Select Board Present: Francis Muzzey, Omer C. Ahern, Jr., and Palmer Koelb

Call to Order:
Chairperson Muzzey called the meeting to order at 5:00 p.m.

Pledge of Allegiance.

The Chair notified the public that the Select Board meeting was being recorded live by resident, Andrew Lasser.

Budget Briefing - Town Clerk/Tax Collector (Deborah Ziemba)

D. Ziemba handed out her budget sheet and the Board reviewed it and positively noted that it had come in $1000 under last year’s budget. The Chair opened up the floor to questions/comments.

O. Ahern noticed that line items (4140.1, Supplies/Postage) had gone down and D. Ziemba explained that she had some rolls of postage leftover, so it helped her lower that portion a little bit to help save the taxpayers some money. O. Ahern commented that with the use of electronic mail, he thought there would be a reduction in the cost of postage, but D. Ziemba explained that she still had an obligation to mail out certain documents out via certified mail.

There were no other questions or comments. The Board thanked D. Ziemba for her briefing.

The Board discussed some figures with the Bookkeeper, Linda Franz.

Budget Briefing – Fire Chief (Jeffry Ames)

J. Ames presented his budget for 2020, which will remain the same as last year’s budget: $41,250. $2500 will come from the unexpended fund balance and the remaining $38,750 will come from general taxation.

J. Ames informed the Board that he tried hard to keep the budget the same as last year but pointed out the increase in communication due to the increase the Fire Dept received from their dispatch center (Lakes Region Dispatch). The Fire Dept said they also do training with the Lakes Region Medical Center.

P. Koelb said he had always been impressed with the work of the Fire Dept and thanked J. Ames and the entire department for their service.

O. Ahern asked if it was possible for the Fire Dept to take donations. J. Ames discussed the a fund where some proceeds from Old Home Day are received and he gave an example of how the
Fire Dept was able to use that money to buy a thermal imaging camera ($8500). The Board asked if it was possible for the FD to take donations and J. Ames said the fund is called the Wentworth Fireman’s Fund.

Janice Thompson commented that the Fire Dept was losing members and asked how many firefighters they had. F. Ames responded and added that some had moved out of town, which is why the incentive pay dropped. The Board thanked the Fire Chief.

A. Lasser read some of the online comments about the necessity of upgrading communications in the Town Offices and they briefly discussed the issue.

F. Muzzey mentioned that the Historical Society was going to be putting a new roof on the building and discussed the associated warrant article. F. Muzzey said the warrant articles were not even close to being complete at this time, but everyone would get a copy at the hearing. He asked everyone to just understand that nothing is final.

FM discussed possible dates for the next Budget Meeting and the need to plan for dates to fall back on in case of inclement weather. Possibly January 10th at 5 or 5:30pm.

**Administrative Business.**

The Board reviewed the Intent to Cut for Reed and all signed the form. (17:43)

The Board reviewed the Abatement recommendation from Avitar and approved it. The Administrative Assistant will type it up for their signature.

**5:52 Motion.** F. Muzzey made a motion that the Board approve the land use change tax. All voted yes. **Motion passed unanimously.**

**Motion.** F. Muzzey made a motion to approve the Tax Collector’s request for a refund to a resident. O. Ahern seconded the motion. All voted yes. **Motion passed unanimously.**

The Administrative Assistant responded to J. Thompson’s question about taxing recreational vehicles.

**Public Comments.** P. Koelb said he received a call from Dr. A. Scheller informing him that the movement of the electric poles would be done at no cost, but that the Co-op would be charging a fee. A. Lasser informed the Board that the Co-op had had issues with the Town in the past, so are hesitant to tackle the project. F. Muzzey said he did not remember a prior issue and K. Bailey informed him it had been with the bridge, when the Co-op was stuck in the middle of that. A discussion ensued about ownership of public property. K. Bailey asked where the poles were going to be moved and A. Lasser responded to say that there was going to be a meeting about it.
Motion. F. Muzzey made a motion for the Board to authorize P. Koelb to call the phone company to address any possible reduction in cost of moving the phone lines. O. Ahern seconded the motion. All voted yes. Motion passed unanimously.

Police Department.

Chief Trott began by first handing a corrected copy of his budget to the Board and informed them he had presented it as $2000 less than what it was and that it had been done in error, so he wanted to ensure they all were aware. He also informed the Board that there had been an increase of $402 due to the same increase in communications as the Fire Chief had just briefed the Board about, due to the increase in communications cost by Lakes Region Dispatch, otherwise Chief Trott would be flatlining the budget with everything he had control over. The Board thanked the Chief.

Theft of Monies from Trustees of the Trust Fund

Chief Trott the Grafton County Attorney, Marcie Hornick for being present and read a prepared report detailing an investigation begun in 2019 by the Wentworth Police Dept and the Grafton County Attorney’s Office with some assistance by the Attorney General’s Office regarding the misappropriation of one specific fund in excess of $80,000.

After eight months in an investigation that is nearing completion, but they have elected this time to share this information with the Wentworth community for the purposes of transparency and due to various inquiries. While the Board was aware of the situation to some extent, but only with what the police and attorney’s office had been able to share due to the fact that it was an active investigation. There were some things that they could and could not share. Chief then turned over the briefing to M. Hornick.

M. Hornick thanked the chief, introduced herself again and said she would be able to tell everyone what had been filed and made part of the public record, which was that she had “filed a Class A Felony Complaint which was signed by Charles “Chip” Stata and his attorney, Bob Kerry and submitted to Grafton County Superior Court on December 20, 2019 alleging that he was being charged with purposely obtaining property to wit United States currency in an amount in excess of $80,000 from the Town of Wentworth, specifically the Town of Wentworth Land Fill Closure Account, in his capacity as the Town of Wentworth Treasurer of the Trust Funds. He was subject to a legal obligation to make specified payments in regard to the disposition of said funds and purposely failed to make the said payments and/or the disposition of said funds, dealt with the property obtained as his own by placing the said funds in his personal accounts.”

M. Hornick informed everyone that they have received a notice of intent to plead guilty, but it had not been filed yet. She relayed her discussions regarding accountability, sentencing and paramount to all: repayment to the Town. M. Hornick then opened up the floor to questions she could answer without going too far into the evidence until such time as the case is resolved.

J. Thompson asked how the money would be paid back to the town and M. Hornick said the Town’s insurance company (Primex - whose services many towns use) would be making the
payment. M. Hornick clarified that she is unable to say for sure but hopes that the deductible ($1000) is paid to the Town first and then the rest.

F. Muzzey asked for the exact amount. M Hornick said it was $84,394.65 and does not include anticipated.

A. Lasser asked what the maximum penalty was for doing something like this, keeping in mind that the goal, by his assumption, is to get the money back. M. Hornick said that for a Class A Felony – how she has charged it – the potential penalty is 7.5 to 15 years in State Prison. Martha Morrill commented that the sentence was pretty bad for someone having kids at home. M. Hornick explained that the sentencing scheme set up by the legislature that allows the court discretion, but that amount of time applies to this type of crime and this amount of money; however, it is a potential penalty, not mandatory. Chief Trott said to keep in mind that this was the maximum sentence and could be from zero to that. Chief reiterated that both he and M. Hornick have been in touch with Cassandra (Primex representative) and the Crane & Bell and that they know what the exact amount is and are all working on the paperwork so that they can complete all that is needed to be done on our end.

F. Muzzey discussed with M. Hornick the future disposition of the funds to be refunded to the Town and M. Hornick said she would research the answer to some of his questions about where the funds would be put, but cautioned the Board not to make plans now as there may be requirements from each of those funds.

F. Muzzey asked M. Hornick when the money would be refunded and she said that if the court case scheduled for January 27th goes as anticipated and resolves that day, then ideally it would not be long after that, but it would be up to Primex.

F. Muzzey discussed the need for the town to create a warrant article in order to decide what to do with that money and would need to know by the tentative hearing date of February 10th. He asked if she would advise the Board to put off the decision for a year, based on the fact that there was a crowd of things that needed to be done. M. Hornick said she’s not sure she would advise waiting a year and he said then that might mean having a special meeting. P. Koelb said the thought the Town ought to make provisions for it now.

O. Ahern said he was concerned about the other expenses incurred by the Town and the County Attorney’s office. He asked Chief Trott if he worked overtime and Chief said that he does not get paid overtime and while the situation was labor and time intensive, he believed (and asked M. Hornick to correct him if he was wrong) that there were certain things in statutes that they would not be able to recoup, as this is one’s job, profession and what they do. He added that there are some expenses that could be recouped in a civil court cannot be recouped in a criminal court and not always in a case such as this. Chief gave the example of recouping interest on monies that one may have been able to obtain if that money were to have remained in that account – restitution for something like that. M. Hornick explained that necessarily means restitution is a very specific loss incurred and when she discussed some of these things with the Board during her last visit, they discussed that particular issue and whether certain costs incurred by the Town
could be offset somehow as part of plea negotiations, whether by community service or something else by C. Stata. M. Hornick reminded the Board that once the paperwork filed is received and becomes a public document, she can discuss this issue more thoroughly.

F. Muzzey asked for clarification about whether the money would go back into the Capital Reserve Fund, but M. Hornick said she would have to get back to him on that particular question since her focus is on criminal law.

Kay Bailey asked M. Hornick what her advice to the town would be to prevent this from happening and referenced a statute 31:34 in her efforts to look at the books and others who have been trying to look at the trust funds for more than five or six years. M. Hornick said it was a good question and since this town isn't the only town in the state that has had to go through something like this, it made sense to her that she or the head of the Select Board contact a lawyer from the New Hampshire Municipal Association (NHMA) to ask what other towns do and/or to reach out to other Select Boards of other larger and smaller towns to speak to them about this. She also suggested dispatching a study committee to go out and ask what they can do to prevent this from happening. M. Hornick said that she does the same thing in her office if something comes up that she is not quite sure about. She checks was other county attorney offices do.

M. Hornick said that she is happy to come back when she can to try and explain this and the Chairman's questions, if she can and when she can once this is resolved to try and assist, but does not have the answers at this time, but reiterated her advice to reach out to companion towns to ask what they do.

F. Muzzey asked M. Hornick if there were any other capital reserve funds or otherwise in the Town of Wentworth that were touched in this process. M. Hornick said they did not find any other discrepancies.

Chief Trott also confirmed that this was the only account found with any concern or manipulation. He also took the opportunity to remind everyone about a presentation to the town by an accounting firm who said that they could take care of these accounts for a short period of time and give the Board a genuine authentic bottom number for each one of them. Chief said it was his understanding that this has always been the problem, at least in last 4-5 years, that the Town did not know what was really in those accounts for monies or where the dividends were going, etc. He added that the presentation was agreed upon but never made it to fruition. He suggested that the Board, with the Town’s approval, look into those services to allow a firm and outside entity to look at each of the accounts for accuracy and provide another point of accountability and transparency, this way if a resident is looking for information, the Town can show it with nothing to hide.

There was further discussion about the vulnerabilities of the funds and reasons why this might have occurred. K. Bailey reiterated that there needs to be some sort of safeguard put in place at a higher level to protect the taxpayer's money. M. Morrill mentioned that one of the problems was having one Trustee for 20 years. People became very relaxed. She said having one person making the decisions made her very nervous.
Linda Franz, as the current Treasurer of Trustees of the Trust Fund commented to say she hadn’t been at liberty to give out any information about Chip but that the accounts are okay and the books are open now. Everything has been liquidated down into two steady income-producing accounts – one with PDIF (?) and one with Fidelity and that includes all of the Capital Reserves and the Plummer Trust. The books are open as of tonight and she provide any detail a resident wants to see: the checkbooks, the statements that match up, etc. L. Franz said that when she went to liquidate or sell off the shares they had, she was able to find the original stock certificates, so everything matched and monies that Chip said were there, were there, the correct number of shares dating way back to the 1970s. She said that it had been an extensive project and all was down to the penny.

J. Thompson asked what happened to the Bear Casey Financial Advisors that were hired by a previous Select Board. L. Franz said she put a stop to it as soon as they discovered some discrepancies in the land fill funds. She also clarified that there are no discrepancies in the Plummer Trust fund.

F. Muzzey asked if there were any other comments/questions and then thanked M. Hornick on behalf of the Board and the Town for coming in. He asked if there was going to be a report in a local paper. M. Hornick said she would be happy to come back and report to the Board, once other paperwork is filed and made public in order to help explain what is going to happen and then will put out a press report with their blessing.

M. Morrill took the opportunity to say that she wanted everyone to know that L. Franz had put in “hundreds of hours to clean up this mess” and “if it weren’t for Linda…” M. Hornick agreed and Chief Trott said L. Franz had done a fantastic job in helping the town navigate through this. M. Morrill said Chief and Linda both. Chief Trott also acknowledged K. Bailey and J. Thompson who knew something was wrong and were persistent in their inquiries but respective of Chief being unable to give them any information up until this point. M. Hornick said that she had been looking forward to meeting L. Franz because she was grateful of all the time she had put into this case and that Wayne had spoken highly of her, as well as a someone at the Attorney General’s office.

F. Muzzey reminded everyone that a lot of people had put in a lot of work and a lot of hours and thanked everyone again. M. Hornick added that the Commissioner she would be seeing O. Ahern tonight and had wanted to extend a special hello to him.

Public Hearing.

Motion. F. Muzzey made a motion that the budget hearing be on Monday, February 10th at 5:00 p.m at Wentworth Elementary school (subject to availability). O. Ahern seconded the motion. All voted yes. Motion passed unanimously.
F. Muzzey reiterated that the notice needed to be posted seven days prior to the meeting – no later than February 2nd. Having the meeting on the 10th will allow the town room to reschedule if there is inclement weather.

Reports of Town Officials.

Administrative Assistant.
The AA asked who is on Conservation Committee per question from D. Ziembba. F. Muzzey said no one had volunteered to be an active part of the committee. Everyone present talked about who had been part of the committee in the past.

The AA then asked to schedule the next revision of the Personnel Policy Handbook and the Board agreed to meet for that meeting on Thursday, January 16th at 1:30 p.m.

P. Koelb informed everyone present that, O. Ahern, Chief Trott, Chief Ames had been at the Hazard Mitigation Meeting Monday night, January 13th and that he found it extremely enlightening, interesting, educational and important. He said the meeting relates to things that happened in the town which sets a pattern of things that could happen in the future. He reminded everyone that the town also gets paid for every person that attends, so he encouraged anyone who had not been to consider coming to the next meeting scheduled for February 24th at 6:00 p.m. at Wentworth Elementary School. The two meetings after that are March 9th at 6:00 p.m. at the school and March 23rd at 6:00 p.m. F. Muzzey thanked all who attended because the town had an excellent turnout. Chief Ames said he counted at least 15 people.

New Business.

F. Muzzey reviewed a Department of Revenue Administration report regarding local assessment values of municipalities. A long discussion ensued about real estate and sales in town.

Old Business.

F. Muzzey reviewed the application for a driveway permit and said to attach P. Manson’s recommendation from January 10th to the permit. The Board discussed the expiration of permit and agreed on one year.

Motion. O. Ahern made a motion to approve the driveway permit subject to the recommendation of the Wentworth Road Agent to expire on 14 January 2021. P. Koelb seconded the motion. All voted yes Motion passed unanimously.

F. Muzzey asked the AA if she had contacted the legal department for NHMA about the two invoices for groundwater testing and the AA said she had spoken to attorney, S. Buckley, who encouraged the Board pay the invoices for the landfill groundwater testing due to the fact that the testing was part of the requirements in closing the landfill to ensure that there was no leakage of hazardous material into the nearby water sources. A landfill is always a landfill and requires yearly testing for compliance.
The Board discussed the Wentworth-Warren ambulance and said the next meeting on the topic would be Tuesday, January 21st. F. Muzzey asked if G. Morrill would be attending and to please let the Select Board know. O. Ahern said he had had a chance to utilize the services of the Wentworth-Warren Ambulance service and said they were “top notch and very professional”. M. Morrill shared an experience she had had and added that they were very good to have when you need somebody. The Board discussed who the members were and also discussed the co-pay and other details associated with the ambulance service.

**Nonpublic Session.**

**Motion.** O. Ahern made a motion to enter nonpublic session per 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 the public body itself, unless such person requests an open meeting. This exemption shall extend to 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. P. Koelb seconded the motion. F. Muzzey voted yes. P. Koelb voted yes. O. Ahern voted yes. **Entered nonpublic session at 7:40 p.m.**

**Motion.** O. Ahern made a motion to leave nonpublic session and return to public session. P. Koelb seconded the motion. **Motion passed.**

**Public session reconvened at 8:16 p.m.**

**Motion.** O. Ahern made a motion to seal the minutes of the just finished nonpublic session because it is determined that divulgence of this information would likely affect adversely the reputation of any person other than a member of this Board. P. Koelb seconded the motion. O. Ahern voted yes P. Koelb voted yes. F. Muzzey voted yes. **Motion passed.**

The Board discussed R. Rugar’s concern about the muddiness of the Transfer Station.

**Motion.** P. Koelb made a motion to ask the Road Agent to provide a solution to the dump mud problem to the Board in writing as soon as possible, along with the associated costs. O. Ahern seconded. All voted yes. **Motion passed.**

F. Muzzey asked the AA to mention to P. Manson that he has 30-ft long telephone poles for Buffalo Road that the former Road Agent, Kevin Gilbert gave him.

F. Muzzey said that if anyone asks Tanya to do something, she should not do it unless the Board tells her and said it was important for her to focus on their priorities first.

The Board discussed the need for R. Rugar’s new employee to attend training and directed the AA to call the Department of Environmental Service to find out a date and cost for the new dump attendant to attend a licensing class as this is in the best interest of the Town.
The Board briefly discussed options and possibilities for hiring a third person for the highway department. O. Ahern and P. Koelb said they would each make a phone call to individuals who may be able to do the job.

**Motion.** F. Muzzey made a motion to adjourn the meeting. O. Ahern seconded the motion. All voted yes. **Meeting adjourned at 8:43 p.m.**

Respectfully submitted by:
Tanya Vela
Administrative Assistant to the Select Board

Chairperson, Francis Muzzey  
Board Member, Omer C. Ahern, Jr.  
Board Member, Palmer Koelb