

APPROVED

**Board of Selectmen
6 February 2012
Minutes**

6:00 pm - Chairman Don Guarino called the meeting to order. Present were Chairman Guarino, Selectman Rachel Hatch, Town Administrator Tim Warren and Clerk Lois Dionne. Selectman Lavin arrived at 6:10 pm. Also in attendance were Chief O'Brien, Roger Ball and Doug Isleib.

After attendance, everyone stood for the "Pledge of Allegiance".

DOT (Department of Transportation) Annual Bridge Report was received. Gilmanton has nothing on the "red list".

BCEDC (Belknap County Economic Development Council) – A letter was received from BCEDC wanting confirmation that Ralph Lavin is Gilmanton's representative to the council.

ZBA – Tim informed the Board that the ZBA wouldn't have a quorum for their meeting this month. Ron Labelle does not want to be reappointed, and Israel Willard will not be present. The need to try to recruit new members, and seeing if prior members would be willing to serve in the interim were discussed.

Recycling Income for the month of January was \$594.00.

LGC has set the Town of Gilmanton up for a Chainsaw Safety Demonstration Course for May 1, 2012. After a brief discussion, it was the consensus to make the class mandatory for all employees of the highway, police and fire departments. The course would be held in Gilmanton.

Street Lights – Village District – It was discovered a few weeks ago that the Corners Village District had been being charged the last two years for 6 lights that are actually in the Iron Works. The cost for the lights is approximately \$12 per month. The Corners district is asking for their money (approximately \$2,000) back because they were incorrectly charged. Tim said the Co-op said someone has to pay, but they might be willing to work out a deal where the Town pays only half the bill. It will be discussed further.

6:17 pm – Selectman Hatch moved to enter into Non-Public Session per RSA 91-A:3, II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Selectman Lavin seconded. Motion passed 3-0.

The Selectmen discussed a personnel issue.

6:32 pm – Selectman Hatch moved to come out of Non-Public Session. Selectman Lavin seconded. Motion passed 3-0.

MOTION – Selectman Lavin moved to seal the minutes of the above non-public session. Selectman Hatch seconded. Motion passed 3-0.

Brett Currier and Mickey Daigle joined the meeting.

LRPPH (Lakes Region Partnership for Public Health) – Jessica Blais of LRPPH was present to discuss one of their programs, partners for prevention, which is the regional network for substance abuse prevention. She oversees Belknap and Carroll Counties along school district lines; her area does not include Wakefield, but does include New Durham. Jessica said that every three years they are asked, by the Bureau of Drug and Alcohol Services, which is their contractor with the state, to conduct a strategic planning effort in the communities. She said that in looking at the strategic plan they had conducted three years ago, they had realized they were missing input from core sectors, so this year they are trying to get to the selectmen in all thirty-two communities they represent to find out concerns in the community and try to get a community vision where children and adults are not using and abusing substances.

Jessica distributed packets that cover issues that are discussed at strategic planning sessions. She briefly reviewed the data in the packets. An issue of concern in the packet was that data they received show that the youth in the communities served by Gilford High School use substances at higher rate than other youth across the region and state. Youth in the communities served by Gilford High School reported using prescription drugs in the last 30 days without a doctor’s prescription at a higher rate than all other youth across the region and state.

There was discussion on the need to identify solutions, protective factors for individuals and families, schools/communities and the state. Some suggestions were more supervised activities, eliminating boredom and eliminating parents’ substance abuse. Jessica said there are grants available to help, and when asked if the grants would cover things such as a skateboard park, she felt they would. Jessica asked that the Selectmen consider the information and forward any thoughts or ideas to her. She also left a sign-up sheet the Selectmen could sign to be informed of upcoming substance abuse prevention efforts.

7:00 pm – Public Input – Chairman Guarino read “Public input is reserved to allow residents, without prior notice, to bring forward new information on matters of interest to the Town. Existing cases or applications shall not be heard. Residents with existing cases or applications shall use the channels established for appeal or submission of new information in their cases. The Selectmen reserve the right to place time limits on public input. No vote will be taken on any matter brought in through public input unless a dire emergency requires such action.”

Ambulance Fees – Roger Ball was concerned with what he had read in the January 23rd minutes that if a resident couldn’t afford the ambulance fee, they should write a letter to the Town, and the fee would be waived. He felt embarrassment would keep older people who couldn’t afford the fees from writing. He said he has worked with fire departments in other towns, and they never charged residents an ambulance fee; non-residents and mutual aid were charged.

Selectman Lavin said he understood that in order for the Town to get 80% from the insurance carrier, 100% of the bill had to be sent out.

Roger felt we should accept what the insurance company pays and waive the difference.

Selectman Hatch thought that was the policy.

Tim said if a resident is unable to pay, they only need to tell someone at the fire department that they can’t pay, and that is the end of it.

John Funk said we don’t know how much different insurance companies would pay, so a bill has to be generated, but the issue is how the town treats the portion not covered by the insurance company.

Brett Currier said he has always been told by the fire department that the Town would bill you. If you have insurance, the Town will accept whatever the insurance company pays, but if you don’t have insurance, you will be taken to the hospital at no charge.

Selectman Hatch said that we have a contract service provider who bills everyone. Once the insurance company pays, the service provider sends the remainder of the bill to the resident. She said if people get billed, they should notify the fire chief, and he will notify the provider not to send the bill; there is a disconnect between the provider and the fire department. A Gilmanton resident should not pay a fee for the ambulance.

Chairman Guarino said the Board would research the issue.

Joint Loss Management Committee – Chief O’Brien updated the Selectmen on the Joint Loss Management Committee meeting held on Tuesday, January 24th. They scheduled their meeting dates for 2012.

The committee will tour all departments during 2012 looking for safety issues, and then make recommendations to the Board of Selectmen. He said the highway garage and recycling center were identified as risk areas due to the machinery.

Phil also discussed the chain saw safety class, which Wynette DeGroot, our LGC Representative, recommended be mandatory training twice a year. He said the committee had also discussed being proactive and to conduct a training session designated to making people more health conscious; a walking fitness plan was discussed.

Ms. DeGroot had also suggested they review and update the safety manual using Department of Labor guidelines.

Budget Committee Update – At the Super Saturday meeting the budget committee reduced the bottom lines in some of the budgets and line items in other departments. If the Selectmen recommended budget is passed at Town Meeting, there would be a .08-cent increase to the tax rate. If the Budget Committee recommended budget is passed, there would be a slight decrease in the Town portion of the tax rate. If the Budget Committee recommendation is passed, the Selectmen would then have to decide where to cut the different budgets.

7:25 – The regular meeting was suspended, and the selectmen moved upstairs for the public hearing with the conservation commission regarding a proposed land purchase by the conservation commission.

Public Hearing – Conservation Commission Chair Tracy Tarr opened the public hearing. She explained the purpose of the hearing was to discuss the George Twigg Conservation Project. Five Rivers Conservation Trust was able to reach an agreement with George Twigg to purchase four parcels of his property off Route 107 for conservation land. Five Rivers Trust would like to sell two of those parcels of land to the conservation commission. The purpose of tonight’s hearing is to inform the public of what the benefits Town ownership of these properties would be, and to get permission from the Board of Selectmen to expend the funds to purchase the two lots. The Conservation Commission has the funds to use for the purchase.

Tracy presented a slide show of the properties while explaining their value. All the properties include highly production hayfields and agricultural soils The Route 107 Upper & Lower Fields would preserve long distance views across Loon Pond into western NH.

The Loon Pond Road property is located at the junction of Loon Pond and Griffin Roads, adjacent to the historic Osgood Cemetery.

Frisky Hill Viewpoint South has a sweeping long-distance view from Route 107 of the Belknap Mountain Range. There are also man-made and beaver influenced ponds. The lower pond is a short walk to a possible wetland educational site.

The Meetinghouse Pond property has 1050 feet of scenic undeveloped shoreline on Meetinghouse Pond, and the NH Fish and Game Department rank a portion of the property as Tier 2 habitat. It also borders existing town-owned conservation land. A snowmobile trail with local network, maintained by the Gilmanton Snowmobile Association goes through this property.

All of the properties would protect wildlife habitat.

Tom Howe, of the Five Rivers Conservation Trust gave information about how the deal with Mr. Twigg came about, the value of the property and how the language in the easements would protect Gilmanton's rights. The language is yet to be worked out, but some of things to be included were discussed.

The Five Rivers Conservation Trust would hold conservation easements on the land bought by the Gilmanton Conservation Commission (GCC). The GCC would have input on the terms of the conservation easements, and Town counsel would approve the language of the documents before the Town signs anything or acquires any interest in the properties.

As a condition of Mr. Twigg's gift of lands to the Gilmanton Land Trust, Mr. Twigg required that Jeff Fillion, of Gilmanton, have the right to manage for his own purposes the sugar bush on the 5.6-acre parcel that is part of the Meetinghouse Pond tract. Mr. Fillion's use will be subject to the terms of the conservation easement including use of best management practices.

Mr. Twigg requested (it was not a condition) that Mr. Sanborn be given an opportunity to continue managing the hayfields on the lands.

All the easements will guarantee pedestrian recreation use. The Gilmanton Snowmobile Association will be assured access along the existing trail maintained by the Gilmanton Snowmobile Association. The GCC will have rights to post portions of the property against access to areas with active forestry operations, grazing lands occupied by livestock, active hay or croplands during the growing season and other hazards to visitors. Hunting would be permitted on the town-owned lands.

The hearing was opened to questions from the general public.

Concerns were if the land was to be town-owned for perpetuity.

The Town could, in the future, should they so decide sell the Town-owned properties, but the easement would remain on the land.

Sometimes, due to erosion or other factors, portions of the snowmobile trail sometimes have to be relocated. Would that be allowed on the Meetinghouse property? It could be

built into the language of the easement that, with mutual agreement, the trail could be relocated.

Residents wanted the assurance that public access be guaranteed in the easement language.

Paula Gilman read letters from Barbara Morris, and Lainie and Marty Rosato supporting the purchase of the parcels.

Chairman Tarr asked for a show of hands from the public in favor of the purchase. There was no one opposed to the purchase.

9:03 pm – Chairman Tarr closed the public hearing, and the selectmen moved downstairs to deliberate before making a decision.

9:05 pm – The selectmen resumed their regular meeting.

There was a brief deliberation of the request to expend the funds for the land purchase. Selectman Hatch had to leave the meeting, but stated that she was in favor of the purchase, and when they were making their decision, she was voting in the affirmative for both the proposed motions by the conservation commission.

MOTION – Chairman Guarino moved that the Board of Selectmen approve the expenditure of up to \$120,000 from the Conservation Fund, in accordance with RSA’s 36-A:4, and 36-A:5, for the purchase by the Town, acting through its Conservation Commission, of the following properties from the Gilmanton Land Trust, and, accordingly, the Town, acting through its Conservation Commission, enter into a Purchase and Sale Agreement for such purpose:

- a) **For a price of up to \$40,000, fee ownership of the 15.03-acre “Frisky Hill Viewpoint-South Tract”, Gilmanton Tax Map/Lots 419-045 & 046 subject to a Conservation easement held by the Five Rivers Conservation Trust.**
- b) **For a price of up to \$80,000, fee ownership of the 41-03-acre “Meetinghouse Pond Tract”, Gilmanton Tax Map/Lots 419-027 & 030, including existing Barn, subject to a conservation easement held by Five Rivers Conservation Trust.**

Said prices of the above tracts are based on a preliminary Fair Market Value appraisal by George Lamprey dated June 30, 2011, and shall not exceed the Fair Market Value of the restricted property as determined by final, updated appraisal prepared for Five Rivers in accordance with federal appraisal standards, a copy of which appraisal shall be proved to the Conservation Commission. If said final

appraisal indicates a Fair Market Value below the price stated above, the Town's purchase price shall be reduced to that new Fair Market Value Figure.

The above actions are subject to review by Town Counsel of title and any and all documents to which the Town is a party.

Selectman Lavin seconded the motion.

After a brief deliberation period, Chairman Guarino called for a vote.

The motion passed on a vote of 3-0.

MOTION – Chairman Guarino moved that the Board of Selectmen accept the donation of executory interests in conservation easements from George Twigg III to the Town of Gilmanton, acting through its Conservation Commission, in accordance with RSA 36-A:4, on any or all of the following lots with the grantee interests in said conservation easements to be acquired by the Five Rivers Conservation Trust (Five Rivers):

- a) **“Frisky Hill Viewpoint-South Tract” consisting of 15.03 acres on the NE side of Route 107, being Tax Parcels 419-045 & 046.**
- b) **“Meetinghouse Pond Tract” consisting of 41.03 acres on both sides of Meetinghouse Road and on the S. side of Meetinghouse Pond, being Tax Parcels 419-027 & 030.**
- c) **“Route 107 Upper & Lower Fields Tract” consisting of 20.98 acres on Route 107, Loon Pond Road, and Loon Pond, being Tax Parcels 419-077, 078 & 079; 135-011, 012, & 013; 136-039.**
- d) **“Loon Pond Road Tract” consisting of 8.45 acres on the NW side of Loon Pond Road, being Tax Parcels 423-075, 076 & 077.**

The above actions are subject to review by Town Counsel of title and any and all documents to which the Town is a party.

Selectman Lavin seconded the motion.

After a brief deliberation period, Chairman Guarino called for a vote.

The motion passed on a vote of 3-0.

Approval of Minutes – MOTION – Selectman Lavin moved to accept the minutes of January 30, 2012 as written. Selectman Guarino seconded. Motion passed 2-0.

9:35 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3, II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Chairman Guarino seconded. Motion passed 2-0.

The Selectmen discussed a personnel issue.

9:45 pm – Selectman Lavin moved to come out of Non-Public Session. Chairman Guarino seconded. Motion passed 2-0.

MOTION – Selectman Lavin moved to seal the minutes of the above non-public session. Chairman Guarino seconded. Motion passed 2-0.

9:46 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3, II(e) - Discussion of pending or threatened (in writing) litigation against the Town or Town Officials, Board Members or employees. Chairman Guarino seconded. Motion passed 2-0.

The Selectmen discussed a legal issue.

9:50 pm – Selectman Lavin moved to come out of Non-Public Session. Chairman Guarino seconded. Motion passed 2-0.

MOTION – Selectman Lavin moved to seal the minutes of the above non-public session. Chairman Guarino seconded. Motion passed 2-0.

9:51 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3, II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Chairman Guarino seconded. Motion passed 2-0.

The Selectmen discussed a personnel issue.

10:00 pm – Selectman Lavin moved to come out of Non-Public Session. Chairman Guarino seconded. Motion passed 2-0.

MOTION – Selectman Lavin moved to seal the minutes of the above non-public session. Chairman Guarino seconded. Motion passed 2-0.

02-06-12 BOS

APPROVED

10:01 – MOTION – Selectman Lavin moved to adjourn the meeting. Chairman Guarino seconded. Motion passed 2-0.

Respectfully submitted,

Lois Dionne
Recording Clerk