

## TOWN OF BARTLETT – OFFICE OF THE SELECTMEN

MINUTES: Selectmen's Meeting – Monday, November 19, 2018

ATTENDANCE: Selectmen Gene G. Chandler (Chair), David A. Patch, Vicki L. Garland

REPORTERS: None

Meeting opened at 3:30PM.

Motion was made by Patch, seconded by Garland to enter Non Public Session (NPS) under NH RSA 91-A:3 II (I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present. Roll call vote: Chandler – Yes/Patch-Yes/Garland-Yes. NPS entered at 3:31PM. Motion was made by Garland, seconded by Patch to end NPS. Roll call vote: Chandler – Yes/Patch-Yes/Garland-Yes. NPS ended at 3:45PM.

Motion was made by Patch, seconded by Garland to enter Non Public Session under NH RSA 91-A:3 II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant. Roll call vote: Chandler – Yes/Patch-Yes/Garland-Yes. NPS entered at 3:52PM. Motion was made by Garland, seconded by Patch to end NPS. Roll call vote: Chandler – Yes/Patch-Yes/Garland-Yes. NPS ended at 4:00PM.

Motion was made by Patch, seconded by Garland to enter Non Public Session under NH RSA 91-A:3 II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant. Roll call vote: Chandler – Yes/Patch-Yes/Garland-Yes. NPS entered at 4:02PM. Motion was made by Garland, seconded by Patch to end NPS. Roll call vote: Chandler – Yes/Patch-Yes/Garland-Yes. NPS ended at 4:15PM.

Scott Grant, Bartlett School Board Member and liaison to the Selectmen, stopped into the meeting (without an appointment) and asked if the Selectmen had any questions or issues for the school board. Grant asked Selectman Patch (who also works for NH Electric Coop) about the status of moving the pole for the bus out back by the highway garage. Patch did not have any info but understands we are moving the pole. Selectmen had no other issues for the school board at this time. Grant (as a resident) asked why we were plowing the end of Jericho Rd. Chandler stated we weren't. Grant disagreed and suggested taking a ride up to look at it. Chandler said he would speak with the Road Agent about it.

Selectman Garland had to leave the meeting to distribute the Thanksgiving baskets to those in need in town.

Angela Huertas, Ad Hoc Saco River Advisory Group, asked if there were any updates. Chandler stated there were not other than an email he got from Max Hughes today for more info from the engineer. Chandler stated that we have asked for a preliminary estimate from some local contractors so we can compare what FEMA is offering to what the local contractors feel it would cost. William Duggan asked who were we getting? Chandler stated that our engineers HE Bergeron were getting them but he thinks it was LA Drew and Gordon T. Burke. Duggan asked if the figure was available and Chandler responded that we can't give that out as that would skew the bidding process. Duggan understood and asked if the contractors had an end date and Chandler stated that the engineers were handling it but assumes there is one.

Barry Trudeau, Bartlett representative to the Eastern Slope Airport Authority, told the Selectmen the meeting to vote on changing the bylaws has been changed to November 27, 2018 at 6PM. Trudeau stated that he may have a conflict with that and may not be able to make the meeting. Trudeau reported that the meeting on November 5, 2018 was very contentious and feels that the way the voting is set up now, that the new bylaws with the new board setup will probably pass even though to him it seems illegal to vote this way. Trudeau would like the NH Attorney General to review this to see if it is legal and felt Chandler's idea of a quorum was a good one but they don't want it that way. Chandler asked if the Maine Attorney General has looked at this. Trudeau thought they had but wasn't sure, however, he will check on that.

William Duggan asked if the town would waive the dump fees at the Transfer Station for material he will be removing from the house he owns located at 108 US Rt. 302 that was damaged by flooding last year. He stated that he knows there was a period of time that the town allowed those who had flood damage to deposit for free. Chandler stated that that time period was up and we have others who have wanted to do the same thing but we have not allowed. Duggan stated he had about 600-850 sf of hardwood flooring and underlayment to get rid of. Chandler stated the Selectmen would have to discuss it when we had full board and get back to him.

Administrative Assistant Lynn Jones stated that the Police Chief had given her information that he had received from Troop G on the law that restricts the number of unregistered vehicles allowed on a property located in view of a Class III or better highway (RSA 236:92). They will be working to address the situation at 98 US Rt. 302 that the town has been receiving numerous complaints about.

Kevin McEnaney asked about the letter to the editor that was in the Conway Daily Sun from resident David Bartlett regarding closed door Selectmen's meetings and other misunderstood procedures and stated that he figured the Selectmen probably would prefer not to respond in the paper so he, Barry Trudeau, and John Smallcomb wrote a letter explaining their observations since they have been regularly attending the meetings. A copy was given to the Selectmen (copy attached to these minutes). Chandler stated that the Board has written a response and are including it in the minutes as follows:

“Recently a letter appeared in the Conway Daily Sun from Bartlett resident David Bartlett and we wanted to respond to some of his statements. We appreciate his interest in the town's processes and invite him to attend a Selectmen's meeting on Mondays between 3:45-5:00pm.

His reference to the town's “frequent closed sessions” are known as Non Public Sessions, are legal under NH RSA 91-A:3 II and there are a variety of reasons why they are used. As most are probably aware, personnel matters are discussed in Non Public Session but what most people get confused about are the ones classified under NH RSA 91-A:3 II-c. The Board of Selectmen are the welfare officers of the town and as such, they meet with residents who are applying for assistance from the town, which is why Non Public Sessions are used as the applicants' identities are not public information. These may also be used for taxpayers discussing their financial situations or inability to pay their taxes, elderly exemptions, disabled exemptions, or other situations where personal information regarding non-public individuals is discussed. We are assisting our residents in these sessions and not conducting business that we should not be doing. Other situations where Non Public Sessions are used would be legal counsel or security issues.

As far as the notation in the minutes regarding the Police Chief not having an appointment at the meeting, there is a reason it is listed this way. Our agendas are posted on our website so people can determine whether there is an issue they might want to hear about and come to the meeting. If the Chief walks into the meeting without an appointment to discuss, for example, raising the parking fines,

and we did not have him listed as being on the agenda to discuss this, you had an interest in this and find out later in the minutes that he discussed this, this notation of "not having an appointment" explains why it was not listed on the agenda. Most of the time the Chief does get on the agenda if he wants to see the Selectmen, but there are times when last minute items come up. We try to keep our meetings as open as possible but some structure needs to be observed or we would not accomplish anything at the meeting.

The process of posting the minutes on the website is not as simple as a click of a button. The meeting is held, the draft minutes are typed up afterward and then reviewed at the next meeting (usually a week later unless we don't meet for whatever reason). If all Selectmen have not had an opportunity to review and correct them, there is a delay. If they make corrections, the changes then have to be made. Our staff (not an outside firm) then has to convert them to a pdf and get them posted to the website when time permits while they are doing their regular work. This entire process can take three weeks and if holidays are involved, possibly longer. If anyone would like a copy of the minutes prior to posting to the website, they can contact our office and see if they are available yet. It is not mandatory to post the minutes on the website. We are unsure of where the comment about not trusting our own secretary to take the minutes is from, but there are occasions where there may be a conflict of interest between individuals involved in the meeting and someone else takes the minutes.

As far as employee wages, all employees were given a 3% raise across the board on April 1, 2018. At Town Meeting, the Moderator clearly stated each time the budget was amended that these were recommendations only and that we were only voting to add the money to the bottom line of the budget, that the Selectmen could spend it to best meet the needs of the town. The budget printed in the town report is just an outline of how the budget was arrived at and the only amount the Selectmen have to abide by is the bottom line figure, in other words it is not a line item budget. After Town Meeting, Selectman Vicki Garland offered to work on a recommendation of how to use the funds that were added to the budget for employee wages, which she did with the basis of the distribution of funds being the amount of time the full time employee has worked for the town. The entire Board felt that it was unfair to single out individuals just because their names were mentioned at Town Meeting and that a distribution based on longevity was more fair to all full time employees. The Police Chief misunderstood that the Selectmen had already included the raises he had requested and he had calculated the amount needed incorrectly. In late May 2018, the additional wages were paid to the employees in a lump sum payment. The Selectmen appreciated the townspeople wanting to increase the employees' wages, however, they felt that they were more familiar with what each employee's job was and how they performed their work in order to distribute the funds appropriately and fairly. We are aware that some employees are not happy with this resolution and don't agree with our decision.

We hope this answers Mr. Bartlett's questions and if you have any further questions, please feel free to contact our office. You can get on the agenda by calling (603) 356-2950, by email at [selectmen@townofbartlettnh.org](mailto:selectmen@townofbartlettnh.org) or can just come to the meeting and we will fit you in."

The Selectmen reviewed correspondence, signed checks, and reviewed building permits throughout the meeting as time allowed.

Motion was made by Patch, seconded by Chandler to adjourn. Vote: Adjourned at 5:00PM.

Respectfully submitted,

Lynn P. Jones, Admin. Asst. to the Selectmen  
(for Brenda Medeiros, Secretary who was also helping with the Thanksgiving baskets)

We are writing to comment on the letter written by David E. Bartlett entitled, ***“Why does Bartlett have many closed door meetings?”***.

We have attended the majority of the selectmen’s meetings since the autumn of 2017. We attended because we also heard that the public was not welcomed there. That has not been the case for us. We are concerned that Mr. Bartlett’s description of Bartlett’s town government will lead people to conclusions that are just not consistent with the reality we observe every week.

While we agree with Mr Bartlett’s comments that meeting minutes should be available in a more timely manner, we have always felt welcome at these meetings and the selectmen have responded to any question or concern that we may raise at a meeting. The selectmen have been open and transparent and have provided us with copies of documents when requested.

The selectmen need to go into executive session in accordance with NH regulations to address matters where a town employee’s personal information is going to be discussed or for other matters where confidentiality is required. These meetings are recorded and confidential. The meeting agendas always note the typically short part of the meeting when the public will be excused in advance.

The issue of the pay raises voted for at the town meeting was discussed at the August 27, 2018 meeting in open session. Fire Chief Patrick Roberts & Recreation Director, Annette Libby attended the meeting to speak to this issue. Before any discussion took place, Mr Chandler offered to discuss these personal matters in executive session. Both Chief Roberts & Ms Libby declined as they wanted their grievances to be discussed openly. The minutes of that meeting are available online at the Town’s website, [www.townofbartlettnh.org](http://www.townofbartlettnh.org) and we would encourage Bartlett residents to read them. While the selectmen made some adjustment for Patrick & Annette, apparently the selectmen have the authority to override the majority of voters at town meeting in cases like this. We would join Mr Bartlett in asking the selectmen to clearly explain this authority at the next town meeting and cite specific regulations that grant them the authority to do so. We would also note that the town has begun to address salary issues that lead to turnover but there is still work to be done.

Finally, the suggestion that the chief of police needs an appointment to discuss a topic with the selectmen is just incorrect and we have seen the chief pop in many times unannounced. While it is best to ask for a spot on the agenda before the meeting, it is our observation that if time permits Bartlett residents are welcome to bring up any topic without an appointment. We have ourselves raised topics without being on the agenda many times and have always found the selectmen happy to discuss these topics freely.

We encourage Mr Bartlett and others to attend these meetings every Monday at 3:30pm.

Kevin McEnaney  
Glen

John Smallcomb  
Glen

Barry Trudeau  
Intervale

## LETTERS

## Why does Bartlett have many closed door meetings?

To the editor:

Perhaps The Conway Daily Sun could aid the citizens of Bartlett by getting a clarification from the board of selectmen on a rumor in town.

That rumor being that none of the first responders' (i.e., fire chief, police chief and police officers) wage increases that were added by amendment to the budget article in the town budget by a vote of those in attendance, has been subsequently voided by the board of selectmen.

I attempted to research the board of selectmen meeting minutes on my own.

But the last meeting minutes available are from Sept. 17.

Not only that, but looking through previous meeting minutes, they invariably go into a closed session, multiple times; in some cases they don't even trust their own secretary to take minutes. What are they dealing with? What state security issues are being passed through Bartlett?

There was an occasion, at one meeting, where the chief of police asked to speak. It was noted that he did not have an "appointment." Seriously? Our chief law enforcement officer needs an appointment?

These closed door sessions bring

to mind Dean Wormer, at Faber College putting the Animal House fraternity on "double secret probation." Or maybe Maxwell Smart requesting the "Cone of Silence" that never functioned.

What is going on in our town? What is going on with our elected officials? What law allows the board of selectmen to override the will of the people? I am sure ex-Speaker of the House Gene Chandler will be able to cite the statute.

Where is the transparency? Why are they so weeks behind in posting minutes? It's electronic, not quill and ink.

What is going on in this little town that requires so many "closed-door" discussions, and perhaps, votes? We'll never know.

If we were smart enough to vote for you, doesn't that imply we are smart enough to understand the complex world of town government?

Perhaps one of the selectmen, on seeing this, will come out from "behind the curtain" and answer some of these questions, even though I haven't made an appointment.

David E. Bartlett  
Bartlett

## Veterans Day parade in North Conway was very good

To the editor:

I am visiting my family in the Jackson area this week and was very pleased to attend the Veterans Day events in North Conway on Sunday.

Your local high school band is very talented, and the many young and old veterans participating in the parade were an honor to see. The young K-Kids bringing up the rear of the parade were a joy to watch!

The ceremony in the park brought

tears to my eyes, especially the letter read by the Master of Ceremonies. Most of all, it was so refreshing to see so many families attending the ceremonies, regardless of the weather.

Thank you to all the veterans of the North Country for your service, and I'm appreciative to the organizers of these events for a very memorable Veterans Day 2018.

Barbara Guay Martinez  
Brownsville, Texas

## Jackson Library built with purpose, not for private use

To the editor:

I understand the Jackson selectmen wish to lease the iconic old library to a private organization for their office. BAD idea.

I was on the Old Library Management Committee (OLMC) from 2010 until 2015. I remain a charter member of the Old Library Trust (Mission statement: To further the preservation, conservation and improvement of the Jackson Old Library building, currently located at 125 Main St. in Jackson, New Hampshire, through the raising of funds by contributions, donations, membership subscriptions

dict that. People donated money for a renovation which put plumbing into the building. Townspeople VOTED to accomplish this. Thus, many people "gave twice." They gave money for a TOWN building for the use by townspeople so it can be an office? NO!

When we took possession of the former library, there were holes in walls and floors. Shelves were jury-rigged into corners. Rotting shingles needed repair and paint.

The OLMC patched, painted original plaster walls, rubbed alcohol on shellacked woodwork to remove scratches, turn up automatic repair

# Angels

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### HOURS FOR ELF HEADQUARTERS

Nov. 7 - Nov. 23: Mon, Tue, Wed, Thu, Fri, Sat  
Nov. 26 - Dec. 15: Every Day

### REQUESTS FORMS:

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Request deadline: 12/03/18

BEYOND



Ellen Belcastro