



Selectmen's Meeting Summary July 9, 2010

Selectman Ken Ross-Raymond, Chair	Present
Selectman Joe Laycox	Present
Selectwoman Karen Sheldon	Present
Administrative Assistant Margaret Warren	Present
Office Assistant Kathie Downes	Present
Frank Jones, Police Chief	Present

Visitors: Kathleen Doyle, Priscilla Jones, Marlena Dipre, Alli Dipre, Bob Irving, Suzanne Plummer

Chairman Ross-Raymond called meeting to order at 1:00 PM.

Chairman Ross-Raymond explained that this meeting was called to clarify the interpretation of RSA 105:9, III – re authority of police chief and second issue is safety concerns at West Salisbury Road with the work on Pingree Bridge. Selectman Laycox noted he will participate in discussion re: municipal authority but cannot rule on any interpretation of police authority.

Chief Jones stated for the record that at the public hearing re: proposed town ordinance he made a mistake when he stated he had not received a copy of the proposed ordinance – he was given a copy at a previous meeting and had misplaced it – it should in no way reflect on office staff. Chief Jones also asked if this meeting in any way has anything to do with his performance as police chief and if so on the advice of his legal counsel he would request the meeting be postponed until he can have his lawyer present and that it be a non-public meeting.

Selectmen Ross-Raymond and Sheldon both assured Chief Jones this meeting has nothing to do with employee performance nor personnel matters. The issue surrounding Chief Jones' interpretation of RSA 105:9, III has been raised after discussion with town counsel. Selectman Ross-Raymond read the entire RSA 105:9 (copy attached to original minutes). Town Counsel has indicated that it is his opinion that this RSA does not apply to special detail – traffic control.

Chief Jones stated he had spoken with several law enforcement individuals who rely on this RSA in performing their duties. Chief Jones also asked for legal opinion of County Attorney, Attorney General's office and local government center. However, Chief Jones indicated the police chief job description covers public safety issues and his authority to make such decisions.

Selectman Ross-Raymond asked Chief Jones if he had asked for written response to his questions re: their interpretation of RSA. Chief Jones responded he had not. He indicated he would request written response but could not say if the parties would want to do so. He asked if Board would accept his dissertation of the telephone conversations on this issue. Chief requested the Board to give him some time to follow up on the request to get opinions in writing. It was noted that the Board had not asked Frank for these opinions on the RSA in writing before the meeting.

Chief Jones was also asked if he had called town counsel to discuss his opinion. Chief Jones responded he had not.

The second issue regarding safety concerns at West Salisbury Road – by the bridge construction site was discussed. On Thursday, Selectman Laycox and Chief Jones met with Beck and Belluci (Dale Sackett) and it was agreed to have police detail on site until after the temporary bridge is in place. It was also agreed that the Chief will meet with Sackett next week to come up with safety plans (flaggers or special detail) for the remainder of the project and abutters will be kept informed.

There were several issues, concerns and questions brought up by the general public throughout the meeting. The following statements and opinions were stated by the attending general public: there was concern over why this special meeting had to be called at such short notice; not sure if RSA was appropriate or not but police detail is needed to ensure safety at this area during the time the construction project has large pieces of equipment in the road; a statement was made about filing a law suite against the town because she feels that the town does not care about her family's safety, that the Selectmen have not addressed her concerns in a timely and aggressive manner, and the town has done nothing to make the area safe; police chief acted appropriately to ensure public safety; logging trucks still using the road after being told to go the other way; signs are needed to keep traffic down in this area; comments at public hearing for town ordinance did indicate we didn't need ordinance because chief could invoke the RSA 105:9, III; I did not vote for the construction of the bridge in the first place; common sense needs to be used to ensure the safety of the general public; looks like the town is acting pennywise and pound foolish when dealing with this issue; town hired police chief and we should rely upon his judgment to provide for public safety.

For the record, Selectman Ross-Raymond noted that he feels the Board has aggressively addressed safety concerns as they have received them, working with all concerned. Signs have been put in place for traffic control and need for flaggers or special detail being addressed. Selectman Ross-Raymond indicated this meeting was called on recommendation of Town Counsel to address the entirety of RSA 105:9 because per the Town Counsel's interpretation, the language included in this RSA does not apply to this scenario.

Selectman Sheldon indicated that the town has worked diligently and in a timely manner with Beck and Bellucci to make the construction site safe by requesting a detail of flagmen when the road is blocked. The town addressed the logging truck issue by contacting the known logging company and suggesting the trucks take another route; even going to the point of stopping a logging truck and telling him to take another route. The police chief was encouraged to ticket speeders or citizens who do not respect construction site signs. Selectman Sheldon also reminded the general public that this area is a construction site and that the construction will be continuing through December 2010.

Selectman Laycox noted that he feels Chief Jones acted appropriately and respects his experience of the law – more than Town Attorney Mitchell's. He is glad Chief Jones stepped forward to provide the safety measures and is not sure we should even be discussing the RSA issue.

All Selectmen assured the general public and the police chief that they agree that safety is the first priority of any project.

To summarize the outcome of this meeting:

- Board agrees until there is further clarification on RSA 105:9– Chief will not invoke this RSA for special details.
- Board agreed that the detail will be kept in place at construction site until temporary bridge is installed (Tuesday or Wednesday of next week).

- At that time Chief Jones will reassess with construction manager Scakett what is needed to ensure the public safety.
- Once this has been reviewed, Chief Jones will consult with Selectmen and a letter indicating the safety plan will be sent to abutters of the construction site.
- The Town has already put in place NO THROUGH TRUCKING signs
- All attendees agree that the object is to have safe environment while performing construction jobs.
- Communication between BOS, Chief of Police and office staff re: emergency need for special details or flaggers will be done via telephone calls verses email.
- AA Warren will clarify the monies in contract for public safety issues.

Other: All business that shall legally come before the Board

Selectwoman Sheldon made motion to adjourn at 2:30 PM; Selectman Ross-Raymond seconded. All voted in favor.

Respectively submitted:
Kathie Downes, Municipal Office Assistant

Meeting Summary reviewed and accepted at the July 21st, 2010 Meeting.

Selectmen, Town of Salisbury