

**TOWN OF TUFTONBORO  
BOARD OF SELECTMEN  
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**Selectmen's Meeting  
4:00 pm – Town Office**

**Monday, December 5, 2016**

**MINUTES**

Present: Chairman Carolyn Sundquist, Selectman Lloyd Wood, Selectman Bill Marcussen and Administrative Secretary Karen Koch.

Chairman Sundquist called the meeting to order at 4:00 pm and proceeded with the Pledge of Allegiance.

Chairman Sundquist made a motion to approve the 11/28/2016 meeting minutes as corrected, seconded by Selectman Wood with all in favor.

Dave Allwine met with the Selectmen to discuss Polyfluorinated Compounds (PFCs). Mr. Allwine shared that DES issued a letter on November 22, 2016 that, in summary, states that because of our history in approximately the last year with these PFC materials, more baseline information about their presence in NH well water is needed. Mr. Allwine met with the Selectmen to let the Town know that DES will be requiring that sampling be done in 2017 or 2018. The information regarding the number of sampling requirements will be provided by DES in March 2017. The cost for sampling would be approximately \$250-400 per sample. The cost would be approximately \$1000-1500 for the Transfer Station testing. The Selectmen agreed to add \$1500 to this budget line. Chairman Sundquist made a motion to increase budget line 01-4324-25-390 to \$9,000, seconded by Selectman Wood with all in favor. Selectman Wood suggested that Mr. Allwine meet with Chief Thompson and Clay Gallagher to discuss any safety concerns in regards to PFCs.

The Selectmen signed a revised Notice of Appointment for Amy Stockman to the Board of Adjustment for a term that expires in 2017, rather than 2019, as she is replacing Tom Wood.

The Selectmen agreed to an estimate in the amount of \$2198.04 for work to be done this year to the Code Officer's vehicle.

Chairman Sundquist shared that she believes that the bench for Reg Amazeen was installed on Friday at the Butterfly Garden. She also shared that it was a great pleasure for the Selectmen to meet Phoebe Willey and present her with the Boston Post Cane this past Friday. The Selectmen also attended the MVS Ribbon Cutting last Monday.

Selectman Marcussen shared that tomorrow night CIP will be giving a presentation of the CIP report at the Town House at 6:30 pm. The report is on the Town's website for review. In terms of the Planning Board, the public hearing for recommended changes to the zoning regulations will be 12/15 at 7:00 pm. Proposed changes will be put on the town's website prior to the hearing.

Selectman Wood shared that Cy and Marsha Hunter donated the Town Office tree, which adorns ornaments for families in need, and that Anne Chapel headed up decorating the tree.

The Selectmen agreed to the estimate given by Computer Port for additional RAM for the Town Office Server.

Selectman Wood shared that the operating budget actually went down 5.7% from last year not including compensation and the two Fire Department vehicles. Overall the budget is up \$190,861.

The following correspondence was also reviewed: MVSBB draft press release; ZBA Notice of Decision for Sawyer Point Realty LLC; Police Department October statistics; Police Department November Hours Tally; building cleaning quote; Andrew Shagoury successful completion certificate; PA-34s for 52-1-36 and 42-2-11; 2017 ACEC-NH Engineering Excellence Awards; 2017 NH Water & Watershed Conference; LES November Newsletter; HealthTrust Public Hearing Info.; MS-46; various meeting minutes; various emails and other correspondence.

During public input, Guy Pike asked about the status of the rocks in the right of way on Brown Road. Chairman Sundquist shared this is now in Town counsel's hands. The Selectmen will work with the Steinmens to alleviate the problem.

Max Ledoux spoke of his Right to Know request for email correspondence between the Selectmen, Administrative Assistant and Administrative Secretary and employees of Salmon Falls Press. He expressed his opinion that he felt that it was illegal to be charged for viewing of redacted emails. He read excerpts from the Attorney General's memo regarding the topic, RSAs, etc. Selectman Marcussen spoke further about the mention of electronic redaction with Adobe Software in the Attorney General's memo. Selectman Marcussen shared that the memo states that the manufacturer *claims* that once the electronic redaction is applied it is not possible to electronically recreate the information. Selectman Marcussen has raised the question asking if the Attorney General will indemnify the Town if the redaction doesn't work properly as we have a responsibility to individuals to protect information, including private information. Selectman Marcussen shared that we don't yet have an answer from the Attorney General's Office but we do have an opinion from the NH Municipal Association that recommends not using electronic redaction, but to instead use physical redaction to ensure that information is protected. Selectman Marcussen also shared his understanding that all the non-exempt records, in respect to Mr. Ledoux's request for the Salmon Press emails, have been provided to Mr. Ledoux. The only records that have not been provided are the ones that need to be redacted as Mr. Ledoux refuses to pay for the redacted records. Selectman Marcussen also read more from the Attorney General's memo about protection of information.

Selectman Wood spoke in regards to RSA 91-A as well as the Lamy decision (a balance of the public's right to disclose and the individual's privacy interest not to be invaded). He reiterated the appropriate way to redact an email record by providing a printed redacted copy for the public to review. Selectman Wood shared that the question that remains unanswered is whether or not the format is being changed in order to do so. Chairman Sundquist reiterated this point. Mr. Ledoux feels that the Town is obligated to keep records for public accessibility. Selectman Wood shared with Mr. Ledoux that he is not taking into consideration the Dillon Rule which states that neither side in a dispute can assume something that the court hasn't decided. Selectman Wood shared that if a person were to review the 11,000 emails (for the other Right to Know requests), at 60 seconds per email, the estimated cost would be \$12,000. As office staff is very busy this time of year, Selectman Wood suggested that anyone that has anything further to discuss in regards to these emails should talk directly to our attorney.

At approximately 4:56 pm, Selectman Wood made a motion to adjourn, seconded by Chairman Sundquist with all in favor.

Respectfully submitted, Karen Koch, Administrative Secretary