

**Board of Selectmen  
16 June 2008  
Minutes**

**6:00 p.m.** - Chairman Don Guarino called the meeting to order. Present were Chairman Guarino, Selectmen Rachel Hatch and Betty Ann Abbott, Town Administrator Tim Warren and Clerk Lois Dionne.

After attendance, everyone stood for the Pledge of Allegiance.

**6:02 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 Hatch seconded. Motion passed 3-0.

The Selectmen conducted Recycling Manager Doug Kapplains review.

**6:58 p.m. – Out of Non-Public Session**

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

**6:59 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectman Hatch 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 Abbott seconded. Motion passed 3-0.

The Selectmen and Doug Kapplain conducted recycling employee Thomas Teague's review.

**7:05 p.m. – Out of Non-Public Session**

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

**Public Input** – No one was present for public input.

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**Approval of Minutes** – The Selectmen reviewed the minutes of their last meeting.

**MOTION – Selectman Abbott moved to accept the minutes of June 2, 2008 as amended. Selectman Hatch seconded. Motion passed 3-0.**

### **Other Business & FYI's**

**Phone System** - Selectman Hatch asked Tim where we were in regards to getting a new phone system. Tim replied that a check has been cut for the deposit on the system, and he is working on getting together information that is needed, and we are looking at the middle of July for installation of the system. He added that with the new system, there would be voice mail and a night attendant.

**Israel Willard's Mail Box** – A couple of weeks ago Israel Willard had attended a Selectmen's meeting, and requested that the Town replace his mail box that was knocked down by the Town plow last winter. He had been told that it is not the policy of the Town to replace mailboxes knocked down or damaged by plows. There had been a discussion with Mr. Willard during which no decision was reached, and the Selectmen said they would discuss it and get back to Mr. Willard with their answer.

Selectmen Abbott felt that because it has been the policy to tell people that the Town doesn't pay for mailboxes, that is what we should tell Mr. Willard. There was a brief discussion of the issue.

It was the consensus of the Selectmen that we should send Mr. Willard a letter notifying him that, in keeping with Town policy, the Town would not pay to replace his mailbox. Tim was asked to send Mr. Willard a letter informing him of the Selectmen's decision.

**Septic System – Old Town Hall** – Selectman Abbott asked for an update of the septic system at the Old Town Hall. Tim said we had notified Mr. Docko that his bid had been accepted. He said Mr. Docko had asked for 50% of the money up front. Tim said the check is being processed, and when Mr. Docko receives the money and the signed agreement, he will give us a date when he can start the project.

**4<sup>th</sup> of July Parade** – Selectman Abbott asked if the Selectmen were going to march in the 4<sup>th</sup> of July parade. It was decided that they wouldn't march in the parade.

**Nate Abbott - BCEDC (Belknap County Economic Development Council)** - Nate Abbott is Gilmanton's representative to the BCEDC. He said he had made an appointment to act on his appointment as a delegate to the BCEDC. Nate said he had attended an open house a week ago, and had met their executive director, Jennifer Boulanger, and had introduced himself as representing Gilmanton. He said he had asked if Jennifer had ever been to Gilmanton; she had not, but she is trying to get around. Nate said he felt it would be a good idea to reach out to her and meet with her, so he had made

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an appointment with her for June 26<sup>th</sup> to sit down and have a preliminary discussion “this is Gilmanton”. Nate said he was here tonight to inform the Selectmen what he would like to tell Jennifer, and get their authorization and direction of what he should tell her.

Nate said Jennifer is interested in opportunities. He said Jennifer had given a presentation about some of the activities that the BCEDC has done. An example is the Tilton Seamless Belt Factory on the Winnepesaukee River. He said BCEDC has a revolving loan fund that is only available to municipalities, and they were able to make funds available to Tilton to acquire the property, dispose of some environmental concerns, investigate and deal with them appropriately, and then in turn sell the property again. He said the sale of the property was not to make a large profit, but as an incentive to a developer to create a development there. Nate said BCEDC loans money at a low interest rate, but it is money that is earmarked for this kind of project. He said this way a town is able to convert a property that has a negative value into a positive, and add to the tax base; it is all businesses and offices, so it doesn't add to the budget. Nate said this is the goal he is looking for in Gilmanton.

Nate said he has also had experience with the Concord Economic Development Council, who has converted a lot of properties.

Nate said his plan is to meet with Jennifer and lay out a map of Gilmanton, show her some zoning features, such as our light industrial and commercial districts, talk about some of the town-owned properties, and discuss some of our challenges as a town with transportation and handling of road maintenance materials, and give her an overview so she would know what our town looks like and what some of our assets are.

Nate felt he would like to go over some of the area of Rte. 106 with Jennifer and talk about parcels there and what is happening with them. Nate said he sees the priorities for Gilmanton are jobs, tax base and growth of commercial enterprise. He said he knows we are challenged with the kinds of space available in those areas, but there is quite a bit of frontage in that area on Rte. 106. Nate said he felt he would like to start by having a discussion with Jennifer so she would know who we are and what Gilmanton is, and what our priorities are. Nate asked if anyone had any suggestions, or if they felt what he had suggested was a good idea. The Selectmen felt it was a great idea, and wholeheartedly approved Nate's plan.

Nate wanted the Selectmen to know that he plans to disclose to Ms. Boulanger the fact that he owns a parcel of land on Rte. 106. He added that his plans for that land are to construct an office for his business, and he has received conditional approval of his plans from the planning board.

There was a discussion of things that the BCEDC has helped towns do, such as the facades on buildings in Concord, and that they were involved in the restoration of the Belknap Mills in Lakeport. Nate was asked to find out what BCDEC could do for

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Gilmanton besides loaning money, such as helping to find a buyer and developer for the brick house. It was stated that the main concern is that Gilmanton is not on the radar for opportunities.

Nate said he would like to take a copy of Gilmanton's Master Plan, a copy of the Natural Resources Inventory and the Zoning Ordinance to the meeting with Ms. Boulanger. Tim will get him copies of the materials. Nate will update the Selectmen after his meeting with Ms. Boulanger.

### **More FYI's & Other Business**

**Flags in Iron Works** – Selectman Abbott said she had received a call from Mr. Wahlstrom of North Road who was concerned because flags had been put up in the Corners, but there were none in the Iron Works. Betty Ann said she found out from Wendy Keane, who is involved with the Scouts, that there has been a continuing discussion between the Scouts and Verizon as to whether or not we were allowed to put flags on the poles, and they were “testing the waters” by putting the flags up in the Corners.

Chairman Guarino stated that the flags are a Scout issue, and have nothing to do with the Town of Gilmanton. He said people concerned about the flags should call the Scouts.

Tim said the flags had initially been put up a few years ago without permission, and had been being put up every year, and then we got a letter from Verizon stating that we needed permission to put the flags, and had sent a form to be filled out requesting permission to put up the flags. He said he had informed Verizon that the flags belonged to the Scouts, and Verizon was going to contact the Scouts to fill out the paperwork.

**Police Department Coverage** - Selectman Abbott said Mr. Wahlstrom also questioned why, because Robin Bonan (police dept. secretary) was on vacation, when he called the police department he couldn't get through to anyone. She said Mr. Wahlstrom felt we should probably hire someone to fill in for Robin. Betty Ann said she explained that Robin's is a very specialized job that requires a lot of training and responsibility. Betty Ann said she had spoken with Chief O'Brien, and he said they have an answering machine, and if Mr. Wahlstrom had left a message, someone would have gotten back to him. Betty Ann said she had called Mr. Wahlstrom, and Mr. Wahlstrom said he had gotten frustrated and hung up the phone, but after she had explained the way it works, Mr. Wahlstrom seemed satisfied.

**Committee Reappointments** – Selectman Abbott stated that Planning Board Chair Nancy Girard had spoken with her and Rachel after the work session that was held regarding the zoning ordinance. She said Nancy was very displeased that she had not been informed that the Selectmen had not reappointed one of the members of the Planning Board. Betty Ann said Nancy felt she should have been notified of that. Rachel

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said the member who hadn't been reappointed had called Nancy, and Nancy knew nothing about it, and felt she had been blindsided. Tim stated that a copy of the letter sent to the non-renewed member had been given to the Planning Administrator to present to the Planning Board Chair. He added that he thinks the meeting might have been after the letter had been sent, so the non-renewed member might have gotten it before the meeting.

Selectman Abbott felt the Selectmen were remiss at not having had a discussion with the Chairman of the Board before taking that action. She said that, in the spirit of team play, when the Selectmen are contemplating doing something that affects committees or boards, out of courtesy, the Selectmen should discuss it with the Chairman before they take action.

Chairman Guarino said it was fine, except last year, there was the complaint that the Selectmen were placing people on boards, and they wanted it discussed with the boards before members were placed on the boards. He asked what the Board of Selectmen's position was going to be. He said he has no problem with notifying them in advance if somebody is not going to be placed on the board, but it seems the different boards want more say over what the Selectmen decide. Tim stated that, in other words, the boards should not be "hand picking" their members. Selectman Abbott felt the Selectmen should have at least given Nancy a phone call or an email to let her know what they had done. Chairman Guarino agreed that Nancy should have had a phone call to notify her of what the Selectmen had done.

**Radio – Police Cruiser** – Selectman Abbott stated that they were going to wait for the police chief to get back to them about where he might come up with the \$3,500 for the radio for the police cruiser that we were going to get for a dollar. Tim said he hadn't heard anything yet. Betty Ann asked if she was correct in believing that the Selectmen hadn't said yes to the idea of the cruiser yet. Tim replied that was correct.

**Shots for Employees** – Selectman Abbott asked if Tim had arranged for employees to get their tetanus and hepatitis shots. Tim said he is having a difficult time to get employees to tell him when they last had their tetanus shots. There was a brief discussion on the need for the police, highway, fire and recycling center employees to receive these shots. It was decided to task the managers of each department to get that information for Tim from their employees.

**Specs – Drainage – Academy Building** – Betty Ann stated that there is water downstairs in the Academy Building, and asked when the drainage problem was going to get fixed. Chairman Guarino is supposed to get the specs to Tim so the job can be put out to bid. He said he would get them this week. Tim will call and remind Don.

**Fire Chief** – Selectman Abbott asked how we were coming on the search for the fire chief. Tim said we had either twelve or thirteen resumes and letters of interest. He said

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Joe Hempel had said he had seen other towns use a process to hire a chief that works well. He said the Selectmen do the initial “pass through” of the applications, select five or six people, do a phone interview with the individuals, then send them three questions that need to have a written response. You then weed those applicants down to two or three, and do an oral interview. He said you could also weed the candidates down to five or six, and interview all of them.

Tim stated that, in the past, the Selectmen have reviewed the resumes first, and discarded the obvious ones that are not suitable, and then the Chief’s Board and did oral interviews. The Selectmen will come in individually and review the resumes, and discuss them at the next Selectmen’s meeting.

**Dead Tree – Town Right-of-Way** – Chairman Guarino asked who is responsible for cutting down a dead tree that is considered to be a hazard, but is in the town right-of-way. Tim said it is the responsibility of the owner of the property. Don stated that there is a huge dead tree on Meadow Pond Road that has been brought to his attention, and people feel it is very dangerous. Don said he knows who owns the land, and he would call the property owner, representing the Selectmen, and talk to him. Tim said if the tree is in danger of falling onto the electric wires, the electric company might take care of it. He added that sometimes the electric company might make a deal with the phone company and the property owner to split the cost of removing the tree. Don will take a look at it.

**Tax Deeded Properties** – Tim had a list of twelve properties that will go to tax deed on Friday if people have not paid the back taxes. He said the Selectmen have to go look at the properties to determine whether the Town wants to take the properties.

**Petition Article – Renewable Energy** – Tim said he has received several emails from a resident that wanted to put an article on the special town meeting warrant for renewable energy tax exemptions. He had told her it could not be put on the special town meeting ballot. She asked what her next step was, and was told she would have to get a petition and wait until the March town meeting. Tim had a petition tonight with about twenty-eight signatures. He said the next step is to get the signatures verified by supervisors of the checklist, and if they have enough signatures, they would have to work on the wording of the article for March.

### **8:30 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectman Hatch 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 Abbott seconded. Motion passed 3-0.

The Selectmen discussed a police department personnel issue.

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### **8:32 p.m. – Out of Non-Public Session**

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

### **8:33 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(c)**

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

The Selectmen discussed a welfare situation.

### **8:38 p.m. – Out of Non-Public Session**

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

### **8:39 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectman Hatch 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 Abbott seconded. Motion passed 3-0.

The Selectmen discussed a personnel issue.

### **9:05 p.m. – Out of Non-Public Session**

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

**Public Hearing – Article VII – Zoning Ordinance** – Tim distributed copies of what has been posted by the Planning Board for the public hearing tomorrow night. Changes from the language in the last posting were highlighted.

Tim informed the Selectmen that they have to decide whether to go forward with the language on the change he had given them, or if they are going to ask the planning board to post the language just to rescind the change that was passed in March, or not do any of the above, and not have a special town meeting.

Selectman Abbott stated that it is up to the Planning Board to make the proposal, and up to the Selectmen to decide whether or not to have the special town meeting. Tim stated that if the Selectmen don't like the language of the proposed change, they could just say they aren't going forward with a town meeting. Chairman Guarino felt they should go to the public meeting tomorrow.

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Tim stated that Town Counsel's recommendation is to rescind or to drop the meeting. Rachel asked if when they say, "drop the meeting" they mean to leave it way it was voted in until next March. Tim agreed that was what they were saying, and that Town Counsel stated that it is not only the Planning Board, but also the Board of Selectmen who have to put this article forward.

Rachel stated that when the three boards had met, they had decided, as a team, that they would have a special town meeting to rescind. She said that had been the plan, then John Funk and Nancy Girard felt they were very close to fixing it, so they went ahead and tried to fix it; this is the third fix. Rachel said that Town Counsel is saying either to rescind or let it go, and if we let it go it is going to cause a hardship to the Town. Tim said Walter's feeling is that the original reason for calling a special town meeting was to rescind. Tim said they could go forward with this change because you haven't finalized the wording, but the public hearing tomorrow night would determine the wording that would go on the special town meeting unless it is withdrawn. Tim said he felt the perception of the public, right now, is that this article would never pass. Tim added that his feeling was that the reason to have the town meeting had been to rescind the article, not rewrite it at this time.

Don felt that at the public hearing the people had misunderstood the purpose of the hearing, and they were hopeful that it was a meeting where they could discuss what they were unhappy with about the ordinance. Betty Ann stated that public hearings are not just to say this is what we are going to do, and why. They are to listen to the people, and possibly adjust to what you hear from the people. She said the people who showed up seemed very interested in fixing the ordinance, and the question was "Do we have time to do that?" She said we don't have time to fix the whole thing.

Town Clerk Deb Cornett joined the meeting at this time.

Chairman Guarino explained to Deb that they were discussing the public hearings rescinding the ordinance, and the public had felt that the first public hearing was to discuss the ordinance that had a problem, and they had made suggestions to correct the ordinance. Don felt there had been a lot of good input from that meeting. He said the only problem was whether there was time to correct the ordinance. Betty Ann stated that there are a number of problems with the whole ordinance, but those aren't the ones causing the loopholes that are of concern to the town. The purpose is to correct those loopholes, and Nancy Girard and John Funk both felt that with a few small changes, they could fix it, so they wanted to have a work session to fix those loopholes rather than rescinding the article. Betty Ann said there seemed to be public sentiment against rescinding.

There was a lengthy discussion as to whether the article should have stayed just to rescind, and take time to rewrite the article this fall, with input from both the Planning and Zoning Boards, for the town meeting in March.

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Deb Cornett was concerned because she said the original intent had been to rescind, and she was hearing from members of the public that they thought the workshop had been to start rewriting the article for the March Town Meeting. Deb was also very concerned that the wording be finalized because she said if there were more changes, they would have to be posted, and there wouldn't be time to do the postings and have the town meeting in July, it would have to be in August, because after things are finalized, she has to have time to get the ballots made and post a town meeting.

There was considerable more discussion during which Rachel, Tim and Deb reiterated that the original intent of the special town meeting was to rescind the change that had been voted in at the March election, and to work on new wording for the Town Meeting next March. Betty Ann felt that canceling the special town meeting would be saying that we don't believe there is a problem, or that the problem is that great. Chairman Guarino stated that they should wait to see what happens at the public hearing tomorrow night.

**Tax-Deeded Properties** – Deb Cornett asked if Tim had discussed the properties that would be up for tax deeding. She was told they had discussed them, and after a brief discussion, during which Deb explained that she had a deadline to have the Selectmen's decision as to whether they wished to take the properties, Chairman Guarino and Selectman Hatch agreed to view the properties on Saturday, June 21, 2008 at 8:00 a.m. Selectman Abbott will be out of town.

The Selectmen will hold a special meeting on Monday, June 23 at 4:30 p.m. to decided which of the properties they want to take.

**10:05 p.m. – MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Abbott seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk

