

**BOARD OF SELECTMEN
MEETING MINUTES**

MARCH 1, 2004

*****DRAFT*****

PRESENT: THOMAS REYNOLDS JR., CHAIRMAN; DOUGLAS R. COOK, CO-CHAIRMAN; BRIAN MCDONALD, SELECTMAN; LAURA PETRAIN, SELECTMAN; LEON G. METHOT, SELECTMAN

ADMINISTRATIVE COORDINATOR: ROBERT CHRISTENSEN
RECORDING SECRETARY: SHERRY BUTT DUNHAM

GUESTS: MATT THOMAS, JAMES SPADARO, RODMAN WILSON, FRANK CAMPANA, STEVEN RICHARDSON, CHUCK METCALF, GINGER ESENWINE, FORREST ESENWINE, RICHARD HEAD, JON WALLACE

Chairman Reynolds opened the Selectmen's Meeting, held at the Town Office Building, at 6:32 p.m. with the Pledge of Allegiance.

1. PUBLIC PARTICIPATION

STEVE RICHARDSON—said he wants clarification on a board action that goes back a year—the police chief's contract. He asked the board when Chief Rigney's contract comes-up for renewal? He does not see a renewal date on the agreement. Chairman Tom Reynolds said it is an open-ended contract to be terminated when the chief leaves town employment. Mr. Richardson wants to know how Chief Rigney's contract benefits the towns? He said the contract doesn't have a renewal date as normal contracts do. He asked if the board would entertain adding a renewal date? Mr. Richardson indicated that he would be surprised if an attorney looked at the contract prior to the board signing. He said the contract looks a little sloppy. In addition, he stated for the record, that if the town attorney did in fact look at the contract and approve it as written, then the town needs to replace their attorney.

Mr. Richardson asked the board why they went from a three-year contract with the chief to an ongoing contract. "Why did we eliminate any time," he asked.

Selectman Cook said the contract takes politics out of the police chief's job and provides the town an escape from the contract in the event the chief breaks the law or voluntarily opts out of his contract: "My answer to that is to take the politics out of the job. To not have a time date set. So if that gentleman, that police chief, desires to leave, quit, retire, whatever or he breaks the law or does something that forces

him out of the job. . .any other reason, I don't know why we'd want to terminate his employment," said Selectman Cook.

Mr. Richardson said he is not suggesting the board need to find a reason to terminate the chief's contract. He said the contract doesn't make sense—it doesn't make sense to give any employee an open-ended contract. "I stand up here as I always do when I address this board—I base my comments on common sense, and unless I live in the wrong town. . .that just doesn't make much sense to me," he said. Mr. Richardson asked the board to refrain from entering into another contract like Chief Rigney's in the future. He told the board they were the "ultimate authority", not the police chief.

Selectman Cook defended the board's actions in approving the police chief's contract, saying that anyone on the board with a vendetta could attempt to terminate the chief's employment if he had a renewable contract: "I look at that position (police chief) as being very political. And as you can see over the last month or a few weeks, it's escalated. You need to have a person in that position that can work without intimidation—without the worry of having someone on this board with a vendetta or a vindictive person trying to force him out of his job with no good reason whatsoever. I am quite confident in the chief's ability to run his department—he's proved it. So unless he breaks the law or does something unethical then I would see no reason to terminate the man," said Selectman Cook.

Mr. Richardson asked Selectman Cook what precipitated the board to give the chief an open-ended contract and if the board made this decision with the town's best interest in mind? Selectman Cook said, he felt his action and that of the board was in the best interest of the town. Selectman Cook stated that Mr. Richardson is one of a handful of people who appear to have a problem with Chief Rigney's contract.

Mr. Richardson noted that Selectman Cook said Chief Rigney could be terminated if he did something unethical. Mr. Richardson noted that the town has an ethics code but no ethics oversight committee. He wants the board to consider implementing an ethics oversight committee. I think we need to look at enforcement of the code of ethics, said Mr. Richardson.

Selectman Cook said the personnel policy covers ethical infractions of town employees. Nevertheless, Mr. Richardson said there is no procedure to address infractions of the ethics code adopted by the board. Chairman Reynolds agreed. Selectman Cook asked Mr. Richardson to formulate a plan for enforcement. Mr. Richardson said he would like to do that for the board and asked Mr. Christensen to schedule a time on the agenda so he can make a presentation to the board.

Chairman Reynolds said, at the time the board adopted the ethics code, which was recommended by a citizen, he felt an ethics oversight committee might turn into the vendetta committee and that perhaps the board may need to explore this option again. "We should have gone back and addressed a process," said Chairman Reynolds.

Selectman Petrain feels infractions of the code of ethics are serious. "I see any infraction of that to be something extremely serious and I think it would be worth our while to explore an ethics committee," she said. Selectman Petrain noted that many towns have ethics committees and some towns share committees with their neighbors. She said the members are comprised from various communities, which formulate an ethics committee devoid of bias.

JON WALLACE—spoke about ethics. "Great idea for an ethics committee," he said. "But you need ethical people to serve on it—so you have to be careful who you put on the committee." He spoke to Selectman Petrain about her comments in the newspaper, saying he was disappointed that this matter with the chief has gone into the newspapers. Mr. Wallace indicated that the chief and the police department have come under fire and criticism since the day Myles Rigney came to town. "He has been slandered, badgered, bludgeoned and personally attacked in every possible manner. The police department has been attacked horrifically throughout the years," he said. Mr. Wallace went on to say the allegations of the past were all unwarranted and merit less.

Mr. Wallace talked about ethical violations of others in positions of power and authority. He spoke of Moderator Neal Kurk and Board of Selectmen candidate, Heleen Kurk behaving unethical in the past. He spoke about Mr. Kurk's daughter, who resides in another state voting by absentee ballot. He talked about the voting challenge he won against Mrs. Kurk a year ago. Mr. Wallace spoke about the zoning board chairwoman's ruling and how she would not address selectmen when summoned. Mr. Wallace asked the board to take up other causes, that Chief Rigney has been badgered enough.

Mr. Wallace asked Selectman Petrain and Selectman Methot if they agreed that Mr. & Mrs. Kurk's daughter should not be allowed to vote in Weare by absentee ballot? Selectman Petrain said: "I think that if you're not a resident of a town or state you shouldn't be allowed to vote in that town or state. But I'm not sure what that has to do with what happened at deliberative session though."

Mr. Wallace indicated that if Selectman Petrain expects the board of selectmen to take appropriate action regarding the police chief's behavior at deliberative session, he expects the board to take appropriate action with other town officials as well. The chief of police, he said, has a lot of knowledge, but is not entirely politically correct.

Selectman Petrain explained what she meant in her letter published in the newspaper: "In the ethics I refer to in my letter, I have no doubt that the chief knows his job—I've talked with him about that. He knows police work. But I think that it doesn't matter how intelligent you are or how well you know your job, there is a line you don't cross. And I wish you had been there for deliberative session—it wasn't a pretty picture. I was extremely disappointed. There were people whose reputations were basically attacked by his (Chief Rigney) insinuations. And no matter how well you know your job and how nice a person you are outside the job, if you can't control those buttons that get pushed, then that's a liability to the town," said Selectman Petrain. "I think his actions were terribly wrong."

Mr. Wallace said the chief would probably agree with her. He asked Selectman Petrain if she spoke to the chief about his behavior? She said no, because she felt his actions were inexcusable. Selectman Petrain indicated several times that she is in a minority on the board, the only one who feels his actions were inexcusable. "There is no excuse for attacking a resident in that manner—in my eyes," she said.

Mr. Wallace went on to discuss comments uttered over a year ago by supporters of Selectman Petrain when her job with the town was in jeopardy. He quoted Father John McCausland and others that attempted to sway the board of selectmen in her favor.

Mr. Wallace asked Selectman Petrain if notwithstanding his occasional angry responses, is the chief not a faithful servant? Selectman Petrain said it's difficult to maintain a professional manner when you feel personally attacked: "He may very well be (a faithful servant) but in that position you need to know how to use discretion. Showing your anger over what you view as a personal attack is not showing discretion. And you yourself know, it is hard coming to a meeting when you know there are upset residents that they are going to pretty much attack you. You've been on this side of the fence. You may raise your voice and you may defend yourself—but there is a limit I think. Again, it is my opinion that he (Chief Rigney) crossed that line—but mine is one of five opinions," said Selectman Petrain.

Mr. Wallace said: "Okay, he's not the best speaker in the world, but when it comes to doing police work, he's damn good. What bothers people in this town is that he (Chief Rigney) can't be bought. He can't be influenced. He is his own man and he doesn't engage in politics and people don't like that. People are out to get the chief because he won't play their game," said Mr. Wallace.

Selectman Petrain said she received calls from citizens, some of whom she does not know, and feels a responsibility to hear their concerns about the chief's behavior and represent their interests to the board.

Mr. Wallace talked again about issues that happened at the polls over the last several years disenfranchising voters and electioneering. He told the board that election problems were a moral travesty and should be addressed rather than chastising the chief for calling someone a name or losing his temper. Chairman Reynolds told Mr. Wallace, a former selectman, that the board has no jurisdiction over an elected or appointed moderator—he told Mr. Wallace he knows that.

“You folks are the town fathers and mothers—you are the people who run this town. And you have a moral obligation to take action when necessary,” Mr. Wallace said. He asked the board to consider the ethics of all town officials not just one person.

2. SCHOOL DISTRICT DISCUSSION 6:50 P.M.

School Board Chairman Matt Thomas addressed the board and asked that the School Superintendent's letter be entered into the public record. Mr. Thomas noted that the Weare School Board wants to purchase the land across the street from the safety complex. He submitted the superintendent's letter to the board. The letter, addressed to Chairman Tom Reynolds and dated Feb. 25, 2004, from School Superintendent Christine Tyrie, reads as follows:

“I am writing on behalf of the Weare School Board. The board would like to enter into a discussion with the selectmen regarding the purchase of all or part of the 43-acres of town-owned property across from the safety complex on Route 114 as a site for the new Middle School.

At your earliest convenience please contact Matt Thomas at 529-1071 (h) or 225-2793 (w) to set up a meeting between members of the Weare School Board and the selectmen.”

Mr. Thomas talked to the board about the town taking over the brick building for municipal offices once the New Middle School construction is completed. He indicated the school district may opt to retain the white building. Mr. Thomas discussed the option of leasing the building(s) to the town or others and being open to negotiation on that matter.

Selectman Methot said he did not understand why schools feel they have to purchase town land when it's already owned by the townspeople. Mr. Thomas talked about the school district purchasing the land from the town and the town purchasing the buildings from the school district thus canceling the amount expended from both entities. Selectman Petrain explained the theory behind pass through financing. She indicated it's done a certain way so the school district may tap into the 40 percent state building aide available to them, which is based on the overall cost of the building project—land purchase included.

Selectman Cook further explained that if the school purchased the land and the town purchased the existing buildings for about the same cost (an even swap), the school district would get 40 percent in state aide. Selectman Cook asked Mr. Thomas what the school needs to make the land sale go smoothly. Mr. Thomas said both properties need appraisals—the land the school districts seeks to purchase and the existing buildings in Weare Center.

The school board wants to present the building proposal to the townspeople in 2005, following the completion of existing bonds on Center Woods Elementary School.

3. MASTER PLAN STEERING COMMITTEE UPDATE 7:18 P.M.

Richard Head, member of the master plan steering committee addressed the board with an update on their progress. Mr. Head indicated that on May 7 & 8 a town profile meeting with UNH Cooperative Extension, is scheduled. The advertising will commence in a couple of weeks he said. They are seeking at least 250-people to attend and provide input. It will be held at JSRH. Mr. Head said it will help the board of selectmen and the planning board in planning for future needs. Food to be served and signs affixed. They are a little short of funds so they are soliciting donations. Mr. Head asked the board to hold public hearings to accept the funding as money comes in. Presently they have \$2,500.

Chairman Reynolds said Elayne Pierson, the Finance Administrator, could set up an account. Mr. Christensen said he has already given Ms. Pierson a heads-up on this matter. The board told Mr. Heed that they will hold a public hearing just before the funds are needed--all funds will be accept at once.

Elected officials are discouraged from going to the town profile sessions, said Selectman Methot because it can spoil the creativity and stifle discussion—the profile is a non-political gathering.

4. OLD BUSINESS 7:30 P.M.

SELECTMAN METHOT—Said, from talking with Fire Chief Bob Richards about building maintenance, he said the fire department is under the impression that the board of selectmen's office pays for everything having to do with the safety complex. Selectman Methot said they misunderstand whose budget covers safety complex expenses. He wants to make sure everyone is aware what the town pays for. Selectman Methot recommended inviting the fire chief, police chief and DPW director to a meeting and let them know what the board pays for. Chairman Reynolds asked Mr. Christensen to put the issue on the April agenda. Mr. Christensen said Sue Tuthill, the Fire Department secretary, is aware of what their department pays for and what the town pays for—he said she is fully aware and not confused at all.

SELECTMAN PETRAIN—asked Mr. Christensen about the town website maintenance. He said he needs to get web-hosting training scheduled for Tina. He indicated the infrastructural cost is about \$1,000. initially. He told Selectman Petrain that nothing has physically moved forward at this time.

Mr. Christensen asked the board if the town needs a dedicated server? Selectman Cook asked about a back-up server from Jon Wallace? Selectman Cook asked Mr. Christensen to confer with Mr. Wallace regarding a dedicated back-up server and hub for the web. Selectman Cook also asked Mr. Christensen if high school students could update the web on a community service basis? Mr. Christensen said the students would need intense supervision by a town employee.

Selectman Petrain commented on her e-mail question regarding where Mr. Christensen placed annual reports. She said she just wants to be careful that business distribution is fair—if reports go to one bank, they should go to both banks. Selectman Petrain took issue with Selectman McDonald's comment regarding her attempt to stifle ingenuity. I was not trying to stifle ingenuity, I wanted to clarify the issue and make sure I'm not perceived as anti-business, she said.

Selectman Cook asked Mr. Christensen if he reached out to all businesses. He said yes, "all the ones I could think of." Selectman Cook said he feels Selectman Petrain does not support business.

SELECTMAN COOK—said now that Selectman Petrain is in attendance he wishes to talk about her liability in disclosing information during a newspaper interview. He said she released non-public information to the newspaper: "Your concern about the town's liability and people putting the town in an awkward position or liability position—I think your statements in that interview certainly set this town up for liability because you disclosed information that was possibly in a non-public session," said Selectman Cook. Though he indicated that she was not in attendance for the non-public session, he asked her how she knew what happened?

Selectman Petrain said she was told the board took no action and it's her opinion that action should be taken: "I was told what decision the board made—that the board was going to do something. And in my eyes, what the board decided to do equated to nothing. It's my opinion that the board's decision. . .what action the board took, equated to nothing," she said.

Selectman Cook told Selectman Petrain her perception was incorrect: "Well you had no right interpreting it that way. There is a process that we have to follow and because you can't make it to certain meetings, this board isn't going to bend over and schedule meetings at your convenience—like on a Thursday night," he said.

Selectman Petrain indicated that she wanted to meet as a board to discuss the police chief's behavior immediately following the deliberative session: "I wanted to meet right after deliberative session because I thought it was a very hot issue. And Tom was working, Brian had family issues and you were out of town so we couldn't schedule that. Had you been at deliberative session, scheduled so you could be there, you would have seen what happened," said Selectman Petrain.

Selectman Cook said the deliberative session wasn't scheduled around his availability: "Well that's all fine, but what business do you have dragging personnel issues out in the newspapers. We have regular scheduled meetings on Monday nights. If you can't make it then that's your problem," said Selectman Cook.

Selectman Petrain indicated that her concern focused on board inaction: "Believe me, even I was here it wouldn't have changed the outcome. The issue I raised in the newspaper was the board's lack of doing anything. Everyone saw what was done at deliberative session—so that was not news," she said.

Selectman Cook told Selectman Petrain that the board must wait for an investigation to complete before taking action: "This board is under the impression that there is an investigation underway. How can we do anything until we wait to the end of an investigation," Selectman Cook said.

Selectman Petrain said she doesn't need an Attorney General's report to tell her that what she witnessed was wrong: "This board can take action with or without an investigative report. If you had been there to witness it as a board member, as someone who is charged to run the town, there is absolutely, in my eyes something done that was wrong. And I don't need a legal opinion, an Attorney General's report—I don't need anything to tell me that what I witnessed was wrong and should not have been done. If the A.G.'s Office is investigating the matter, they might be looking at whether something was done criminally or ethically—that is out of our hands. But as an employee of the town, if they act in that manner then it's not up to the board to wait around and see if someone else is going to come-up with a report about it," said Selectman Petrain.

Selectman Cook said the board of selectmen take action as a majority: "I believe it was totally inappropriate to take this to the newspapers. We have every right not to have a meeting," he said.

Selectman Petrain acknowledged a difference of opinion between her and Selectman Cook. Chairman Reynolds said he will not comment on the matter because he feels it is a personnel issue.

MCALLISTER CONSTRUCTION

Chairman Reynolds asked Mr. Christensen where he was at in regards to references. Mr. Christensen indicated he had contacted all the private and commercial references provided and that each reference was outstanding. He said most people feel McAllister offers excellent engineering capabilities. Mr. Christensen also noted that he came across another application the board should look at.

5. MANIFESTS 7:45

Chairman Tom Reynolds made a motion to authorize the board of selectmen to sign manifests and order the treasurer to sign checks dated for March 1, 2004 in the amount of \$61,932 for accounts payable and \$9,000 for gross payroll at a total of an unknown amount. Motion seconded by Selectman Petrain, vote taken—motion passed unanimously. Chairman Reynolds noted the figures he presented were estimates.

6. OLD BUSINESS CONT' 7:49 P.M.

BOARD CORRESPONDENCE

Chairman Reynolds asked Mr. Christensen about letters drafted for the board. The plow truck and DES letters. Chairman Reynolds requested the letters so the board could review them. Selectman Petrain asked what other actions were taken in the past by DES or the board against the individual in question—Chairman Reynolds said he had no idea. Selectman Cook outlined the shoreline violation on Old Town Road and well violations at Daniel's Lake. Selectman Petrain asked if DES has financial penalties in place? Selectman Cook said yes, that Paul Morin, the planning board chairman, gave him a chart with fines schedules and penalties. The matter to be discussed in non-public due to the individual's reputation said Chairman Reynolds.

Mr. Christensen drafted letters to state representatives regarding snowplow drivers and points against their licenses due to accidents. He handed those letters to the board—Mr. Christensen also included a letter to Weare's state senator. Selectman Methot asked Mr. Christensen to make sure he types his middle initial—"G"—in all official letters. Mr. Christensen took note.

SOUTH WEARE FIRE STATION QUOTES

Mr. Bob Christensen presented the board with four quotes to replace the South Weare Fire Station furnace. He told the board he discussed the option of replacing the oil furnace with a natural gas—propane furnace, with Firefighter Scott Dinsmore and Fire Chief Bob Richards. Selectman Methot said installing an LP gas system could be a problem because the town doesn't own an easement and it has very little real estate around the building for a propane tank.

Mr. Christensen indicated that the four quotes are similar in price—he presented them to the board for review. The board took no action on the quotes at this time.

7. NEW BUSINESS 8:10 P.M.

MR. BOB CHRISTENSEN—indicated to the board that he is still working on obtaining a PBS Program viewed by Selectman Cook a few weeks ago.

SELECTMAN METHOT—No new business.

SELECTMAN PETRAIN—addressed the matter of Tax Collector, Tina Morrison's request to reimburse her notary fee. Chairman Reynolds indicated that the board decided last week to reimburse all notary fees.

Selectman Petrain said she attended a recent meeting of the Stone Memorial Fund. She said the fund is now private and that they've changed officers. Their next meeting is in November.

SELECTMAN COOK—discussed a transfer station issue with Mr. Collins—he called Selectman Cook about a week ago to make a complaint. Chairman Reynolds was at the transfer station on the date in question and witness the incident, which drew complaint. Chairman Reynolds indicated that transfer station personnel found items in Mr. Collins' trash that suggests he resides in Concord. Chairman Reynolds said he witnessed no foul language uttered between the parties and no unpleasantness.

Selectman Cook discussed a letter he found in the read file from DES. The town did something without obtaining a proper permit beforehand. "I can't sit up here and preach wanting people to follow the rules and regulations and we don't," he said. "This is the first I've heard of it and I'm a little bothered by that." He handed the letter to Mr. Christensen. Chairman Reynolds said he didn't remember hearing about the issue either. Selectman Petrain said she would talk to Carl Knapp about this matter when she meets with him later this week.

8. PUBLIC PARTICIPATION 8:20 P.M.

None

The snowplow driver letters were signed and returned to Mr. Christensen for mailing. Selectman Brian McDonald arrived at 8:20 p.m.

SOUTH WEARE FIRE STATION—Furnace replacement quotes reviewed by the board. Mr. Christensen said two companies recommended converting to propane. Chairman Reynolds said he favored the propane option if the logistics can be worked out. Chairman Reynolds thought Mr. Christensen should seek additional bids for propane—Selectman Cook said he didn't think it was necessary. Selectman Methot and Selectman Petrain, feel the propane system is the way to go. The current furnace died twice this past week and Putnam got it up and running

temporarily, said Mr. Christensen. Selectman McDonald asked if the fired department has a preference—Mr. Christensen said no. However, he thinks a decision needs to be made soon. Currently, Irving Oil has the town fuel contract. Selectman McDonald asked about price fluctuations in propane? Selectman Methot said the town could lock-in a price.

Selectman McDonald asked Mr. Christensen to draft a letter thanking the historical society for having Clinton Grove Academy added to the historical register.

9. NON-PUBLIC MINUTES 8:38 P.M.

The board spent about an hour or more, quietly reviewing several stacks of sealed non-public minutes. Chairman Reynolds moved to approve and unseal the following list of 46-non-public sessions:

- Approve with amendment the non-public minutes dated Sept. 22, 2003 @ 10:00 p.m. (c)—motion carries
- Approve and unseal non-public minutes dated Sept. 8, 2003 @ 6:20 p.m. (a)—motion carries Selectman Petrain abstains
- Approve and unseal non-public minutes dated Feb. 9, 2004 @ 10:02 p.m. (a) & (c)—motion carries Selectman Petrain abstains
- Approve and non-public minutes dated Aug. 11, 2003 @ 10:40 p.m. (a) & (c)—motion carries Selectman Petrain abstains
- Approve non-public minutes dated Oct. 20, 2003 @ 6:30 p.m. (e)—motion carries Selectman Methot abstains
- Approve non-public minutes dated Aug. 11, 2003 @ 10:30 p.m. (e)—motion carries Selectman Methot abstains
- Approve and unseal non-public minutes dated Aug. 25, 2003 @ 1:38 p.m. (a) & (c)—motion carries Selectmen Methot and Petrain abstain
- Approve and unseal non-public minutes dated Sept. 29, 2003 @ 10 p.m. (a) & (c)—motion carries
- Approve non-public minutes dated Feb. 9, 2004 @ 7:15 p.m. (a) & (c)—motion carries Selectman Petrain abstains
- Approve non-public minutes dated Dec. 1, 2003 (c)—motion carries
- Approve non-public minutes dated Jan. 12, 2004 @ 10:30 p.m. (a) & (c)—motion carries Selectman Methot abstains
- Approve non-public minutes dated Feb. 9, 2004 @ 8:55 p.m. (a) & (c)—motion carries Selectman Petrain abstains
- Approve non-public minutes dated Oct. 27, 2003 @ 11:43 p.m. (a) & (c)—motion carries Selectman Methot and Selectman Petrain abstain
- Approve and unseal non-public minutes dated Dec. 30, 2003 @ (a) & (c)—motion carries, one nay, four yea
- Approve and unseal non-public minutes dated June 4, 2001 (a)—motion carries, one no Selectman Methot and Selectman Petrain abstain

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- Approve non-public minutes dated Sept. 8, 2003 (a) & (c)—motion carries Selectman Methot and Selectman Petrain abstain
- Approve non-public minutes dated Sept. 8, 2003 @ 10:30 p.m. (a) & (c)—motion carries Selectman Methot and Selectman Petrain abstain
- Approve non-public minutes dated Aug. 25, 2003 @ 6 p.m. (e)—motion carries Selectman Petrain and Selectman Methot abstain
- Unseal non-public minutes of the Police Commission dated May 21, 2002—motion carries
- Unseal non-public minutes of the Police Commission dated Sept. 30, 2002—motion carries
- Unseal non-public minutes of the Police Commission dated July 30, 2002—motion carries
- Unseal non-public minutes dated Oct. 7, 1996 (a), (c) & (b)—motion carries
- Unseal non-public minutes dated April 15, 1996 (a), (b) & (c)—motion carries
- Unseal non-public minutes dated Oct. 8, 2001 (a)—motion carries Selectman Petrain abstains
- Unseal non-public minutes dated Sept. 15, 22, 29 1997—motion carries three yea, two nae
- Unseal non-public minutes dated Oct. 1, 2001 (c)—motion carries Selectman Petrain opposed
- Unseal non-public minutes dated June 2, 1997—motion carries Selectman Petrain abstains
- Unseal non-public Police Commission minutes dated May 15, 2002—motion carries
- Unseal non-public Police Commission minutes dated Dec. 6, 2001—motion carries
- Unseal non-public minutes dated Jan. 8, 2001 (a)—motion carries Selectman Petrain and Selectman Methot oppose
- Unseal non-public minutes dated Oct. 16, 2000 (c)—motion carries Selectman Petrain opposed
- Unseal Police Commission non-public minutes dated July 18, 2001—motion carries Selectman Petrain abstains
- Unseal Police Commission non-public minutes dated Sept. 27, 2002—motion carries
- Unseal Police Commission non-public minutes dated June 5, 2002—motion carries
- Unseal Police Commission non-public minutes dated Oct. 18, 2001—motion carries
- Unseal non-public minutes dated Feb. 12, 2001 (a)—motion carries
- Unseal non-public minutes dated Feb. 25, 2002 (c)—motion carries
- Unseal non-public minutes dated April 29, 2002 (e)—motion carries
- Unseal non-public minutes dated Oct. 15, 2001 (a)—motion carries Selectman Petrain opposed

- Unseal non-public minutes dated Nov. 4, 2002 @ 10:26 p.m. (c)—motion carries Selectman Reynolds abstains
- Unseal non-public minutes dated Nov. 4, 2002 (c)—motion carries
- Unseal non-public minutes dated Nov. 4, 2002 @ 11:40 p.m. (a)—motion carries
- Unseal non-public minutes dated Nov. 19, 2001 (c)—motion carries
- Unseal non-public minutes dated Dec. 23, 2002—motion carries Selectman Petrain abstains
- Unseal non-public minutes dated Nov. 18, 2002 (c)—motion carries
- Approve non-public minutes dated Feb. 9, 2004 (a) & (c)—motion carries Selectman Petrain abstains

Selectman Cook asked Mr. Christensen to have the police commission tapes transcribed. Mr. Christensen asked if he wanted them transcribed verbatim—no answer.

COMMENTS TO THE MEDIA

Selectman McDonald had a question regarding the release of Feb. 9, non-public meeting minutes. He said he is concerned about a member of the board who released confidential personnel information regarding a Feb. 9 non-public session concerning a personnel issue: "Was there a discussion about the public release of that information," he asked Chairman Reynolds. The chairman stated there was a brief discussion along those lines. Selectman Cook said it wasn't a discussion, it was his voicing his opinion.

"I'm confused as to why there is no concern on the part of the board that we have a member who is releasing non-public information via the newspapers," said Selectman McDonald.

Selectman Petrain said she did not release non-public information—she released what she was told, that no action was taken by the board and she felt their inaction equated to no action. She indicated that she did not read the non-public minutes of the Feb. 9, 2004 session regarding the police chief, which Selectman McDonald was alluding to. Selectman Petrain abstained from voting to accept those minutes.

Selectman McDonald said he felt Selectman Petrain breached the spirit and intent of non-public discussions by commenting to the media. "When we go into non-public we are obviously there to protect personnel. When we do a non-public on the agenda we go in under RSA 91-A: II (a) & (c)—we don't say the person's name. You've disclosed the subject of the non-public. That's a breach," said Selectman McDonald.

Selectman Petrain disagreed that she breached a confidence: "I never once mentioned a non-public meeting. I mentioned the fact that a scheduled meeting was cancelled. And when you cancel a meeting that was set-up for that reason,

well it doesn't take a rocket scientist to figure out that the board did nothing," she said.

Selectman McDonald said the board has an obligation to keep personnel matters confidential: "We don't even release who the session is about until after the minutes are unsealed," he said. "You told people we had a non-public session and did nothing."

Selectman Petrain disagreed saying, she told people her "perception" was that the board did nothing. She said she didn't attend the non-public session in question so she had no confidential information to release.

Selectman McDonald said she repeated information provided to her to the newspaper. He asked Chairman Reynolds what he told Selectman Petrain about the non-public session in question?

Chairman Reynolds claimed he never told her it was a non-public discussion: "I didn't reference a non-public. I didn't tell her it was a non-public," said Chairman Reynolds. He also cautioned the board not to discuss this in public session.

Selectman Petrain said her letter centered on how she felt "the board did not do their duty." She indicated to the board that she wanted to meet as a board immediately following the deliberative session. "We all agreed to meet on Thursday," she said. I wrote about something that happened in public, the deliberative session was very public—that's what I wrote about, she said.

Selectman McDonald said, "Our actions in non-public are private—very private and you wrote about that. You cannot discuss it period—you can't discuss what we did do or didn't do," he said.

Selectman McDonald said he was blown away that the board isn't taking action on a board member who released non-public information. Selectman Cook said from the article published in the newspaper it appears Selectman Petrain knew exactly what she was talking about—as if she'd been in on the non-public session.

"You don't have the right to pick and choose what you release and not release," said Selectman McDonald. He told her she's put the town in a position to be sued for slander—he also indicated she could be sued personally as well.

Selectman Petrain said she wasn't sure what slander Selectman McDonald alluded to—she didn't recall slandering anyone.

TOWN EMPLOYEE MATTER

Selectman Cook said he had a conversation with Mr. Christensen regarding abuse and badgering he's taken from Selectman Petrain following meetings she does not attend: "In regards to Bob and Selectman Petrain, I've had a conversation with Bob. And I'd characterize his phone calls from Laura as abuse—he gets them after our selectmen's meetings," said Selectman Cook.

Selectman Petrain said she calls Mr. Christensen and asks him about the meeting because that's "his job". "Bob works for this board and not for you," said Selectman Cook. He indicated that he didn't think it was appropriate for Selectman Petrain to expect Mr. Christensen to go over the entire meeting for her via the telephone on a Tuesday morning. He told her to wait for the minutes of the meeting if she's curious.

Selectman Cook told Selectman Petrain it wasn't proper for her to try to manipulate Mr. Christensen into anything. Selectman Petrain asked Mr. Christensen what she tried to manipulate him into?

Mr. Christensen said he felt Tuesday's conversation with Selectman Petrain was inappropriate, especially regarding her comments about his sugarcoating answers and attempting to be politically correct: "The inappropriate part was when you stated to me that you weren't looking for me to sugarcoat answers—to not be politically correct and that's what I get paid for. When I'm trying to provide answers that the board gave without interjecting my opinion. My interpretation was that you were trying to push me into a situation where I was disagreeing with a majority of the board and when I don't somehow that is sugarcoating and being politically incorrect," said Mr. Christensen.

Selectman Petrain said she called Mr. Christensen to find out what happened at the meeting: "You were stumbling over your answers and I simply asked you what went on and I told you to just say it, you didn't have to be politically correct. Now if the board has problem with that—that's sad," she said.

Selectman Petrain asked Selectman Cook if he calls Mr. Christensen to ask questions and if so then she should be afforded the same access to town employees: "I have a right to call town employees and he does gets paid to do that. I don't think my asking an employee a question should be considered intimidation. I think I'm the least intimidating member on the board. I don't think me asking him what happened at a meeting should intimidate someone in his position," said Selectman Petrain.

Mr. Christensen clarified what he found intimidating about their discussion: "Your asking for the information was in no way intimidating. It was the manner in which you made comments afterward which I took exception to," Mr. Christensen said.

Selectman Petrain indicated she would note that.

Selectman McDonald asked Selectman Petrain if she had a meeting with Mr. Christensen following the deliberative session and if she asked him about working with Police Chief Myles Rigney? Selectman Petrain said she didn't meet with him for that specific reason. They were both at the town office and she asked Mr. Christensen if he ever witnessed similar behavior from Chief Rigney when he worked with him at the police station. Selectman Petrain said that Mr. Christensen told her "he was uncomfortable with that (question) and she said that was fine." Selectman Petrain told Selectman McDonald that her question was in response to a comment Mr. Christensen made to her. She indicated that Mr. Christensen said Chief Rigney's behavior at the deliberative session made him uncomfortable and it was unnerving. She characterized the discussion with Mr. Christensen as a casual conversation.

Selectman McDonald told Selectman Petrain that her line of questioning toward Mr. Christensen was terrible and that asking an employee about a former supervisor was inappropriate.

*Per review of the video tape: Mr. Christensen did not comment for the public record regarding this particular conversation with Selectman Petrain.

Selectman McDonald and Selectman Petrain exchanged unpleasant comments with one another. Selectman McDonald said he likes to stand-up for the employees and discussed Selectman Petrain's comments about the board's treatment of employees last year during her campaign for public office. He said her actions as a selectman were inappropriate and that she is the most intimidating member of the board. Selectman Petrain said she disagreed with Selectman McDonald, but that he was "entitled to his opinion."

10. PUBLIC PARTICIPATION 9:40 P.M.

Forrest Esenwine, reiterated his praise for placing annual reports in businesses. He again asked why the town stopped putting annual reports in businesses. He said an annual report is not going to generate traffic for businesses. He said it is a stupid thing to debate about. Ms. Petrain agreed. She informed Mr. Esenwine that she read his comments from the last meeting and was aware of his opinion on the matter.

Chairman Reynolds asked Mr. Christensen to make sure the moderator has town reports at the polls. Chairman Reynolds asked Mr. Christensen if the police chief, fire chief and planning board chairman, Paul Morin; will attend the call in show? Mr. Christensen said Mr. Morin is definitely coming and the chief's have been invited to attend.

11. NON-PUBLIC SESSION 9:44 P.M. GARY FITZGERALD DISCUSSION

Chairman Reynolds moved the board of selectmen to enter non-public session at 9:44 p.m. pursuant to the authority granted in RSA 91-A3 II (c). Selectman Cook

seconded the motion. A roll call vote was taken. Chairman Reynolds, yes; Selectman Cook, yes; Selectman McDonald, yes; Selectman Petrain, yes; Selectman Methot, yes—motion passed unanimously. Mr. Bob Christensen and Ms. Sherry Butt Dunham attended the non-public session.

Selectman Methot wants the board to contact the EPA regarding Gary Fitzgerald's violations. Selectman Petrain said Mr. Fitzgerald has been fined before—Selectman Methot said he knows fines have run through the state before. Mr. Christensen said the wording in the DES letter stated, "they struggled with the decision to fine." Not that they wouldn't fine him. Selectman Cook wants the letter sent to DES—Selectman Petrain said she doesn't have a problem with the letter. The board decided to carbon copy all correspondence concerning the Fitzgerald matter to the EPA.

Chairman Reynolds moved the board to exit non-public session at 10:01 p.m. A roll call vote was taken. Chairman Reynolds, yes; Selectman Cook, yes; Selectman McDonald, yes; Selectman Petrain, yes; Selectman Methot, yes—motion passed unanimously. The board did not seal and restrict the minutes of this session.

12. NON-PUBLIC A & C 10:03 P.M. CODE ENFORCMENT

Chairman Reynolds moved the board of selectmen to enter non-public session at 10:03 p.m. pursuant to the authority granted in RSA 91-A3 II (a) & (c). Selectman Cook seconded the motion. A roll call vote was taken. Chairman Reynolds, yes; Selectman Cook, yes; Selectman Petrain, yes; Selectman Methot, yes; Selectman McDonald, yes—motion passed unanimously. Mr. Bob Christensen and Ms. Sherry Butt Dunham attended the non-public session.

Selectman Cook asked Mr. Christensen if he has learned anything about the applicant from Bradford? Yes, but the applicant does not think a part-time position will work for him. Selectman Methot wants to interview the three top candidates. Selectmen Petrain and McDonald said they would also like to interview the top three candidates. The board talked about scheduling the interviews on Monday nights—though Selectman Methot and Selectman Petrain favored Saturday scheduling. Selectman Methot indicated that the applicant from Bradford is a good candidate, so the board decided to add his name to the candidate list.

Chairman Reynolds moved the board to exit non-public session at 10:08 p.m. A roll call vote was taken. Chairman Reynolds, yes; Selectman Cook, yes; Selectman McDonald, yes; Selectman Petrain, yes; Selectman Methot, yes—motion passed unanimously. The board did not seal and restrict the minutes of this session.

13. NON-PUBLIC A & C 10:08 P.M. RECORDING SECRETARY EXCUSED FROM SESSION

SOUTH WEARE FIRE STATION DECISION 10:20 P.M.—The board, by consensus, decided to install a propane heating unit in the South Weare Fire Station, replacing a 30-year-old oil furnace. The board instructed the town administrative coordinator to contact A. J. LeBlanc to install the LP gas furnace and Irving Oil Company regarding propane tank and fuel. Chairman Reynolds made a motion to accept the furnace replacement bid of \$3,600 from A.J. LeBlanc Company; motion was seconded by Selectman Methot—motion carried unanimously.

14. ADJOURNMENT 10:22 P.M.

Chairman Reynolds made a motion to adjourn at 10:22 p.m., Selectman Methot seconded the motion—motion carries.

A True Record

Sherry Butt Dunham, Recording Secretary