

**CANAAN BOARD OF SELECTMEN
MEETING MINUTES
TUESDAY, APRIL 28, 2009**

The meeting was brought to order at 6:30PM by Chairman Bob Reagan. Selectman Scott Borthwick, Selectman Tim Lewis and Town Administrator Michael Capone were also in attendance. Others present: Al Posnanski, Transfer Station Manager, Glenn Carey, and Transfer Station Personnel Jon Louder, Steve McKinney, Ross Longley. Please note: after 7:00PM approximately 20 others joined the meeting, but only Ellie Davis, Wesley Mansur and Katina Caraganis signed in. Chairman Reagan led those in attendance in reciting our pledge of allegiance.

Transfer Station Personnel: Discuss Transfer Station enforcement and possible revision of the Transfer Station Ordinance

Michael noted that the purpose in calling the Transfer Station staff was to review Transfer Station enforcement efforts to date and discuss what changes needed to be made to improve implementation of the Transfer Station Ordinance. There had been some issues with how enforcement was being handled which had resulted in residents being incorrectly notified of violations. The concern is that enforcement efforts should be directed towards violators and not towards residents who were attempting to comply with the ordinance.

Al Posnanski asked if everyone entering the station was required to have a sticker. Michael replied that they were but some of the confusion had arisen over what was considered a valid sticker and how it was displayed.

Glenn asked the Board what they wanted enforced. There was discussion with regard to what would be considered a valid sticker. The Board felt that there were two stickers that should be considered valid. The first would be the green and white 2008-2009 sticker and the second the new orange stickers which were being given out to residents as they renew their vehicles in 2009.

Chairman Regan noted that there might be instances where residents had not received the new sticker, but they should not be refused at the Transfer Station. The objective was to eventually get everyone current with their stickers, but residents who were attempting to comply should not be turned away.

Selectman Lewis asked if the ordinance could be amended to change the language regarding the displaying of stickers. He noted that in some instances it might not be practical for a resident to have the sticker permanently affixed to the windshield. He also asked if placement was really an issue. Glenn mentioned that some residents place them on the upper part of their windshields which makes them hard to see because of the tinting.

Al asked if the Ordinance could be amended. Michael noted that as long as the intent was not changed, minor adjustments would be allowed. Selectman Borthwick made a motion to amend section V, B (4) of the ordinance to read "station permits shall be displayed". The motion was seconded by Selectman Lewis and voted 3-0 in favor.

There was also a discussion with regard to a requirement for Orange residents to display a sticker when bringing their recyclables to the station. It was determined that Orange should provide stickers for their residents. The Board asked Michael to contact the Town of Orange to inform them of the requirement.

Acceptance of Minutes of the April 21, 2009 Meeting

Michael noted that he had corrected one typo in the draft minutes. The Board reviewed the minutes and voted the following: Selectman Borthwick moved and Selectman Lewis seconded the motion to accept the minutes of the April 21, 2009 meeting as written. The Board voted 3-0 in favor of the motion.

Jim Linn: Permission to hay Town land at the Transfer Station.

Mr. Linn was present to request permission of the Board to hay a one to one and a half acre section of land adjacent to Orange Brook along the roadway into the Transfer Station. There was a discussion of how the Shoreland Protection Act might impact just how much of the land could be hayed. The Board determined that additional research would be required before considering Mr. Linn's request.

Chief Frank: Discuss Budget

Chief Frank was present to discuss two budget items with the Board. He resubmitted the requisition for dues to be paid to the Central New Hampshire Special Operation Unit (CNHSOU). The Board had recently denied this requisition. The Chief felt that there must have been some misunderstanding or perhaps he had not sufficiently clarified the need for Canaan to participate in the CHNSOU.

The Chief had Robert Cormier, Commander of CNHSOU and Chief of Police in Tilton and Butch Burbank from Local Government Center present at the meeting to answer any questions regarding the CNHSOU.

Chairman Reagan asked if the Bristol incident was still in litigation. Mr. Burbank replied that as far as he knows it is.

Chief Frank asked if this was the reason for not signing the requisition. Chairman Reagan replied that it was part of his concern and that it had brought the matter of SOU's to the forefront.

Chairman Reagan had concerns with how the matter was handled. Selectman Borthwick was concerned that the Board was not fully informed of the SOU when the requisition was signed last spring.

Chief Frank noted that the Memorandum of Understanding (MOU) was attached to the requisition and if the Board did not read it he was sorry.

Chief Frank said that the Board had acted immorally in denying the requisition because the budget had been approved by the voters and the funds were in the budget. He realizes the Board has the authority to move funds within the budget, but feels the voters have spoken and he has an obligation to the residents to carry out their wishes. He feels it is a vocal few that is questioning the SOU and that a silent majority of residents support it.

Chairman Reagan noted the presently we pay taxes to have the services of the State Police, County Sheriffs, Fish and Game and National Guard available. Why do we need another level of service? What if in another year or two another group comes along that provides a different service. Would we drop out of the SOU.?

Chief Frank commented that he feels the \$2600 we spend on the SOU is an insurance policy and the low cost training it provides is a value to the community.

Scott commented that feels we have a lot of services now and the SOU is a luxury. Chief Frank did not agree and the said the Board wants him to do more with less. We do not have enough manpower to handle what we do now.

Mark Simon asked what types of services this group brings to the Town that the other groups mentioned do not.

Chief Cormier, provided background on SOU program. There are 11 teams in State, 6 of them regional teams. They help locals departments with more difficult situations and supplement training and resources for local law enforcement including crisis negotiation. They have handled multiple calls on occasion and can do so because of the number of groups available.

Teams have a lot of training and discipline. This results in a lower percentage of use of force vs. a local department. Their objective is to slow a situation down to minimize violence and get peaceful resolution by adding time to a situation. Training is the key to this. It needs to be remedial because training needs change over time. They can be used for search and rescue as well. Their goal is to make things safer and better for the Police and the Public. Chief Cormier offered to answer any questions.

Selectman Lewis asked if there response time is better than State Police. Chief Cormier said it is because the resources come from around the region and not from the entire State. He also mentioned that standardized training helps because all of the respondents are trained to handle any situation in the same way.

Selectman Borthwick asked about the number of calls that the SOU had handled. Chief Cormier said there had been 60 calls since 2001. Around 1/3 of the calls were to provide manpower for search and rescue and did not involve weapons or crimes.

Jeff Majewski felt that if there was a problem with the SOU it would be addressed and would not happen again. He sees the SOU as a valuable service. He did not understand why the Board would want to spend money taking down buildings they see as liability when we can spend it on a resource such as this. It is a good deal for the money.

Selectman Borthwick mentioned that it was not about money. SOU incidents had prompted a review of the groups by the State Attorney Generals office.

Chief Cormier noted that all groups were under review.

Chief Frank introduced Mr. Butch Burbank, who works for the Local Government Center. Mr. Burbank is here to explain liability issues. He mentioned that there is always a potential to face litigation. Even when it everything is done right it still may be subject to review.

Former Police Chief ,Tim Cohen, noted that liability is always an issue. People will go after the Town for anything. Just like a citizen, the SOU should be considered innocent until proven guilty and no judgment had been made. Originally he pursued joining the SOU after an incident in Town one winter that demonstrated the need for this type of support and additional manpower. He felt it was money well spent.

Nate Deleault asked how these incidents were handled prior to 2003

Chief Cormier said that most departments just flew by the seat of their pants until the number and types of incidents demonstrated the need for more resources.

Nate also asked why form a not for profit group (501 C-3) for the SOU's.

Chief Cormier commented that the reason for forming the SOU's as not for profits was so they could apply for grant money. A number of the groups were formed after 911 grant money became available. After 2004 they needed to be regional groups to qualify for grants.

Nate asked if they were projecting the need for increased funds in the future.

Chief Cormier commented that he did not see any large increase in fees over the next five to ten years.

Mark Simon asked Chief Cormier about the use of force comment he had made earlier.

Chief Cormier commented that the more training and equipment a department had the less likely they were to resort to force in resolving similar situations.

Mark noted that the use of less force would result in a decrease in liability.

Chief Frank mentioned that the use of TASERS was another example of decreasing liability through the use of new equipment and training. It afforded officers the opportunity to another to disarm subjects without the use of firearms.

Jeff Majewski thought it was not practical to eliminate an organization just because of the threat of lawsuits. If so, you would have to eliminate Boards of Selectmen or other public entities.

Joe Frazier was worried when he heard about incidents. He had concerns with the type of weapons and equipment the SOU's have. He felt that these groups needed to be more open about their activities and organization.

Chief Frank noted that he had always been out in the open with regard to the SOU.

Joe commented that he had asked questions about the SOU of previous Town Boards and the other officials did not know much about the SOU.

Chief Frank said that this is why he is here to inform the public. He felt the \$2600 is a good insurance policy and he is trying to what is best for the Town. He feels the public safety risk outweighs not doing this. As Chief he is trying to provide a resource for his officers and the Town.

Chief Cormier offered an invitation to anyone who would like to attend a training session.

Joe Frazier again commented that the SOU needed to be proactive about making the public aware of what the group is doing.

Chief Frank said that he did not know people were concerned. He was thinking about having the group at Olde Home Days to provide information about what the group does. He also noted that the SOU is under the control of the Police Chief of the Town they are called to and as Chief he has final say over the actions of the group.

Rick Paulson a Canaan resident and a Hanover police officer reviewed some of the calls the group had responded to in the Upper Valley. He felt that for the money it was a great investment for the Town.

Nate Deleault reminded the Police officials that because of the powers they have been given they had a greater responsibility to citizens and needed to be held to a higher standard because of those powers. It is important that litigation is going on because people have rights and they need to be protected.

Chief Cormier commented that the group does care and they put the effort into training to protect people and resolve incidents peacefully.

Chief Frank noted that the Town does not pay any extra money for liability coverage for the SOU. Mr. Burbank noted that the LGC policy provides up to 2 million dollars in coverage and once that is exceeded the Town is liable for any other payment. We have plenty of coverage. We should have no concerns as we are covered.

Jennifer Frank commented that she felt the resource was valuable to have. She knows that even though this is New Hampshire, bad things can happen here and it is important to have resources available to assist local police. She expects the Police to protect her. She also wants to know that when her husband goes to a call he has the resources to do his job. We lost a lot of people when we did not have these resources.

Mark Simon said he views the SOU as a resource that we have to have today. It should not go away because we have concerns with liability.

Selectman Borthwick asked who the SOU answers to.

Chief Cormier mentioned that as was mentioned previously they report to the Chief of the Town they are called to. All of the State laws and training still apply to SOU members.

Selectman Borthwick noted that Lyme had pulled out of the CNHSOU and asked Chief Cormier if the Lyme called the SOU for help would they come.

Chief Cormier said that it would not be fair to the member communities to respond to non member communities.

Mr. Burbank noted that the LGC is supportive of an outside agency reviewing all groups for consistency in training and command. Review is not complete yet. Police Standards and Training will set minimum standards for training all groups. They will make sure that the guidelines are the same for all groups. This is a good thing.

Chris O'Connor, Grafton County Prosecutor wanted to be certain that everyone understands that all law enforcement personnel ultimately answer to the State Attorney General and residents can take comfort in the fact that the State Attorney General is involved.

Selectman Borthwick asked when and where the training sessions were conducted.

Chief Cormier said he would provide a schedule to the Board.

Joe Frazier noted that concern for this issue was widespread. He cited the minutes from a recent Grafton County Commissioners meeting where Commissioner Ray Burton expressed his concern with this issue.

Chief Frank commented that when the job is getting done no one hears about it. They do not get publicity when they do it right only when we do it wrong. You need to trust him to make the right decision.

Tim Cohen once again stressed the need to have the resource available. State Police will not respond unless you have a warrant.

Chairman Reagan asked for any other questions.

Jeff Majewski asked if the Board was going to vote on the matter.

Selectman Lewis felt it was a good resource and he would support it by signing the requisition.

Selectman Borthwick said he had stated previously that he was opposed and would not sign the requisition.

Chairman Reagan noted that there was no vote to take. The Board only needed to sign the requisition. He wanted to review the information he had received this evening prior to making a decision.

Chief Frank had another matter to discuss with the Board. He has a concern with staffing. He is supposed to have six full time and eight part time officers, but only has five full time officers and essentially three part time officers. He has Chris O Connor in name only but he does not patrol. He also has Wayne Agan who does case review but does not patrol. Wayne's work contributes to 98% conviction rate.

On April 8, 2009 the Chief notified the Board an officer is leaving in September. He feels he can not operate with only four full time people. They can not handle the call volume so this requisition needs to be filled.

The Chief mentioned that at that meeting some members of the Board said we should cut back and he thinks this the wrong answer. He does not feel you can put public service at risk for the sake of money.

The Chief was here to ask the Board to allow him to start looking for another SRO which he considers a necessity. He asked some school officials to attend the meeting to speak in favor of addressing this now.

The Chief feels he will need eight months to get someone on Board. He is looking for a certified candidate to shorten the schedule, but he is not sure he can get one.

He asked the Board about filling the requisition and was told that it could not happen now and perhaps the requisition would not be filled.

Gary Wells, Associate Principal spoke in favor of keeping the position. The position helps the school address student's issues by providing an officer who has built a rapport with students. This keeps things from getting out of hand at the school. Keith has built a good rapport with students. This helps the students. It is money well spent. Things have changed in the past 26 years.

Selectman Lewis asked how things have changed in the last 26 years.

Mr. Wells said that the students looking for instant gratification. Issues the students deal with are much more serious than in the past.

Officer Bergeron, the current SRO, said he can see changes in the students from day to day, he is more than just an officer. He is a counselor and a problem solver. The students come to him with their problems and he is a resource to help them.

Selectman Lewis asked why the Guidance Counselors did not do this?

Chris O'Connor mentioned that the SRO can break down barriers by being there day to day and networking with staff and students to proactively defuse situations. Students are changing and we need to keep students focused. We are there as a resource.

Tim Cohen thought the arrangement has been a win win situation through the years and is worth the investment. If we do not address it with a resource in the school, we will end up at the schools responding to calls anyway.

Chris O'Connor says the school represents structure to many of the students and the SRO is a part of that. We need to maintain the position to help students.

Chief Frank echoed Mr. O'Connor's sentiment.

Jennifer Frank feels that this officer makes it easier for students to interface with the Police Department in times of stress and need.

Rebecca Cummings, Indian River School Principal spoke in support of the SRO position as a role model to students. She noted that it provides a good connection to authority figures

Dave Shinnlinger mentioned that the counselors provide career direction. Officers can identify issues before they turn into big problems for students and the community. They serve as a preventive measure. We should maintain the position and our staffing levels. If we do not provide for our officers they may cause us to lose officers to other towns. It is cheaper in the long run to maintain the staffing they need to do their jobs.

Selectman Borthwick mentioned that Lebanon is making cuts to service because of staffing issues.

Tim Cohen noted that those cuts were to calls for unlocks and other such items and not to essential services.

Selectman Borthwick also commented that the Board never said they were doing away with the SRO position. They asked about the benefit of having another officer or the SRO position. He also noted that the Board was looking to hold off because of potential loss of State revenues and the potential impact to the budget.

Bruce Jerome commented that if the school was still paying 75% of the position why would we discontinue it.

Chairman Reagan noted that the Board never said they would.

Chief Frank said we are running out of time and if we do not replace that position we will have a problem.

Chairman Reagan explained the potential State Budget cuts in more detail. He noted we stand to lose \$40,000 in shared revenues and another possible \$160,000 in other revenues.

Chief Frank said he understands the problem and is just trying to maintain current staffing levels.

Jeff Majewski was concerned that there would be losses in the department.

Mark Simon asked about the actual cost of the SRO. Do the ramifications of eliminating the position outweigh the benefits? Chief Frank mentioned that the School pays about \$52,000/year and the Town pays about \$17,000/year including salary and benefits.

Chief Frank said that not filling the position would end up costing the Town money. If the person is not in the school we will have to go there anyway. More cost effective to defuse it at school.

John Schek, Assistant Principal at Indian River School noted that the availability of the SRO is key. Other resources they had tried to use at other schools where he had worked in the past did not provide the response necessary to effectively help schools. He feels the students relate better to the officer in the school. School officials are not trained investigators.

Jennifer Frank noted that if we do not get into the April academy we will not be able to train a candidate in time to be effective as a resource. We need to be cautious of this and the impact it would have.

Chairman Reagan commented that the Board was aware of this, but if we are short on revenues we may not have the funds to meet the budget and that could create more problems.

Chief Frank noted that all he is asking is for the Board to maintain the level of service we have now, and he does not understand how it would affect the budget.

Nate Deleault asked if another officer could fill the position in the interim?

Chief Frank said that if they did that it will take someone off the road. We do not have the officers to fill the shifts now and it will lead to employee burn out. More work is required to complete cases than in the past. The reporting requirements eat up a lot of time and tie up officers. He also mentioned that in the summer he uses the SRO for case clean up.

Nate then asked if officers could be rotated.

Chris O' Connor said that you lose continuity and that is important. The department cannot afford to take the hit in manpower. It is also important that the Board consider the needs of all of the communities involved in the SAU.

Wesley Mansur asked what would happen if Keith did not leave. If you are already paying for him why not replace him?

Chief Frank said he felt like we are stepping over a \$20 to pick up a quarter. Maybe he is wrong, but that is how it seems. It will cost us more down the road. He noted that he is trying to help with the budget by not spending much of his money, but a decision is needed on this position now because of the time involved.

Selectman Borthwick asked the Chief what would happen if we started the process to hire and train a replacement and Keith does not leave?

Chief Frank said he would want to keep the officer because he needs him. The money is in his budget so why not keep him. It would be money well spent.

Denis Salvail explained the budget funding process and what could happen if the State revenues do not come in. Money would have to come from taxpayers. He noted the Board is being cautious and that is good.

Chief Frank said he commends the Board for that because that is what they are supposed to be doing.

Ellie Davis noted that you do not have to spend all the money in the budget. Adjustments would be made when the new rate is set in the Fall.

Chief Frank said he respects the fact that we have to be frugal but he feels that it is a public safety risk not to do this. He needs to start soon or we might run into trouble.

Jennifer Frank mentioned that the next academy is in August.

Selectman Borthwick asked the Chief how long it takes to hire and officer.

Chief Frank noted it takes one to two months at a minimum.

Selectman Borthwick noted that if we wait until June you would still have time to get someone into the Academy.

Jennifer Frank mentioned that a spot would have to be reserved sooner because the enrollments fill up and there may not be any openings by June.

Keith Bergeron asked if we could start the process and reevaluate if we can find a suitable candidate.

Chairman Reagan said the Board would consider this.

Linda Paulson expressed her concern that the staffing levels are too low as it is. If we take away this position it will hurt the school. She feels that the position helps both the School and the department. What is motivation other than money?

Chairman Reagan noted that it is essentially about funding the position.

Matt Wilson commented that he was burnt out as part time officer. It was not possible to use part timers more to save overtime.

Selectman Lewis asked if Matt was burnt out because of the schedule.

Matt mentioned that that was part of it. He is burnt out because he is putting in a lot of time.

Chairman Reagan thanked everyone for their input.

Budget vs. Actual

Chairman Reagan suggested that a discussion of Budget vs. Actual be postponed until the next meeting. The other Board members agreed.

Meeting Schedule for May thru August 2009

Michael mentioned that the Board needed to determine the meeting schedule for the next four months. The Board determined that they would go to a biweekly schedule for May

and June. The May meetings will be on the 12th and the 26th. The June meetings will be on the 9th and the 23rd. The July and August schedule will be determined at a later date.

Approve names for private roads in Country Village Mobile Home Park

Michael informed the Board that they need to approve two new names for private roads to be located in the Country Village Mobile Home Park. Both Terri and Bill Wilson had reviewed them for 911 compliance and they were okay. Selectman Lewis made a motion to accept the road names of Lunar Drive and Solar Circle. The motion was seconded by Selectman Borthwick and vote 3-0 in the affirmative by the Board.

Other Business

Michael noted that he had received a request from the Conservation Commission to appoint Laura Abbene as a full member. The Commission had voted unanimously to request the appointment. Selectman Borthwick made a motion to appoint Laura Abbene as a full member of the Conservation Commission. The motion was seconded by Selectman Lewis and the Board voted 3-0 in favor of the motion.

Michael mentioned that he had received a letter from the Friends of Canaan Village containing some suggestions for work they would like to do in the downtown area. Michael had forwarded the request to Tom Guillette for his review and comment prior to discussion with the Board.

Michael informed the Board that he had received confirmation of the contract pricing for #2 fuel and propane purchase for the 2009-2010 heating season from Rymes. A contract will be available for the Board's signature in the coming weeks.

Michael informed the Board that he had received additional project information from Wright Pierce on the well blending project today, but needs to review it before discussion it with the Board.

Michael presented the Board with two letters to be signed and forwarded to the Old Home Days Committee. There was a discussion regarding the letters. Selectman Lewis wanted to be certain that Chief Frank did not have a concern with the open container letter. Michael mentioned that he had spoken with the Chief and he is okay with the letter.

Jeff Majewski asked if the Board was going to put all of the projects eligible for stimulus funding in front of the voters at the special Town meeting. Chairman Reagan noted that the Board would only put the well blending project to a vote. There was a discussion with those present as to why they would not all be put forward. The Board explained that it would not be economically feasible to pay for all of the projects. The projects that made the State list would cost over \$5,200,000. Even with the 50% matching funds that would still required \$2,600,000 to be funded. In the Board's opinion, the Town could not support this amount of debt at this time. When the original requests were submitted the

intention was to address as many of the different needs for the system as possible realizing that at best only one of the projects would make the list.

Bob Partridge thought that all of the residents should pay for whatever improvements needed to be made and not just place the cost of improvements on the Water and Sewer users.

Mark Simon asked why this was still a problem. He thought these issues had been addressed years ago. The Board informed him that they had not and it was only in the last year that steps had been taken to fully address the problems with the Water and Sewer system. In order to make the improvements affordable, the Board was using funds from the Water and Sewer surplus to pay for some of the work, but those funds may not be sufficient to address the problems.

Joe Butterfield was present with a filter from his water system. He was concerned about the quality of the water from the system.

Jeff Majewski asked about the smoke testing that was supposed to have been done on the Sewer system. Michael informed him that the smoke test was tentatively scheduled for June, but other work had been done on the system to address issues with capacity. Jeff asked about his permit that had been held up because of issues with system capacity. Michael noted that he was working with DES to allow for some new hookups and he would contact Jeff when everything was set.

Ellie Davis had a question about how the special meeting vote would occur. Michael explained the DRA directive and what it entailed.

Selectman Lewis asked if we had received a letter of resignation from Officer Bergeron. Michael said we had not.

Ellie asked if we had a mutual aid agreement with Rumney. The Board did not think so. She was concerned because she saw a Canaan officer in Rumney and did not know why he would be there.

With no further business before the Board, at 10:22 PM PM Selectman Borthwick made a motion to adjourn. The motion was seconded by Selectman Lewis and voted 3-0 by the Board.

Robert Reagan, Chairman

Scott Borthwick

Tim Lewis
Canaan Board of Selectmen