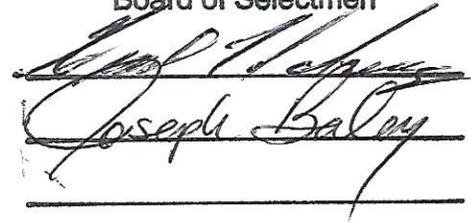


Town of Middleton
Board of Selectmen Meeting
May 2, 2016

Approved By
Board of Selectmen



Called to order at 6:30 P.M

BOS Members Present: J. Bailey, J. Hotchkiss, M. Schwarz

Pledge Recited

Signature Action:

- J. Hotchkiss motions to approve Board minutes from the 4-25-16 as written. J. Bailey seconds. M Schwarz abstains.
- L. Parker presented the board with the MS 232- appropriations as voted, to the board for signatures. Board signed.
- L. Parker presented the Strafford County Public Health Memorandum of Agreement that was delivered for updated information and signatures to M. Schwarz as Towns EMD. . J. Hotchkiss explains that this agreement is for county mutual aid.
- J. Hotchkiss read aloud the resignation letter submitted by Pam Frazier. J. Hotchkiss spoke regarding her replacement. Gwen English who recently resigned from Effingham has shown great interest in the position. J. Hotchkiss motions to hire Gwen English as the part-time assessor clerk contingent on her background check. J. Bailey seconds, all in favor.
- Update on the Town owned property located at 6A Route 153. Received the letter back from the home owner Matt Fuller regarding the town putting out to bid the project to clear out the building on the premises and take care of debris. Mr. Fuller signed in agreement outlined in the letter. Town agrees to have building removed and repair damage made from removal to the lawn if any. End result is that once building is removed the town will give parcel to Mr. Fuller and he will merge lots together. Mr. Fuller also needs to be notified if anyone is to walk the property for the bidding purpose.

Old Business

- Town Clerk Debbie O'Toole discusses her visit from the Strafford District Attorney investigator. He was asking questions about the deeding of Bill Lawrence's property. Technically she does not bring anything to the Board of Selectmen until it is actually time for deed. She tries to work with all residents. She has never thrown any resident out of their home. She states that the investigator mentioned that he received a phone call from Mike Schwarz. D. O'Toole faxed a copy of the deed list to the investigator. She presented the same list to the board and wants them to see that Bill Lawrence was not the only person on the deed list. She had a verbal agreement that they were not going to take properties if the resident was making an effort to pay their taxes. Deed date was May 29th she believes. She did not remember deeding any until July 13th. Today she found out there is another person involved in the investigation, and it has to do with downstairs. So if there is a witch hunt, then all the residents with a star by their name are residents that had homes that they lived in. So it was not just Bill Lawrence. There were others that she was working with regarding their homes. Normally we only take seconds homes, land only, or campsites. There are others within this room tonight that we have helped as well, and if they want to speak on that they can. She tries working with the people, Bill Lawrence tried calling banks and credit unions, all while keeping her informed. He was doing what he needed to do to keep himself whole, working through some problems. There was no way that anyone is going to throw him out of his house for \$700.00. There were others, not just Bill Lawrence, so Deb O'Toole thinks there is a witch hunt. She has spoken with the investigator, Avitar and town council can produce a waiver if needed. If this is what needs to happen for now on then it can happen. No one can be trusted anymore. We will get waivers in writing and hold on to them if needed. She doesn't remember in this matter if she did a waiver or not. Deb O'Toole feels that one person is being singled out on this list and that is the point she is trying to make. J. Bailey asked if that is the waiver that the Board signed. It was. M. Schwarz states there

is a lot more going on than that. J. Bailey asks how so. M. Schwarz states he would rather address that in a non-public. J. Bailey advises that if it has to do with a Board member it cannot be in non-public. M. Schwarz states it involves the Fire Chief's job so will be in a non-public. J. Hotchkiss speaks that he does not think morally that it is up to the selectmen to be worrying about who has paid or not paid their taxes. That is up to the tax collector. It is her job as tax collector to handle these as they come along and if there is a problem she is more than welcome to address them with the board. J. Hotchkiss does not feel there is a need to know everyone business. There is enough business of the Town, without worrying about each individual. He feels that board job is to worry about budgets and tax rates. But he feels that morally or logically he does not have the time to follow specific individuals. J. Hotchkiss can see a total difference between a resident owning a vacant lot and not having paid taxes in 3-4 years with no communication with the Town. That is not what has taken place with Bill Lawrence; he had contact with D. O'Toole on several occasions. D. O'Toole wants to know what the outcome that Mike Schwarz is looking for. Is he looking to fire her? M. Schwarz states the outcome is just to have payment agreements that are recorded, and that people stick to. D. O'Toole states the payment agreement is record and is being adhered to. M. Schwarz does not want to comment on that because it was done in a non-public recently. D. O'Toole feels that people cannot be trusted in this town anymore. M. Schwarz states just checks and balances. D. O'Toole feels that now M. Schwarz is questioning her job, first Bill Lawrence's job and now her. She wants to know who is next. Who is next to get thrown under the bus? J. Bailey irritates that the Board has always let D. O' Toole so what she needs to do to work with people. Letters, calls etc. She does what she has to do. If there is a way to work with someone, that is left up to D. O'Toole to do. There are special situations where people will come to see the Board in a non-public and ask for assistance. There is no problem with that and the board is always willing to sit down and discuss options. As for the investigation is about D. O'Toole and Chief Lawrence, J. Bailey would have liked to have a heads up about this prior to an investigator stopping by. He would rather not be blindsided like anyone else. D. O'Toole comment on how she advised Bill Lawrence to make an agreement earlier with the Board and he would have rather paid it all due that it was his debt. He wanted to do what he needed to do to make it right. D. O'Toole is very irritated by everything going on here in this town. She has never seen such behavior as she has seen in the past 6 months. J. Hotchkiss has a concern for Mike Schwarz on why are we checking into someone's taxes? And why if there are 9 residents on the deed list, why weren't all 9 investigated? M. Schwarz answers because they are not a department head. He feels that it is an example. J. Bailey states that when this was going on in May of 2015, Bill Lawrence was not fire chief. He was only a member of the department. He became Chief in June. M. Schwarz stated he was a department head and it was during his appointment. D. O'Toole wants to know why that even play a part in his job, he is a tax payer like anyone else. M. Schwarz refused to answer that. M. Schwarz just stated that he should have a payment agreement. D. O'Toole says he does because there was no other way. B. Lawrence questioned so then M. Schwarz you are trying to make an example out of me. M. Schwarz feels that B. Lawrence should be an example to everyone else. B. Lawrence states that he is by paying his payments like he is supposed to using his pay he receives as Fire Chief. A. Bowden questions the action of one member of the board acting alone. Neither J. Bailey nor J. Hotchkiss knew anything about this investigation. M. Schwarz states it was brought up in February. A. Bowden asked if the investigation was brought up in February. K. McMullen asked if that is in the Minutes of the February meeting or was that done behind closed doors. P. McMullen asked or just M. Schwarz doors. M. Schwarz stated yes his door. Neither J. Bailey nor J. Hotchkiss recall anything from February mentioned regarding an investigation. P. McMullen again states that if he only did it behind his door. M. Schwarz commented that that was a sarcastic comment. J. Bailey comments that even though they are Board of Selectmen, they are also taxpayers. M. Laviolette states well so is Chief Lawrence.

- J. Hotchkiss talks about the selectmen's collateral duties. Recently there was an email sent out from M. Schwarz to L. Parker and was advised to send the email onto D. Silbernagel regarding Fire Department business. J. Hotchkiss is asking why M. Schwarz is not including J. Hotchkiss when business regarding the FD. J. Hotchkiss is the liaison to the FD and does not feel M. Schwarz should be doing this without consulting J. Hotchkiss. M. Schwarz felt that he had an idea and wanted it to be passed on to someone who was around during the day. J. Hotchkiss does not agree with that. J. Hotchkiss also questions why this was not directed to the Chief first.

M. Schwarz feels that the Chief is not assessable. J. Hotchkiss does not agree, he just spoke to him that afternoon. J Hotchkiss has two cell phone numbers to reach the Fire Chief. J. Hotchkiss is very concerned that he is not being consulted on things. The Board should be working together not as individuals. B. Lawrence asked M. Schwarz about the email that was sent to L. Parker to forward to D. Silbernagel directing D. Silbernagel to do something. M. Schwarz states that he was sking him. B. Lawrence read aloud from the email "have him contact "then B. Lawrence read aloud full email. B. Lawrence then asks why M. Schwarz is going to the Fire Officers before him. M. Schwarz answers probably because of being named in a complaint. B. Lawrence explains well M. Schwarz you have gone around me when it came to the assembly permit guidelines. M. Schwarz denies going around B, Lawrence. B. Lawrence explains that he was to be included in the assembly process and when it was presented to the Board, B. Lawrence had absolutely no input. M. Schwarz states it had the state standards in it. B. Lawrence stated it also had the Department of Labor, and brought it to the Board of Selectmen without letting B. Lawrence even know or having any input from the Fire Chief. The only thing the Fire Chief wanted in the assembly permit process, which is what all other towns do including Concord, is NFPA 1 and 101. B. Lawrence wanted no part of Labor Laws, MUTCB or OSHA laws. M. Schwarz said yes and that is why there is no guardrail down there now. B. Lawrence comments that that has nothing to do with the assembly. M. Schwarz does not agree. B. Lawrence thinks M. Schwarz feels it is okay to circumvent the Fire Officers and tell them what to do. M. Schwarz denies telling them what to do. Before B, Lawrence and M. Schwarz had a discussion regarding the air packs and B. Lawrence requested any info M. Schwarz had to check it out. M. Schwarz never passed on any information. B. Lawrence asked M. Schwarz to explain to him what an "over dramatic pity party was" as referenced in the email. M. Schwarz comments all this stuff all the time. B. Lawrence states so when you're coming at me it is me creating this drama. M. Schwarz comments that when B. Lawrence was hired he should have become an EMT within 6 months. B. Lawrence does not agree. He believed that he would need a medical certification and at the time there was no a class available. B. Lawrence asked to be shown the minutes from that. M. Schwarz stated that is was also in the non-public minutes. M. Schwarz also stated to B. Lawrence that he should have also had 2 reviews by now one at 30 days, 90 days. B. Lawrence wants to know where that was stated as well. M. Schwarz produced something that states about the performance reviews and B. Lawrence says alright but that is not me that should be scheduling those. K. Landry asked what the reviews are for and when she finds out they are for job performance, she advises that that is something that is scheduled through the board not the employee and questions why is B. Lawrence getting in trouble for that, the board not doing their job. J. Bailey agrees that it is the job of the board and takes full responsibility for it not happening. B., Lawrence states so this is not his fault and this just shows the level of disrespect M. Schwarz has for him. M. Schwarz feels that is a two-way street. B. Lawrence has approached several times to work on things together with Schwarz. No comment from M. Schwarz. J. Hotchkiss as chairman is faced with a bigger problem. How does the board move forward? J. Hotchkiss is concerned that in a matter of time till there is a true emergency in town, weather related or fire related. J. Hotchkiss is concerned on how this is going to be resolved in the midst of a crisis. He questions M. Schwarz how that is going to work if he is EMD. As it seems here, there is no desire to working with the current Fire Chief for whatever reasons. How does this get resolved now, before there is a crisis that needs attention? K. Landry suggests removing M. Schwarz as the EMD and reassigning another selectman. M. Schwarz was asked if he had a better solution and he did not. J. Hotchkiss feels it is easier to deal with this now than later. J. Bailey states that the EMD and the Fire Department have to work together, so if that cannot happen then there needs to be a change. It is unfortunate that that has to be said but it is one of those things that if it can't be fixed. J. Bailey suggests if this cannot be worked out then it needs to be changed. B. Lawrence is worried about M. Schwarz being bias. M. Schwarz feels he is not bias. J. Bailey asks M. Schwarz then how is he going to work this out before there is a crisis. M. Schwarz states then they will have to spend more time together, the Fire Chief and myself and work it out. B. Lawrence stated he has offered several times. J. Hotchkiss does not see them working it out based on what has transpired. The business about Lawrence's taxes about talking to the officers, J. Hotchkiss does not see working together happening between M. Schwarz and Chief Lawrence. There was a time a few months ago where this was discussed and things have only gotten worse. J. Coskie asks outright if M. Schwarz is

willing to relinquish that responsibility. J. Hotchkiss states that was a good questions but it is for the Board to decide what is best. J. Hotchkiss asks M. Schwarz what his feeling is on the matter, is he willing to swap off for a different collateral duty? M. Schwarz states that he didn't really care. P. McMullen states that personally with Schwarz's attitude tonight as a Selectman. M. Schwarz did not let P. McMullen finish and stated with the room is stacked with people that are against him. P. McMullen stated will how that is when I don't even know you. M. Schwarz asked her how she expects his attitude to be. P. McMullen answers that she would expect it to be like J. Bailey and J. Hotchkiss, professional. M. Schwarz says well they are not under attached. P. McMullen asked that if M. Schwarz does not care then why he is sitting in that seat as Selectman. J. Bailey intervenes and address that he does not feel that Selectman Schwarz does not care. He does care and is feeling there is something injustice and wants to see it right. J. Bailey's personal feeling is that it is going to wrong way in how to correct it. The Board as a whole has to be a team. M. Schwarz sees something one way and the other two board members see it a different way. J. Bailey feels that M. Schwarz approach is the wrong way. J. Bailey feels that if a Department Head cannot work with the EMD then things need to be switch within the board. J. Bailey asks J. Hotchkiss what collateral duty he would like to switch with M. Schwarz because J. Hotchkiss cannot do it all either. J. Bailey cannot make the commitment as EMD. J. Hotchkiss is willing to do EMD and will look at his other duties to see what to switch. Until things are worked out between M. Schwarz and B. Lawrence J. Hotchkiss will be the EMD and if things change in the future, it can be revisited. On the interim is a solution for the EMD, but M. Schwarz was elected as a Selectman and even in that position, the board as well needs to work together. K. Landry asks M. Schwarz if the investigation on B. Lawrence's taxes start with him. M. Schwarz admitted that he started the Attorney General's investigation on B. Lawrence's taxes. B. Lawrence stated that he always has been willing to work with anyone. He is easily reachable by having 2 cell phones and email. J. Bailey suggests that when J. Hotchkiss returns from vacation that the Board will sit down will B. Lawrence and do his performance evaluation. For public record J. Hotchkiss would like it known that he is impressed with what he is seeing at the Fire Department. He is glad to see that surrounding towns that have paid departments are calling our volunteer department in Middleton for assistance. B. Lawrence speaks about his amazing team he has at the department. He is proud to have these members who come together as a team when needed. J. Bailey wants on record that the current Fire Chief Position is the first position that the board decided to do the 30, 90, 120 day reviews for. No other town employee have they done this for; and moving forward thinks it is a good idea. It will allow good feedback for both parties. M. Green wants to mention that recently he has moved back into Middleton and has always wanted to become a Firefighter. For three months he attended all the trainings unpaid. Finally he was sworn in as a member and now feels there is nothing he wouldn't do for the Fire Chief or any other member on the department. At scenes in other town all he has heard was good things about Middleton's Fire Chief. Even trainings with other departments have been positive. For M. Green it is an honor to work for the Town, the Fire Chief and the entire department, he would do anything for them.

- D. O'Toole wanted for the record that going forward from now on at deed time, she is requesting a sit down with the board and waivers be signed. That was there will be no question whether there was any favoritism. There is no longer going by each other's word. It will have to be in writing.
- A. Bowden clarifies that the EMD does not have to be a selectman. J. Hotchkiss agrees. J. Bailey states that the reason it is a board member, it is they want to be involved. J. Hotchkiss comments on how well J. Curtain was the EMD. J. Caliri comments that he was at one time in the worst position he could have been in with taxes and the town worked with him. D. O'Toole worked with him and then the board. He was never under any investigation. J. Caliri also questions that at several calls he has been to, it seems odd that every time he turns his back there seems to be a certain selectman there. It has never been done in the past, why now. Is someone looking for something? M. Schwarz questions what the big structure fire? J. Caliri mentions and chimney fires.... J. Caliri is not singling out anyone. He attended the academy to be able to give back to the town, and he would save anyone's house.
- J. Hotchkiss will now be the EMD and will review his collateral duties.
- B. Lawrence mention that he is also in contact will Perry Plumber, and is willing to help J. Hotchkiss if needed. J. Hotchkiss mentions that is it just a matter of time before Middleton will

have a natural disaster. Look at the town out west. It is just a matter of time before it hits Middleton.

- D. O'Toole just request that if M. Schwarz has issues in the future will anything she does to please come to her first. She doesn't feel that she can now trust him. M. Schwarz answered that that was fine. She feels that this investigation is insane. If he had a problem with her than he should have addressed it with her. J. Caliri asked why all the others on the deed list didn't get investigated. J. Hotchkiss said there was no answer for that question that he was aware of. A. Bowden questioned what this investigation is going to cost the Town? J. Bailey answered that in unknown due to it still being an ongoing investigation. So there will be a cost to the Town. J. Caliri asked again if the others are going to be investigated and there will be more of a cost to the Town. M. Schwarz just states the investigator has the entire list. J. Hotchkiss mentions that he has been a selectman for 4 years and has never seen this happen. He asks if this has been discussed enough. Without further discussion, J. Hotchkiss asks if there is any other business to come in front of the board.

New Business

Public Participation

- J. Coskie asks about the cemetery situation and believes a central cemetery would be beneficial to the town. She questions if anyone ever looked into speaking with Sonny DiPrizio that was willing to donate a piece of property. M. Schwarz states it is on the list of properties they are looking at. J. Bailey speaks about the Tanglewood property they were looking at as well. There has been a lot of discussion on a town cemetery for years. J. Hotchkiss asks if M. Schwarz as the liaison for the cemetery if the town is ready to pick an exact location. M. Schwarz states they are not ready; there is a lot more to research. M. Schwarz thinks that utilizing viable town owned land would work better than purchasing property.

J. Bailey motions to enter into non-public @ 7:34 PM per RSA 91-A: 3 II c. M. Schwarz seconds, all in favor.

J. Bailey motions to re-enter public session @ 8:26 PM. M. Schwarz seconds, all in favor.

J. Bailey motions to seal the minutes from the non-public for a total of 1 year. M. Schwarz seconds, all in favor.

J. Hotchkiss reminds the board that he will be out of town and will be conferencing in for the next two board meetings.

J. Bailey motions to adjourn at 8:27 PM. M. Schwarz seconds, all in favor.

Respectfully submitted by:

Laura Parker, BOS Secretary