

**Board of Selectmen  
July 20, 2020  
Selectmen's Meeting Minutes**

Present: Select Board Members –Ed Haskell, Robert Berti & Isaac DeWever  
Town Administrator – Joe Chivell

NOTE: The conference room at the Rumney Town Office Building has been arranged for this meeting so that the three Board of Selectmen and Town Administrator are seated six feet apart from each other. Five chairs are arranged to allow public members to attend and be seated a social distance of six feet apart. Face masks are available and offered to all entering the meeting.

6:30 PM Meeting opened by Selectman, Ed Haskell. Payroll and accounts payable checks were reviewed and signed.

The following documents were reviewed and signed:

- Septic Design (map/lot) 11-1-7
- Septic Design (map/lot) 4-2-10
- Septic Design (map/lot) 4-2-2
- 2020 MS-535
- Intent to Cut (map/lot) 10-1-20
- Land Use Change Tax (map/lot) 6-1-3-1
- Junkyard Renewal Form (map/lot) 7-6-3-2

6:45 PM Road Agent, Nick Coursey, met with the Board of Selectmen. Selectman, Isaac DeWever, addressed the possible involvement of the Rumney Highway Department as it relates to the Rumney Old Home Day activities this year. DeWever explained that this years' Old Home Day will be limited to just a fireworks display on August 8<sup>th</sup>. The fireworks display set up plan is to have "drive in style" viewing using the town owned area behind the library for parking, parking in the Eaton privately owned field and parking in the parking lot behind The Common Café. The Town has offered to mow part of Eaton's field where cars will be parked. DeWever mentioned to Coursey that the Rumney Highway Department may need to set aside time to mow that area prior to August 8<sup>th</sup>.

Selectman, Bob Berti, asked Nick Coursey to speak with the Board about the crack seal project that was recently completed. Berti stated he was not satisfied with the job done by the company hired to complete the crack sealing. Berti explained to Coursey that he was not trying to be difficult but did not understand why several of the wider cracks had been left unsealed and some of the narrower cracks were not sealed on both sides of the road. Road Agent, Nick Coursey, reported that he had called the company representative regarding this issue. Coursey was told that the company was not equipped to properly seal road cracks wider than 1 inch. When a wider crack is sealed it was reported that the sealant peels out during plow season. Coursey has asked that someone from the company

walk the roads with him and explain why some areas were not completed. Selectman, Bob Berti, suggested that they look at some of the crack seal jobs completed on Route 25 that were over an inch wide.

Road Agent, Nick Coursey, reported that the culvert, ditching and basin project on Groton Hollow Road was nearly complete. After some final grading, the job will be done. Town Administrator, Joe Chivell, requested Coursey to set aside some time this week to finalize the labor hours and equipment hours for the Groton Hollow Road project so reimbursement can be requested from FEMA.

7:12 PM

Police Chief, Brett Miller, met with the Board of Selectmen. Selectman, Isaac DeWever, explained the “drive in style” viewing of the Old Home Day fireworks display to the chief. DeWever stated they envisioned a checkerboard style parking pattern to allow for social distancing. Chief Miller had concerns about the “drive in style” parking related to vehicles that may be left running during the entire display and the parking of different size vehicles so that the view was not blocked.

DeWever invited Chief Miller to the OHD meeting planned for Tuesday evening, 5:30pm on the Town Common. Chief Miller questioned the available space to park in Eaton’s field. DeWever stated he will be measuring and marking the area.

Chief Miller indicated that he was concerned whether Russ Rigoli, of Hell’s Gates Fireworks, was licensed to shoot fireworks off from the pit on his land. Selectman, Isaac DeWever, replied that Rigoli is licensed and the pit has been inspected in the past, further Rigoli has shot fireworks displays from the location in the past.

Chief Miller’s other concern was residents in the village area complaining about the noise associated with fireworks. DeWever explained that a mailing from the OHD committee will be sent out to Rumney residents explaining the OHD events, including the fireworks.

Town Administrator, Joe Chivell, asked Chief Miller if he knew of anyone in the incoming 8<sup>th</sup> grade class that would be capable of assisting with lining cars up in the parking area. Chivell mentioned there had been a concern of the incoming 8<sup>th</sup> grade class losing the fund raiser they have had in the past by selling food at OHD. Chivell thought if the 8<sup>th</sup> grade could assist the night of the fireworks and then walk the field the next day to pick up any trash left behind the Town could then donate to the 8<sup>th</sup> grade class treasury. Chief Miller was concerned about mixing 8<sup>th</sup> graders and moving vehicles, but he would think about it.

Chief Miller stated that he did not like the new form, that was created to be served to Rumney residents, notifying them of their unlicensed dogs. This was discussed during the June 15, 2020 Board of Selectmen Meeting when the Board signed the Unlicensed Dog Warrant. Miller continued; he should have been more involved

in the creation of the form. He feels that the Town Clerks job is being pushed onto him, and since the Town Clerk makes \$1 for each dog license, it should be her job. Town Administrator, Joe Chivell, corrected Chief Millers statement in that the Town Clerk does not make any additional salary for any service she completes. She only receives her budgeted salary. Chief Miller continued to state he did not like the fact that the form that was designed to be served in hand or left at last known address of the owner of the unlicensed dog(s) had “Rumney Police Department – Animal Control” as the header. He feels that creates the impression the owner of the dog(s) should call the police department. Chief Miller explained it is a dangerous job delivering the notice to the dog owner and if left abode it may create more questions. It was noted that the form lists the Town Clerk telephone number as the point of contact.

The relevant law for this issue is **NH RSA 466:14 Warrants; Proceedings.**  
– The town or city clerk shall annually, between June 1 and June 20, present to the local governing body a list of those owners of dogs that have failed to license or not renewed their dog licenses pursuant to RSA 466:1. The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog. The warrant may also authorize a local law enforcement officer to seize any unlicensed dog. **The civil forfeiture may be sent by certified mail, or delivered in hand, or left at the abode of the dog owner.** The cost of service shall not exceed \$7 and may be recovered by the city or town in addition to the amount of the civil forfeiture. If the unlicensed dog is seized, it shall be held in a town or city holding facility for a period of 7 days, after which time full title to the dog shall pass to the facility, unless the owner of the dog has, before the expiration of the period, caused the dog to be licensed. The owner shall pay the facility a necessary and reasonable sum per day, as agreed upon by the governing body of the town or city and the facility, for each day the dog has been kept and maintained by the facility, plus any necessary veterinary fees incurred by the facility for the benefit of the dog. Before a local law enforcement officer seizes any unlicensed dog, a written warning shall be given to the dog owner.

Town Administrator, Joe Chivell, had explained the cost to mail certified letters this year would have been approximately \$300.00 in postage alone. That did not include the time and materials preparing required certified mail envelopes. Chivell offered that while the letter was being delivered it provided an opportunity to verify the dog was still at the address.

Selectman, Ed Haskell, stated he did not recall seeing the form. Chivell stated it was attached to the Unlicensed Dog Warrant along with the list of owners of unlicensed dogs. Chivell stated he will retrieve a copy of the packet for review.

Chief Miller then handed Select Board Chairman, Ed Haskell, a written request to obtain a video and copies of all reports related to a citizen complaint that had been filed. He further requested written notification of the Boards findings of the

complaint.

Chief Miller stated that the Police Department Policy outlining the process of investigating a citizen complaint should have been followed. Town Administrator, Joe Chivell, tried to caution Miller that discussion of the citizen complaint was discussed in nonpublic session and noted so in prior meeting minutes. Chief Miller stated it was obvious who the complaint was against, Chivell disagreed in that the minutes did not reflect what town department the complaint had been filed against.

Town Administrator, Joe Chivell, explained that the citizen complaint had been withdrawn, so there was no complaint thus no finding to be given nor any reports to be provided. Chief Miller then gave an example of how he could cause someone to withdraw a complaint.

Chivell again reported that the complaint had been withdrawn, so nothing will be in anyone's personnel file, nor was there a finding, and under advice of town council the video would not be released. Selectman, Ed Haskell, requested the legal advice from Town Council be provided in written form.

Chief Miller handed Select Board Chairman, Ed Haskell, a written notice of his resignation to be effective October 18, 2020. Miller explained that the effective date meets the requirements of his employment agreement.

Chief Miller then asked if he should continue to work on the Policy and Procedure review project with Sean Kelly, Director of Services and Senior Consultant MRI, if so, that is what he will spend his time doing until October 18<sup>th</sup>. Miller stated the Board of Selectmen should decide if MRI will be kept on or not. Miller then stated he feels he is 80-90% done with the policy project. Selectman, Isaac DeWever, stated that it is concerning that you report being 80-90% complete, yet you have not shown the Board what you have completed and we are spending money to help you get the project done. DeWever asked if the Board could have the 80-90% completed work now? Chief Miller said "yes" leaving the meeting to retrieve the documents.

7:50 PM While waiting for Chief Miller to return, the Board continued with the Town Administrator Report.

Selectman, Bob Berti, made a motion to accept the letter of resignation from Police Chief Brett Miller. Selectman, Isaac DeWever, seconded the motion. A vote was delayed until later in the meeting.

Town Administrator, Joe Chivell, announced that the Russell School Project bond rate came in at 1.67%

During the July 6, 2020, Board of Selectmen meeting, they met with the

Conservation Commission Chair to discuss the appraisal of the former Rumney Rest Area as provided by NH-DOT. The meeting resulted in several questions the Board had about the appraisal. A draft of the response from the Town to NH-DOT was provided for review. The Board of Selectmen authorized sending the letter to NH-DOT.

The minutes of the July 6, 2020 Board of Selectmen Meeting were reviewed. Selectman, Ed Haskell, made a motion to accept the July 6, 2020 Board of Selectmen Meeting minutes. Selectman, Isaac DeWever, seconded the motion. There was no discussion on the motion. The motion passed 3-0.

Town Administrator, Joe Chivell, provided the Board of Selectmen a rough draft of a Town Office addition and renovation drawing. The draft encompasses input from the department heads that work in the building. Chivell wanted feedback from the Board if the draft was an acceptable starting point to provide to an architect to move forward with conceptual drawings. Chivell explained that the draft includes minor changes to the existing building. The focus of the addition would be moving the police department into the ground level space of the addition and using the full basement for storage and evidence space for the police department. Chivell also recommended a fenced in carport be attached to aid in large item storage for the police department. The Board members agreed it was a good starting point. The next step to the process is obtaining bids for the architectural work.

Town Administrator, Joe Chivell, reported to the Board that the State will be providing supplies for the upcoming elections in September and November. These supplies include personal protective equipment, barriers, etc. Chivell was notified the Town will be required to pick up the supplies sometime in August. Chivell is concerned with storage space for the additional supplies. The Town Office Building does not have any extra storage space. This equipment will need to be kept dry and clean. Selectman, Bob Berti, asked about the old town garage. There was concerns about the dampness and cleanliness of that space. Chivell stated he had started to obtain pricing for portable storage containers that could be located adjacent to the Town Office Building. Chivell's thoughts is to prioritize stored items, keeping some in the building while moving some into a storage container. Chivell asked the Board members to consider the idea and he will provide them with three to four quotes.

8:15 PM Chief Miller returned to the meeting. Chief Miller had several policies in hand. He read down through the list of policies that Sean Kelly, Director of Services and Senior Consultant MRI Inc., had created that would need to be addressed. As he did so he handed out policies to show what had been done. Miller stated that he is sure that the policies would need "some tweaking but to keep up with that he would have to be doing that most of the time". Miller stated the template is there, if there is a need to spend money updating policies, that is up to the Board.

Chief Miller then stated “Could Sean polish the existing policies, yes. Could he keep up with new policies, I’m sure he would do that”. Miller went on to say, “it’s not fun taking over a department that the policies are in disarray”.

Selectman, Isaac DeWever, stated he was not ready to act on this now. DeWever asked if Sean Kelly had seen these policies yet? Chief Miller stated no, not yet.

Selectman, Ed Haskell, asked Chief Miller if he thought it was a good idea for Sean Kelly to clean up these policies. Chief Miller stated yes, I think he could clean them up. Haskell asked Miller if he had a deadline to provide the policies to Sean Kelly? Miller replied yes, he did. Selectman, Isaac DeWever, asked Miller if he met the deadline? Miller said he did not.

Chief Miller asked for the policies that he had handed out be given back. It was determined to move forward, making a schedule with Sean Kelly. Chief Miller exited the meeting.

8:35 PM Town Administrator Report – Remaining Items

The Fire Department had asked if the spending freeze was still in place. Fire Chief, David Coursey, requested to purchase Protective Clothing. Selectman, Ed Haskell, stated that an item such as Protective Clothing is essential and part of the approved budget. The Board approved the Fire Department spending money from the Protective Clothing line item. The spending freeze is still in place. The Board would ask that any major expense outside the cost of day to day operating be presented to the Board for approval.

The first Monday of September is Labor Day. The initial Selectmen’s meeting schedule had moved that Board meeting to Tuesday, September 8<sup>th</sup>. But September 8<sup>th</sup> is Primary Election Day, which would make scheduling a Selectmen’s meeting difficult. Selectman, Bob Berti, suggested holding a meeting on August 31<sup>st</sup> and then the regularly scheduled meeting on September 23<sup>rd</sup>. The two other Board members agreed to the re-scheduling. A revised Meeting Schedule will be posted.

The matter of addressing land use issues moving forward had been discussed during the July 8, 2020, Selectmen’s meeting. Town Administrator, Joe Chivell, suggested that using funds from the Planning Board Clerk budget line item and the Executive Secretary/Bookkeeping budgeted line item increase the hours of the Planning Board Clerk to track such items. Selectman, Bob Berti, stated he would be in favor of this if the person can be assertive and move on items in a timely manner. Selectmen, Haskell and DeWever, were in favor of trying this. Chivell will create a list of duties that could be done with using this method of tracking land use and changes.

9:11 PM The open motion of accepting the Letter of Resignation from Police Chief Brett Miller was moved. Selectman Chair, Ed Haskell, stated he would abstain from the vote. There was no further discussion. The motion to accept the Letter of Resignation from Police Chief Brett Miller passed 2-0, with Selectman, Ed Haskell, abstaining from the vote.

Selectman, Bob Berti, stated that he could see that Selectman, Ed Haskell, looked like he was not completely ready to move on the resignation of the police chief and would like to hear what Haskell was thinking. To do so Berti offered to make a motion to reconsider the prior motion to accept the resignation.

To allow further discussion on the matter Selectman, Bob Berti, made a motion to reconsider the prior motion to accept the resignation letter from Police Chief Brett Miller. Selectman, Isaac DeWever, seconded the motion. There was no discussion on this motion. The motion passed 2-0.

Selectman, Bob Berti, asked Selectman, Ed Haskell, why he wanted to abstain from the motion to accept the resignation letter from the police chief. Haskell stated he would like to know why Miller is resigning. Haskell stated that he spoke to Miller two weeks ago. At that time, he was fine with moving forward and with MRI being brought in to assist him with revising the Police Department policies. Haskell stated he is just the type of person that needs to know “why”.

Selectman, Bob Berti, offered Haskell time to think about this matter.

Selectman, Isaac DeWever, stated that he did not need to know the reason behind a resignation.

9:15 PM Old Business – The owners of map/lot 16-05-04 responding to a letter sent to them regarding a land use concern will attend the August 3, 2020 Selectmen’s Meeting.

9:20 PM Selectman, Bob Berti, made a motion to adjourn the meeting. Selectman, Ed Haskell, seconded the motion. The motion passed 3-0.

Sincerely submitted,

Joe Chivell  
Town Administrator  
Rumney, NH

Up-coming meeting dates – To be premised upon COVID-19 Emergency Orders

Planning Board Meeting  
Select Board Meeting  
Fire Commissioner Meeting  
Select Board Meeting

July 28, 2020  
August 3, 2020  
August 10, 2020  
August 17, 2020