

APPROVED

**Board of Selectmen
22 February 2010
Minutes**

5:30 pm – Selectman Betty Ann Abbott called the meeting to order. Present were Selectmen Betty Ann Abbott and Don Guarino, Town Administrator Tim Warren and Clerk Lois Dionne. Chairman Rachel Hatch was on vacation.

After attendance, everyone stood for the “Pledge of Allegiance”.

Recycling Update – Justin handed out packets of information he had gotten together regarding the pay-per-throw system. He informed the Selectmen that he had been able to get some people from Towns who have the pay-per-throw system in place to agree to speak at the public hearing to be held later this evening. He stated that Marilyn Weir, from NRRA would outline how markets have been, where they are now and any potential growth.

Justin stated that he had also come up with suggested prices for bags that would be used in the program. Selectman Abbott felt the important thing is for Justin to be able to answer why the pay-per-throw program is the better alternative. Selectman Guarino asked if there was extra money from the sales of bags, would that money reduce the operating budget of the recycling center by that amount the next year. He was told it would. Justin stated there would be savings, but that people have to be realistic, and not expect things to happen overnight.

Justin informed the Selectmen that he had sent two hauls to Best Way at \$190 per haul. He said he had saved \$380 in two weeks by using Best Way.

Road Bond – The Selectmen had two requests for intent to cut. There was a brief discussion about the decision the Selectmen had made a couple of weeks ago to require a refundable (if no road damage occurs) deposit for loggers logging off a town road. The question arose whether the Town should accept personal checks or require a bank check for the deposit. The amount of the deposit that should be required was also discussed. Due to time constraint, the issue was tabled until later in the meeting.

Thank You Letter – Sgt. Rector – The Selectmen received a letter from Ken Mills, a selectman from the Town of Carroll, NH praising Sgt. Rector’s quick response and intervention to a 911 call Mr. Mills had made on February 4, 2010 regarding the erratic

driving of an individual that included continued driving in the opposing traffic lane, passing in a double yellow line zone, and erratic speed control on NH Rte 140.

Stan Bean – Year-Round Library Update – Stan Bean passed out packets with information on the Year-Round Library. He included some selectmen’s minutes from a few years ago when members of the Association had spoken with the Selectmen.

In a cover letter Stan mentioned various Town Reports from 2001 through 2008. He said the library committee’s reports in these Town Reports discuss the activities, progress and aims, but he didn’t think in any of the information he had presented tonight, you would find a promise or pledge. He said that over time, he had come to understand that people have perceptions and these perceptions become the “truth” the way they see things.

Also included was a monthly statistical report covering September through January on the circulation, programs and other things that have occurred at the library.

Stan also included some RSAs that pertain to what constitutes a public library, acceptance of a library by a Town, funding and contracting for services, etc. Stan didn’t feel it would be in the best interest of the Town to acquire the library, because if a town acquires a library, they are then required to provide funding for the library. He also felt people would be more willing to donate to a non-profit organization than they would to a town.

Stan said a public library could not charge the residents for a library card.

If the library association’s petition passes at Town Meeting, they would like there to be a simple contract for the provision of library services. The Town would receive monthly financial statements in addition to the Annual Report required by 2020-A:12. They would like a Selectman to have a seat on the Board of Directors.

Stan said the Association is working with the State to complete the necessary paperwork to be able to receive endowments and is scheduling fund raising events for the coming year.

Selectman Abbott stated that she had given a lot of thought to the question of reality and perception. She felt it is time to move beyond the question because people are stuck in their beliefs. Selectman Abbott said she, personally, believed if it is a perception on the part of the people who believe a pledge had been made that the association has to take some responsibility for creating that perception by talking so positively about funding the library with an endowment; she absolutely believed it. Selectman Abbott said she had gotten involved because she had felt it was to be a great town-wide project, and somewhere they got off track. She said Nate had confirmed to her, that in his six years as a selectman, it was never said in his presence in a selectmen’s meeting, that they (the

library) promised never to come to the town, in fact, Liz (Bedard) was very careful not to say that.

Stan stated that questions he had received in an email today were things they thought had been answered along the way. He said the library is looking for ways to get support, find ways to do fund raisers and are looking for solutions to put the issue of who said what behind them.

Selectman Abbott suggested having a mediator, and getting the original groups and offended parties together and try to come to some sort of understanding. She said the real question, however, is whether or not the town is willing to fund the operating expenses of the library.

Cindy Houghton stated that the tones of the letters that have been appearing in the newspapers on both sides of the issue had been antagonistic. She felt one step would be to stop the letters; they aren't helping.

Mr. Burchell felt it might be helpful to get some people who feel offended; he is one of them, to be solicited to cooperate on the private fundraisers. He said he was an early and ardent support of the year-round library, and felt if there is to be any rapprochement it would come through some sort of meeting, and should be done without direct confrontation.

Selectman Abbott felt it should not be open to the public, but be a meeting among key players who were involved in the beginning and became alienated.

Cindy Houghton asked why we would need to maintain the other libraries, if the Town accepts this one.

During discussion it was also mentioned, that there is nothing to guarantee that the amount the library asks for funding wouldn't go up each year, depending on what they could raise by fundraisers. Cindy stated that no one asked if she wanted a year-round library, but now we have one and she has to feel guilty about not wanting to pay for the operating costs; she might have felt differently if she had been asked, but she wasn't. Stan asked the Selectmen to look at the 1999 Selectmen's minutes that he had included in their packet. Selectman Abbott read that Alice Bean had formed a committee that is working on the idea of beginning a year-round library. It was asked if it would be legal for the committee to pass out questionnaires asking for public input on Election Day. They could also distribute them at the Corners Store and the Granary, etc. The Board felt it wouldn't be illegal, and the surveys could be left in the hallway at the Academy Building. Stan stated that was done, and there was a 94% return. He said one of the questions asked was if people wanted a year-round library. When Selectman Abbott asked if it had mentioned funding the operating expenses, Stan replied that he wasn't sure, but would try to get a copy of the questionnaire. Stan stated that no matter what the

outcome is at Town Meeting this year, representatives of the Library Association and the Selectmen should sit down and figure out how to approach this in the future.

There was also a brief discussion about the road signage the State had put up near the library.

Tom Scribner asked if the Town owns the libraries in the Corners and the Iron Works. We own the Corners Library, but not the Iron Works Library. The Corners Library is a Town library, and we fund that one; the Iron Works Library gets money as an outside agency.

NH Elec. Co-Op (NHEC) Meeting – Tim informed the Board that our Assessor, George Hildum has a meeting here Friday afternoon with NH Elec. Co-Op. The Board of Tax and Land Appeals has ordered a mediation meeting between the two parties. George Sansoucy, who appraised our utilities for us, will also be here. He said he found out this afternoon that the mediation might be taking place over the phone.

There was a brief discussion about the upcoming meeting.

Electric Lights – Tim reported that he had spoken with a representative from NHEC regarding the lights in the Iron Works. They are going to replace the light at the corner of Crystal Lake Road and Rte 140 and also at the corner of Crystal Lake Road and Mountain Road. They are not sure they have shields to put on the lights on Rte 140 in the Iron Works, but they have different kinds of heads that could be put on. Tim said there are also some lights at the GYO Park that the road agent wants to have removed, and they are going to do that, too.

There was a discussion about the “pie plate” lights in the Corners Historic District that are out. Tim said they cannot get bulbs for those lights because the lights are so old, so the whole fixture has to be replaced when the bulbs burn out. Tim said there is a whole list of “pie plate” lights that the Co-Op felt might be suitable for the historic district. He has forwarded the information to Steve Latici, HDC Commissioner.

7:00 pm – Public Hearing – Bonding for Proposed Public Safety Building – Present for the hearing were Ray Carbone of the Laconia Daily Sun, Cindy Houghton, Tom Scribner, Arthur Poslusny, Elena and Roger Ball, Bob & Laurie Henderson and Israel Willard.

Selectman Abbott opened the hearing by explaining the purpose of the hearing, which is specifically about the bonding for the proposed public safety building. She had worked up an example for the funding based upon the warrant article to be presented at Town Meeting. Selectman Abbott read the proposed warrant article

“To see if the Town will vote to raise and appropriate the sum of Eight Hundred Seventy Thousand Dollars (\$870,000.00) for the purpose of building a Police/Fire Safety Building

on land owned by the Town located on NH Route 140 west in Gilmanton Corners. And to authorize issuance of not more than Five Hundred Thousand Dollars (\$500,000.00) of bonds or notes under and in compliance with the Municipal Finance Act, RSA 33:1 et. Seq., as amended: to authorize the Selectmen to issue, negotiate, sell and deliver said bonds and notes to determine the rate of interest thereon and the maturity and other terms thereof; and to authorize the Selectmen to take any other action or to pass any other vote relative thereto. And to further authorize the Selectmen to withdraw Three Hundred Seventy Thousand Dollars (\$370,000.00) from the Police/Fire Safety Building Capital Reserve Fund to complete funding of this project. This article must be voted on by paper ballot and a two-thirds majority is required. Polls must remain open for at least one hour. (Recommended by Selectmen \$870,000.00; Recommended by Budget Committee \$870,000.00).”

Selectman Abbott explained that the \$370,000.00 comes from capital reserve fund account that we have been putting away for a few years toward the completion of this project, which has been ongoing for ten years. Selectman Abbott said the Selectmen felt this is the time to do the project; the bond rates are extremely low, and builders are “hungry”. Thirty-seven people showed up at the pre-bid meeting, and we received twelve proposals.

Selectman Abbott explained that the best interest rates, at this time, are through the Municipal Bond Bank; local banks were contacted, and although they could give more flexibility, they couldn’t match the rates of the Bond Bank. She said the best rate available right now is 2.62% for a ten-year loan. A twenty-year bond is 3.56%. At 2.62% for a ten-year bond, the yearly payment would be \$56,890.00; the total interest for the life of the bond would amount to \$69,000. Yearly payments on a twenty-year bond at 3.56% would be \$35,000, with a total interest of \$199,657.00 over the life of the bond. Selectman Abbott stated that the 2.6% is not “set in stone” because there is to be a new bond sale the beginning of June, and we won’t know the rates until after that sale. Selectman Abbott said that voting for the article would give the Selectmen the right to negotiate the best terms and rates they could get.

If the article passes, there would be no payment on the bond in 2010, and we would not have the \$100,000.00 appropriation into the capital reserve fund. There is an article on the warrant, as a backup for this amount, in case the safety building does not pass. If the safety building passes, that warrant would be withdrawn.

Elena Ball asked if we had to wait until June to find out the interest rate. She was told we would, but we had to have our application in before the bond sale occurs. Mrs. Ball asked if there was a chance that we wouldn’t get the bond. She was told there was a chance, but it was very doubtful because the Town has a good credit rating, and good audit reports, so we shouldn’t have a problem.

Mrs. Ball asked how they had come up with their selection for the contractor for the building.

Selectman Abbot explained how the committee, which was made up of the Selectmen, Fire Chief, Police Chief, Town Administrator and Chairman of the Budget Committee, had reviewed the bids, selected ones that were under \$800,000.00, then had carefully reviewed the plans and evaluated them trying to compare “apples and oranges” to “level the playing field” in terms of value and best design.

Chief Lockwood stated that they had scrutinized everything in the bids down to the spacing and size of the wall studs.

Selectman Abbott stated that they had chosen Ricci Construction out of Portsmouth because of the design and their superior knowledge of building police and fire stations. Chief Lockwood stated that he and Chief O’Brien had gone and looked at several buildings Ricci had done. He said everyone they had spoken with had nothing but praise for the company, said how well they worked with them, and were very amenable to changes. Ricci also comes back two or three years after the project is done and will adjust the doors, etc at no extra cost.

Selectman Abbot stated that it is now a matter of fine tuning extras that might be needed, and the biggest chunk had to do with site development. We have had a senior geologist work with us, and Paul Darbyshire is doing our site plan. It is felt we will need extra excavation and backfill, to be sure the building is stable; it is going to cost more than the base amount of the building because of this, so they might have to amend the amount of money being asked for. They are not sure what that amount will be at this time.

Cindy Houghton asked if we would have someone local who would be project manager. Selectman Abbot replied we would need a clerk of the works.

There were questions as to why we didn’t have all the test pits and know what we needed so everything could be included in the bids. Chief Lockwood stated that when we started the bid process, the site plan had not been completed, so the contractors had a vague site plan. The Site plan wasn’t finalized until a couple weeks ago.

There was considerable more discussion and questions about who would be overseeing the job, why all the soil tests hadn’t been done prior to the bid and the bonds that the contractor would have to put up. These include a performance bond, payment bond and design insurance. It is expected that if the building passes at town meeting, the building will be built in six-months time. It was also confirmed that the building inspector would be inspecting the work as it is done, and that, although, the town doesn’t have to adhere to the local ordinances, we are following the same rules and will have the same inspections as anyone else is required to have.

In answer to other questions, it was determined that the building would be used as an emergency operations center for natural disasters, but would not be a place for people to gather if they had to be evacuated. Chief Lockwood stated that there is an agreement with the school to provide, medical, custodial and food staff at the school if anyone needs to be evacuated.

In answer to another question as to what happens with the Corner's Fire Station if the safety building passes, it will revert back to the owners of the property, Steve and Kristie Owens.

7:55 pm – Selectman Abbott closed the public hearing.

8:00 pm – Public Hearing – Special Revenue Account & Pay-Per-Throw Program for Recycling Center – Present for the Hearing were Recycling Manager Justin Leavitt, Don Moore of Canterbury, Tony Ilacqua of Littleton, NH, Marilyn Weir of NRRRA, Arthur Poslusny, Roger & Elena Ball, Bob & Laurie Henderson, Tom Scribner and Israel Willard.

Selectman Abbott stated that they would be discussing the pay-per-throw program, and she would read the article being presented at town meeting. She noted that there are two articles. She stated that in order to set up a pay-per-throw program it was necessary to set up a special revenue fund to handle the purchase of the bags and the revenue that the transfer station would bring in. This is mandated by RSA31:95. Selectman Abbott read the articles.

Article 7 - “Shall the Town of Gilmanton adopt the provisions of RSA 31:95-h to restrict 100% of the revenues from income generated by the recycling facility for the purpose of offsetting the cost of running the Recycling Facility. Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Recycling Special Revenue Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue. (Recommended by Selectmen; Recommended by Budget Committee.)”

Article 8 – “To see if the Town will vote to authorize the Selectmen to establish and administer a user fee system, “pay-as-you-throw” program, to offset the cost of disposal of the Town’s Solid Waste. (Recommended by Selectmen, Not Recommended by Budget Committee.)

Selectman Abbott stated that they are going to ask to establish the special revenue fund, even if people are not in favor of the pay-per-throw program, because it allows them to better account for the revenues that are taken in at the recycling center. If article seven is

not passed, article eight will be withdrawn because a pay-per-throw program couldn't be approved without having a special revenue fund.

Selectman Abbott said the selectmen are recommending this particular program because of the tremendous increase in tipping and hauling fees over the past year. Tipping fees rose from \$45.90 to \$62.10 per ton. We pay tipping fees to dispose of our trash at Wheelabrator, and then we have a hauling fee for transportation of our trash from our recycling center to Wheelabrator. Selectman Abbott said we have been trying to encourage recycling for years, but only about 18% of the residents recycle. We have to change that. Because of the tremendous increase in hauling and tipping fees, over which we have no control, this is the one department that couldn't stay within the 2% increase that the Selectmen had asked the departments to meet for this year's budget. She said the Selectmen had considered single-stream recycling, mandatory recycling and pay-per-throw.

Justin Leavitt stated that single-stream recycling wouldn't work for Gilmanton because we don't generate enough trash to offset hauling and tipping fees. Mandatory recycling would require a police presence for six months to a year, which is an added cost, and you would need more people at the facility because you have to actually go through the trash, which is something most people don't like.

Justin felt expense wise, pay-per-throw would be the best option for Gilmanton, because we should be able to recover the cost of hauling and tipping, and eventually the revenue would be able to enable the recycling center to be self sufficient, so they would not have to ask for tax payers money to operate the facility; pay-per-throw is the only option that doesn't rely on tax dollars to support it. He stated that towns who have initiated pay-per-throw systems have noticed a large increase in recycling, and a decrease in solid waste tonnage.

Selectman Abbott asked if Justin knew what we had made off recyclables last year. Justin was unsure, but Marilyn Weir, of NRRA had those figures. She said we *netted* \$6,000 through NRRA. She distributed information about the best practices for maximum revenues with a recycling program.

Tony Ilacqua of Littleton where they have pay-per-throw, said it works well, and you don't have to worry about enforcing recycling. The Town sells the bags at various locations; you use those bags, thus paying only for the trash you use, not what everybody else uses. He said the amount of trash would drop, and recycling would go up, which would mean more revenue.

There was a brief discussion on the cost and size of bags. Justin had samples of a couple of bags. He said the manufacturer's recommendation for the 33-gallon bag is 30 pounds. Justin said he had proved it would hold a lot more. He had the land-use clerk, Annette, who is very tiny, stand in the bag, and he was almost able to lift her off the floor before

the bag stretched. He said the smaller 15-gallon bag has a 20-pound limit recommendation, but he felt it would hold quite a bit more.

Don Moore lives in Canterbury where they have pay-per-throw. Justin said Don also knows about mandatory recycling because he works in Concord at DES; he looks at all the recycling numbers for the different plans for the whole state.

Mr. Moore stated that the recycling rate in the state is about 25%; the rate goes from 2% in some towns to almost 70% in other towns. He said 45 towns have pay-per-throw and 112 towns have mandatory recycling; there is no correlation with recycling rates and mandatory recycling. He said the key is education and enforcement, and added that residents can get quite hostile when people go through their garbage.

Mr. Moore stated that Canterbury has pay-per-throw, and they have seen that most people cut their trash in half with this program. He said their recycling rate had gone from 20% up to 45% the first year they had the program. He said Canterbury had previously had mandatory recycling, but the residents had voted it out in favor of pay-per-throw. Residents present tonight were in favor of mandatory recycling rather than pay-per-throw. The Hendersons and the Balls had lived in towns where they had mandatory recycling prior to moving to Gilmanton.

There was much discussion on mandatory recycling opposed to pay-per-throw including the cost of the bags, the effects on the tax rate, enforcement of the programs. There was also a discussion as to whether or not the Town could initiate either a mandatory or a pay-per-throw program without the vote of the Town. Mr. Scribner felt the point was being missed, and this should be more about the environment, not the money.

9:00 pm – Selectman Abbott closed the public hearing.

Road Bond – Cont’d – Earlier in the evening the Selectmen had been discussing the required deposit by loggers whose operations would be off Town roads.

After further discussion, it was decided that the amount of the deposit would be on a case-by-case basis, and the deposit would have to be in the form of a bank or cashiers check.

Recycling Permits – Tim reported that Justin was having problems with residents who work for a car dealership when they bring trash to the center; they don’t affix the sticker to the car because they come in a different car every time. Tim said we have given temporary permits to these individuals, but there is one person, who has been told to come to the office to get one, but he hasn’t done it. Tim said the individual had come in to register his own car last week and had been “steaming” because he had been given a hard time at the transfer station for not having a permit. He wanted to know how to handle the issue. It was agreed that the gentleman needs to get a temporary permit.

Tim stated that another problem is with people who rent cottages in the summer. He suggested that we could make up booklets with tickets (probably five tickets) that could be purchased and left in the cottages. He said a person renting the cottage could take one ticket from the booklet when they go to the recycling center.

The Selectmen felt it was a good idea, and asked Tim to look into it.

Chimney – Academy Building – Selectman Abbott asked if anything was happening with the chimney. Tim replied that Bill Booth had gotten two quotes and would be getting a third to have insulation sprayed into the space. Tim said after the chimney was inspected, it was determined that you would need a machine to spray the insulation in.

Agreement Amendment – Selectman Abbott asked where we were on the Agreement Amendment with the Morrills. Tim said he had received a call from Mrs. Morrill today about the amendment, and he told her he was working on it, but it had to be run by Town Counsel. He said Mrs. Morrill asked to have it added that if there are any changes that need to be done in the future, that they can meet with the Selectmen to work out those changes. Don said there is a clause in there about any changes. Betty Ann asked Tim to check with Walter to see if that could even be done.

Approval of Minutes – The Selectmen reviewed the minutes of February 8th.

MOTION – Selectman Guarino moved to accept the minutes of February 8, 2010 as amended. Selectman Abbott seconded. Motion passed 2-0.

9:28 pm – MOTION – Selectman Guarino moved to adjourn the meeting. Motion passed 2-0.

Respectfully submitted,

Lois Dionne
Recording Clerk

