

**Board of Selectmen
27 April 2009
Minutes**

6:01 p.m. - Chairman Rachel Hatch called the meeting to order. Present were Chairman Hatch, Selectmen Betty Ann Abbott and Don Guarino and Clerk Lois Dionne. Town Administrator Tim Warren is out on medical leave.

After attendance everyone stood for the Pledge of Allegiance.

Stan Bean – Lakes Region Planning Commission (LRPC) Survey – Stan Bean LRPC Commissioner sent a survey to the Board of Selectmen, Planning Board and Zoning Board asking if they would fill it out. Some of the questions were what they felt to be the top three challenges facing the Lakes Region and Central NH in the next five years, as well as the top three local challenges that face our community in the next five years. They also listed services that the LRPC provides, and asked them to choose the top three that they would like for our community.

The Planning Board and the Zoning Board had submitted their surveys, but the Selectmen had not received a copy. Stan was present tonight to review the surveys, and ask for the Selectmen's input before submitting the survey. He felt the Selectmen should have the final say in what should be listed on the survey. After review of the survey, a couple of changes were made; everyone agreed that water quality and environmental planning were items of major concern. Stan will finalize and submit the survey.

Chief Phil O'Brien – Dept Update

Annual Road Race – Chief O'Brien stated that every March there is a road race in town, and the entrants utilize the Academy Building and the parking lot. He said the race has grown so big, that there was a problem with parking of vehicles on Route 107 all the way to High Street on both sides of the road, so it was down to about a one and one half travel lane. Phil said he has been talking with Jamie Clark, and they are going to set up some meetings to discuss the parking situation. He said there are also some permits that the organizers of the race are supposed to get from the State in order to close roads so they can run down them. They have not been getting these permits. Phil said he had advised Jamie of this.

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Skate Board Park – Phil stated that he would like to start talking to people about starting a committee to get a skateboard or biking park in town. He said it had been discussed a few years ago about having a skateboard park where the old salt/sand shed had been. The Selectmen had been in favor of it, but Ella Jo Regan, Selectman at the time, had wanted the children who would be using the park to be involved with getting the park started. He said that when talking with the kids, they were overwhelmed, and didn't know how to proceed, so nothing happened.

Chairman Hatch asked if the Town didn't have one (skateboard park) at Crystal Lake Park, and it had gotten vandalized. Chief O'Brien replied that there had been a very small one, nothing official, and everything that had been there had been brought from people's homes, and had been "pretty rough" to begin with. He said it did get vandalized, but he is hopeful that if something official is done, things would be different. Chairman Hatch asked what the chief meant by official. He said he would like to see a small park area, maybe dedicated to somebody, and he would like to look at other skateboard parks in other towns, and see how they handle controlling them. He asked the Selectmen permission to try to get a committee to get things going; there are some teenagers that are interested. The Selectmen gave Phil permission to go ahead with his plans.

Grants – Chief O'Brien informed the Selectmen that he had been looking into getting some grants for the police department, and the State had informed him that the town needs to have an active Highway Safety Committee in place to be eligible for the grants. He said that he had asked if we could use the same people as are on our joint safety committee for this year, and start a new committee next year. He was told it would be okay for this year. Phil said all the members of the joint safety committee are agreeable to this.

Full-Time Position- Chief O'Brien said that he had been interviewing to fill the fifth full-time position in the department. He said there were many applicants, seventeen showed up, and ten passed the physical training test. One individual stood out above the others on the oral boards, and he asked the Selectmen permission to offer him a letter of conditional offer.

After a brief discussion, the Selectmen agreed that Phil should go ahead the conditional offer of employment.

LED Lights – Chief O'Brien informed the Selectmen that the LED lights he had been working on getting for the cruisers might not be able to be used. He said the State requires that the lights can be seen at 360 degrees. There was a brief discussion, and it was determined that the old cruiser might be able to be fixed so that the bar lights could work off a battery in the trunk. This would be to save gas when the cruiser is on detail.

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Cruiser – Chief O’Brien said the new cruiser is in, and is being driven by Sgt. Rector. It is silver in color. He said they are no longer making the expeditions in gray, so the cruisers are going to be transitioned to silver.

Phone – Chief O’Brien was asked how he is coming along with the new phone system. He said the company has been calling, but he wanted to wait until Tim Warren gets back and speak with him before doing anything. He also reported that the phone that had been upstairs in the Old Town Hall had been stolen. This was discovered when they were having the alarm system worked on. Chief O’Brien said the man working on the alarm system said that phone line wasn’t connected; it is now connected to one of the police department lines.

Alarm System – Chief O’Brien stated that they had been having trouble with the fire alarm at the police station going off. They had someone from the alarm company go through the whole system. The motion detector was moved, door alarms fixed, code to door changed and a smoke detector was installed in the evidence room.

There was also a brief discussion about the possibility of one of the four part-time positions becoming vacant.

7:00 p.m. – Public Input

Recycling Center Issues

Safety – Chief O’Brien stated that the Joint Loss Safety Committee had inspected the recycling facility last week, and they had felt that Justin Leavitt had done an “awesome” job cleaning up the facility. He said the committee was very concerned, however, about the safety of the employees around and under the dumpster and compactor. Chairman Hatch asked what the chief meant by underneath the compactor. Chief O’Brien asked Justin to explain.

Justin stated that they sometimes have to go underneath the building to clean up trash that doesn’t always go completely into the compactor, but goes over the ramp in the back. They clean under the compactor. He said it is like a cellar, and you go in around the back of the compactor under the building, but Chief O’Brien was concerned that once you are in there, if something in the container should ignite, there would be no where to go, unless you could very quickly get out the side. Justin said the Chief had suggested putting a trap door in the floor of the building with a ladder going down beneath, which would give a better chance of exiting from under the building.

After further discussion, the Selectmen told Justin to have J R Stockwell check it out, and give him an estimate for putting in a trap door when he comes to do the roof over the glass bin. Don suggested that they get a fire extinguisher to put under the building. He will go check out the situation.

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Fuel Tanks - Justin said he has a meeting Wednesday with Fuel Master regarding cards for the departments to use when they fill up town vehicles. They are going to look at the tanks at the highway department to see what would be needed there; they will be bringing a tech when they come to look at the pumps because they are older pumps, and might need to be upgraded. Selectman Abbott asked to have what needs to be done broken down, and prices for each thing, not a lump sum. She wants things listed in order of priority, such as a pump that might be unsafe, etc. The departments want to get the system set up with cards, so that they can keep track of who is using the gas. Right now they can't determine the cost or amount of fuel being used by the police dept, highway dept. or recycling center.

Recyclables – Justin reported that we have grossed approximately \$5,000 for the disposal of C & D and computers so far this year. He said he is working on getting regular monthly reports from NRRA. There was a brief discussion about the value of recyclables right now; the biggest commodity currently is aluminum. Justin said he has a truck of mixed metal that should be going out next week.

Earth Day – Selectman Abbott stated that there is a problem with the Earth Day clean-up bags this year. She said usually the blue bags are counted as they come into the recycling center, but because of a shortage of blue bags this year, we had to use white ones so they don't know which ones are for the roadside clean up. Selectman Abbott stated that she had collected four bags of trash, and when she took them to the recycling center and was looking for someone to tell the number of bags she had, she was told they didn't do it that way. Chairman Hatch noted that the problem this year had been that we didn't have a coordinator for the project. She will call Ann Kirby to find out how they keep track of the bags they collect.

Trustee – Lower Gilmanton Library – Chairman Hatch said Anne Kirby had called and asked if the library trustee position was an appointed or an elected position. She said she had told her that it was an elected position, but if nobody ran for the position, the Selectmen could appoint. There is still a question whether the Kelly's still want the library in their barn. Rachel said she would get back to Ann when she calls her about the bags.

7:30 p.m. – Break

7:35 p.m. – Back in Session

7:36 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)

Selectman Abbott moved to Enter into Non-Public Session as 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 Guarino seconded. Motion passed 3-0.

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The Selectmen discussed a personnel issue with Bob Flanders and Chief Lockwood.

7:45 p.m. – Out of Non-Public Session

Selectman Abbott moved to come Out of Non-Public Session. Selectman Guarino seconded. Motion passed 3-0.

Safety & Health Concerns – Code Enforcement Officer Robert Flanders and Fire Chief K G Lockwood spoke with the Selectmen regarding code enforcement and health care concerns.

Bob said he was concerned about the level of service the residents are getting now that he is working one less day a week. He said he has been working with the fire chief on violations they have found, and are getting them straightened out, but feels there are things they can't get to. Bob said they had talked about going through and inspecting rental properties in town every couple of years to be sure they are up to code. They were also going to work on an emergency plan, because Gilmanton does not have a good one. He said with his limited hours, these things have been put on hold, and noted that he also doesn't have time to go to meetings to keep him up on the codes and health issues. There have been a lot of things going on regarding the swine flu, but he hasn't been able to attend the meetings.

Bob said KG had called him Wednesday night about a furnace that had charred pipes because it wasn't installed properly. The people couldn't use the furnace, and had to wait until today because he could only work his two days, and had been told not to answer his phone on weekends and days he isn't working.

Chairman Hatch stated that he wasn't told not to take calls nights and weekends if somebody could be caused bodily harm, and felt it was taken out of context. Bob replied that if he takes calls every day and on weekends, it is equivalent to having a five-day week. Bob said he is more motivated by doing a good job, and his reputation than he is by the money, and he doesn't feel he can do a good job right now.

Chairman Hatch stated that the job he does has never been questioned, and, right now, they are asking him to do the best job with what he has; they aren't questioning his professionalism. She said they understand that with what the townspeople voted in, some of the items would get fallen by the wayside. Bob replied that, unfortunately, there would be quite a few of them. Bob said he doesn't feel that he is able to provide a reasonable level of service to the contractors or to the homeowners in this community. He added that what he does is not limited to inspections when buildings are being built. He said there have been two incidents in the last three months where they (he and Chief Lockwood) have come across heating systems that have been installed improperly. Bob said they have worked with the contractor to get it straightened out immediately, with no cost to the homeowner. Chief Lockwood added that they have been able to fine the contractor, so that is revenue that has been brought in, and they are also making them get permits.

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Bob said Chief Lockwood had called him late Wednesday afternoon about the furnace, and he (Bob) had called the State Fire Marshal's office on Thursday morning to arrange for an inspector to meet them there this morning. State Inspector Randy Sherman met with him and Chief Lockwood at the resident's house this morning.

Chairman Hatch stated that if Bob hadn't answered his cell phone, this particular family would probably have been without heat a lot longer than they were. She said the Selectmen had told him his hours were limited, and because he is conscientious about the job he does, Bob went "above and beyond" to service that family. Selectman Guarino asked how they had found out about the furnace. Chief Lockwood said it was because one of the other things he and Bob have been doing proactively is meeting with the oil and propane companies and asking them, when they find something they feel to be of a significant hazard, to shut the system off immediately and notify them. He said the companies "red tag" the system, (he explained that "red tagging" the system is putting a tag on the system saying "do not operate") then they shut the system down and notify the fire chief. Chief Lockwood said he inspects the system, and depending on what he finds, he calls Bob. Selectman Abbott asked what it is that he needed Bob to do; didn't the fire chief have the right to keep them shut down? Chief Lockwood said it isn't keeping them shut down; it is getting them back up at no charge to the homeowner. He said what Bob can do, as code enforcement officer, is tell them a fine can be imposed from the date of installation, until the date the problem is fixed. Chief Lockwood said that tends to make the contractors take notice and cooperate. He said at this point he and Bob inform the contractor what needs to be done to correct the problem.

Chief Lockwood said for this particular system, they had met with the contractor today, and they (contractor) are going to be there tomorrow to repair it because they don't want to get a big fine. He said this system had been installed last fall. Chief Lockwood said there had been another incident where a lady had paid \$4,000 for a heating system, and told him the thermostat didn't work, and she couldn't get it to do what she wanted it to do; it was leaking carbon monoxide in her house, among other things. The furnace had never been tested after being installed. He said he could tell her she couldn't run the furnace, but he couldn't fine the contractor, whereas, Bob could. This was an incentive in both these incidents.

Bob said in this last instance, a permit had not been pulled. He said he called the contractor, told him what problems he had found with the furnace, and informed him that he needed to get a permit to install a furnace in Gilmanton; we could impose a fine of \$50 a day for building without a permit. Bob said his is trying to get people to come into compliance.

Chairman Hatch said her impression is that the residents look at Bob as "just the building inspector", whereas he is much more than that. He is also code enforcement and health officer for all residents. She said they don't understand that just because building might be down, they are other facets to his job.

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Chief Lockwood stated that at a fire the other night, he got into a situation where the neighbors wanted the house condemned, and he had consulted Bob to reaffirm what could be done. Chief Lockwood said he had spent the next day here in the Academy Building speaking with concerned persons. He said this was done only after consulting with Bob.

Chairman Hatch said she is seeing that Bob is a professional, has always gone above and beyond and is frustrated because he can't do that. Bob Agreed. Selectman Guarino stated that there had only been about three building permits issued last year. Bob said there were five or six. Chairman Hatch said the premise, at town meeting, was it had been sold, by a former Board of Selectmen, that the building department was self funded, and the residents felt because building was down, it was no longer self funded. She said code enforcement and health were never brought up, so she doesn't feel the residents understand the trinity of Bob's job. Bob replied that may be, but misinformation was given at that meeting. Chief Lockwood stated that there is more than that. He said there are things like the door at the Iron Works post office that was fixed; these are things people are thrilled to have fixed, and it is safer, but are "side bar things", and you can't put a price on it. There are lots of other things going on.

Bob stated that there have been fifty-eight permits issued so far this year. Only four or five are for new homes, but you have additions, renovations, electrical system replacements, furnace installations, and all these need inspections. Bob said more permits were issued last year than the previous year. Bob said the Selectmen have the authority to adjust his hours as long as they don't over expend the bottom line. The Selectmen said they were aware of that.

Selectman Guarino felt residents would be calling their oil companies, not the fire chief and building inspector if they had their furnaces "red tagged". Chief Lockwood said he understood what Don was saying, but it isn't the contractor's place any more. It becomes the purview of the fire department and code enforcement officer.

Chairman Hatch stated that what Bob is saying is that with his hours cut back a day, residents have to wait for things. Bob said there are also things that don't get done. Chief Lockwood said he and Bob had tied up half a day working on getting the furnace issue taken care of. Chairman Hatch said she is getting the impression that Bob thinks the Selectmen are okay with the way things are going. She said that she, personally, is not. Selectman Abbott felt Bob was trying to bring to their attention that it is a safety issue. Chairman Hatch said it is a safety issue. Selectman Guarino felt they have to make the determination that safety is the number one issue, and contractor inspections would have to come second.

Chief Lockwood reiterated what Bob had previously said about not having time to take advantage of the training opportunities now. He said he and Bob used to train together,

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and have no more monthly training now. Chief Lockwood and Bob agreed that taking the training together helped both of them, and made them more efficient.

Chairman Hatch recapped that Bob had come before the Selectmen tonight to let them know that with his reduced hours that they had imposed on him, he is not able to, in his opinion, sufficiently or adequately perform all the duties that have been assigned to him, not only as building inspector, but as code enforcement and health office. She said he had serious concerns about adequately assisting the residents and protecting their public health and safety, and also the potential increased liabilities to the town due to his reduced hours. Bob agreed that was correct.

Bob said he and KG had been getting ready to write a letter to every oil and gas company who does business in Gilmanton. He said he had talked to the State Fire Marshal about it, and asked if they had a copy of a letter they could use. They didn't have, but felt it was a great idea, and asked when Bob & K G had done one to send them a copy. He said this is not getting done now.

Chairman Hatch wanted it known that she, as well, is concerned about the safety and liability issues for the residents and the town. Bob said that the program they had been going to start to routinely inspect rental units in town, is no longer viable. Selectman Hatch stated that the Historic District Commission, for which she is the Selectmen's Representative, had discussed having Bob come on board, and periodically inspect the applications they had approved. She said they couldn't ask him to do that now because of his reduced hours. Don reiterated that health issues are number one and building inspections would have to wait. Chief Lockwood stated that they had saved the homeowner with the furnace problem thousands of dollars, and it would be repaired at no cost to them. Selectman Guarino said it could possibly have saved their lives.

Approval of Minutes – The Selectmen reviewed the minutes of last week's meeting.

MOTION – Selectman Abbott moved to accept the minutes of April 20, 2009 as amended. Selectman Guarino seconded. Motion passed 3-0.

NH Electric Co-Op Light Poles – Don informed the Board that he had located all the light poles that we are not being billed for. After locating the poles, he felt that we should keep all but two of the lights. One of the lights he felt should be disconnected is on River Road and the other is on Stage Road nearly Edgerly Road. After a brief discussion, the other selectmen agreed with Don. Don will call the Co-op to notify them of the decision.

Trash Barrels – Don presented the Board with Ralph Goodwin's proposal to put out trash barrels and pick up trash for the 2009 season. The barrels are placed at Crystal Lake Park, Nat's Bridge, the Boat Ramp and at Meadow Pond. The price for the season

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is \$1,100, the same as last year. Ralph supplies the barrels. The Selectmen Okayed the proposal.

Hemlock Drive – Selectman Guarino said he had shown Paul Perkins Hemlock Drive the day after Ms. Day had met with the selectmen about the problems out there. He said Paul knows there are problems there, and he is going to address them. Don said Paul also stated that there is too much water coming from the opposite side of the road. Don felt Ms. Day should be contacting some of the boards in town about authorizing new construction that is causing water to wash down into the lakes.

Siding at Recycling Center – Selectman Abbott said that she and Nate had looked at the siding where it is coming off the building at the recycling center. She said that Nate feels that there is flashing that needs to be pulled out, and the siding could be screwed into the building. Selectman Abbott felt this could help as a “stop gap” measure. Don said he would look at it when he goes to check the building at the compactor for a trap door.

Morrills’ Deed Restrictions – Selectman Abbott wanted to explain her conversation with Town Counsel about the Morrills’ deed restrictions, and clear up the restrictions associated with the deed. She said the restrictions are not actually on the deed; they are on another document. Selectman Abbott said there had been a misunderstanding between Walter and Attorney Wood. Walter is going to call Attorney Wood and get things straightened out. Selectman Abbott stated that there are three provisions, and the Selectmen are only changing the one that has to do with the upgrade of Donovan Road. The other provisions set in place by the Zoning Board remain. These provisions are that the old building is to be torn down and replaced in the same location as designated on the building plan; the other is that they need to have a State-approved septic system.

8:25 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)

Selectman Abbott moved to Enter into Non-Public Session as 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 Guarino seconded. Motion passed 3-0.

The Selectmen discussed a personnel issue.

8:30 p.m. – Out of Non-Public Session

Selectman Abbott moved to come Out of Non-Public Session. Selectman Abbott seconded. Motion passed 3-0.

MOTION - Selectman Abbott moved to seal the minutes of the above non-public session. Selectman Guarino seconded. Motion passed 3-0.

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8:31 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(e)

Selectman Abbott moved to Enter into Non-Public Session as 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. Selectman Guarino seconded. Motion passed 3-0.

The Selectmen discussed a legal issue.

8:44 p.m. – Out of Non-Public Session

Selectman Abbott moved to come Out of Non-Public Session. Selectman Guarino seconded. Motion passed 3-0.

Selectmen’s Agenda – Chairman Hatch asked that the Selectmen’s agenda be finalized on Thursday, to be posted on Friday, and not to have any additions to the agenda after it has been posted. She felt there are too many times people have been told to just show up at the Selectmen’s meeting after the agenda has been posted. This has a negative impact on the meeting, and at times means the meeting has to run very late, or issues have to be set aside, and not be addressed in a timely fashion. This has nothing to do with public input. People are always welcome to come to public input.

Respectfully submitted,

Lois Dionne
Recording Clerk