

**APPROVED**

**Board of Selectmen  
2 May 2011  
Minutes**

**6:00 pm** - Chairman Don Guarino read “This meeting of the Selectmen of the Town of Gilmanton is now open, and the matters presented and discussed here shall be for the purpose of managing the prudential affairs of the town and to perform the duties by law prescribed.”

Present were Chairman Guarino, Selectmen Rachel Hatch and Ralph Lavin and Recording Clerk Lois Dionne. Town Administrator Tim Warren was on vacation.

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

**Anonymous Letter** – The Selectmen had received an anonymous letter from a resident. Chairman Guarino explained to Selectman Lavin that it is the policy of the Selectmen not to act on information or complaints received in an anonymous letter. He said he had called LGC, and they had told him that when they open an anonymous letter, they could throw the letter out.

**Police Dept. Update**

**Janitorial Service – Safety Building** – Chief O’Brien stated that neither the police nor fire departments are happy with the janitorial service they have been receiving at the safety building. He said the man doesn’t show up when he is supposed to and doesn’t supply his own cleaning supplies. Chief O’Brien said they had been very satisfied with their previous service, and didn’t know why it had been changed.

During a brief discussion, it was decided that the janitorial service would be revisited.

**2011 Crown Victoria** – Chief O’Brien stated that the 2011 Crown Victoria is in, and will be in operation soon.

**Old Police Department** – Chief O’Brien notified the Board that he had finished cleaning everything out from the old police department in the Iron Works; the space is ready to be turned over to the Historical Society. Lois will call John Dickey to have him get hold of Chief O’Brien to get the key, and the code to the building.

**Accidents** – Selectman Lavin had attended a LRPC - TAC meeting, and needed information about the number of accidents in Gilmanton, where most of them occurred and if they were due to the conditions of the road before there would be consideration for road upgrades in Town. When asked, Chief O’Brien stated that most of the accidents are on Rte 140 due to the condition of the road, and at the intersection of Routes 140 and 107. There was a brief discussion of the roads.

**6:18 pm – Selectman Hatch moved to enter into Non-Public Session per RSA 91-A:3, II(c)** - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Lavin seconded. Motion passed 3-0.

The Selectmen discussed a complaint against a resident with Chief O’Brien.

**6:23 pm – Selectman Hatch moved to come out of Non-Public Session.** Selectman Lavin seconded. Motion passed 3-0.

**6:24 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.

**6:40 pm – Selectman Hatch moved to come out of Non-Public Session.** Selectman Lavin seconded. Motion passed 3-0.

**6:41 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.

**6:45 pm – Selectman Hatch moved to come out of Non-Public Session.** Selectman Lavin seconded. Motion passed 3-0.

**6:46 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.

**7:00 pm – Selectman Hatch moved to come out of Non-Public Session.** Selectman Lavin seconded. Motion passed 3-0.

**7:01 pm – Selectman Hatch 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.

The Selectmen discussed a legal issue.

**7:06 pm – Selectman Hatch moved to come out of Non-Public Session.** Selectman Lavin seconded. Motion passed 3-0.

**Grant Writer** – Chief O’Brien asked if it would be possible to get a grant writer to write grants for the police and fire departments. He wondered if there was a retired person who would be interested in doing this. He felt they are missing out on money by not knowing what grants are available and where to apply for them. Selectman Hatch said that sometimes a grant writer would work for a percentage of the grant, so would receive money only if the grant were received. She will draft an ad for a grant writer for the Selectmen’s review.

**7:10 – Public Input**

**Metrocast Franchise Fees** - Brett Currier asked what the Metrocast franchise fee does for Gilmanton. He asked why the residents pay a franchise fee on their cable bill when the town gets money back in a franchise fee payment. Brett was told that Tim Warren would be better able to explain it when he comes back from vacation.

**Use of Credit Cards** - The Selectmen received a letter from Town Counsel’s Office with concern about the acceptance of credit cards for tax payments. The Selectmen will review the concerns and will discuss them. Deb Cornett has a copy of the letter.

**Highway Block Grant** – The Department Of Transportation informed us that there had been a revision to the disbursement of Block Grant Aid the town receives. This year’s adjusted payment is nearly 20% higher than last year’s due to the \$30 vehicle registration surcharge made available in the 2010-2011 biennium.

**Narrowbanding Deadline** – We received a letter from FCC in Washington, DC reminding us that we have to switch our radios in the highway department to

narrowbanding operation by January 1, 2013. This will be discussed in more detail at budget time.

**Planning Board** – Selectman Hatch reiterated what she had said at the last meeting regarding the joint ZBA/Planning Hearing for the cell tower that is being proposed for the end of Copp Road. Residents had been concerned about the noise level for an emergency generator that would be needed in the event of a power failure, the effect that possible radiation emitting from the tower would have on a pacemaker and visibility of the tower. Rachel stated that as a result of the concerns, planning administrator Desiree Tumas had researched the concerns regarding a pacemaker, and was told that as long as the pacemaker is 5 inches away, it would have no effect. Rachel said a balloon test and a site walk had been done on Saturday; the balloon was not visible at any of the locations they had visited to look for the balloon. The balloon had been erected higher than the tower would be. Members of the planning board had visited the site for the proposed tower, and felt it would be a good site; there will have to be a lot of work done to clear the area and work will have to be done to the road. The planning board will have another meeting on May 12<sup>th</sup> to continue the hearing on the tower.

**Subdivision Regulations** – Selectman Hatch noted that the Planning Board would be holding a workshop on May 19<sup>th</sup> from 6 to 8 pm to discuss the subdivision regulations.

**Policies & Procedures** – There was a brief discussion on the proposed policies for complaints and changes to the personnel policy. The Selectmen will hold a workshop to review the personnel policy on May 16<sup>th</sup> from 5 to 7 pm.

**Bell Repair – Cupola** – Selectman Hatch stated that part of the LCHIP Grant requirement was that she got a quote from Mr. Fifield for stage one and stage 2 for the repair of the cupola, and got a detail of the work that would be required. She said based on that, we had received \$20,000 for the project. Rachel said Mr. Fifield's final cost had come in a little under \$39,000 total. (We had also received a \$20,000 appropriation from the town.) Subsequently, we were made aware that the bell needed to be repaired. Rachel said she had spoken with John Dickey who had spoken with LCHIP, and because the bell repair wasn't part of the original proposal, we could use the remainder of the money to pay for the repair of the bell, but they would need an addendum outlining the proposal for the repair of the bell. Mr. Fifield submitted a proposal for the repair of the bell, and charged us only what we had left over from the repair of the cupola. The cost is \$1,700. Rachel asked permission from the other selectmen to submit the proposal to LCHIP. She explained that any money not expended from the grant would have to be returned.

**MOTION - Selectman Hatch moved to authorize the Cupola Committee to forward an addendum to the grant proposal to include the cost of \$1,700 that has been estimated to repair the bell; that would include replacing the wood portion, the associated parts, and painting it. Selectman Lavin seconded. Motion passed 3-0.**

Rachel will follow up with LCHIP.

**CDFA Loan** – Chairman Guarino asked if we had heard anything from the Energy Committee regarding the bids for the insulation of the Academy and repair of the windows. We have received nothing. Don will contact Nate Abbott of the Energy Committee.

**Oil Bids** – Chairman Guarino asked when the request for oil bids usually go out. Lois will check the files to see when we customarily send them out.

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

**MOTION – Selectman Hatch moved to accept the minutes of April 25, 2011 as amended. Chairman Guarino seconded. Motion passed 2-0. Selectman Lavin did not vote, as he was not present at the meeting.**

**GYO Park Fields** – Last week Chairman Guarino had mentioned that there had been concern whether the GYO needed a permit for the work being done on the fields at the GYO Park. He said Mr. Eisenman has since talked with the planning administrator, and there is a soccer field that had not been included on the original site plan. Don said the GYO would be amending the site plan to reflect where the soccer field would be.

**7:45 pm – Chairman Guarino closed public input.**

**Damage by Defective Trees** – There had been concern about a tree on Allens Mill Road that is rotted at the bottom. Chairman Guarino and Selectman Lavin had both looked at the tree, and determined that the tree is not on town land. According to an article in the Town and City magazine published by LCG, the property owner is liable for damage or injury caused by the tree.

Don will find out who the owner of the property is so we can contact them.

**Cameras – Safety Building** – Chairman Guarino said he had spoken with Chief O’Brien about the cameras in the safety building and Selectman Lavin had visited the safety building. After a brief discussion, it was decided to let the cameras stay as they are.

**7:55 pm – Break**

**8:05 pm – Back in Session**

**Septic Inspection Fee** – At previous meetings there had been discussion the \$50 inspection fee that is charged for the Code Enforcement Officer to do a site visit and inspect the placement of the leach field before a septic plan is submitted to the State. Brett Currier didn't feel the leach field should have to be staked out, and felt the building inspector should be able to tell from looking at the septic plan if things are as they should be before forwarding the plan to the state. He felt there is no reason for him to visit the site. Chairman Guarino had spoken with a licensed septic designer, who had agreed with Brett, and had said there was an added fee for the resident when a designer has to return to stake out the leach field. Selectman Hatch had wanted to speak with the building inspector before they made a decision about the fee.

Selectman Hatch said she had spoken with Bob, and the \$50 fee is a charge for Bob to review the plans before they are sent to the State; it is not for him to go to the site. She said Bob had also said the designers don't charge the resident to go back and stake the leach field. She said Bob felt it was important for him to visit the site to ensure that the septic system stakes are where they are supposed to be according to the plan. Rachel said she had asked Bob if he had the choice, if he would rather not have the property staked, or not have the \$50 fee, and he had replied that he would rather go to the site, because there have been instances when he has gone out to inspect it after it had been staked and found it to be inadequate and not the same as the approved septic system.

Chairman Guarino stated that Bob had wanted to come in and speak with the Selectmen, but since Rachel spoke with Bob, and that he (Don) felt he had enough information that Bob didn't need to come in.

Selectman Lavin said he had spoken with Bob and had been told the same thing as Rachel. He questioned Bob's knowledge over the engineer's knowledge. Selectman Hatch said the Town has more stringent regulations than the state, so Bob feels it necessary to preapprove the design and also have it staked. She said he had cited examples of errors and oversight that he had caught.

There was considerable more discussion about the fee and need for staking the leach field. During discussion the length of time a septic design is valid was questioned. Selectman Lavin wanted more information on the length of time the plan is good before making a decision. Chairman Guarino said he would send a letter to the code enforcement officer.

**8:25 pm – Selectman Hatch moved to enter into Non-Public Session per RSA 91-A:3, II(c)** - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Lavin seconded. Motion passed 3-0.

**05-02-11 BOS**

**APPROVED**

The Selectmen discussed the properties scheduled to go for tax deeding.

**8:58 pm – Selectman Hatch moved to come out of Non-Public Session.** Selectman Lavin seconded. Motion passed 3-0.

**8:59 pm – MOTION – Selectman Lavin moved to adjourn the meeting. Selectman Hatch seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk