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TOWN OF FRANCESTOWN

OFFICE OF SELECTMEN

27 MAIN STREET • P.O. BOX 5

FRANCESTOWN, NEW HAMPSHIRE 03043-0005

TELEPHONE (603) 547-3469

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BOARD OF SELECTMEN GUIDELINES & PROCEDURES

The Francestown Board of Selectmen hereby adopts these operational guidelines and procedures pertaining to the functions of the Board and the conduct of its members.

I. General Information

The Board of Selectmen consists of three equal members who shall operate by majority vote to serve as the governing body of the Town, manage the prudential affairs of the Town, and to perform the duties prescribed by law in accordance with the Right-to-Know Law (RSA 91-A).

Individual Selectmen have no authority to make decisions on behalf of the Town or to take any action as a Town Official except upon majority vote of the Board or as otherwise allowed by law. This does not prohibit Selectmen from acting as an ordinary citizen of the Town by expressing personal viewpoints and opinions on municipal matters to the extent that such information is based on encounters and observations derived outside of the privileged purview of a Selectman.

The Board of Selectmen derives its authority from NH State Law as specifically set forth in the Revised Statutes Annotated and as further established under common law (court decisions). A general rule of thumb is the Board of Selectmen does not have the final authority to act on any particular issue unless there is a specific law granting such authority or when Town Meeting has lawfully delegated such authority to the Selectmen.

II. Organization

The Board shall by majority elect from its membership a Chair who shall preside over all Board meetings and have duties outlined below.

The Board shall by majority elect from its membership (or appoint designees, as appropriate) the following liaisons:

- Planning Board ex-officio
- Heritage Commission ex-officio
- Safety (Joint Loss Management) Committee
- Records Retention Committee
- ConVal School District Selectmen's Advisory Committee (SAC)
- Francestown Village Water Company annual meeting voting representative

- Ad-Hoc Representatives as may be deemed necessary by the Board

Liaisons and ex-officio members have a responsibility to keep the rest of the Board of Selectmen informed on important events and news related to the other boards they serve on.

Unless specifically discussed at a Board of Selectmen meeting, votes of liaisons and ex-officio members represent the opinions of the individual, not an opinion of the Board of Selectmen as a whole.

The Chair and all liaisons serve in these positions at the pleasure of the Board and a majority of the Board may vote to reorganize at any time for any reason.

III. Duties of Selectmen

A. Chair

The Chair shall preside over all Board meeting and shall have the authority to:

1. Review and approve meeting agendas as drafted by the Town Administrator.
2. Ensure that informal parliamentary procedures are followed, with the assistance of the Town Administrator.
3. Maintain orderly Board meetings by placing limits on the length of time and the content of input provided by meeting participants and requesting the voluntary (or involuntary removal by a Police Officer) of persons who disrupt Board meetings.
4. Call for special or emergency meetings.
5. Represent the Town at ceremonial events.
6. Serve as the Board spokesperson by presenting the official viewpoint of the Board of Selectmen to the media, citizens, government agencies, civic groups, and others.
7. Along with the Town Administrator, serve as the point of contact for department heads between Board meetings.
8. Along with the Town Administrator, serve as the point of contact with Town Counsel.
9. The Chair may delegate any of these duties to other Selectmen as may be deemed necessary.

These guidelines are not intended to prevent other Selectmen from attending ceremonial events or expressing their personal opinions so long as they make clear they are speaking on behalf of themselves and not the Board.

B. Partial List of Board of Selectmen's Duties & Responsibilities

This is meant to be a general overview of the Board of Selectmen's duties. Major duties from statute:

1. Act as Agents to Expend Capital Reserve Funds (RSA 35:15).
2. Adopt Personnel Policies (RSA 105:2-a).
3. Adopt Welfare (Public Assistance) Guidelines (RSA 165:1).
4. Appoint an Emergency Management Director (RSA 21-P:39).

5. Appoint Election Inspectors (RSA 658).
6. Make Appointments to Town boards and committees and fill all vacancies that should occur unless otherwise outlined by statute or vote of the Town (RAS 669:1-75).
7. Appraise Taxable Property, Issue Abatements, & Approve Exemptions (RSA 72, 74-76).
8. Approve Appointments of Deputy Town Clerk, Deputy Tax Collector, and Deputy Treasurer (RSA 41:29-a, 45-c).
9. Approve Budget Line Item Transfers (RSA 31:20).
10. Approve the Acquisition of Real Property Interests in the Name of the Town by the Conservation Commission (RSA 36-A:4).
11. Approve Town Expenditures (RSA 41-9).
12. Assessment of Current Use Change Taxes (RSA 79-A).
13. Assessment of Timber Taxes (RSA 79).
14. Assessment & Payment of Educational Taxes (RSA 194:7 & 198).
15. Encumber Unexpended Funds (RSA 32:7).
16. Establish & Maintain Internal Control Procedures (RSA 41:9).
17. Establish Boards and Committees (RSA 41:8).
18. Layout Town Highways (RSA 231).
19. Negotiate Inter-Municipal Agreements (RSA 53-A:1 & 162-G).
20. Nominate the Appointment of a Health Officer (RSA 128:1) & Approve the Appointment of a Deputy Health Officer (RSA 128:5-b).
21. Order the Cutting or Removal of Trees within a Designated Scenic Highway which present a public nuisance pursuant to RSA 231:145 and 231:146, when such trees or portions of such trees pose an imminent threat to safety or property (RSA 231-158)
22. Perambulation of Town Boundaries (RSA 51:2).
23. Prepare Budget Recommendations (RSA 32).
24. Prepare the Annual Town Report (RSA 41:13-14).
25. Prepare Town Meeting Warrants (RSA 39:2).
26. Propose Amendments to the Zoning Ordinance (RSA 675:3).
27. Regulate Junkyards (RSA 236:115).
28. Regulate Town Highways, Sidewalks & Commons (RSA 41:11).
29. Regulate the Town Transfer Station, Trash Collection & Transportation, and Voluntary Recycling (RSA 149-M;17).
30. Sit on the Board of Health & Adopt Health Regulations (RSA 147).
31. Submit Reports to the NH Department of Revenue Administration (RSA 21-J:34).

Major duties delegated by Town Meeting (since 1987):

1. Sell land, buildings, or both after securing the advice of the Conservation Commission and the Planning Board and holding two public hearings (RSA 41-14-a and the 2002 Annual Town Meeting [ATM] Article 14).
2. To issue tax anticipation notes (RSA 33:7 and the 1994 ATM Article 8).
3. To apply for, contract for, accept, and expend, without further action by the town meeting, any and all grants or other funds available for town purposes that may now or hereafter be forthcoming (RSA 31-95-b and the 1994 ATM Article 9).
4. To accept, on behalf of the town, gifts, legacies, and devises made to the Town in trust for any public purpose (RSA 31:19 and 1994 ATM Article 13).

5. To accept gifts of personal property, other than cash, to the town for any public purpose (RSA 31:95-e and the 1993 ATM Article 8).
6. To convey any real estate acquired by the tax collector's deed. Such conveyance shall be by deed following a public auction, or the property may be sold by advertised sealed bids, or may be otherwise disposed of as justice may require (RSA 80:80 and ATM 1993 Article 9).
7. To establish or amend fees for licenses, permits and usage of town facilities to defray expenses of any existing regulatory program (RSA 41:9-a and ATM 1990 Article 11).
8. To sell used or surplus town department equipment (RSA 1989 Article 15).
9. To be the "Franchising authority" with the authority to grant franchises for the installation and operation of Cable Television Systems within the geographical limits of the town, establish fees and impose conditions, and to exercise all other authorities granted by RSA 53-C (RSA 53-C and ATM 1988 Article 18).

The Board of Selectmen has no direct authority over the personnel or operations of the Fire Department (RSA 154:2) or Library (RSA 202-A:6), however, the Board retains jurisdiction over the finances, respective budgets, and any other subject matters required by law.

IV. Board of Selectmen Meetings

The Board of Selectmen shall always meet and conduct business in accordance with the Right-to-Know Law (RSA 91-A). In general, the requirements laid out in the Right-to-Know Law will not be spelled out in these guidelines.

The Board will from time to time agree by consensus to a meeting schedule, subject to adjustments for appointments or other events.

Notice of all meetings of the Board shall be posted at least 24 hours in advance of the meeting (except in cases of emergency as outlined in statute) on the Town's website, in the Town Office lobby, and in the Post Office lobby. While there is no legal requirement to post an agenda with notice of a meeting, a reasonable effort will be made to provide an agenda of major topics to be discussed at meetings. Board members should submit agenda topics to the Town Administrator for placement on the agenda.

The public has a right to attend Board of Selectmen meetings, except under certain exemptions for non-public sessions as outlined in statute. Members of the public at meetings wishing to speak can only do so if recognized by the Chair and the Chair may place limits on the timing of public comment, along with the length of time and the content of input. Public input should be directed to the Board as a whole, not to individual Board members. Members of the public who would like to address the Board regarding an issue not on the agenda should make an appointment with the Town Administrator to be on the agenda of a future meeting. Such appointments are subject to the approval of the Chair and must be made by 12:00 p.m. the Thursday before any given meeting.

Board members shall follow commonly accepted rules of courtesy, including using a civil tone and language, only one person speaking at a time, and waiting to be acknowledged by the Chair before speaking. Each subject discussed will be clearly announced.

Votes should be taken by the Board upon a clearly stated motion and a second whenever the Board members wish to go on record as having made a decision on behalf of the Town. If there is a motion on the floor that has been seconded, the Board will focus discussion to that subject until it has been voted on. In some instances the Board may wish to convey its opinion or consent by a simple consensus process.

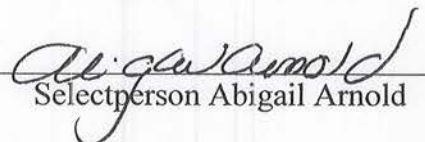
It is illegal for the Board of Selectmen to make any decisions by use of a secret ballot or by email or in such a way as to be contrary to the Right-to-Know Law.

Selectmen should disqualify themselves from the Board and step down from all participation in deliberations (including voting) on any subject matter where there is a conflict of interest or perceived conflict of interest. A Selectman should voluntarily disqualify himself/herself whenever he/she has a direct personal or pecuniary interest in the outcome.

Approved on July 1, 2013


Board of Selectmen Chair Betsy Hardwick


Selectman Scott S. Carbee


Selectperson Abigail Arnold

From transcript of Selectmen's meeting 8/11/14:

Abigail Arnold: Last item in correspondence is an email from Lisa Bourbeau and Guy Tolman. I'm going to read the first paragraph. It's a right to know request. It says:

"Please provide us with the name(s) of the person or persons who requested the change in the representation of the classification of Cressy Hill Road on all maps with road information incorporated into the Town of Francestown, New Hampshire Conservation Plan August 2013. Where, specifically, the information provided in this report differs substantially from the information contained in the road map of the 1995 Francestown Master plan, as well as, substantially, from the information provided by the Town to the NH DOT, we also wish the name of the person who authorized this change, and the exact legal authority under which this authorization was given."

I want to make it clear to everybody that the right to know provision indicates that you can request specific documents, you can request minutes, you can request correspondence related to the subject matter. You don't have the right to interrogate officials, or to ask them to read the information, to find the appropriate documents, you have to identify what it is you are asking for and the town has to make that available to you. If you want copies of it we can make those copies at a quite a cost. We charge.

In this case I also want to make clear that the board of selectmen have nothing to do with this, we have no information regarding that.

My personal comment is we all have better things to be doing.

TOWN OF FRANCESTOWN
OFFICE OF SELECTMEN
27 MAIN STREET • P.O. BOX 5
FRANCESTOWN, NEW HAMPSHIRE 03043-0005
BOARD OF SELECTMEN MEETING MINUTES

August 11, 2014

Selectmen Present: Chair Abigail Arnold, Betsy Hardwick, and Scott Carbee

Staff Present: Town Administrator Michael Branley

Also present: Judi Miller, Polly Freese, Mike Tartalis, Ben & Robyn Haubrich, Betty Berhsing, Jan Hicks and John Arnold

CALL TO ORDER: Abigail called the meeting to order at 6:30 p.m.

Items to Sign

1. Payables Manifest for 8/11/14
2. Payroll Manifest for 8/11/14
3. Appointment papers for incoming Deputy Town Clerk and Deputy Tax Collector Daryl Hazel and incoming Town Clerk and Tax Collector Pamela Finnell
4. Building Permit for Map 20 Lot 30-1
5. Building Permit for Map 3 Lot 33-4
6. Yield tax for Map 6 Lot 59

New Business

1. Abigail stated thanks to Mike, the Town has received a Mooseplate Grant for \$10,000 for the Town Clock and Town Hall project.
2. Mike said the work on the cupola has been ongoing and there has been a discovery of some rotten wood in the sophet which will need to be repaired. The Board agreed to look into the repair.
3. There was a discussion regarding the sidewalk in front of the Old Meetinghouse where it is broken and lifted. Scott said Gary can dig up the sidewalk and gravel the area until it can be paved. The Board asked Mike to have Gary take care of it.

Correspondence

1. Letter from NHDOT regarding partial reimbursement for the 2nd NH Turnpike Bridge.
2. Mikes Weekly Update 8/9/14
3. Recommendation from Bob Hayden to go back to PSNH for the winter months and in spring go back to the other supplier. The Board agreed.

4. Memo from Silas Little regarding the notice of the new assessment values and the timeframe for the informal hearings. The Board agreed and Mike stated the Assessors were going to be accommodating.
5. Email from Judi Miller regarding a request for a community-wide notice when there is a break-in in Frankestown. The Board asked Mike to ask Chief Bell if there was anything we could do. Judi also asked that Cross Road be graded and there is a large hole on Avery Road.
6. Letter of resignation from Charlie Pyle for his position as Deputy Treasurer. The Board asked Mike to post the position.
7. Reconciliation for period ending June 30, 2014.
8. Letter from HealthTrust regarding a settlement for regulatory complaint filed against them.
9. Letter from Primex regarding the Worker's Compensation refund.
10. Right to Know Request from Lisa Bourbeau and Guy Tolman classification of Cressy Hill Road and its reference on prior maps. Abigail stated the Right to Know Law is for requesting specific documents or correspondence related to a subject matter and the Board of Selectmen have no information regarding this. Abigail asked Mike to send Lisa and Guy a letter.
11. Betsy stated the RSA has been changed to allow for Town's already participating in the Legislative Update from NHMA State Bridge Aid to build bridges in the program earlier and get reimbursed by the State in their scheduled year.

Old Business

1. Inventory forms-Abigail said in the census data retrieved the population was only half (770) of what it actually is, therefore the information is not usable. After a discussion, the Board decided not to use the inventory forms in 2015.

Elaine McClary & Pamela Finnell joined the meeting.

MOTION: Abigail made a motion to accept the Mooseplate Grant for \$10,000 for the Town Clock restoration and to authorize Mike to sign relevant contracts. Seconded by Betsy. All in favor.

Administrative Update

1. Mike said Town Counsel has recommended that the Town use a Realtor for selling any Town property that does not get sold in auction. The Board agreed to request proposals.
2. Mike said he is meeting with Given Masonry next week to get a second quote on the Library chimney work.

Polly Freese asked how the Town Clock work qualified for the Mooseplate Grant and Mike answered it was through the position under the division of historical resources.

Ben Haubrich asked for the status of the Wilson Hill property auction. Mike said it is scheduled tentatively the first Saturday in October with a reserve of \$25,000.

MOTION: Abigail made a motion to enter nonpublic session seconded by Scott pursuant to RSA 91-A:3, II (a).

Roll Call vote to enter nonpublic session:	Betsy Hardwick	Aye
	Scott Carbee	Aye
	Abigail Arnold	Aye

The meeting room was cleared and the Board entered nonpublic session at 7:15 p.m.

At 7:30 p.m. the Board returned to public session having decided to seal the minutes having voted by a vote of 2/3's or greater of the members present to not disclose the minutes and decisions reached therein to the public, as divulgence of the information discussed likely would affect adversely the reputation of any person other than a member of the public body itself, until – in the opinion of a majority of the members – the aforesaid circumstances no longer apply.

NEXT BOARD OF SELECTMEN MEETING: August 25th at 6:30 p.m.

ADJOURNMENT: Abigail adjourned the meeting at 7:31 p.m.

Respectfully Submitted by Wendy Brien-Baker

Approved on August 25, 2014

Board of Selectmen Chair Abigail Arnold

Selectman Scott S. Carbee

Selectperson Betsy Hardwick

TOWN OF FRANCESTOWN

OFFICE OF SELECTMEN

27 MAIN STREET • P.O. BOX 5

FRANCESTOWN, NEW HAMPSHIRE 03043-0005

BOARD OF SELECTMEN MEETING MINUTES

10/13/14

Selectmen Present: Chair Abigail Arnold, Betsy Hardwick, and Scott Carbee

Staff Present: Town Administrator Michael Branley, Administrative Assistant Marti Callahan, Police Chief Steve Bell, and Librarian Carol Brock

Also present: Tom Anderson, Henry Kunhardt, Judi Miller, Jan Hicks, Mike Tartarlis, Polly Freese, Tabitha Momenee, Robyn Haubrich, Debra Rogers, Heather Whipple-Simard, and Mike Tartalis

CALL TO ORDER: Abigail called the meeting to order at 6:30 p.m.

Appointments

1. Chief Bell stated he is working on getting caught up after the past week. Abigail asked
2. Tabitha Momenee – Tabitha stated she runs the Francestown ski club, where people buy season tickets to Crotched Mountain and the ski club gets back a percentage of the sales. She stated she would like that money to go into the Recreation Trust Fund and the Board agreed.

Items to Sign

1. Payables Manifest for 10/13/14
2. Payroll Manifest for 10/13/14
3. Timber grading for Map 8 Lots 48 & 48-2
4. Intent to cut for Map 8 Lot 22
5. Letter to Brigham White regarding the intent to cut for Map 6 Lot 27 where the taxes are not current stating that a timber tax bond in the amount of \$15 is required before the intent to cut will be approved.
6. July General Fund Bank Reconciliation.

MOTION: Scott made a motion to accept the construction of the bridge on 2nd NH Turnpike S. as complete, seconded by Abigail. All in favor.

New Business

1. Abigail asked Michael to contract the department heads and remind them that if they are hiring a contractor the contractor needs to have a certificate of insurance of be a Town employee. Scott stated he thought that was excessive and there was a discussion about the liability. Polly Freese she stated she thought it would make it difficult for the Cemetery Commission to do small jobs. Betsy and Scott agreed there should be a threshold for very small projects. The Board agreed to have Mike contact Primex to get their thoughts/rules.
2. Email from Michael to the Board about our ambulance services from Peterborough. Abigail stated Mike has attended a few meetings in Peterborough regarding a new fee proposal
3. Thulander Building Advisory Committee Report – The Board agreed to address this next meeting.
4. Mike stated the Fire Chief and Firewards recommendation was to purchase the infrared heaters for the truck bays through Progressive Energy Inc. for \$13,595 with the possible option of \$790 for removal of the existing system. We also got a quote from Irving for a similar system for \$16,200.

MOTION: Betsy made a motion to authorize Chief Kullgren to engage Progressive Energy for an infrared heating system for the truck bays, seconded by Abigail. All in favor.

Mike stated the office heater and the water heater would each be under \$5,000 and the Board authorized the Chief to make those purchases.

5. Discussion of water issue at the Library – Abigail stated Henry did a thorough assessment of the situation. Henry stated after he sent in his letter he went up and cleaned out the catch basin, which was full of leaves and material. For outside his suggestion is to shovel out the dirt along the concrete shelf, fill the voids, and seal any cracks. Deb stated Paul St. Cyr has been removing the carpeting downstairs and they will be addressing the flooring situation. The Board asked Michael to have someone look at replacing the basement windows. The Board agreed to task Gary with overseeing taking care of digging out the front area and assessing the status of the concrete/foundation.

Correspondence

1. Police Department Reports for the weeks ending 10/9 and 10/2
2. Forest laws for municipal officials seminar
3. Weekly Administrative Report
4. Letter from Nancy Mayville stating NH DOT has approved the preliminary plans and cost estimates provided by CLD
5. Request for funding from Big Brothers Big Sisters
6. Request for funding from Monadnock Family Services
7. Letter from Property-Liability Trust regarding their annual meeting
8. Memo from Lisa Murphy stating the Town's Hazard Mitigation Plan has been approved. Mike stated we are now due to begin working on our emergency operations plan, which dates back to 2009

9. Notice from Superior Court regarding the Northern New England Telephone Operations value case
10. Notice from the Board of Tax and Land Appeals ordering the Town and Crotched Mountain Golf Club LLC to meet and attempt to settle the value. Mike stated Bart is working on determining the cost of an expert witness to provide a value for the golf course related to the defense
11. Notice of Decision from the Planning Board related to Map 6 Lot 72

Liaison Reports

1. Abigail stated tomorrow and Wednesday nights the Planning Board will be holding their capital improvement program meetings.
2. Scott stated he had a SAC subcommittee meeting on Wednesday to go over the articles of agreement.

Administrative Update

Mike stated Wednesday the Selectmen / buildings are scheduled to present their projects.

Mike stated he met with the Humphreys. We are at the end of our 25 year lease and they are amenable to continuing our lease.

MOTION: Betsy made a motion to enter nonpublic session, seconded by Abigail pursuant to RSA 91-A:3, II (d)

Roll Call vote to enter nonpublic session:	Betsy Hardwick	Aye
	Scott Carbee	Aye
	Abigail Arnold	Aye

The meeting room was cleared and the Board entered nonpublic session at 7:30 p.m.

At 8:05 p.m. the Board returned to public session having decided to seal the minutes having voted by a vote of 2/3's or greater of the members present to not disclose the minutes and decisions reached therein to the public, as divulgence of the information discussed likely would affect adversely the reputation of any person other than a member of the public body itself, until – in the opinion of a majority of the members – the aforesaid circumstances no longer apply.

Mike stated when Wendy was cleaning out old files she came across a bunch of old nonpublic Board of Selectmen meeting minutes that are not in sealed envelopes. The Board agreed to have him go through nonpublic minutes and recommend those to the Board that he thinks should be unsealed.

NEXT BOARD OF SELECTMEN MEETING: Monday October 20th at 6:30 p.m.

ADJOURNMENT: Abigail adjourned the meeting at 8:06 p.m.

Respectfully Submitted by Michael Branley

Approved on October 20, 2014

Board of Selectmen Chair Abigail Arnold

Selectman Scott S. Carbee

Selectperson Betsy Hardwick

TOWN OF FRANCESTOWN

OFFICE OF SELECTMEN

27 MAIN STREET • P.O. BOX 5

FRANCESTOWN, NEW HAMPSHIRE 03043-0005

BOARD OF SELECTMEN NONPUBLIC MEETING MINUTES

DATE 10/13/14

Members Present: Chair Betsy Hardwick
Scott Carbee
Abigail Arnold

Motion to enter Nonpublic Session made by Betsy seconded by Scott

Specific Statutory Reason cited as foundation for the nonpublic session:

☒ RSA 91-A:3, II (a) *The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.*

☐ RSA 91-A:3, II(b) *The hiring of any person as a public employee.*

☐ 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 this board, unless such person requests an open meeting. This exemption shall extend to include 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.*

☐ RSA 91-A:3, II(d) *Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.*

☐ RSA 91-A:3, II(e) *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against this board or any subdivision thereof, or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled*

☐ RSA 91-A:3, II(i) *Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.*

Roll Call vote to enter nonpublic session: Betsy Hardwick
Scott Carbee
Abigail Arnold

Entered nonpublic session at 7:45 a.m./p.m.

Aye
Aye
Aye

Other persons present during nonpublic session: MTB

Description of matters discussed and final decisions made: My Abigail

she spoke to Alan Gould with MRT
about reviewing the police department, mentoring Chief
Bell, and working with the Board of Selectmen in regards to
the Police Department. She stated he estimated the expense
in 2014 would be \$1000-2000 and then the Board could
decide if they wanted to continue past then. The Board
agreed this sounded like a good opportunity and directed
Mike to contact Alan to get it set up.

Motion made to seal these minutes? If so, motion made by Betsy, seconded by Abigail, because it is determined that divulgence of this information likely would...

- ☒ Affect adversely the reputation of any person other than a member of this board
☐ Render a proposed action ineffective
☐ Pertains to preparation or carrying out of actions regarding terrorism

Roll Call Vote to seal minutes:

Betsy Hardwick
 Scott Carbee
 Abigail Arnold

☒ N
☒ N
☒ N

So Moved.

Motion to leave nonpublic session and return to public session by Betsy, seconded by Abigail.

So Moved.

Public session reconvened at 8:05 a.m./p.m.

These minutes recorded by: MTB

120 Daniel Webster Highway
Meredith, NH 03253



Municipal Resources
www.municipalresources.com

tel: 603.279.0352 • fax: 603.279.2548
toll free: 866.501.0352

PROFESSIONAL SERVICES AGREEMENT

I. PARTIES TO THE AGREEMENT

This Agreement, dated 10/27/14, is to retain professional consulting services for the Town of Frankestown, New Hampshire (the Client), to be provided by Municipal Resources, Inc. (MRI), and is lawfully entered into between the Client, by its authorized representative, Board of Selectmen, and MRI, by its authorized representative, Alan S. Gould, Vice President.

II. SCOPE OF WORK

MRI will provide a general management/operational review of the Frankestown Police Department. MRI will provide administrative guidance and mentoring to the Frankestown Police Chief in order that he may maximize his performance as the Chief of the Department, providing police services to the community. MRI will also offer input as to the proper Selectboard/Police Chief relationship and communication process in order that the Town may fulfill its desire to achieve highly effective and efficient delivery of police services. This review will serve to assess, generally, the strengths and weaknesses of the Police Department, as well as to identify potential deficiencies, non-compliance issues, risks, and alternatives for service delivery. MRI will then provide technical/administrative assistance to the Town in an effort to minimize risk while providing for the optimal efficiency and effectiveness of the delivery of police services to the community through recognized "best practice".

MRI will provide progress reports to the Board of Selectmen as needed.

III. FEES AND CHARGES

Our services for this project will be provided on an hourly basis, not to exceed an amount of \$5,000.00. No additional work will be performed without the written authorization of the Board of Selectmen.

Fees and charges for MRI services performed will be invoiced monthly. MRI will provide a detailed, itemized description of the services provided and expenses incurred. Payments will be made within thirty (30) days of receipt of the invoice unless otherwise agreed. Invoices not paid within thirty (30) days will accrue interest at the rate of 1.5% per month.

Fees for professional services will be calculated at the appropriate billable hourly rate for personnel assigned, as follows:

Senior Consultant	\$85.00/hour
Travel Time	\$42.50/hour (one-half the regular rate)

Mileage will be billed at the current IRS per mile travel rate.

IV. MRI PERSONNEL IN CHARGE

Alan S. Gould, Vice President, will serve as Principal-In-Charge of this engagement, coordinating activities, interfacing directly with the Client, and participating throughout the engagement as required. Team members will be assigned and participate upon request of the Client.

Gail H. Schillinger will serve as the Communication Liaison between the Client and MRI to expedite the flow of project information, to record and properly direct Client inquiries regarding the project, and to ensure that problems or issues that may arise during the engagement are addressed and resolved expeditiously. Please feel free to contact Ms. Schillinger regarding any matter related to this project at:

Gail H. Schillinger
Communication Liaison
Municipal Resources, Inc.
120 Daniel Webster Highway
Meredith, NH 03253
(603) 279-0352, x-303
(866) 501-0352, x-303 TOLL FREE
gschillinger@municipalresources.com

Communications or correspondence related to any problems, issues, or changes required for this project shall be directed to the Client at the following address:

Abigail Arnold, Chair
Francestown Board of Selectmen
27 Main Street
PO Box 5
Francestown, NH 03043
(603) 547-3469



V. TERM

This agreement shall remain in force and effect through completion of the assignment.

Either party may terminate the Agreement with 15 days advance written notice to the other party.

THIS AGREEMENT IS SUBJECT TO THE PROVISIONS CONTAINED IN ADDENDUM I, ATTACHED HERETO AND INCORPORATED HEREWITH.

ACCEPTED AND AGREED

THE TOWN OF FRANCESTOWN
BY ITS BOARD OF SELECTMEN

Abigail Arnold
Abigail Arnold, Chairman
Date: 10/27/14

Scott S. Carbee
Scott S. Carbee, Selectman
Date: 10/27/14

Betsy Hardwick
Betsy Hardwick, Selectperson
Date: 10/27/14

MUNICIPAL RESOURCES, INC.

Alan S. Gould
Alan S. Gould, Vice President
Date: 10/29/14

TOWN OF FRANCESTOWN
OFFICE OF SELECTMEN
27 MAIN STREET • P.O. BOX 5
FRANCESTOWN, NEW HAMPSHIRE 03043-0005
BOARD OF SELECTMEN MEETING MINUTES

October 27, 2014

Selectmen Present: Chair Abigail Arnold, Betsy Hardwick, and Scott Carbee

Staff Present: Town Administrator Michael Branley, Administrative Assistant Marti Callahan, Chief Bell

Also present: Ben & Robyn Haubrich, Tom Anderson, Jan Hicks, Polly Freese

CALL TO ORDER: Abigail called the meeting to order at 6:30 p.m.

Appointments

1. Chief Bell – Chief Bell stated he is preparing for Halloween coming up this week. Chief Bell asked about the police presence at election day next week and Abigail stated she understood that the moderator wanted more of a presence in the parking lot keeping people speaking to voters only in the front area of the building. Abigail stated the Board had hired Alan Gould, a retired police chief, to give advice on what kind of communications to have and to evaluate the police department. Tom asked about the forfeiture issue and Chief Bell stated, as he discussed with the Board, the past item is a dead issue and he is working on getting the Town qualified to be eligible going forward.

Items to Sign

1. Payroll manifest for 10/27/14
2. Payables manifest for 10/27/14
3. Property Tax Warrant, second billing, to be due December 2
4. Building Permit for Map 5 Lots 4 - 1 & 2
5. Agreement with Municipal Resources Inc. for Police Department consulting services

New Business

1. 2014 tax rate calculation from the Department of Revenue Administration. Abigail stated the 2014 rate is \$25.06, compared to \$22.77 in 2013. The increase is solely based on the revaluation of property, which reduced values. If there had not been a revaluation, the tax rate would have gone down by \$.33. In general, most taxpayers should see a relatively similar tax payment to last year.

BoS Minutes
October 27, 2014

Correspondence

1. Chief Bell's weekly report for 10/17 through 10/23 indicating there are no major incidents to report.
2. Email from Primex regarding small contractors. Primex would prefer the Town hire someone with insurance because a small job could still bring a large claim and they do not recommend hiring a person as an employee as this would expose the Town to a potential workers compensation claim if the person is injured. Primex further states that the Town should weigh the risks and suggests the Town could save all the small jobs and hire one person with insurance to complete all jobs at once.
3. Email inquiry from Karen St. Cyr regarding signage for the Crotched Mountain Ski Area job fair on November 9, 2014. They would like permission to put up 5-6 signs, including one or two on the Town Common. The Board approved the two signs to be posted on the Commons and the rest of the signs fall under the sign ordinance. Abigail indicated that there is currently no information in the sign policy regarding the time in advance of the event that the signs can be posted and the amount of time they can remain posted after the event. The Board agreed the signs can be posted up to ten days in advance of the event and should be removed immediately after the event.

Liaison Reports

1. Scott stated on Thursday there was a SAC meeting and he is pleased with how the budget process is going this year from the grassroots up. He indicated that they discussed changing the curriculum to entice families and students back to Conval. School Board Representative Stephen Morrissey stated a major budget meeting is coming up and he is looking for a flat budget if possible. Stephen discussed some of the factors in the negotiations with the teachers' union. Scott stated that on Friday Francestown Elementary has an open lunch for the public.
2. Betsy commented that the Joan Hanchett Nature Series Programs is being renewed and the first one is November 4th at Francestown Elementary with Ben Kilham on black bear behavior.
3. Abigail stated the next CIP Meeting is scheduled on October 28th. Michael asked if the Board wanted to create a committee to review the options for the Annex and/or Police Station down the road. A discussion regarding who was most knowledgeable and well suited to be on the committee ensued. The Board agreed they would like to start the process of creating a committee to explore the options.

Old Business

Abigail mentioned Scott's question at a prior meeting about the assumption on the useful life of trucks. She presented a copy of the 2004 report which contained a list of all the assumptions. Assumption number 3 indicates the useful life of trucks is 15 years.

Administrative Update

3rd Quarter Budget Report - Scott indicated, per the Report, Solid Waste had unexpected expenses for new padlocks because the vendor who provided the keys was out of business. He suggested that, in the future, the locks be purchased from a local hardware store rather than calling a locksmith.

Approval of Minutes

1. The Board approved the October 15th minutes as written
2. The Board approved the October 20th minutes as amended

MOTION: Betsy made a motion to enter nonpublic session, seconded by Abigail pursuant to RSA 91-A:3, II (d)

Roll Call vote to enter nonpublic session:	Betsy Hardwick	Aye
	Scott Carbee	Aye
	Abigail Arnold	Aye

The meeting room was cleared and the Board entered nonpublic session at 7:05 p.m.

Mike stated he asked Building Inspector Ed Hunter to look at the tax deeded lot on East Road that the Town is marketing for sale to determine its ability to be built on. Ed's opinion is "The lot in question on East road is considered a legally non-conforming lot. It does not have the required 300' of road frontage. However, it does need to satisfy most other zoning requirements. It appears to me that the only zoning obstacle is the steep slope on portions of the lot. The slopes do restrict or control what can be built upon this lot. Slopes greater than 25% could not be built on and those 15 to 24% would require an Erosion Control Plan approved by the Planning Board. I would require anyone asking for a building permit for this lot, to provide a site plan showing the elevations and a specific building location. Just from a preliminary overview this lot may have potential to build but not everywhere on the lot. In a similar case last year, I suggested to a potential buyer of a small non-conforming lot to have a surveyor do a site plan and septic plan to assure compliance before the purchase. The house had to be located just right to meet setbacks, but it worked." The Board agreed to have Mike share this information with the Town's realtor Judi Miller and have it be publicly disclosed.

The Board came out of nonpublic at 7:15 p.m. having voted to not seal the minutes.

NEXT BOARD OF SELECTMEN MEETING: November 10 at 6:30 p.m.

ADJOURNMENT: Abigail adjourned the meeting at 7:15 p.m.

Respectfully Submitted by Michael Branley

Approved on November 3, 2014

Board of Selectmen Chair Abigail Arnold

Selectman Scott S. Carbee

Selectperson Betsy Hardwick

Town Selectmen

From: Alan Gould <agould@mrigov.com>
Sent: Wednesday, October 29, 2014 3:02 PM
To: Town Selectmen
Subject: RE: Meeting with Chief

[REDACTED]

From: Town Selectmen [mailto:selectmensoffice@francestownnh.org]
Sent: Wednesday, October 29, 2014 2:45 PM
To: Alan Gould
Subject: RE: Meeting with Chief

Ok Alan, good.

Abigail probably needs to be around town at least part of the day to help cover for the election. I will check with her and let you know. Should work either way.

[REDACTED]

Michael T Branley, MPA
Town Administrator

P.O. Box 5
27 Main Street
Francestown NH 03043
(603) 547-3469
<http://www.francestown-nh.gov/>

Email sent to and from this address is subject to NH RSA 91-A (the NH Public Records Law) and may, subject to certain exemptions, be subject to disclosure to third parties.

From: Alan Gould [mailto:agould@mrigov.com]
Sent: Wednesday, October 29, 2014 2:41 PM
To: Town Selectmen
Subject: Meeting with Chief

Hi Mike- The Chief just called after getting my e-mail. We have made an appointment for Tuesday 11/4 at 8 a.m. He said that since it is election day, he'll have an extra body on duty. You might want to see if Abigail wants to meet with me around 10:30. If not, I can meet with you after my meeting or fill you both in by e-mail. Please let me know.

Alan

Town Selectmen

From: Alan Gould <agould@mrigov.com>
Sent: Thursday, October 30, 2014 8:47 AM
To: Town Selectmen
Subject: RE: Contract

Sounds good.

From: Town Selectmen [mailto:selectmensoffice@francestownnh.org]
Sent: Thursday, October 30, 2014 8:40 AM
To: Alan Gould
Subject: RE: Contract

Thank you Alan, Abigail is available on the 4th at 10:30 AM so I will see you then.

Best,

Mike

Michael T Branley, MPA
Town Administrator

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From: Alan Gould [mailto:agould@mrigov.com]
Sent: Thursday, October 30, 2014 8:08 AM
To: Town Selectmen
Subject: Contract

Hi Mike- Here's a copy of the fully executed contract.

Thanks-Alan

Town Selectmen

From: Alan Gould <agould@mrigov.com>
Sent: Wednesday, December 17, 2014 9:26 AM
To: Town Selectmen
Subject: RE: Police Chief

[REDACTED] Thanks.

From: Town Selectmen [mailto:selectmensoffice@francestownnh.org]
Sent: Wednesday, December 17, 2014 8:57 AM
To: Alan Gould
Subject: RE: Police Chief

Alan,

For what it's worth [REDACTED] at Monday's meeting Abigail mentioned to Steve that I told her that the PD had been without phone and internet and that if he was out for several days we could probably get a credit on our bill. He stated he was not out for days on end, just hours here and there so he didn't think we could get a credit. [REDACTED]

Mike

Michael T Branley, MPA
 Town Administrator

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From: Alan Gould [mailto:agould@mrigov.com]
Sent: Monday, December 15, 2014 9:48 AM
To: Town Selectmen
Subject: RE: Police Chief

Mike- We should be done by 10:30. It might be a pretty quick meeting.

From: Town Selectmen [mailto:selectmensoffice@francestownnh.org]
Sent: Monday, December 15, 2014 9:43 AM
To: Alan Gould
Subject: RE: Police Chief

Good morning Alan,

Abigail and I would like to plan on an update with you after you meet with the Chief on the 22nd, what time do you think we should pencil in?

Thanks,

Mike

Michael T Branley, MPA
Town Administrator

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From: Alan Gould [mailto:agould@mrigov.com]
Sent: Friday, December 12, 2014 12:38 PM
To: Town Selectmen
Subject: RE: Police Chief

I called and he answered the phone. Said he was just getting ready to respond but due to the storms, the internet and phone systems have been down! I'm meeting him at 9 a.m. on Monday 12/22. [REDACTED]
[REDACTED]. If you and or the Chair want to meet afterwards, let me know.

Alan

From: Town Selectmen [mailto:selectmensoffice@francestownnh.org]
Sent: Friday, December 12, 2014 12:08 PM
To: Alan Gould
Subject: RE: Police Chief

That is the direct number, the "local" number to dispatch is 547-6850.

Michael T Branley, MPA
Town Administrator

P.O. Box 5
27 Main Street
Francestown NH 03043
(603) 547-3469
<http://www.francestown-nh.gov/>

Email sent to and from this address is subject to NH RSA 91-A (the NH Public Records Law) and may, subject to certain exemptions, be subject to disclosure to third parties.

From: Alan Gould [mailto:agould@mrigov.com]
Sent: Friday, December 12, 2014 12:07 PM

TOWN OF BENNINGTON

BOARD OF SELECTMEN

Minutes of the Meeting – February 26, 2015

Selectmen James Cleary, Jeffrey Rose and Steven Osienski were present as well as Administrator Denise French.

The following Tri-Town Landfill Committee representatives met to continue discussion on excavation matters: Antrim – Selectmen Michael Genest, John Robinson and Gordon Webber as well as Administrator Donna Hanson; Francestown – Selectpersons Abigail Arnold and Scott Carbee as well as Administrator Michael Bramley and Road Agent Gary Paige; Bennington – Selectmen James Cleary, Steven Osienski and Jeffrey Rose as well as Administrator Denise French and Road Agent Gary Russell.

The following Tri-Town excavation matters were discussed:

- Road Agent Gary Russell discussed the Goggle Map on which he had plotted four excavation phases based upon in-ground material; the original map was laid out according to size. Antrim, Bennington and Francestown Road Agents all agree with Russell's proposed excavation phases.
- Temporary flags mark the proposed boundaries until such time as the Tri-Town Landfill Committee approves the locations. Once approved, the map lines will be transferred to permanent markers.
- Within the next couple of years the three Road Agents plan to build a new road into the pit area.
- Originally the excavation site was estimated to be one million yards of material based upon core drilling and a matrix chart. In reality, the group estimates that the quantity of one million yards of material is under-estimated.
- Phase I, as proposed, has the biggest esker and is estimated to have material available for another five to seven years.
- The Excavation Agreement provides that both the towns of Antrim and Bennington are eligible to use 40% of available material; Francestown is eligible to use 20% of the available material.
- Reiterated the importance of each community tracking their bank-run gravel usage and reporting the usage to the Bennington Road Agent.
- Bennington Road Agent Gary Russell reported the following processed material was excavated from 1994 to 2013:

➤ Antrim	77,750
➤ Bennington	40,194
➤ Francestown	121,637
- Antrim and Bennington Selectmen are concerned that Francestown has excavated the most material while only eligible to remove 20%.
- Francestown Selectmen acknowledge their high usage and are willing to pay for excessive removal of material.
- It was mutually agreed by all three Towns that their Road Agents will meet to discuss conceptual ways that the cost of material can be determined.
- Prior to the July 11th Tri-Town Landfill Committee's follow-up meeting at 9:00 a.m., reconciliation of usage from 1999 to date will need to be determined by the Road Agents and a tentative in-ground cost developed.

Board of Selectmen Minutes – February 26, 2015

From 7:12 p.m. until 7:24 p.m. the Selectmen met in Nonpublic Session under RSA 91-A:3II(c). Present were Selectmen Cleary, Rose and Osienski as well as Thomas Belcher. The group discussed the February 11th Monadnock Ledger article where David Blumenthal misrepresented information gleaned from the Deputy Administrator which cast a shadow on former employees. Mr. Belcher was assured that the Selectmen do in fact value its volunteers and employees. A copy of the Selectmen's Letter to the Editor was shared. No decisions were made.

From 7:34 p.m. until 7:58 p.m. the Selectmen met in Nonpublic Session under RSA 91-A:3II(b). Present were Selectmen Cleary, Rose and Osienski as well as Administrator French and Fire Chief Michael Roina. The Selectmen authorized the Chief to begin the employment process for former employee Keith Nason.

The Selectmen voted to hire Wayne Frye to fill the Transfer Station vacancy. The Selectmen voted that time for opening and closing of the Transfer Station will be staggered between the two employees which will likely lead to a decrease in budgeted wages.

The Selectmen took action on the following matters:

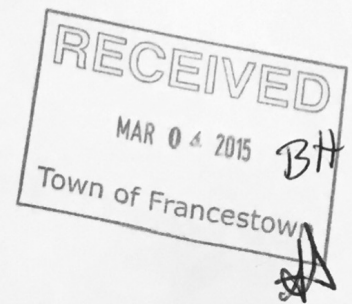
- Reviewed and approved Selectmen Minutes for February 17, February 18 and February 19, 2015.
- Reviewed the Building and Energy Committees' February 4, 2015 Minutes.
- Approved a draft letter to Editor Ben Conant of the Monadnock Ledger-Transcript.
- Approved a draft letter to the Monadnock Ledger-Transcript Editor for publication.
- Approved a draft written response to Monadnock Ledger-Transcript Reporter David Blumenthal re: Police Chief transitions.
- Approved a draft Press Release re: Officer Bret Sullivan's promotion to Police Chief.
- Received, with appreciation, a message of gratitude for the professional interactions of Fire Department personnel during a property owner's recent time of need.
- Read, with interest, a February 24th Monadnock Ledger-Transcript article about a prospective purchaser of the former St. Patrick's Church and their revitalization plan.
- Reviewed and approved an amended Tax Payment Agreement for M7/L83.
- Reviewed and approved a Building Permit for M20/L7.

The meeting adjourned at 8:22 p.m.

Respectfully submitted by:

Denise French
Administrator

Scott S Carbee
1034 Bennington Road
Francestown, NH 03043
603-588-2519



March 4, 2015

Dear Fellow Selectmen and Mr. Alan Gould,

I have read through the Professional Services Agreement, dated 10/27/2014, between the Town of Francestown and Municipal Resources. I cannot see how the agreed upon service agreement meets the requirements of RSA 91-A:3, II (a) for a Non-Public Session.

RSA 91-A:3, II (a) relates to the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

It appears that the agreement was to:

Provide general management and an operational review of the Francestown Police Dept.

Provide administrative guidance and mentoring to the Francestown Police Chief to maximize his performance as Chief.

Give input to the proper communication of the Selectboard and Chief to achieve effective and efficient delivery of police services.

Assess strengths and weaknesses of the POLICE DEPARTMENT

Identify potential deficiencies, non-compliance issues, risks and alternative service delivery

Then, MRI will provide technical/administrative assistance to minimize risk, via 'best practice'

MRI will also provide progress report to the BoS, as needed.

Again, if this session is to give a 'progress report', it does not meet the defined requirements of RSA 91-A:3, II (a) nor does the above scope of work agreed upon.

Scott S Carbee

FRANCESTOWN

Candidate eyes affordable housing for young people

By Kaitlyn Coogan

Monadnock Ledger-Transcript

Candidate for selectman Denis Oris says Fracestown is in need of some new blood, and some affordable housing could be one way of attracting it. But his ideas were met with opposition at the town's "Candidates Night" held Thursday in the town offices.

During the hour-long event each candidate running in a contested race had the chance to talk a little about their vision for the town, and none were met with more challenges than Oris.

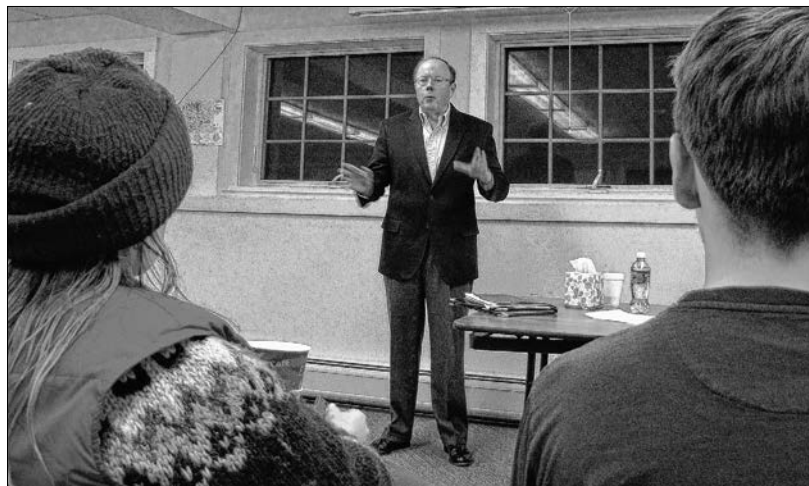
"I expected it," Oris said after the event.

Oris is running against Brad Howell who could not attend the event due to a medical emergency, though he said he is just fine and is still running for the open Select Board seat now held by Betsey Hardwick, whose term is expiring.

Oris was confronted with two main concerns with his candidacy: his limited experience in small-town living and his ideas on affordable housing.

He is originally from New York City, then moved to Wilton, which he considers a rural town. He has lived in Fracestown for four years. Oris spoke about bringing new life into the town and seeing the historic Main Street homes turned into apartment houses. He pointed to information he obtained from a Planning Board meeting, in saying the town's population is aging.

According to Oris, in data obtained from a planning board meeting, Fracestown's property values



Staff photo by Kaitlyn Coogan

Dennis Oris of Fracestown, one of the candidates for selectman, talked about affordable housing to help attract young people to town.

are waning. As it is, Fracestown's property values have decreased by 19 percent, he said, while the state over the last 10 years has seen an increase of 2 percent. Oris said this is something that needs to be addressed; one way of doing so, he added, is to offer affordable housing and refurbish houses on Main Street for apartment livings. These apartments would be ideal for young people who wish to live in Fracestown, but cannot afford an entire house, Oris said.

But the suggestion for affordable housing was met with resistance.

He also suggested changing zoning in town and offering multi-family homes.

Oris continued his speech by adding to the property value prob-

lem that the town is getting old. "That coupled with the aging, we are aging much faster than the other towns around us. We are a lot older than the county; the county's average age is 38, as to the last census, we're 47. We've aged in the last 10 years, seven years. That's pretty high. At that rate, this town in 20 years will be over 60 if we continue," he said.

Select Board member Abigail Arnold said, "I just want to clarify a couple of things that were said earlier. The data that Denis was referring to discussed at the Planning Board meeting was median house sales, not just values of towns. And that data, as discussed at the meeting, the board expressed considerable concern about the accuracy of

that data."

She continued, "Secondly, we are older, but the data also shows that we are much wealthier and much better educated than either the Hillsborough county or the state. The selectmen do have a representative on the Planning Board, but both the Planning Board and the Zoning Board are independent of the Board of Selectmen and would be horrified by the idea that they take direction in any way from the selectmen."

Her speech was met with cheers and applause from audience members.

Planning Board

Other candidates running in contested races are Linda Kunhardt, Lawrence Ames and Henry G.W. Camirand for two Planning Board seats.

Kunhardt focused on wanting to bring in community conversations and getting input from residents about issues they have.

Ames talked about land use, and Camirand focused on zoning ordinances and getting kids out of the house and on their own. All of the candidates were asked about affordable housing as well.

"There is nothing that has been discussed about it yet, but with the Master Plan update process it should be discussed," Kunhardt said.

Ames said, "We want your input on things like this. What you have been raising concerns about, you should come to a Planning Board meeting and voice them."

Camirand said, "Let's get these

kids out of our house. If they don't leave and try to make it on their own, then they'll just stay," to which the crowd laughed. "Affordable housing could be the answer. We need to make plans for people to live."

Library Trustees

For two library trustee positions, three people are running: Charles Swinford, Janet Hicks and Deborah Rogers.

In a funny show of circumstances, Swinford walked to the front of the room and said, "I only ran because I thought there was an opening, so it's OK if you don't vote for me."

Swinford said that nothing needs to be done differently with the library and that it was on the right track, which earned him a round of applause and cheering.

Hicks, who has served as a library trustee alternate for two years, said she also believes they have a great library, but that they need to focus on facing the eBook challenge.

Rogers, former chair of the Library Board of Trustees, said she has learned a lot about the library and she has loved every minute of it. With the older generation in Fracestown, technology has been fought and welcomed at the same time. "My qualifications are mostly my love for the library," she said.

The night ended with a meet and great of candidates and residents, and the room buzzed with conversations. While the event itself felt heated with concerns, the evening ended with laughter, coffee and cookies.

MUTUAL SEVERANCE AGREEMENT AND RELEASE

This Severance Agreement and Release is made between Stephen P. Bell, an individual, with a last known home address of P. O. Box 211, Greenfield, NH 03047 (hereinafter referred to as "Chief Bell") and the Town of Francess town, a Municipality, with a business address of P. O. Box 5, Francess town, NH 03043 ("Town").

As used herein, "Chief Bell" shall also include his spouse, executors, heirs, administrators, assigns, attorneys and other representatives. As used herein, "Town" shall also include its principals, officers, directors, elected officials, employees, attorneys, representatives, agents, predecessors, successors and assigns.

1. **Discontinuance of Employment Relationship.** Chief Bell resigned from his employment with Town, effective Monday, March 9, 2015 (the "Separation Date"). In addition, Chief Bell shall be permitted to submit a resignation letter to Town. The Resignation Letter shall be placed in Chief Bell's personnel file.

2. **Payment of Final Wages and Expenses.** Town has paid Chief Bell a final paycheck (less all withholdings and deductions) for all wages due to him through the Separation Date. No other wages or benefits are due to Chief Bell for services rendered up to and including the Separation Date. This includes hourly wages, expenses, vacation pay, bonuses, or any other form of remuneration. Additionally, Chief Bell has not accrued any benefits and is not entitled to any wages or other payments after the Separation Date, except for the payment referred to in Section 3 below.

3. **Payment and Other Consideration.** In consideration for Chief Bell's execution of this Severance Agreement and Release, and with it Chief Bell's agreement to a release of any claims against Town, as set forth in paragraph 9 herein, and in exchange for Chief Bell's agreement to abide by the restrictions set forth herein, Town will provide Chief Bell with the following payment associated with his separation from Town. Town will pay Chief Bell a gross total of three (3) months' of pay. Town shall make this payment in one lump sum payment, less ordinary and regular tax withholdings. In addition, Town shall pay three (3) months' of medical insurance premiums. Town will pay the above-amounts within three (3) business days after both of the following events has occurred: (1) Chief Bell has executed this Agreement and Release; and (2) the revocation period set forth in paragraph 8(a) herein has expired and Chief Bell has not revoked his acceptance of this Agreement and Release.

4. **No Admission.** This Severance Agreement and Release settles any disputed claim, is offered to buy peace and shall not in any way be construed as an admission by Town or Chief Bell that either has acted wrongfully with respect to each other or any other person, or that they have any rights whatsoever against each other. Each party

specifically disclaims any liability with regard to any alleged wrongful acts against the other or any other person.

5. **Right to Confer.** Chief Bell has legal counsel and fully understands the right to discuss all aspects of this Severance Agreement and Release with his attorney. Chief Bell has carefully read and fully understands all of the provisions of this Severance Agreement and Release and is voluntarily entering into this Severance Agreement and Release after the opportunity to consult his attorney.

6. **Return of Property.** Chief Bell has returned all keys, documents, credit cards, access cards, equipment, reports, forms, employer policy or operations information, customer information and any other Town property that Chief Bell may possess. Chief Bell agrees to keep confidential any and all confidential and proprietary information of Town including but not limited to the systems, programs or other products of Town and to make no use, either directly or indirectly, of such confidential and proprietary information without the written consent of Town.

7. **Confidentiality of this Agreement.** Chief Bell and Town acknowledge and agree that this Severance Agreement and Release may be kept on file at the municipal clerk's office and made available for public inspection, if required by N.H. RSA 507:17 and N.H. RSA 91-A:4 (VI).

8. **Chief Bell's Release.** The parties hereby mutually agree that any dispute between Chief Bell and Town concerning Chief Bell's employment with Town shall be, and hereby is, fully and finally settled. As a material inducement to Town to enter into this Severance Agreement and Release, Chief Bell, as "Chief Bell" is defined herein, agrees to a full and final release and settlement of all claims, charges and the like related to employment with Town (from the beginning of the world through the date of the signing of this Severance Agreement and Release by the parties), including but not limited to any claim in contract, tort or under any federal or state employment statute, or under the federal or state constitution such as sex, race, religion, disability, sexual orientation, marital status, national origin, age discrimination (Age Discrimination in Employment Act), veteran's status, which Chief Bell had or may now have against Town as "Town" is defined herein. Without limiting the generality of the foregoing, Chief Bell releases and forever discharges Town on account of any claims for legal or equitable relief of any kind, costs and attorney fees under any state or federal statutes, and the federal or state constitutions including, again without limitation New Hampshire's Human Rights Act (N.H. R.S.A. 354-A et. seq.); N.H. R.S.A. 275 et seq.; N.H. R.S.A. 275-E et seq.; the Civil Rights Acts of 1964 and Civil Rights Act of 1991 (42 U.S.C. §2000e-1 et. seq., as amended); the Americans with Disabilities Act (42 U.S.C. §12101 et seq., which incorporates by reference the Civil Rights Acts of 1964 and 1991); the Employee Retirement Income Security Act, (29 U.S.C. §1001 et. seq., as amended); the Fair Labor Standards Act (29 U.S.C. §201 et. seq.); the Age Discrimination in Employment Act ("ADEA") (29 U.S.C. §623); the Older Workers' Benefit Protection Act; Section 503 of the Rehabilitation Act of 1973; the Family and Medical Leave Act (29 U.S.C. §1001 et. seq.); the Occupational Safety and Health Act (29 U.S.C. §651 et.

seq.); the Pregnancy Discrimination Act; all claims for unpaid wages, bonuses, benefits or severance; whistleblowers' claims; claims for tortious interference with contract, interference with advantageous business relations or interference with stock options or trading rights; claims for constructive or wrongful discharge; claims for violation of public policy; claims for invasion of privacy; claims for breach of express or implied contract; claims for breach of covenant of good faith and fair dealing; claims for promissory estoppel; claims for defamation including libel and slander; claims for intentional or negligent infliction of emotional distress; claims for assault, battery, fraud, or negligence; claims for respondeat superior; claims for retaliation; or any other federal or state constitutional, statutory or common-law claims arising from any matter from the beginning of the world through the date of the signing of this Severance Agreement and Release by the parties.

(a) In connection with this release of claims, Chief Bell agrees that he has been informed that he (i) had twenty-one (21) calendar days to consider whether or not to execute this Severance Agreement and Release; (ii) had seven (7) calendar days following the execution of this Severance Agreement and Release to revoke it by delivering the written revocation to Michael Branley, Town Administrator, of Town at the address provided in Paragraph 17 herein; and (iii) has been advised to consult an attorney relative to this matter. In the event that Chief Bell signs the Severance Agreement and Release within less than twenty-one (21) days of his receiving it, Chief Bell acknowledges that he did so voluntarily and with knowledge of the opportunity to consider this Severance Agreement and Release for the entire twenty-one (21) day period.

9. **Town's Release.** The Town, its successors, assigns, officials, officers, employees, agents, representatives and attorneys, past, present, and future, in turn, release Chief Bell from all known and unknown claims, causes of action, suits, litigation, demands, and obligations of every kind, including claims for damages, attorneys' fees and any other form of relief available at law or in equity, which the Town has or may have by means of any matter, cause, or thing whatsoever from the beginning of time to the date of this Agreement. Without limiting the generality of the foregoing, this Release includes all matters arising out of or in connection with Chief Bell's employment with Town from the beginning of time to the date of this Agreement.

10. **No Re-Employment.** Chief Bell agrees not to apply for, or directly or indirectly seek, re-employment with Town.

11. **References.** The Town shall provide a mutually agreeable reference letter.

12. **No Assignment.** The rights and duties of Chief Bell under this Severance Agreement and Release are personal and may not be assigned.

13. **Unemployment Compensation.** The Town shall not contest any application Chief Bell may make for unemployment compensation benefits.

14. **Nondisparagement.** The parties agree that they will not do or say anything a reasonable person would construe as disparaging about the other party, or that would diminish or constrain the good will and good reputation of a party.

15. **Construction.** The parties acknowledge that they each had an equal opportunity to control the language of this Agreement, and that this Agreement was mutually drafted. The parties agree that in no event shall this Agreement be presumptively construed against either party.

16. **Indemnification.** The Town shall defend, save harmless and indemnify Chief Bell against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of all alleged acts or omissions which occurred during the performance of Chief Bell's duties as police chief to the extent of the Town's liability insurance coverage for such acts or omissions but not otherwise, so long as Chief Bell was acting within the scope of his office and in good faith.

17. **Notices.** All notices and other communications required or permitted under this Severance Agreement and Release or necessary or convenient in connection with this Severance Agreement and Release shall be in writing and marked confidential. Any such notice and other communication under this Severance Agreement and Release shall be deemed given on the third business day following the mailing of any such notice, postage prepaid, to the addresses set forth below.

**Town of Frankestown
P. O. Box 5
Frankestown, NH 03043**

**Stephen P. Bell
P. O. Box 211
Greenfield, NH 03047
and
Andru Volinsky, Esq.
Bernstein Shur
P. O. Box 1120
Manchester, NH 03104**

18. **Governing Law.** This Severance Agreement and Release and any disputes arising thereunder shall be governed and construed in accordance with the laws of the State of New Hampshire.

19. **Entire Agreement.** This Severance Agreement and Release represents the entire Severance Agreement and Release between the parties and supersedes any and all prior oral and written agreements between Town and Chief Bell. No variations, or modifications of this Severance Agreement and Release shall be deemed valid unless reduced to writing and signed by each of the parties hereto.

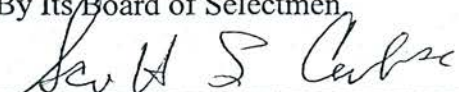
7

In executing this Agreement, Chief Bell acknowledges that he has been advised to consult with counsel, and further acknowledge that he has executed this Agreement knowingly, voluntarily, and without undue influence or duress.

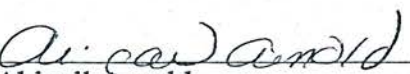
The Town of Francestown

By Its Board of Selectmen

Date: March 9, 2015



Scott Carbee



Abigail Arnold



Betsy Hardwick

Date: March 9, 2015



Stephen P. Bell

Partial Transcript of Board of Selectman Meeting 3/16/15

Gould:...So we want to go in and see what they have for policies and procedures, because we want to evaluate risk when we start these things.

The greatest risk you can be at is based in my view on your policies and procedures cause they dictate how you operate a car, how you operate a cruiser, how you use forces, when you use force, how you take people into custody, how you search people, how you pull cars, virtually everything a police officer does is within some guidelines that are written and set forth in writing by the police department administration. So we found that in many smaller communities sometimes some chiefs need some help updating their policies and procedures. In this case what I found is that you don't have any, which really, from a risk management standpoint, and that's really what I view walking through the door what can I do to help minimize risk first. I think that the town's in great peril without any standard operating procedures. Again for those things that happen every day. When you think about it a police officer has the authority to take someone's life. They have the authority to take someone's freedom by putting them in handcuffs and taking them away to a jail. Those are some serious, responsibilities some serious authority. They drive police cars which may weigh 3500lbs, 2 tons that they are able to drive down the road at something other than the speed limit in certain situations. So that puts the officers at great risk, it puts the town at great risk as well because if there's a lawsuit the town is going to end up paying. So in this case we were able to determine pretty quickly that you don't have any policies or procedures. So what does that mean? I'll give you an example. If an officer was out running radar tonight and a car went by and it had an expired inspection sticker on it. And lets say there were two people in the car and the officer turns around, pulls in to go stop the car, turns on the blue lights and the siren and the car accelerates away from that officer. The officer has a couple of choices. Does he pursue that car, does he follow the car without his lights on, does he use his radio, what does he do? So you should have a procedure that tells the officer what he does in that case. So just to further the example, lets say, so the car is uninspected, the officer goes to pull it over, turns on the blue lights, the car doesn't pull over, it kind of speeds up, turns on the siren, the car doesn't slow down, keeps going, the officer increases his speed to keep up with the car, they're now going in excess of the speed limit. They come around the corner, the car's on the wrong side of the road, hits another car head on. There's a woman and her daughter in that car that gets hit head on. So now you've got a serious problem.

So the first thing anyone's going to look at what was the officer doing, was he following procedure. If you don't have a procedure the town has nothing to defend itself.

Partial Transcript of BOS Meeting 03/30/15 (at 46:47)

AA: Mr. Tolman has asked a couple times for minutes related to “the meeting when the selectmen hired MRI.” And in the last correspondence we had with Mr. Tolman, Michael advised him the selectmen had tentatively, had talked about possibly engaging MRI when they met prior to that but the actual contract occurred at a subsequent date in a public meeting which was the formal handling of that, but Mr. Tolman is now requesting the non-public minutes, and that would require us to decide to either unseal those minutes or to I guess to have Michael look at them and redact them. So I don’t know if we need to decide this tonight but we’ll need to decide that if you want to think about it, or if you have any thoughts now on it.

SC: If memory serves me it wasn’t... I don’t see why they couldn’t go out redacted

MB: Yeah I ran them by counsel and he said he thought it could be disclosed with the first section at the beginning redacted. Because the general contact is for the most part public information. I could show you which part, obviously this is kind of a tough mechanics in that we’re discussing something non-public in public, but I can show you just the part that he suggests we could redact and he thought it would be fine to disclose.

(MB to BH: Redact from here to here. So this part would be public. I know you weren’t here ...)

AA: And we don’t have to decide this tonight do we?

MB: Well I need to respond to him within in five business days

AA: Well that could be that we will let him know in a week, right?

MB: Could be, yeah.

AA: I mean, if you want, its all new to you, so I don’t...

BH: I’m in agreement with redacting the non-public portion and releasing what’s public in accordance with the counsel’s recommendation (inaudible)

SC: Ok.

AA: That’s what you want to do?

BH: Yeah

SC: I think so

MB: I will advise Mr. Tolman

Franeestown Police

DEPARTMENT GENERAL ORDERS

SUBJECT: PURSUIT DRIVING

NUMBER 2-10

EFFECTIVE DATE: 8/01/2002

REVIEW DATE:

AMENDS/SUPERSEDES: ALL

APPROVED: 8/1/02

NOTE: This rule or regulation is for internal use. It should be construed as the creation of a higher standard of safety or care in an evidentiary sense. Violations of this directive can form the basis of a complaint by this department in a non-judicial administrative setting.

INDEX WORDS: Emergency vehicles; operation of emergency vehicles; pursuit; unmarked police vehicles; pre-trip inspection; driving rules; justification of pursuit; emergency driving; vehicle response codes; roadblocks; ramming.

I. POLICY:

It is the duty of members of this department to apprehend law violators whenever apprehension is feasible under the existing conditions. A motor vehicle traveling at high speeds constitutes a force capable of causing death and serious injury. Federal and State court decisions, State law, community standards, and the policies of this department restrict the use of force. Pursuit using a vehicle shall be restricted to those circumstances where the benefit of apprehending the violator exceeds the risk of injury or damage posed by the pursuit. Pursuits shall be so conducted as to safeguard the lives of police personnel and members of the community, and to minimize the possibility of injury to public and private property.

II. PURPOSE:

To establish procedures governing the initiation of a pursuit, vehicle operation, supervision of a pursuit in progress, termination, and reporting procedures required when a pursuit occurs.

III. DEFINITIONS:

- A. Motorized Pursuit:** An active attempt by an officer in an emergency vehicle to stop a moving vehicle when the

driver of such vehicle is resisting apprehension by maintaining or increasing speed or by ignoring the officer's attempt to stop him/her, when a reasonable person under the circumstances would be aware of such attempt.

- B. **High Speed Pursuit:** Motorized pursuit which involves an officer driving at speeds in excess of the reasonable and prudent speed as defined by New Hampshire RSA 265:60.
- C. **Primary Pursuing Unit:** The emergency vehicle which initiates a pursuit or any vehicle which assumes control and a lead position.
- D. **Overtake:** An active attempt to overtake a motorist who is not yet aware that they are being pursued, in order to:
 - Position the emergency vehicle so that audible and/or visual signals can effectively be communicated.
 - Continuously communicate audible and/or visual signals until the motorist becomes aware of them.
 - Position the emergency vehicle so that the officer may more effectively observe the motorist, vehicle, passengers, or load.
- E. **Emergency Driving:** Traveling in response to an emergency, or in the pursuit or apprehension of violators or of persons charged with or suspected of such violations, including, but not limited to driving where the officer utilizes any exemption from motor vehicle laws granted to emergency vehicles.
- F. **Emergency Equipment:** Emergency lights as controlled by RSA 266:74, and/or any siren or other device intended for use as a warning device, said equipment being clearly audible/visible from a distance of not less than 500 feet in clear weather, during daylight, where no obstructions are present, and the emergency vehicle is stationary.
- G. **Personally Owned Vehicle:** Any vehicle being used by an officer acting under the color of law, either on-duty or when being called into duty, when the vehicle is not owned, equipped, and insured by the law enforcement agency employing the officer.

IV. Officer Responsibilities:

This departmental policy on emergency driving shall apply to each officer who engages in pursuit driving.

A. The decision to pursue

Officers who initiate pursuits shall take into consideration the factors below. The officer's primary responsibility in a pursuit is the safe operation of the vehicle.

1. You may attempt to pursue a vehicle only when you have probable cause to believe the violator has committed or is attempting to commit a felony involving a threat to the life or physical safety of a person, or in the case of other offenses including misdemeanors or violations when the necessity of immediate apprehension outweighs the danger created by the pursuit. You shall not drive at speeds in excess of the lawful speed limit to pursue vehicles for non-hazardous traffic violations or violations of Town/City ordinances, unless the absence of actual and potential hazards at the time renders a higher speed reasonable and prudent.
2. The possible presence of innocent third parties shall be considered. An innocent third party means any person in the vehicle or along its path whom you have no probable cause to believe has committed, is committing or is about to commit an offense as defined in Section 1 above. You shall evaluate the following when deciding whether or not to pursue:
 - a. The severity of the offense.
 - b. Your driving skill.
 - c. The suspect's driving skill, if evident.
 - d. The balance between these competing interests:
 1. Your responsibility to apprehend, and your own personal safety.

2. The safety of other parties - including occupants of the suspect vehicle.
3. The best interest of the community.
4. The safety of the suspect and other occupants of the pursuit vehicle.
5. Road and weather conditions.
6. Patrol vehicle condition.
7. Time of day or night.
8. Traffic conditions.
9. The type of vehicle attempting to evade apprehension.
10. The population density of the area.
11. Your knowledge of the area.
12. The availability of alternative means to stop the vehicle or apprehend the suspect(s).

13. Utilization of seat belts and shoulder harnesses.

3. You shall not initiate a pursuit when your cruiser is occupied by prisoners, suspects, complainants, witnesses, or any other person non-official personnel.

As you make the decision to pursue, the two most important factors to consider are:

- Your first responsibility is the protection of the life and limbs of the inhabitants of the jurisdiction, yourself included.
- Your officer's second goal is the apprehension of the violator or suspect, which does not always require stopping the suspect's vehicle.

B. Initiating the pursuit

1. Once you have made the decision to pursue, if you are operating the primary pursuit vehicle you shall:

- Use emergency lights and siren as appropriate and required.
- Notify dispatch of the pursuit, and further advise them of the following:

- a. The known law violation or reason for the pursuit.
- b. The description of the vehicle.
- c. The location of the starting point, and direction of travel.

- d. The speed of the fleeing vehicle.
 - e. The number of known occupants in the fleeing vehicle and their descriptions.
 - f. The traffic, road and weather conditions, where applicable.
2. You shall notify the dispatcher of significant changes in vehicle direction, speed, unusual actions, additional vehicle description, and of any requests for specific assistance needed.

C. Rules of pursuits

1. You shall not ram, bump, or collide with a fleeing vehicle nor shall you pull alongside such vehicles in an attempt to force them off the road or into an obstacle, unless they have received specific training in such forceful stopping techniques. Such forceful stopping techniques may only be used in cases where the failure to apprehend the fleeing vehicle will likely result in deadly force or great risk to human life being caused by the individual evading apprehension, and permission for the use of the forceful stopping techniques has been sought and obtained through dispatch from the Chief of Police (Shift Commander, Duty Supervisor) at the time of the pursuit.
2. Immediately after initiating the pursuit and where practical the primary officer shall attempt use of the technique of "laying back" to control and limit the speeds used in the pursuit. (Many motorists attempting to elude being stopped will travel as fast as necessary to avoid being overtaken by the pursuing cruiser. Attempting to catch up to a fleeing vehicle may prompt that driver to increase speeds to extremely dangerous levels. Maintaining the greatest reasonable distance may induce the fleeing driver to travel slower.) When close observation of the fleeing vehicle is necessary, you shall select an appropriate area along the path of the pursuit to attempt to close the distance, make the necessary observations, and if the motorist fails to reduce their speed, then again fall back to the greatest practical following distance which still allows visual contact.
3. Pursuits shall be limited to two police vehicles, a primary and a secondary. Other police vehicles shall not leave their assignments to join the pursuit.

Additional units may assist at the direction of the Chief of Police or commanding officer only by following emergency driving practices to respond to the termination point of the pursuit. Police motorcycles, personally owned vehicles, or special purpose vehicles shall not be used for high speed pursuit, except as otherwise herein provided.

4. You shall not fire your weapons from a moving police vehicle. Nor shall you fire at a moving vehicle except in defense of your own life or the lives of others, when it is reasonably believed that innocent persons will not be endangered thereby. (Individual departments may wish to modify this section if RSA 627:5 and TENNESSEE v. GARNER would permit it.)
5. Whenever pursuit extends off roadway, such as when the fleeing vehicle proceeds across a field or woods road, you shall carefully consider whether or not the seriousness of the offense outweighs the risk to his/her safety and the potential damage to the police vehicle or private property. When the risks of pursuit exceed the need to capture the offender, you shall terminate the pursuit.
6. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, you should stop, report your location, secure the police vehicle, and continue efforts to apprehend on foot. The secondary vehicle or a back-up cruiser should be dispatched in close proximity to offer assistance.
7. When two cruisers are involved in pursuit, each unit shall maintain a safe distance between itself and the other unit and the pursued vehicle, especially when passing through intersections. Each unit involved in the pursuit shall select a different siren sound, if possible.
8. You shall not pursue suspects the wrong way on one way streets, interstates, or other controlled access highways.

D. Abandoning Pursuit:

You must continually evaluate the risks and goal of the pursuit. You are required to discontinue the pursuit under the following circumstances:

1. If, in your opinion of that of the supervisor of the pursuit, the pursuit creates a clear and unreasonable danger to yourself, the officers and other motorists or pedestrians, that outweighs the need for immediate apprehension.
 2. The suspects have been identified and can be apprehended later, and are unlikely to cause danger to others if not immediately apprehended.
 3. The prevailing traffic, roadway, and environmental conditions render pursuit futile or clearly and unreasonable dangerous.
 4. The pursued vehicle has clearly outdistanced you, or its location is unknown, or if you lose sight of the vehicle other than briefly.
 5. You know, or reasonable believe that the fleeing vehicle is operated by a juvenile as defined in RSA 169-B:32, and the offense does not constitute a felony against the person and the public would not be endangered if the vehicle is not immediately apprehended.
 6. You shall immediately terminate a pursuit upon receipt of a command from any superior officer, placed directly or through a dispatcher or any other officer. Failure to comply with such an order to terminate pursuit may result in disciplinary action, up to and including dismissal.
 7. The violator goes the wrong way on a interstate and defense highway, an interstate access ramp or frontage road, a divided highway or one way street.
 8. Your pursuit vehicle experiences equipment failure or malfunction involving lights, siren, radio, brakes, steering, or other essential safety equipment.
 9. If the pursuit crosses the state line into another state, the provisions of RSA 614 governing interstate fresh pursuit shall be complied with.
- E. Immediately upon termination of pursuit for any reason you shall notify dispatch of your exact location and the disposition of the pursuit: vehicle stopped, lost contact, pursuit ended, pursuit transferred, etc.
1. Upon successful termination of the pursuit, you shall follow proper procedures for arrest, transport, and booking of the violator. Officers shall maintain

control of their emotions and comply with the departmental use of force policy in executing the arrest, and shall intervene if necessary to prevent other officers from violating this policy.

2. Upon termination of any high speed pursuit, regardless of the outcome, all officers who engaged in it shall forward the appropriate report to the Chief of Police detailing:

- the basis for initiating the pursuit
- an account of the pursuit, including travel path, speeds, tactics utilized, and outcome.
- an accounting for any injury or damage sustained as a result of the pursuit.
- if there is probable cause to believe an officer committed a criminal act, the provision of Miranda v. Arizona and Garrity v. New Jersey, where applicable, shall apply.

Discontinuing a pursuit does not prohibit an officer from following the vehicle at a safe speed, or remaining in the area, ready to resume the pursuit if the opportunity presents itself and circumstances warrant.

NO OFFICER WILL BE DISCIPLINED FOR DISCONTINUING A PURSUIT.

(*Note: this provision may be reworded for departments with unionized work forces, or where this policy statement would constitute a waiver of disciplinary authority for cowardice or failure to obey.)

V. Supervisor's Responsibility

Pursuit driving is stressful for police officers. The character of the violator's failure to yield to lawful authority, and the driving hazards fleeing violators commonly pose, can evoke emotional responses from involved officers. The Chief of Police should whenever practicable, assume control of each pursuit. Whenever practicable the supervisor shall coordinate support activities for the primary pursuing vehicle, review available information on the judgement of the officer in initiating and continuing the pursuit, and make independent judgement on continuing or discontinuing the pursuit.

- A. The supervisor shall monitor the pursuit, and shall order the termination of the pursuit at any time that the circumstances warrant. The supervisor shall order termination if the primary officer does not provide dispatch with the information detailed in Section B-1.
- B. The supervisor shall limit the number of vehicles assisting in the pursuit.
- C. The supervisor shall exercise control over using alternate means such as roadblocks or forceful pursuit termination techniques to apprehend the pursued vehicle, in strict accordance with this policy.
- D. If necessary, the supervisor may coordinate with other law enforcement agencies concerning support functions.
- E. Whenever practicable, a supervisor shall respond to the point of termination, to supervise apprehension and/or debrief involved officers. The supervisor shall submit a report to the Chief of Police detailing his/her supervisory actions during the pursuit, and a critique of the pursuit's compliance with State law and department policy.

VI. Dispatch Responsibilities

- A. The dispatcher shall: advise all other units of the pursuit and the information given by the pursuing officer, and assist in directing back-up units to strategic locations.
- B. Notify the Chief of Police and maintain radio or telephone communications with the supervisor until termination of the pursuit.
- C. Clear the police radio of all but emergency traffic.
- D. Query SPOTS and NCIC for registration, license, and warrant data.
- E. Record the time of each transmission to the minute and second, accurately noting locations reported.

VII. Use of Forceful Techniques to Terminate Pursuit

- A. The Chief of Police alone shall have the authority to authorize the use of forceful techniques to terminate a pursuit.

B. Prior to authorizing use of forceful techniques it must be established that there is no other possible means to effect an arrest of the violator, that there is probable cause to believe the occupants of the pursued vehicle have committed, are committing or about to commit a felony involving the use of force or violence, or are using a deadly weapon in attempting to evade apprehension, or otherwise indicate that they are likely to seriously endanger human life or inflict serious bodily injury, unless they are apprehended without delay. The standards set forth in Garner v. Tennessee and NH RSA 627:5 shall be followed. The pursuing officer shall have made a reasonable effort to advise the person(s) that a law enforcement officer is attempting to effect an arrest, and must have reasonable grounds to believe the person sought is aware of these facts. The threat posed by the evasive driving which prompted or continues during the pursuit shall not be the sole prompted or continues during the pursuit shall not be the sole basis for using forceful techniques to terminate the pursuit.

C. Forceful techniques such as rolling roadblocks or ramming the pursued vehicle may be used to terminate a pursuit only under the most extreme conditions. Each technique involves substantial risk for both those involved in the pursuit and the general public. These techniques shall be used only on the authority of the Chief of Police or his/her designee, and only when reasonable protection can be provided to uninvolved third parties. These techniques shall not normally be used unless where deadly force is justified against all occupants of the pursued vehicle.

Ramming a pursued vehicle creates a hazard, with vehicles rebounding and interlocking in and out of control at pursuit speeds, and ramming and other forceful techniques require specific training in the use forceful pursuit termination measures.

VIII. Interjurisdictional Pursuits

A. When a pursuit crosses into another jurisdiction, the Supervisor will insure that dispatch notifies the other law enforcement agency of the pursuit and all available information thereon. A request shall be made for the new jurisdiction to become the primary pursuit vehicle, and the originating cruiser shall continue as the secondary until termination of the pursuit. If a mutual aid agreement exists between the

B. When a pursuit crosses into Francestown PD's jurisdiction, dispatch will notify on-duty officers, who will provide assistance only if requested by the pursuing officer/agency. Only one Francestown unit shall engage in pursuit. The officer shall engage in pursuit only if the originating circumstances are known, and they justify pursuit under departmental policy. Dispatch shall notify the Chief of Police, On-duty/On-call Supervisor, who shall assume responsibility for all department units. If pursuit is not justified under departmental policy, departmental units shall respond under guidelines of departmental emergency driving policy to the route of the pursuit or the point of termination. If pursuit is not justified and the pursuing officer does not have independent jurisdiction, (when the officer is acting under mutual aid or extended authority from Mythical) the Chief, Supervisor, etc. shall direct termination of the pursuit.

Chief of Police

Philip Woodbury Chief Philip Woodbury Date 8/2/02

Enclosures:\ 265:60 and 266:74

TOWN OF BENNINGTON

BOARD OF SELECTMEN

Minutes of the Meeting – May 6, 2015

Selectmen James Cleary and Jeffrey Rose were present as well as Deputy Administrator Denise French. The meeting was called to order at 6:07 p.m. Selectmen Steven Osienski joined the meeting at 6:30 p.m. Also in attendance was Monadnock Ledger-Transcript Reporter David Blumenthal.

Road Agent Gary Russell and Fire Chief Michael Roina met with the Board to discuss their concerns about the Town of Bennington providing Fire and Emergency services to Deering residents on Codman Hill Road. In recent years the Town of Deering has issued a building permit for Codman Hill, which is located in Deering and accessed off of the Class VI portion of Switzer Road and relies on Bennington provide Fire and Emergency services. The Board of Selectmen continues to be opposed to the Town of Deering issuing building permits on a Class VI roadway. Chief Roina provided the Board of Selectmen with a copy of RSA 154:1-d and RSAs 154:24 through 154:30 which he believes frees the Town of Bennington from any liability for their responses to those Deering properties. The Board of Selectmen would like to schedule a meeting with the Deering Selectmen to discuss future development on Class VI roadways.

At 6:30 p.m. the Board opened up a Public Hearing in accordance with Section 201.6 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, enacted under Sec. 104 of the Disaster Mitigation Act of 2000 for submission of the Bennington Hazard Mitigation Plan Update 2015. There were no attendees from the public. The Board voted to accept the 2015 Update and executed the Certificate of Adoption for submission to FEMA. The Public Hearing was adjourned at 7:00 p.m.

At 7:00 p.m. the Francestown Board of Selectmen joined the meeting to conceptually discuss the possibilities of sharing resources. In attendance were Selectmen Scott Carbee, Brad Howell, and Abigail Arnold, Town Administrator Michael Bramley, and Francestown residents Dennis Orsi, BJ Carbee, Polly Freese, Lisa Bourbeau, James Gann, Lisa Stewart, and John Thalhauser. Both Boards agreed that if there was no substantial cost benefit or increase in services provided to residents of both communities then the concept of sharing resources would be a mute issue – regardless of which Department was sharing resources. Selectwoman Arnold stated that initially exploring sharing police resources appeared to be a logical starting point for discussions.

After some discussion it was agreed that Francestown Selectmen should receive input from their residents at an already scheduled May 20th Public Forum regarding their Police Department. If Francestown residents are in favor of exploring shared resources then the two Towns should schedule a joint Public Hearing to receive expanded feedback.

Police Chief Bret Sullivan met with the Board to inquire about the Board's position on the administrative assistance position recommended in the Police Chief Review Committee's recommendation. Chief Sullivan would like to hire a part-time Administrative Assistant for up to 10 hours a week. The Board made no decisions and recommended that Chief Sullivan review his budget to see if there is room within his budget to allocate those costs.

From 8:12 p.m. until 8:24 p.m. the Selectmen met in Nonpublic Session under RSA 91-A:3III(c). Present were Selectmen Cleary, Rose, and Osienski, and Deputy Administration LaPlante. No decisions were made.

The Selectmen took action on the following matters:

- Reviewed and approved the Selectmen's April 29, 2015 Minutes.
- Reviewed and approved three Payroll Registers and one Accounts Payable Register for May 6, 2015.
- Asked the Road Agent to repair the gate at the entrance to the Highway Department facility.
- Authorized the Road Agent to work with an Old Greenfield Road property owner and logger to remove four trees that have been damaged by plows.
- Authorized a waiver of the Town's Alcohol Policy to allow the Sportsmans Club to have alcohol on Town property at their May 16, 2015 Sportsmans Club dinner at the Fire Station.
- Heard a report that the Meet and Greet meeting with the Emergency Management Director has been rescheduled to June 2nd.
- Heard a complaint that Acre Street residents were given less than 24 hours notice that water would be shut off for a water repair that the Highway Department and Antrim Water Department knew about weeks ahead of time.
- Selectman Cleary volunteered to talk with the Town's snow removal contractor to discuss repairing a fence broken during the winter months.
- Signed a Service Connected Total and Permanent Disability Tax Credit for Map 7, Lot 22.
- Agreed to purchase bark mulch for the Town's volunteer gardener to spread amongst the flowerbeds in town.

The meeting adjourned at 8:30 p.m.

Respectfully Submitted by:

Kristie LaPlante
Deputy Administrator



Staff photo by Benji Rosen

gh Unitarian Universalist Church. Mobayed was at the Walpole Unitarian Church.

es, blessings of -town churches



Courtesy photo

Pastor Lourey Savick of the Peterborough United Methodist Church.

Savick considers diversity a challenge, too; but rather than a lack of cultural diversity, her challenge lies in the disparity in economic stature her parishioners face.

Little pockets

Savick, who commutes to Peterborough from the Jamaica Plain neighborhood of Boston, recognizes the wide poverty gap in the region.

“It makes for pocket communities,” she said. “There’s a lot of diversity with income and upbringing, ideas and religion. It’s very hard to have cross-cultural conversations. When you end up in these little pockets, you don’t have the opportunity to share with each other as much as we could.”

To narrow that divide, the 29-year-old and her church are committed to forums, open-Mic nights, sharing their building with the River Center and collaborating with other religious organizations.

“People need to know someone knows and cares about them and help is available. We have the resources to make that happen,” she said.

Savick, whose alma mater, Wartburg College, honored her with its Young Alumni award last month, is also conscious she is a young pastor in an older region.

“I was worried that I wouldn’t be accepted, that people would have preconceived notions about me,” she said. “From the very first moment I have been treated with such grace and respect, and they allowed me to grow into an authority in this role.”

ne officer sworn in

a good track record stands small-town said Police Chief ran, of LaBrecque. mold I was looking happy to have him

ue, who completed y training session e him to Dublin, is

\$4,000 for part-time officers is already accounted for, Sullivan says that money that would have paid Cheshire’s salary can also be used for the new officers.

Melissa Hetrick, who was sworn in as a part-time officer on April 6, is also filling shifts, according to Sullivan.

HANCOCK

A panes-taking process

By David Blumenthal

Monadnock Ledger-Transcript

Restoration of the windows in the Meetinghouse, the final step in an extensive project to refurbish the building, will be getting under way soon, using grant funds and private donation money.

Hancock was awarded a \$67,000 grant from the N.H. Land Community Heritage Investment Program to fund a restoration of the Meetinghouse’s windows.

Gary Ryer, a member of the Meetinghouse Restoration Committee, said the process will take about a year. The restoration process is painstaking, he said. Restorers will take out each pane, repair any damage or wear and remove any glazing from the pane.

“It’s a historic property ... we are bound to work with existing material as much as we can,” Ryer said.

The grant money became necessary after a warrant article appropriated at 2014 Town Meeting to borrow \$817,000 for the restoration purposely did not fully cover the cost, according to Member Tom Shevenell. The committee decided that a more incremental process, putting storms on the windows with plans for a proper restoration later, was a better move.

“We didn’t want to go to taxpayers for a \$1 million project,” Shevenell said. “It just wasn’t going to fly.”

At Town Meeting this year, voters unanimously authorized \$90,407 to restore the windows on the building, which is jointly owned by the town and the First Congregational Church. The warrant article stipulated that the money would come from grants and not be raised through taxation.

At Town Meeting Shevenell said \$21,000 had already been raised through private donations. Part of that amount — \$4,930 — was a donation from Citizens’ Bank, Shevenell said yesterday, while the balance came from a private donor.

Now, the town also has the LCHIP grant, which was awarded in December 2014.

LCHIP Executive Director Dijit Taylor said that the town



Staff photo by Dave Anderson

Window restoration is next on the list for the Hancock Meetinghouse.

had three elements — the restoration’s architectural focus, a smaller grant request and Hancock’s ability to fund the project itself — made their application compelling. Taylor added that the town’s partnership with the First Congregational Church in the building is also rare. “It is a pleasure to work with a community where the joint ownership continues to work successfully,” Taylor said.

Town Administrator Diane

Kendall praised the fundraising efforts.

“It’s very helpful in that the windows will be preserved for many generations,” Kendall said.

The committee received a \$7,500 assessment grant to give a blueprint for the project about five years ago, according to Shevenell. They also applied for a larger grant of about \$130,000 for slate roofing for the building, but were unsuccessful, he said.

“It is a pleasure to work with a community where the joint ownership continues to work successfully.

LCHIP Executive Director Dijit Taylor

BENNINGTON

Police groups talk coverage, costs

By David Blumenthal

Monadnock Ledger-Transcript

BENNINGTON — The Select Board and their Frankestown counterparts don’t necessarily share the same regionalization vision, but both have agreed to continue the conversation.

A special Wednesday meeting between the two boards concerned sharing resources, specifically Police Departments. They both agreed to review the situation again at a July meeting. Frankestown, as Bennington Member Steve Osienski pointed out, is in a different place from his town.

“We just went through that whole exercise,” Osienski said. “Maybe you need to go through that whole exercise and see what your people want.”

Equipment, administrative work, and police stations were all named as areas where the two towns could share resources.

Select Board Member Scott Carbee dismissed distances between the towns as a potential encumbrance.

“You never know, the call

could come from Old Bennington Road to Dennison Road, but it could happen in Manhattan too,” Carbee said.

Some Bennington board members were concerned about costs. “I think if it’s a cost increase, it’s not going to fly, not at all,” said Chair James Cleary.

Board Member Jeff Rose said the topic is complicated and deserves further review.

“There may not be financial benefit,” Rose said. “There might be better coverage.”

The two towns agreed to a July 11 meeting to continue the discussion. Osienski will attend Frankestown’s May 20 police forum.

Frankestown swore in four new officers on April 7 after Chief Stephen Bell resigned on March 16 and two other officers followed suit. Officer in Charge Steve Campbell and Administrative Manager Fred Douglas have been filling in, with Campbell retiring at the end of summer.

Bennington’s new chief, Bret Sullivan, took office on April 1 and the department swore in Sgt. Jason LePine

on April 29. Before Bell’s resignation, the chief was Frankestown’s only full-time officer, while Bennington has two full-time officers including the chief. Frankestown appropriated \$146,925 for the Police Department this year compared to Bennington’s \$250,327, according to town reports.

In other business

Chief Bret Sullivan asked the board to hire an administrative assistant for the department. Sullivan pegged the proposed 10-hours-a-week position as tentatively costing \$7,800 a year, but the board said those funds are unavailable.

Road Agent Gary Russell got approval from the board to remove five trees on Old Greenfield Road. The trees have been hit by plows numerous times and will be removed at no cost to the town, according to Russell.

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