

**Town of Groton
Selectmen's Meeting Minutes
June 23, 2009
7:00pm**

In Attendance: Michael Brogna, Miles Sinclair, Kyle Andrews, Pamela Hamel (AA)

Audience Members Present

Mike called the meeting to order at 7:05pm and read the appointments, announcements and minutes of the June 16 Selectmen's meeting. Mike asked to amend the motion on page one, paragraph 6 to read "Mike made a motion to table the building permit for Leone until the construction approval number **for septic approval is in**".

Miles made a motion to accept the minutes as amended, Kyle 2nd, all in favor, so voted.

Miles reported that the Board had a work session with Gordon Coursey and Glen Hansen to discuss the work on Province Road. The Road Agent has 2 or 3 days of work left on North Groton Road in preparation for paving. Work on Province Road will begin after that.

The Leones have received their septic construction approval number. The Board recognizes that although this is a commercial property, the house is for personal use and as such does not require a special exception from the Zoning Board. **Mike made a motion to approve the permit for the house and made a request to know what their plans are for the cabin that they constructed for personal use, Miles 2nd, all in favor, so voted.** Up to this time, the cabin has been for personal use only. If it is going to be used as a rental for commercial purposes a special exception will be required.

The Conservation Commission and the GRC will be holding a street dance July 11 from 8-11pm at the Town Garage. In a work session, the Board unanimously approved their request for a permit to consume alcohol on Town property. This BYOB dance is for anyone 21 and older. They will be requesting that the Police Chief have an officer there from 7-midnight. The proceeds from the dance will benefit the Conservation Commission and the GRC.

Miles made a motion to sign the abatement denial letters consistent with the decision made at last week's meeting, Kyle 2nd, all in favor, so voted.

Mike made a motion to sign the abatement approval letters consistent with the decision made at last week's meeting, Miles 2nd, all in favor, so voted.

The Board reviewed the final abatement recommendation from Avitar. **Miles made a motion to approve the abatement request based upon Avitar's recommendation, Kyle 2nd, all in favor, so voted.**

The Safety Committee Meeting has been rescheduled for Tuesday, June 30 at 6:00pm.

Miles read an update from the New Hampshire Municipal Association concerning the state budget. The way it stands now, municipalities will not be receiving shared revenues and the state will not be upholding its full share of responsibility toward the Retirement System. This will now fall on the towns and cities of New Hampshire. Jo O'Connor asked if municipalities have any recourse. Unfortunately, the way NH law is written, all powers given to cities and towns come from the state. The Board would be interested, if the correct circumstances presented themselves, in doing something symbolically to show the state that enough is enough. This also extends to the school district.

Lewis Albert asked if the Board was going to do anything with the old Town Offices such as sell them in order to generate some revenue. He expressed concern that they will fall into disrepair. Mike said the structures are currently in good shape. They have been talking about moving the Library building out of the flood zone and are hoping to set up a meeting with FEMA to discuss securing grant money to do this. Also, the library trustees have the responsibility for that building and must follow certain steps in order to move or dispose of the building because it was donated as a library. Miles would like to have a meeting with FEMA within the next 60 days.

The Board reviewed the building permit application for Sewall/Friend, Map 5 Lot 46. Bill Roberti was here as their representative. The application is for a boat repair and storage facility. As this is a commercial venture, the Board informed Mr. Roberti that a special exception from the Zoning Board would be needed before a building permit can be issued. **Mike made a motion to deny the building permit until the special exception is received from the ZBA, Kyle 2nd, all in favor, so voted.**

Cemetery Trustees Pam Hamel and Betty Smolinsky addressed the Board. A few weeks ago they had met with the Board at the request of Selectman Brogna. He wanted to know if the Trustees needed to follow town policies and procedures when hiring their help and if their help are considered employees of the town. Shortly thereafter the Cemetery Trustees asked this question at a trustees seminar they attended. They reported that state statute does not require the Trustees to have to follow the same policies and procedures for hiring their summer help, but they are encourage to do so as their summer help are considered employees of the town. Mike had also asked Jackie Brogna to ask the same question as she was attending a seminar for library trustees that same day. Her answer was different. Because of this Mike wanted to have a non public with the administrative assistant but Pam felt that if there has been a misunderstanding it is best to work it out in a public session. Pam read an email Jackie Brogna received from Terry Knowles which said that Cemetery Trustees must follow town policies and procedures when hiring their help as they are employees of the Town. Pam read a letter from LGC which said Cemetery Trustees can hire contracted help in which case the policies and procedures would not apply. This help would have to supply all their own equipment for the job as well as insurance. If the help is hired as an employee, the policies and procedures apply and the town supplies all the equipment. Some municipalities use the highway department for this. LGC encouraged communication between the trustees and the Board. This year the Trustees hired their summer help the same way it has been done for the last few years. Currently, the help hired to maintain the cemeteries are paid as employees but use their own equipment for the job. The town supplies the gas. Betty Smolinsky said she has been doing it this way for five years and Mike had never previously asked about who she had hired. She and Mariana Chase both asked Mike why he is

questioning this now. He said the Board is looking at ways to cut costs and when he started seeing paychecks for family members he was concerned. New people were hired this year to maintain the cemeteries and this comes under the Board's authority. He wants to know why the trustees hired family and did not hire the assistant road agent to do the job at one dollar less per hour. He could use town equipment. He is part time and already covered by the town's insurance. He said he would not have a problem with who was hired if the Trustees had followed the town's policies and procedures. In response to Mrs. Chase's question if Mike wanted the Trustees to fire their current help he said no, he wants them to acknowledge that according to the AG's office, they are required to follow town policies and procedures. They are part time help covered by the town's insurance just like the assistant road agent who he believes has the time to do this work. Ms. Smolinsky said the two men hired to maintain the cemeteries have their own insurance. The Trustees were looking to save money as the other party who had applied for the position wanted \$2 per hour more. Both trustees are under the impression that the statutes indicate they need to use all their budget. Miles believes the statutes indicate they spend for cemetery purposes only, but not all the money needs to be expended. Pam feels that Mike believes she and Betty did not tell the truth about what they learned at the seminar. Mike: "I believe you misled this Board. You had given me an answer and I felt I was misled...I didn't believe you were going to give me the answer I was looking for when I already knew what the answer was." Pam reported they did give the answer they were given at the seminar and this is why she wanted this to be a public meeting as there is a misunderstanding about the hiring of cemetery workers and the best way to resolve it is in public. Mike originally wanted the meeting to be non public. He also did not seek clarification with the Cemetery Trustess but instead asked someone else to get this information for him. He knew his answer even before the Cemetery Trustees reported back to him. Pam said she resents the fact that instead of communicating with the Cemetery Trustees he chose to go behind their backs and this makes them look like liars. Marina Chase said it is obvious that there is some misunderstanding about this. She also said there are bigger problems in this town to be considered: no full time police chief yet, illegal septic, and junkyards. Miles said he has not yet formed his own opinion. LGC has offered their interpretation of the statutes. It comes down to whether the statutes address the issue directly, in a manner easy to understand. The AG's office is the ultimate law enforcement agency in the state. They interpret the law. Miles believes if there are different opinions this probably means there is room for some latitude, that the statute is open to interpretation and application. It would be the Board's job to make a decision that is best for the Town. At this time, they are waiting for more clarification from the AG's office as the original answer Jackie Brogna received did not include any supporting documentation.

Mike reported that the state is considering letting go of 27 State Parks, one of which is Sculptured Rocks Geologic Site. Miles read an article from the Union Leader naming all parks being considered and why. The State mentioned selling, leasing or transferring these parks. Miles would be interested in pursuing this. A lot of research would need to be done to determine how and when the state acquired Sculptured Rocks Geologic Site. He asked that this be on the agenda as he wanted the audience's input. Audience was in favor of pursuing this. Mike said possible revenue sources for the Town could come in the form of select timber cuts and parking fees. This land could also be deeded to the Conservation Commission as conservation land. **Miles made a motion to draft a letter to the appropriate department conveying the town's interest in the property, Kyle 2nd, all in favor, so voted.**

Mike made a motion to sign the 1-2-3 Lock-Key Security preventive maintenance contract, Kyle 2nd, all in favor, so voted.

Mike and Miles reviewed the Primex property and liability, workers comp and health benefits quotes. Both agreed that it was very difficult to determine how these proposals compared to the Town's current coverage with LGC as many times they were not comparing apples to apples. In some areas Primex was better, in others LGC was better. However, LGC offers other services such as the legal advice and statutory interpretation that comes at no cost to the town. Because of this, Miles would be in favor of staying with LGC. Kyle said he had not yet reviewed the policies but would do so this week so the Board could make a final decision by next week. **Mike made a motion to table this until Kyle reviews it, Miles 2nd, all in favor, so voted.**

About 20 children and 15 adults came to the Spring into Summer Event on Saturday. The GRC was able to make a small profit, and hopes this event will continue to grow in the coming years.

The work on Province Road is scheduled to begin as soon as possible. Currently the Board is considering hiring Gordon Coursey to clear the brush and trees to about 5 feet from both sides of the road. He would do this in exchange for any chips or lumber. Research concerning the town's right of way is being done.

Lewis Albert had some questions for the Road Agent. As the Road Agent was not present at the meeting, the Board asked Mr. Albert to come back next week and address him directly.

Mike made a motion to adjourn at 9:32pm, Kyle 2nd, all in favor, so voted.

Respectfully submitted,
Pamela Hamel
Administrative Assistant