

**Board of Selectmen
18 June 2007
Minutes**

6:10 p.m. - Chairman Brian Forst called the meeting to order. Present were Chairman Forst, Selectmen Don Guarino and Dave Clairmont, Administrative Assistant Tim Warren and Clerk Lois Dionne.

Interviews for Alternate to HDC

The Selectmen were interviewing two applicants who had expressed an interest to fill the vacancies as alternates on the HDC.

Deb Chase – Deb said she likes being a part of the community and has time to volunteer. She said all but one of the houses she has lived in have been old houses, and she is interested in trying to preserve the history of the town through its buildings. Deb stated that she is not a fanatic about it, but likes what the HDC has done so far, and it is a valuable board. Deb said it would also be a learning experience for her, and a way to get to meet new people.

Chairman Forst asked where Deb lives. She stated that she lives on Loon Pond Road, but would soon be moving into the former Towle property on Province Road in the Corners.

Selectman Guarino asked if Deb felt she would be able to attend the HDC meetings, because, even though the position is as an alternate, it is important to attend all the meetings so she would be familiar with a case if she should have to fill in should a regular member be absent. Deb felt making the meetings would not be a problem.

Deb felt her motivation is that it would be a fun and interesting experience; she would learn more about the community that she might have a sense of but doesn't really know, appreciate or understand.

Chairman Forst felt he would like to conduct both interviews before deliberating on the appointments.

George Carpenter – Mr. Carpenter stated that he had grown up in a house built in 1875. He said he and his wife had moved here from California because they wanted an old house. Mr. Carpenter said he hadn't known anything about Gilmanton before moving

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here, other than that Grace Metalious lived here. He said he has learned quite a bit about Gilmanton in the year and a half he has lived here, and loves it. George said he had the occasion to deal with the HDC when he had to replace a chimney since he lives in the Historic District. He felt they had been treated very cordially and professionally, and felt he would be able to work well with the Board. Mr. Carpenter has experience in public service having served on the school board in California, served as director of a credit union, volunteered at the Belknap Mill in Laconia, and has also volunteered at the Gilmanton school. Mr. Carpenter said he is retired, so has the time to attend meetings.

Selectman Clairmont asked if George had any professional background in construction or engineering. Mr. Carpenter replied that he had been sent to plumber's school while in the army, and had done quite a bit of plumbing and he also worked part time for an electrician and is handy with electrical things.

Before deliberations, Selectman Clairmont stated that he had a concern about appointing Deb Chase to the HDC because her husband John Funk is on the Planning Board. He stated that the Selectmen had discussed the wisdom of appointing a husband and wife to any of the Boards in town. Dave said they had discussed that if there weren't enough applicants to fill positions on the board, it might be fine, but if there were enough applicants, they should try to avoid that happening. Don felt they had discussed not having a husband and wife on the same board, but sitting on different boards shouldn't present a problem.

The Selectmen took a few minutes to deliberate before making any appointments.

MOTION – Selectman Guarino moved to appoint Deb Chase as an alternate to the HDC. Chairman Forst seconded. Vote passed 2-1. Selectman Guarino – yes, Chairman Forst – yes, Selectman Clairmont – no.

Selectman Clairmont, for the record, wanted Deb to know it was nothing personal, but he just doesn't want two family members serving on boards. Deb said she understands and appreciates Dave's concern, and if there should ever be a situation when the HDC and Planning Board should be involved in the same issue, she or her husband would be willing to recuse him/her self from the case. She felt it is sometimes difficult to get women to serve on boards.

The Selectmen deliberated on the appointment of George Carpenter as an Alternate to the HDC.

MOTION – Don Guarino moved to appoint George Carpenter as an alternate to the HDC. Selectman Clairmont seconded. Motion passed 3-0.

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FYI's

Recycling Center – Tim had a thank you note that Doug Kapplain had received from Brian from the Salisbury Sharing Transfer Station Committee in Salisbury Connecticut. Brian had stopped by the facility and Doug had given him a tour of the facility. He was impressed with the way the recyclables were set up at the transfer station.

Abatement Appeals – Tim stated that the Town had four abatement appeals. One was settled, two were postponed, and the other was for the NH Electric Co-op. Tim said the Co-op has withdrawn their appeal for both the 2004 and 2005 tax years. He said we had paid an independent appraiser who specializes in utilities do some work, and that helped solidify our assessment.

RFP – Scope of Work – Places Mill Road – Tim informed the Selectmen that they all had a copy of the RFP, Scope of Work that had been worked out with the Scouts for Places Mill Road.

Arlington Development – Tim informed the Board that Larry Landry of Arlington Development on Bingham Road had been in last week to discuss their road bond. Tim stated that Arlington Development currently has a cash bond, but would like to change that to a letter of credit bond rather than tie up their cash. He said the balance of their cash we have on hand is \$64,500. This is for the topcoat on Bingham Road.

The Selectmen will discuss the issue in more depth later in the meeting.

Interview- Alternate to ZBA

Wayne Gray – Mr. Gray had expressed an interest to serve on either the Planning or Zoning Board. There is no opening on the Planning Board, but there is an alternate position on the ZBA to fill.

Mr. Gray stated that he has lived in Gilmanton all his life, and has been in business here for 20+ years. He said he cares about the town and hopes to be involved. He said he doesn't know much about the Zoning Board, but as an alternate, he could learn. Wayne felt that having been in the construction business for years, he could bring a lot to the board.

Selectman Guarino asked if Wayne had ever appeared before, and been denied by the ZBA. Mr. Gray said he hadn't. Selectman Clairmont asked if Wayne had ever had any dealings with the ZBA at all. Mt. Gray said he had been before one board, but felt it was the Planning Board because when he had gone for financing, one of his lots wasn't on the map. Tim Warren felt that would have been a Planning Board issue.

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Selectman Clairmont stated that most of the ZBA issues tend to involve Shellcamp or Sawyer Lake because of non-conforming lots. He asked if, because Mr. Gray lives in Shellcamp, he felt he would be able to make an unbiased decision in issues involving Shellcamp. Mr. Gray felt he could. He stated that rules are rules, and he felt non-conforming lots, within reason, have to meet certain levels of building based on zoning and planning, and he would have no problem making a fair decision.

Selectman Guarino explained the importance of attending all ZBA meetings. It was explained to Mr. Gray what being an alternate to the board entails.

There was a brief deliberation.

MOTION – Selectman Clairmont moved to appoint Wayne Gray as an alternate member to the ZBA. Selectman Guarino seconded. Motion passed 3-0.

Candidate for Firefighter – Chief Robbins introduced the Selectmen to Nathan LeMay a candidate he wished to hire as a firefighter for Gilmanton. Chief Robbins stated that the oral boards for the candidates had been held last week, and Nathan had been the number one choice of the oral board.

Selectman Clairmont asked if Mr. LeMay has already filled any of the requirements that he would be required to fill if he were to become a firefighter for the Town. Chief Robbins stated that Mr. LeMay is already a firefighter level II, and has enrolled in an intermediate class. He said that basically the only thing Mr. LeMay has to do is have a couple of physicals.

Dave stated that over the last couple of months, there have been discussions with the fire department, and there had been a couple of things that had been omitted from prior job descriptions for the department. Chief Robbins stated that has been corrected, and is included with this application. Dave asked if Nathan had a CDL license. Mr. LeMay stated that he has a CDL – Class B, tank endorsement hazardous materials, and has been driving for Stafford Oil for the past seven years, and one of the Towns he has been responsible for has been Gilmanton. Mr. LeMay's qualifications were reviewed.

Chief Robbins stated that he would like to be able to have Nathan start work on Monday. Tim Warren stated that the Selectmen could sign the letter of conditional offer to Mr. Lemay, and Mr. LeMay could review the letter and if he wishes to accept the offer, he would have to sign the letter and return it to Tim before he could be hired.

MOTION – Selectman Guarino moved to offer Mr. LeMay the conditional offer of employment so he can decide if he would like to work as a firefighter for the Town of Gilmanton. Selectman Clairmont seconded. Motion passed 3-0.

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Arlington Development

The Selectmen resumed their discussion regarding the request by Arlington Development to replace their cash bond with a letter of credit bond.

Chairman Forst stated that the Town requires a road bond to be posted by a developer, and asked the difference between Arlington Development's bond and others. Tim replied that the usual practice is the Town gets a letter of credit, but Arlington Development had chosen to do a cash bond. Chairman Forst stated that it is unusual to get a cash bond.

There was discussion on the bonds, and letters of credits. Dave asked what the other board members felt about releasing 50% of the money and having 50% credit. Don asked what the estimated cost of the completion of the paving of the road was. Dave replied that he couldn't give an estimate without knowing the measurement of the road. Tim stated that the stipulation for the approval of Arlington Development was that the applicant shall provide a performance bond or an irrevocable letter of credit to secure, to the Town, the actual construction and installation of improvements within a specified period of time as specified by the Board. Tim stated that Arlington Development chose to put cash up front. Don stated that if the bank is willing to support Mr. Landry with an irrevocable letter of credit, he is open to that. Dave suggested getting a letter of credit for \$100,000 in exchange for the release of the \$60,000 cash. Brian said he had asked all along if Arlington Development had locked in a price to topcoat to avoid an increase in the cost. Chairman Forst asked Tim to check with legal counsel to see if we could ask for the increased amount of letter of credit.

Public Hearing – Pursuant to ZBA Case# 02-2005 – Lee & Mary Ann Morrill

Chairman Forst opened the Public Hearing pursuant to ZBA Case# 02-2005. He explained that the purpose of the hearing is to discuss the improvements that the Selectmen have drawn up for Donovan and Gale Roads for this particular case. Brian stated that the Selectmen have looked into the legalities of imposing specifications on this case versus this being construed as specifications that could be used in any case. He said the two particular circumstances that are prevalent to this case are that the court system has ordered the ZBA to rehear this case because the stipulations that were imposed on the Morrills to bring the road to a Class V standard from the Class V portion of Gale Road to their proposed residence property was an undue hardship. Brian stated that the ZBA heard the case, and decided they wanted the Selectmen to handle the road specification, so it was remanded back to the Selectmen to handle the road specification.

Brian stated that the second piece of the situation is that there have been two or three cases that have been heard in the state in the last year and a half or two years where there was a residence on a Class VI road. He said the courts decided that a residence is a residence, and it doesn't matter if it is a year-round or seasonal residence.

Brian emphasized that this hearing is strictly for the specifications that will be imposed on Gale and Donovan Roads for the purpose of the issuance of a building permit for the

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Morrills on this road. Brian stated that according to our legal counsel and LGC (Local Government Center) and anyone else we have gotten legal advise from is that this case cannot be construed as a Class VI road policy. He said that what is being addressed tonight is strictly being addressed to this particular road and this particular case because the courts have remanded back to the Town that a decision be made. Brian stated that he wanted to make this clear because he felt there was a lot of stir that this is a Class VI road hearing, or that there would be a decision that would affect all the Class VI roads in town, and that isn't the case. Brian added that this has been an ongoing issue with the Town and the Morrills. He said the Selectmen have taken the time to go out and walk the roads and make specifications to try to bring some kind of closure.

Brian opened the meeting for comment.

Israel Willard stated that he would like to know what specifications were imposed before they could comment on them.

Chairman Forst read the Specifications for Gale and Donovan roads (copy attached) into the minutes.

While reading the specifications, Brian explained that the Selectmen took various measurements on Gale Road for width, and they looked at open-space subdivision guidelines for the Town of Gilmanton. He said all the guidelines specify 18' roadway, and that Gale Road, as it stands now, is on average 16' of traveled way. Brian stated that the purpose of this improvement is so safety equipment could access properties, which he felt was the concern regarding the issuance of a building permit. He stressed that the improvements the Selectmen have specified would not change the status of either Gale or Donovan Roads.

Chairman Forst continued to read the specifications.

There had been a section in the specifications relating to the size and width of the Morrill driveway. Mr. Morrill stated that he has a permit for a circular drive, and has already started it. He said it would be plenty big for fire engines. Brian Forst stated that the town doesn't wish to assume the liability of being on private property and getting stuck. He said if they are on a Class VI road and get stuck, they are still on town property. Brian added the purpose is to establish a specification for the issuance of a building permit.

Ella Jo Regan stated that there is an old stone culvert, and asked how that is dealt with. Brian felt that was the specification where the width that is attainable with the current culvert is only about twelve or thirteen feet, so the Selectmen felt that a different culvert would have to be installed. Ella Jo asked if the State would have any objections. Brian stated that according to the construction requirements, the Morrills are responsible for obtaining any DES permitting.

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Attorney Wood asked if the Selectmen had an estimate of the cost of the improvements according to the specifications. Chairman Forst stated that they didn't.

Attorney Wood requested, not that the meeting be closed at this point, but that it be continued at least until the next Selectmen's meeting so he and the Morrills could have the opportunity to review the specs and get a cost.

Brian stated that we needed to hold a public hearing tonight to get the information out to the public, but he feels that there would probably have to be more meetings between the Selectmen and the Morrills.

Selectman Guarino felt it hadn't been the Selectmen's responsibility to be concerned about the costs; they had been asked to come up with specifications for the road. He said these were the Selectmen's specifications, and Attorney Woods was asking for a continuation based on the expense of the road.

Attorney Wood stated that the reason he had asked that question was that the first court order said that the requirements by the Zoning Board that the road be brought up to Class V standards was unreasonable. He said the courts didn't say what was reasonable, and they need to find out the cost and make some determination as to whether it is something that is a reasonable requirement. Attorney Wood added that he didn't want to close the hearing; he just wants to have an opportunity to review and discuss that particular aspect (cost).

Chairman Forst stated that he understands that, but what the Selectmen had been asked to do was to come up with specifications. He said they had tried to look at it in an objective fashion that said this is a specification that would allow access by fire and safety vehicles, and would allow safe passage of two vehicles on the road, improving the ditch line and line of sight.

Attorney Wood stated that they understand and accept that. He said the question is the cost, and if it is reasonable to impose that cost on the Morrills for the one house.

Bart Hooper stated that he had sat where the Selectmen are in 1980, and they had talked about the same road. He said this would be opening up a sizable area, and it is being called a Class VI road, but they are going to maintain it, and the RSA's don't say they can do that.

Chairman Forst stated that the Town of Gilmanton is not going to maintain the road; it will remain a Class VI road and the Town of Gilmanton is not going to assume the responsibility for the road.

Mr. Hooper asked what happens when that big block of land opens up. Brian stated that it would then have to be improved to a Class V road.

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Brian reiterated that this improvement of this particular case does not improve Gale or Donovan Road to anything other than a Class VI road, and it remains a Class V road. He said the courts have told us that we cannot impose regulations to improve it to a Class V road; it is unreasonable.

Mr. Hooper said the way it is done is through a betterment assessment, but brought up to a Class V standard, which is essentially what they are doing. Brian stated that the specifications the Morrills were given are not Class V road specifications. He suggested that Mr. Hooper look at the Class VI end of Perkins Road and compare the two. Mr. Hooper stated that as people move in around there, the Town will be asked to improve the road, and he asked who is going to maintain and plow the road. Brian stated that at this point nobody could obtain a building permit if there is no residence already on the property. He said the difference with the Morrills is that there is currently a residence on the property. Mr. Hooper stated that it is a camp. Dave stated that, by law, that is defined as a residence. Mr. Hooper stated that when the Kelley's built the town didn't have a whole lot of organization, and he was given a permit because it was the "right thing to do". He said that what had been agreed, at that time was that the Town would run the grader down the road and plow them out and they would reimburse the Town. Mr. Hooper said he has no problem if the Morrills want to maintain the road themselves. He said you are going around Town Meeting by not going to a Class V road. Brian didn't understand what Mr. Hooper meant by "going around town meeting". Mr. Hooper said a Class VI road could be declassified by a vote of the Town. Brian stated that we aren't having a Class V road; it is a Class VI road. Mr. Hooper stated that if you are going to blow this open to a Class V road by some judge's vision of grandeur, every Class VI road in the state is going to get hammered. Brian stated that is why the Selectmen had done their homework to see that that didn't happen.

Mr. Morrill stated that there are Towns that allow people to build on Class VI roads, so Mr. Hooper couldn't say that all Class VI roads are going to get hammered. Mr. Hooper didn't feel you could obtain a bank loan on a Class VI road.

Israel Willard noted the remark about the other end of Perkins Road, and stated that the Selectmen must have authorized the work to be done, and the Road Agent lives there, so it was most likely done with Town equipment. He said he was assuming that the Selectmen had authorized the work, and if they hadn't, why was the work done. Israel stated that nothing had ever come before the ZBA for any kind of work or maintenance on Perkins Road, so apparently the Selectmen took it upon themselves to use Town equipment to build the road up to where it is. Brian said he doesn't have the answer for that, because he wasn't at Selectman at the time.

Israel felt the standards the Selectmen had set were reasonable. He said when they voted in zoning, the Town's people had voted to make it a Class VI road, so anybody building on that road, according to zoning, had to bring it up to a Class V road. Israel said he wasn't going to argue the point of whether the Selectmen had the authority to change

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that, but this is a good start. Mr. Willard added that he didn't feel the Morrills will accept it, and are going to be back in court anyway, but he doesn't feel the Selectmen should change the standards they have set because the Morrills feel it is too expensive.

Nanci Mitchell stated that the Conservation Commission had discussed it, and felt there was very little they could say, but they just didn't want to see a precedent set, which has already been addressed. She said the only other concern was that the Town needs to maintain its ability to access the Town forest for timber harvest, and they don't want anything to happen that would make that difficult. Brian said they had discussed that situation, and they what were concerned about was the maintenance of the road. He said that if they impose specifications for improvement; once those improvements are made, there has to be maintenance that keeps the road in suitable condition for travel. Brian said that it would be prudent that whomever uses the road would help maintain it. He said if the Town uses the road to do a harvest, the Town should leave the road as they found it, not in better or worse condition. Brian said this isn't something they have been able to come up with a specification for yet. He felt the parties who improved the road would have an interest in maintaining it for access to their property.

Mr. Hooper stated that the RSA allows for town maintenance to be done and be charged back to the abutters. He felt this would be an option.

Brian stated that, at this point, the Selectmen have come up with a specification, they have looked at betterment assessments and other things but have not gotten that part of it ironed out.

Ella Jo Regan referred to RSA 674-41 and asked if private roads came under that. She asked if the Town did anything in terms of checking on the maintenance of private roads once they have met their specifications. Brian didn't feel the Town regulates the maintenance of private roads. Ella Jo referred to Brian's statement that this case would not be setting a precedent, but asked how many houses there are in town that are in this position on a Class VI Road. Brian didn't know the answer. Ella Jo asked if that would set a precedent for those houses. Brian stated that in talking with legal representation, this case is separate from any other case; anyone else would have to come before the Selectmen.

Israel Willard stated that the court had ordered that the owners of the camp at the end of Gale road couldn't do anything to that camp until the road is brought up to Class V specifications to their driveway. He asked if this would change the Class V specification for them too. Brian stated that this is out of the Selectmen's hands, but there have been findings within the State of New Hampshire that a residency is a residency; you cannot impose seasonal standards. Mr. Willard replied that he understood that, but the court had already made the decision on this camp, so now they could go back to court. Brian stated that they could, but there was nothing the Selectmen could do about that.

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Nanci Mitchell was concerned about what would happen in front of the entrance to the Town forest. Selectman Guarino explained that the entrance to the forest was beyond the area where the Selectmen were supposed to set specifications. There was a brief discussion of the area.

Mr. Hooper asked if the Morrills would be the only ones allowed a building permit on this road, if it would remain a Class VI road. Brian stated that was correct, and this is specific only to this particular case.

Doug Isleib stated that at several of these meetings, the issue of the town forest parking arises. He asked why the town doesn't get together with this road improvement, and come up with some improvement so the town forest has a good parking area. Nanci said that for years the Conservation Commission has proposed that the parking area be to the left of the entrance so the parking would actually be in the town forest. She said it was never their idea to put it at the edge of the road, and they are proposing to clear that area and put gravel there so the parking will be in the town forest. Doug stated that the point he is trying to make is that the Town needs a decent road to get to the parking lot. Mr. Hooper stated that the town forest is a source of income for the town, and not supposed to be a Disneyland or amusement park. He stated that if people want to walk in the forest, they should park at the side of the road and walk in. Don Guarino felt the original plans showed the access to the forest off Sargent Road. Nanci stated Nelson Brook Town Forest off Sargent Road backs up to the beaver pond, and the boundary is the beaver pond. Don stated that what we are supposed to be addressing is the Gale and Donovan Road case. Chairman Forst stated that we are addressing the Morrill Case, and shouldn't confuse it with other things.

Mr. Hooper questioned what legal advise we got. Brian stated that they had talked with town counsel and legal representative from the Local Government Center, and had made diligent effort to make sure of what they are doing.

Mr. Hooper stated that as long as the Morrills are paying the bill, if they are willing to do it, we do owe them a estimate. Brian stated that the Selectmen had been tasked to give a specification, and they walked and measured the road to come up with specifications, not to figure out the cost. Mr. Hooper asked who would be the Clerk of the Works. Brian answered that the Road Agent would be.

Attorney Wood reiterated that he would like this to be continued so they could come back and talk about the cost. Brian asked if it needed to be continued in a public hearing form. He said a public hearing is the allowance of discussion from the public. Attorney Wood asked if he and the Morrills are meeting with the Selectmen if other people would have the opportunity to comment. Brian replied that they wouldn't; they could sit in. Tim Warren stated that the only way someone could comment would be if the Chair chose to recognize them.

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Israel Willard stated that if the specifications were changed then it would need a public hearing. Brian stated that the Selectmen had established the specifications.

8:25 p.m.- Chairman Brian Forst closed the public hearing.

8:26 p.m. – Break

8:35 p.m. – Back in Session

James Boudreau – Property Lines on Berry Ave.

The Selectmen have met with property owners on Berry Ave regarding property lines that have been in error. Mr. Boudreau had been in with Mr. Harding and Mr. Acquilano when the error had first been discovered a couple of years ago. The Town has been trying to come up with a solution to the problems that have arisen. As a result of the survey that was done and the remapping of the town, it shows that Mr. Boudreau's cottage is ten feet onto town property. Mr. Harding's deed shows that he owns a lot that is a town-owned lot, and he actually owns a lot further down the street. Mr. Acquilano owns a lot that abuts the town-owned lot that is shown as belonging to Mr. Harding on his deed, and would like to be able to buy that lot to access his property.

There have been recent discussions with Mr. Harding and Mr. Acquilano to come up with solutions to the problem. It had been thought that the Selectmen had come up with a solution by exchanging the lot that Mr. Harding thought was with him, and then the town could sell the other lot by closed bid to abutters, which would give Mr. Acquilano a chance to bid on the lot. Legal counsel determined we could sell the town-owned lot, but couldn't receive the lot from Mr. Harding without a vote at town meeting to accept the lot. This is the lot that Mr. Acquilano would bid on. It was felt that a boundary line adjustment could then be done on this lot to that Mr. Harding, Mr. Boudreau and Mr. Acquilano could all get one third of the lot, as Mr. Acquilano just wanted enough land to build a driveway.

The situation was explained to Mr. Boudreau. There was a fairly lengthy discussion about the situation and what options were open. Tim felt the lot Mr. Boudreau has encroached on could be sold by sealed bid to abutters, and this could be done before the other lots were addressed at Town Meeting. Tim said he would need to check with town counsel about selling the lots.

RFP – Places Mill Road – The Selectmen briefly reviewed the latest draft of the Scout's RFP for Places Mill Road. There was some discussion on the trees that were to be cut.

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

MOTION – Selectman Guarino moved to accept the minutes of June 4, 2007 as amended. Selectman Clairmont seconded. Motion passed 3-0.

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Letter – DOT – Selectman Clairmont asked if we had any response from DOT regarding the traffic issues on Crystal Lake Road, the Iron Works Intersection or the Corners intersection. Tim replied that we have heard nothing yet; we need to send another letter. Selectman Clairmont asked that the letter be sent certified mail with return receipt requested.

Payables – Selectman Clairmont noted that he had pulled a bill for \$1,200 + from the payables, and had made note on the manifest that he wouldn't sign for it to be paid. The invoice was for attorney fees for a ZBA case (Tonnesen). The other two Selectmen signed it because the services had been authorized and have been rendered. This was prior to Selectman Clairmont becoming a selectman. Dave said he had asked Tim for a total of the legal costs for the case so far, and it is approximately \$6,000. Don asked if the Selectmen had received a response from the ZBA to the letter we had sent addressing reconsideration. Tim said the ZBA wouldn't reconsider the Tonnesen case until he provides them with new evidence.

Selectman Clairmont stated that another thing he had picked up at the Selectmen's seminar was that when a ZBA decision is handed down, the Board of Selectmen legally have a right to appeal that decision within fourteen days of the decision, and the ZBA would have to rehear it. Dave said the Selectmen couldn't intervene with the decision, but could appeal it, and force them to rehear the case. Dave felt the Selectmen should get copies of ZBA decisions. He hoped this might help cut down on some of the legal expenses incurred by ZBA decisions. The Tonnesen case was briefly discussed.

Dave said his intent was not to undermine any boards in Town, but the reasons the Tonnesens were rejected were ludicrous, and there comes a time when the Selectmen need to say something is unreasonable, and ask to have them reconsider their decision. He said doesn't want to micromanage, but they have a responsibility to the Town.

Tim stated that would be fine from this point out, but this particular invoice was for something that had been authorized and needed to be paid. Dave said that was fine, but he hadn't authorized it, and wouldn't sign for it to be paid. *As previously stated, the other two Selectmen approved the invoice for payment because it had previously been authorized, and services had been rendered.* Dave stated for the record that he would continue to do that in that particular case, and that he also disagreed with the Doyle case that went to court and the Town had lost, and that should have been the end of it. He questioned whether we had to spend \$17,000 to appeal that case.

Letter – Angevine & Foss – Selectman Clairmont asked if a copy of his letter had been sent to Mr. Angevine & Mr. Foss. Tim replied it had, and he had a response to the letter from Mr. Angevine. Mr. Angevine thanked them for addressing the issues he and Mr. Foss had with the plowing of Meetinghouse Road, but felt there were was an issue with rocks that wasn't adequately addressed, and hoped that the Selectmen could talk with the contract plow providers regarding the problem.

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Letter – Allison Lake – Tim reported that he had sent a letter to Allison Lake including a diagram of the solution to her water problem. He said a copy of the letter had been sent by regular and by certified mail.

Permit By Notification – Tim said he had received a notice that DES had received an application for a permit by notification by Lois Dionne to replenish sand on her beach on Crystal Lake Road.

4th of July Permits – Tim reported that we had received a letter asking permission for a parade permit and for use of the Academy grounds for the 4th of July and to post Crystal Lake Road for no parking for the fireworks at Crystal Lake Park and permission to put up their signs advertising the event. He said the 4th of July Committee had also requested their yearly appropriation for the 4th of July festivities. He said this would all be taken care of.

Smith Meetinghouse – Selectman Clairmont reported that Smith Meetinghouse 1st Congregational Society was all set. He said the work had all been done along Governors Road; the trees have been marked, but he was unsure whether or not they had been cut yet. He said the road had been graveled, and he thought Mr. Roberts was going to plant junipers on the slope.

Computer Upgrade – Tim said he had asked Dave Beaudry of Certified Computers to give us an estimate to upgrade our server for the new accounting software that we need for next year. He said he had asked Dave if we would have to upgrade any time in the near future to accommodate the mapping project. Tim said Dave had suggested that we go to small business software because we have enough computers tied into the server that we need to upgrade.

Tim stated that we have money in a non-capital reserve fund to do the upgrade, and he felt we should do it so we could expand on the mapping project, and get us ready for the new accounting software. He said the cost is \$6,900, of which \$2,800 is labor converting the old files to the new system. Tim said the tape drive we have on the system now is outdated, and couldn't be used once we upgrade. He said the memory would be upgraded to three gigabytes. Tim said that \$1,100 was for the licensing of the new software.

Tim stated that there are funds available, but he needs the Selectmen's approval to go ahead. Don asked if it had been budgeted for computer upgrades. Tim stated that we have a non-capital reserve fund for office equipment that covers any kind of office equipment that we buy. He said we have \$5,600 in the fund, and we have a line item in the Selectmen's budget for \$1,500.

Construction – Vault – Dave asked if we had any news from Desmarais Construction on the work on the vault. Tim state that Wayne is to start Monday, and felt they would be

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here next week. He thought Deb Cornett was going to call Doreen Desmarais to touch base with her.

Accounting Software – Tim reported that we have only had two people give us prices for the accounting software that we need to replace in the office. He said one is the current vendor, UniFund, and their price to convert what we have (DOS Program) to a Windows program is \$28,000. He said the other company, MuniSmart, who is in several towns in New Hampshire, and has a very good reputation is giving us more software for a lower price. He said they are giving us A/R, A/P, Bank Reconciliation, Payroll, and also linking the police and fire stations, so they could check their account balances at any time. The price for this is \$17,000.

Tim said he and Jen have been doing some exploring, and Jen would like to commit to MuniSmart, and will talk to them to see how much money we would need up front to start this process by September 1st, so we could have the new system up and running by January 1st. He said we have some funds available, but not the \$17,000, so Jen is going to see what would be required to start the process. Brian didn't feel there would be much opposition with the budget committee, because they have commented about the fact that the Town is not in the 20th century, and can't believe we are still operating with DOS because that is antiquated.

10:01 p.m. - Enter into non-public session as per RSA 91-A:3, II(a)

Selectman Guarino 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 recycling facility personnel issue.

10:07 p.m. – Out of non-public session

Selectman Guarino moved to come Out of non-public session. Selectman Clairmont seconded. Motion passed 3-0.

10:08 p.m. – MOTION – Selectman Guarino moved to adjourn the meeting. Selectman Clairmont seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk

