

Minutes
Board of Selectmen Meeting
Tuesday January 8, 2019

Selectmen members present: Chairman Colin Stubbings, Randy Subjeck & Donald Mitchell

Members of the public present: Alex Nuti-de Biasi, Frank Rodimon, Bernie Marvin, Gary Hebert, Bruce Henry, Travis Daley

Chairman Stubbings called the meeting to order at 7:00 PM. He announced the meeting would be recorded for the sole purpose of accurate minutes and that others in the room may be recording, but not declared that fact.

Bernie Marvin led the pledge of allegiance.

Department Input:

EMD:

Bernie said this month and next there will be two meetings for the Emergency Operations Plan. The first will be held January 22 from 10 AM to Noon and the second will be February 12 from 1 PM to 3PM at the Old Church Building. The public is invited to attend.

Police Dept.:

Chief Hebert said he is working on year end statistics and he proposes to have them done by the next Board of Selectmen meeting.

Highway Dept.: Frank Rodimon said the new truck had arrived on Friday. He mentioned the sander is in and he is working on getting the tires swapped out. Frank asked the Board who needs to sign the loan papers for the bank. Chairman Stubbings said one of the members of the Board has to do it. Frank said he'd go get the paperwork from the bank so the Board could sign it at the next work session.

Fire Dept.: Chief Henry reported there was a 1 car accident that the Fire Dept. responded to. There have only been a few EMS calls. He added that he went on a tour with the Bradford Fire Dept. at the Pratt buildings. He also mentioned that "Operation Santa Claus" was a big success, and he'd like to thank everyone who made a donation. The Piermont Fire Dept. is hosting a Chiefs meeting on January 23 at 7:30PM. He went on to add they held elections of officers on January 7. The results are as follows: Bruce Henry, Chief; Andy Mauchly, Assistant Chief; Jared Shipman, Captain; Chris Yeager, Captain; Ken Jones, Lieutenant; Hunter Bingham,

Lieutenant. He mentioned a member of the fire department, Jack Anderson is stepping down so they'll be looking for a replacement. He also said he has now heard back from both Grafton County dispatch and Hanover dispatch and would present his findings to the Board at the next work session on January 17. He went on to add the fire department will be doing full inspections at the Kingswood Camp, free of charge. These inspections are required by the State.

Sewer Dept.: Travis Daley updated the Board and said everything with the sewer department is running smoothly. He also said he submitted some sewer mapping with his last batch of time sheets.

Next on the agenda was the Upper Valley Humane Society contract for 2019. Chairman Stubbings said the contract goes from January 2019 to December 2019 and is \$500.00.

Motion to accept UVHS contract: Selectman Subject

Seconded: Selectman Mitchell

All in favor, 3-0

Motion Passed.

At this time Chief Henry suggested his daughter would be interested in an assistant Animal Control officer position, for the times when Wayne Godfrey is unavailable. Chief Hebert said the Board just needs to appoint her. Chairman Stubbings asked the Board if there was any issue with this. There was none.

Motion to appoint Chief Henry's daughter as the assistant animal control officer: Selectman Subject.

Seconded: Selectman Mitchell

All in favor, 3-0

Motion passed.

Chairman Stubbings next discussed the proposed E911 ordinance. He asked the Board if there was any discussion on this topic. Selectman Subject said he looked at approximately ten other town's E911 ordinances and he has drafted one for Piermont. Selectman Subject said he would like to have the Board's input regarding the enforcement section. Chief Hebert and Bernie also took copies to review. There was discussion about involving the Planning Board and Highway Department because of how driveway permits are issued for the town. The Selectmen reviewed the draft before sending it to the town's council.

In additional items, Chairman Stubbings addressed the Library ramp. Selectman Mitchell said he has reached out to Chris Jacobs. He will be submitting a quote soon. Selectman Subject said

he does have chains to temporarily close the ramp. There was a discussion about signage and the proper wording to direct library patrons to an alternative entrance. Chairman Stubbings suggested that anyone who needs to use a ramp to enter the library can use the Town Clerk's ramp and gain access to the library via the clerk's office.

The next item the Board discussed was the "Rules & Procedures" policy. The Board agreed to table this discussion for the next work session meeting on Thursday.

Selectman Mitchell gave the Board an update on the heating issues at the Town Offices. He addressed what improvements he has made and said the heat has improved on both sides of the office.

Chairman Stubbings next addressed a letter the Town has received from Primex regarding Worker's Compensation. Primex is issuing a "Premium Holiday" and issuing the Town a credit on the Worker's Compensation policy for \$3,622.52.

Next, Chairman Stubbings said the Town has received a notice from NH Department of Environmental Services for an application from Eversource to do some brush clearing work in a wetland area. This was just an application and not permission to begin working.

Chairman Stubbings asked Selectman Mitchell if he had an update on the 239 Route 25C property, to which Selectman Mitchell responded he did not. Chairman Stubbings said a letter to the former owner is done and will be going out soon. This letter notifies them of how much they have to pay to get it back.

Next was an update on the Anna Williams/Adrian Ladd property on Church Street. Chairman Stubbings said Adrian has now vacated the property, the pipes have been drained for winterizing, the asking price from the realtors has been reduced and there is still no interest in the property. Laura Spector-Morgan from Mitchell Municipal Associates has asked if the Town wishes to start foreclosure proceedings. Selectman Mitchell said yes, Selectman Subject said yes.

Motion to accept Town Council's recommendation: Selectman Subject

Seconded: Selectman Mitchell

All in favor, 3-0

Motion passed.

Chairman Stubbings next addressed the Shields property update. The town has received a court order granting the removal of the current Executor and appointing a Successor

Administrator. Piermont is owed approximately \$26,000. Chairman Stubbings said he believes it is more than that. The current tenants would be interested in buying the home from the Town. The court order stated that attorney Kevin Bruno was assigned the Successor Administrator. Chairman Stubbings read out the court order.

Next on the agenda was the NH Supreme Court decision in case #017-0666 Teran Mertz v. Town of Piermont. The Town received the decision on December 21, 2018. Selectman Subject read out the court order. The decision in its entirety is on the last pages of these minutes.

At this time Chairman Stubbings asked if there was any public input. Alex Nuti-de Biasi from the Journal Opinion asked the Board how much in legal fees this one lawsuit has cost the town. Chairman Stubbings responded approximately \$70,000.

There was no other public input.

Chairman Stubbings said the Board wants to present the budget on January 30, 2019.

The Board reviewed and approved the minutes of 12/18.

Motion to accept the minutes with corrections: Selectman Subject

Seconded: Selectman Mitchell

All in favor, 3-0

Motion passed.

At this time the Board discussed budget items with Chief Hebert. He gave the Board an updated version of his 2019 budget. The Board and Chief Hebert discussed budget items and expenditures.

At this time the Board reviewed budget line items and discussed expenditures by individual line item.

The Board reviewed and approved the minutes of 12/29.

Motion to accept the minutes with corrections: Selectman Subject

Seconded: Selectman Mitchell

All in favor, 3-0

Motion passed.

Chairman Stubbings asked if there was a requirement for a Non-Public meeting. There was none.

Motion to adjourn: Selectman Subjeck

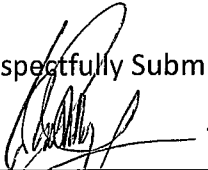
Seconded: Selectman Mitchell

All in favor, 3-0

Motion passed.

Adjournment 10:07PM

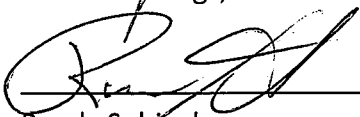
Respectfully Submitted,



Colin Stubbings



Colin Stubbings, Chairman



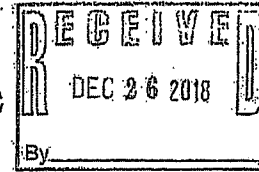
Randy Subjeck



Donald Mitchell

THE STATE OF NEW HAMPSHIRE

SUPREME COURT



In Case No. 2017-0666, Teran Mertz v. Town of Piermont & a., the court on December 21, 2018, issued the following order:

The plaintiff's motion to strike the defendants' statement of facts and the first paragraph of the statement of the case is denied.

Having considered the briefs and record submitted on appeal, we conclude that oral argument is unnecessary in this case. See Sup. Ct. R. 18(1). We affirm.

The plaintiff, Teran Mertz, appeals a final order of the Superior Court (MacLeod, J.) on her petition for declaratory and injunctive relief and request for attorney's fees and costs against the defendants, the Town of Piermont and two members of its select board. She contends that the trial court erred by finding that: (1) the approval of a certain contract did not violate the Right-to-Know Law, RSA 91-A Chapter (2013 & Supp. 2018), and that the contract was valid and enforceable; (2) an event that took place in a parking lot on March 28, 2016 was not a meeting under the Right-to-Know Law; (3) a non-public session held by the select board members on May 5, 2016 did not violate the Right-to-Know Law; (4) the draft and final minutes of the May 5, 2016 select board's meeting were adequate under the Right-to-Know Law; (5) although the minutes were not available within five days of the meeting, no remedy was required because the defendants acted in good faith, the minutes were available well before the plaintiff filed suit, and the defendants remedied the problem going forward; (6) the defendants' actions, taken at a properly noticed public meeting and based upon dissatisfaction expressed by town department heads at an unnoticed meeting, did not violate the Right-to-Know Law; (7) although the unnoticed meeting violated the Right-to-Know Law, no remedy was required because the defendants worked diligently to discover and remedy the single inadvertent violation; (8) a single select board member acting alone to place a job advertisement did not violate the Right-to-Know Law; and (9) the defendants did not act in bad faith or maliciously.

As the appealing party, the plaintiff has the burden of demonstrating reversible error. Gallo v. Traina, 166 N.H. 737, 740 (2014). Based upon our review of the trial court's well-reasoned order, the plaintiff's challenges to it, the

relevant law, and the record submitted on appeal, we conclude that the plaintiff has not demonstrated reversible error. See id.

Affirmed.

Lynn, C.J., and Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

**Eileen Fox,
Clerk**

Distribution:

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