy was handed out the Board sent a memo to everyone asking if they had any questions, issues etc. and then sent a follow-up memo as well which nobody responded to. She verified that the issue the Chief had was in the section that said, "Department Heads do not have the authority to reassign employees to funerals or other events in order to obtain compensation for attending any such event". The Chief explained that he assigns his officers to details and was concerned that he wouldn't be able to do this. He added that it violates RSA 105:2-a and it was pointed out that the RSA states that the Chief, "subject to such written formal policies.... has the authority to direct employees of his department in their normal course of duty". The Board explained that if the Chief had a question regarding something he could bring it to the Board for approval and he replied that if he had a detail that had to be covered, he was not waiting until Tuesday to get an answer from the Select Board. It was pointed out that the question can be given to Karen who can contact the Board for an answer without having to wait. P. Tiede offered that the Board could do a new policy that states no details will be done and the Chief said, "Then you'll have no mutual aid". The Chief went on to say that they needed to define a list of what was acceptable and not in the policy as he has the authority to reassign and redirect personnel. P. Tiede pointed out that it was impossible to list everything and R. Duane pointed out that RSA 105:2-a did not contain the language "reassign" or "redirect".

D. Kerr asked if the employees had received their personnel policies that were sent over and the Chief stated, "No, I have not issued them". P. Tiede asked why he would not give them to the employees and he referred to the issue he had with the "Reassignment" language. Karen told the group that the policies should have been handed directly to the employees by the Treasurer, as it is not something that a department head issues. P. Tiede suggested that the Board bring in each employee from the police department and speak with them individually. The Chief commented that he had attended the Supervisor's Academy at Primex (our insurance agents) and that the procedure should be for all the department heads to review the personnel policy, determine the changes, then sit down with everyone and do training. P. Tiede held up the personnel policy depicting the year that it began and each year listed on it that it had been updated. She pointed out that the Chief had been working for the Town all that time and everyone had signed their receipt and acknowledgement form each year.

McDowell commented that no one had ever sat down with him and gone over the manual. It was again pointed out that the manual states if anyone has any questions about the policy they can bring it to the Select Board's attention. P. Tiede added that another department head disagreed with something in the manual, but the department still signed the form stating they received it. G. Preston questioned the rationale with training on the policy and the Chief told him that when he does the Standard Operating Procedures for his department, he sits everyone down and does training. E. Tasker stated that the Board is remiss in how they've done business and made a motion to meet with Town Council next week in public session. The motion was seconded by P. Tiede and D. Kerr questioned if the meeting is public when meeting with an attorney. E. Tasker stated that he would remove the "public session" from his motion and the Chairman called for a vote which passed unanimously.

The Board next met with Nancy Carr, Chairman of the Planning Board and she presented her 2016 budget figures. She pointed out that the recording secretary position only required 36 meetings and K. Montgomery explained that the original figures had also contained the Select Board meeting but they have been removed to the appropriate section. Nancy felt that the additional work being done by the recording secretary should be figured at \$18 per hour instead of \$15 where it is a contracted position that will receive a 1099. The only other increase was \$650 for training and workshops. The Lakes Region Planning Commission 2016 request is \$3,864. There will be discussion about amendments to the large building fire code ordinance at the next work session. Included will be changing the size of the fittings to 6" pipes.

Public Input: 6:57 p.m. B. Grey noted that there was a Charter for the 4 –H. There was discussion about the current set-up of the light at the Parks & Rec area and the possibility of changing the timer on the lights at the ice rink. It was suggested that the electrician be contacted and to determine the type of lights that exist. B. Grey told the Board that the Space Needs Committee was meeting at the school this Thursday evening.

New Business: K. Montgomery noted that the unemployment costs is projected to be down for 2016, but the health insurance costs will increase by 17.4%. The traffic counts are in and will be reviewed next week. DES reported that Paul Davis' site is in compliance and it was mentioned that there are 2 sites; the second of which may be an unlicensed storage area. The Board agreed to send a letter to DES asking if that includes both of his sites. Karen reported that two properties that received deed waivers have been sold and the town will be receiving all monies owed.

The annual NHMA conference is in Manchester on November 19th and 20th. The County warrant has been received in the amount of \$592,506. The Board suggested using the last three pages of a draft policy regarding physicals. The Board reviewed the November work schedule from the Fire Rescue department.

Correspondence: G. Preston informed the group that he got a phone call regarding a resident that came in Town Hall with a gun. Karen relayed that the resident had come in with a holstered gun upset

with the Highway Department and being very loud. The ladies contacted the police department and was told there was nothing they could do. The Board reviewed the miscellaneous correspondence.

On a motion to go into non-public at 7:52 p.m. per RSA: 91-A 3II (c) made by P. Tiede and seconded by D. Kerr; the Board voted: G. Preston, yes; P. Tiede, yes; R. Duane, yes; D. Kerr, yes; and E. Tasker, yes. The Board came out of the non-public session at 8:21 p.m. and **on a motion** by P. Tiede and seconded by E. Tasker; the Board voted unanimously to seal the minutes.

P. Tiede left the meeting for the evening at 8:22 p.m.

On a motion to go into non-public at 8:22 p.m. per RSA: 91-A 3II (d) made by E. Tasker and seconded by R. Duane; the Board voted: G. Preston, yes; R. Duane, yes; D. Kerr, yes; and E. Tasker, yes. The Board came out of the non-public session at 8:36 p.m. and **on a motion** by E. Tasker and seconded by R. Duane; the Board voted unanimously to seal the minutes.

Adjournment: The meeting adjourned at 8:38 p.m. on a motion by R. Duane, seconded by E. Tasker and passing with a unanimous vote.

Respectfully submitted,

Francesca Latawiec, Recording Secretary and Karen Montgomery, Selectmen's Administrative Assistant & Office Manager

Gordon Preston, Chairman

Priscilla Tiede, Vice-Chair

Richard Duane

David Kerr

Edward Tasker