

**Board of Selectmen
9 July 2007
Minutes**

6:05 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.

Lee & Mary Ann Morrill – Continued Discussion of Road Improvements to Gale & Donovan Roads – Mr. & Mrs. Morrill and Attorney Wood were present to discuss the specifications the Selectmen had given the Morrills for improvements to Gale & Donovan Roads that would need to take place before the Morrills could get a building permit. This had been done at a public hearing, at which time Attorney Wood requested to continue the hearing until the Morrills had a chance to get a cost for the specified upgrade. The hearing had continued, but the Selectmen agreed to meet with the Morrills after they had a chance to get estimates for the work.

Attorney Wood said they had gotten a quote from Nutter Enterprises for the roadwork keeping with the Selectmen's suggestions. He said the estimate was \$86,250, but there could be adjustments because of changes that might have to be made that could cause the price to be lower or higher. Attorney Wood said this doesn't include the cost of moving the power pole. He said that Public Service wouldn't even go out and talk with them unless they gave them a \$280 deposit up front.

Attorney Wood stated that the Morrills are in a difficult spot. He said the Zoning Board decision had indicated that what they were looking for was the section of Donovan Road from the Class VI portion of Gale Road beginning at the southerly side of the Donovan's property to the far side of the Morrills' driveway to be improved to a standard acceptable by the Selectmen, and they have to come to an agreement with the abutters to a fair share of the cost of the improvement of the Class VI portion of Gale Road. Attorney Wood felt they were "between a rock and a hard place", and they need to come to some understanding as to what is going to be required. He said the \$86,000 is more than the Morrills can pay, and asked what they could do. Attorney Wood stated that if they did what the Zoning Board had said, just from the Donovans property to the driveway of the Morrill Property, it would be considerably less.

07-09-07 BOS

Selectman Clairmont asked if they had gotten prices from anyone other than Nutter Construction. Attorney Wood said they had talked with others, but hadn't gotten written quotes. He said their numbers had been less than the one they had, but their numbers didn't include dealing with the power lines either, or the trees that would need to be removed. The Selectmen reviewed the quote from Nutter. Selectman Clairmont questioned a couple of the numbers. They briefly discussed the culverts, and whether a culvert could be put in one place that was listed. Dave asked if the estimate that had been provided was the worst-case scenario, and the cost could be less. Attorney Wood didn't know, but said that even if it were \$40,000 or \$45,000, it is a lot of money for one house, which is all they are talking about. He said they are trying to find a reasonable balance between providing the safety the Town is looking at for access and a reasonable alternative for the Morrills to get a house on their property. Attorney Wood said they have been struggling with this for two and one half years.

Selectman Clairmont stated that one thing they had talked about when they first started walking the road was to what extent this needed to be done, and they decided, at that point, to pick the narrowest spot of Gale Road, which was sixteen feet wide, and try to establish something that would be similar in nature to that. He said there are spots on Gale Road that are considerably wider than sixteen feet, but they had felt that because there was to be only one home there, it wasn't necessary to go any wider. Dave said there is at least one spot where you wouldn't be able to get a sixteen-foot width. He said the Selectmen felt they were trying to be conservative in the interest of the Morrills, plus maintaining the best interest of the community, and the ability to service the Morrills in the event of an emergency situation. He said the standards they have set for the Morrills are considerably less than subdivision standards, or even open-space subdivision standards. Attorney Wood stated that he hadn't gotten from Mr. Nutter what it would cost to bring it up to those particular standards.

Attorney Wood felt the issue, from their perspective, was that the court was very clear that it is unreasonable to expect the Morrills to bear the burden of this cost alone. He said they are willing to share in the cost, but the question is what the cost is going to be, and what the Morrills fair share is. He said for discussion purposes, that the cost is \$86,000, if the Morrills have 10% of the whole road frontage, would it be fair to say they were responsible for 10% of that \$86,000. Attorney Wood asked if they were to say that, where the remainder of the money would come from?

Chairman Forst stated that his understanding of what the court said was to request that this road be improved to a Class V road was an unreasonable burden on the Morrills, and some other specification needed to be applied to the situation. He said when the Selectmen made their specification, they tried to put in the ifs, ands and buts to allow for a culvert, if it could be done, but felt it was unreasonable to say it had to be put in if it would cost \$5,000 to blast ledge. Brian said he understands that \$86,000 is a lot of money for one person to put up front to improve a road for the purpose of having a house there. Brian said the Town had spent two and a half years on another road in town, and

07-09-07 BOS

that had cost three fold that (what the Morrills are looking at), and he realizes it is a different situation.

Brian said that with the specification the Selectmen gave, it wasn't their intention to change the classification of the road, so if the Morrills try to spread the cost to the other people who have property on the road, it is not going to do anybody who doesn't have a dwelling there any good because he had tried to be very specific that this did not open this particular road up to a Class V standard, or any standard other than what it already is because they don't want this portrayed as a way for other people to feel the road has been approved. Attorney Wood stated that Brian had made that very clear at the hearing.

Attorney Wood stated that the court, in addition to what Brian had indicated, had done something else. He said the court had gone out and looked at the two roads, and they had made findings that the roads were not in bad shape. He said the courts had said they were better than a number of roads that the court is familiar with. Attorney Wood stated that when the court made their decision, it was based on those findings as well. He said while the court didn't say the Town had to approve the application because the roads are in acceptable condition, that by making the finding that the roads are in decent condition, there is an implication that the court felt that a requirement to make substantial improvements is beyond what is necessary. Attorney Wood said they haven't argued that point before the judge. He said they had thought when they went back to the Zoning Board after that decision, that was what they were going to talk about, but that didn't happen, and they ended up back in court because the Zoning Board denied the application in its entirety. Attorney Wood said the court said the Zoning Board should not have done that, and to focus on this issue in light of the decision; finally at the last Zoning Board meeting they had that discussion, and the ZBA made the ruling that they had (remand it to the Selectmen's Office).

Attorney Wood stated that they understand the Town's concerns as far as the safety and access. He said that is also important to the Morrills. Attorney Wood stated that it is a Class VI road, and the Morrills know and agree that they have to sign a waiver. He said they have already committed, to the Zoning Board, that they would not subdivide the property; as long as this remains a Class VI road, there would be only one house on the property. Attorney Wood said that if the Morrills make that commitment to the Town or Zoning Board, even if it isn't in writing, they are bound by that commitment. He said they have done what they think the court has required them to do.

Attorney Wood said they understand the Selectmen's obligation as governing body of the Town. He said their concern is that the specifications they have, while laudable, are a bit too much for what really needs to be done for the Morrills to get to their property safely.

Mr. Morrill stated that they are not just talking about one house, they are talking about two. He said that apparently no one in town is concerned about the safety of the people who have been living down there for ten years. Mr. Morrill said the family living there has never been made to touch the road and no one ever mentioned anything to them. He

07-09-07 BOS

said the people living there bought the house as a summer house, and nothing was ever said to them about fixing up the road; nobody ever cared about their safety. Mr. Morrill said he doesn't understand the big safety issue about the Morrills, and asked don't they care about the other residents on the road. He felt this is discrimination.

Dave Clairmont said the issue is not whether they care about anyone, but the Selectmen are concerned about the road being a minimal acceptable standard. He said in most cases the road standards call for 18" of gravel, but they were fine with 6, which is 33% of the minimum standard the Town has adopted. He asked what month the court walked the road. Mrs. Morrill stated it was in June 2005. Dave said that what the road looked like in June could be considerably different than at other times of the year. He said that he could spread a couple of inches of gravel over a hard pan road, and make it look like a wonderful road until the ground gets unstable in the spring or fall, then the road gets weakened and won't sustain the weight of a fire truck or fuel or utility truck. Dave said there are places on Donovan Road, in between Gale Road and the Donovans where hardpan, which is a clay-based unstable material, is popping through the road. Dave said he has pictures of it. Selectman Clairmont stated that they are only asking that the road be barely accessible.

Attorney Wood stated that they aren't arguing that point; they are only suggesting that the standards, as they are related to what they are asking for, are more than what is reasonable. He said if they had a situation where there are a number of houses down there, and they were dealing with that, it is a much different picture. Attorney Wood stated that there is one house there now, and another house that has been a seasonal house for a number of years, and the proposal is to make it a year-round house, and the only part of the road that only those two houses use is Donovan Road. People other than the Morrills and the Donovans use Gale Road for a number of reasons, but primarily to get to the Town forest. Attorney Wood said there is a concern, and it is right the Selectmen have a concern, but looking at the picture, there is only one house there now, and they are talking about one more. He asked if what they are asking is a reasonable thing to require for one house.

Chairman Forst stated that the Town has required people to make Class VI roads into a Class V road for just one house. Attorney Wood stated that there had been no house on that property at all. Brian said he isn't comparing the two situations, but was just stating that it had been done, and didn't feel a lesser specification was unreasonable. Attorney Wood said he was aware of that, and that the Town was successful when it had been challenged.

Selectman Clairmont stated that he would stand behind that the specifications being asking for on this road are not excessive. He said two trucks couldn't pass on a sixteen-foot wide road. Attorney Wood felt there would never be two oil or dump trucks on the road at the same time. He said as a practical matter, they wouldn't be facing that issue. Dave said that if they make it narrower, two cars couldn't pass. Attorney Wood said he is not suggesting that the standards are wrong, but suggesting they should look at them as

07-09-07 BOS

it related to the fact that there is going to be only one more house; in effect it is a glorified driveway they are looking at. He said if they look at it from that aspect rather than that it is a Class VI road, they might be able to come to some middle ground they could all agree upon as a fair requirement for the Morrills.

Selectman Clairmont stated that the unfortunate benefit the Morrills have is very similar to the one he has living on the end of a dead-end road. He said he had graded the road twenty-five times, and never got a thank you from the other eight people who live on that road. He said if you live at the end of the road, the benefit that goes with that is whatever you do, unless you live in an exceptional neighborhood, you are on your own.

Attorney Wood stated that they understand this, and have been willing from the beginning to put the effort into maintaining the road to a standard that is reasonable and passable for all emergency vehicles, and are still willing to do that. He asked if that meant they have to meet the criteria that the Selectmen have set in order to get there; if they do, that is a problem because that is a lot of money. Dave felt, from a construction standpoint, that is a lot of money. He said he had walked the road and helped set up the specifications, and felt it could be done for less money. Attorney Wood said he had talked with Bill Nutter, and one of the things he had indicated was that amount of gravel might be more than is needed, but cutting that in half was only \$5,000 less. He said that even if you took \$25,000 or \$30,000 off, that is still a lot of money, and asked if it is a reasonable cost for the Morrills. He said they would like to find a solution. Attorney Wood stated that they need some understanding of what the Selectmen want them to do, and if these are the standards, then they will have to make their decision as to what they need to do.

Selectman Guarino felt that they had set the standards at a public hearing, and didn't feel how, as a board, they could change the standards. Brian said the specifications were discussed at a public hearing, and they had all understood that. Brian said he thought what he was understanding is this cost is more than what is fair for one party to have to spend. Brian said that one thing that had been looked at, at the public hearing, but not heavily discussed was a betterment assessment. Brian said if this was a viable program, the Morrill's portion of the betterment assessment would be as much as the specifications because the road would then have to be brought up to a Class V road. Attorney Wood said he hadn't gotten the cost to bring it up to a Class V road from Mr. Nutter, and felt maybe they should get that cost.

There was a brief discussion of the road and the distance that needs to be improved, and how other people on the road would feel if the Selectmen should tell them they needed to pay their share to bring the road up to a Class V standard. Attorney Wood felt this might be a solution they should look at. Mrs. Morrill read from the first court decision that said it is unreasonable to place the financial burden of upgrading the road solely on the petitioner when the use of the roadway will be shared, not only by the abutters, but also by the general public. Mrs. Morrill stated that she and her husband feel that if Gale Road

07-09-07 BOS

didn't have the Town forest on it, it would be like a private road, but where you have a Town forest, she asked if it should be up to them to upgrade the road so people can go in and walk in the Town forest. She said that is a problem. Mr. Morrill asked about the safety of the people who get hurt in the town forest.

Selectman Clairmont stated that what Mrs. Morrill had just read applies to every Class VI road in the community. They are all available to the general public. Mr. Morrill stated that other Class VI roads do not have a dwelling on them. He said they have a residence on the road, and they should have the same rights as everyone else who lives on the road; their houses were built one year apart, so why should the other people have the advantage of not having to do anything. Dave stated that they understand Mr. Morrill's frustration. Attorney Wood asked the Selectmen to focus on the aspect that if there weren't a house on the Morrill property, and they were asking for something brand new, it would be a different matter. He said there is already a house there, and why should they, because they want to move the house to a different location on the property, have to pay that burden when there is already a house there. He said that is what the court had to deal with, what they have had to deal with and that is what they are trying to deal with tonight, and how is it fair that the Morrills have to pay this amount of money for one house that is only being moved.

There was considerable discussion that kept reiterating that the amount of money and the specifications for the Morrills was excessive, and that these are the specifications set up by the Selectmen, and they had tried to keep things to a minimum for the Morrills. Mr. Morrill asked if they made a home out of the current one and pulled that one down there if they could force them to fix the road. Brian stated that to do work on an existing home would also require a permit, and that is why they are here. Mr. Morrill asked if somebody else on that Class VI road made improvements to their house shouldn't the same rules apply. Don stated that was hypothetical, because the Morrills hadn't asked to renovate the house, they had asked to build a new house. Mr. Morrill stated that a party on the road had walked out (of the town hall) with a permit with no questions asked, and didn't even have to go before the ZBA. Brian stated that mistakes are made, and their predecessors had made mistakes, but they are trying not to make mistakes. He said they are trying to be fair and find a way through. Attorney Wood asked that they meet again after he has had a chance to get more information on bringing the road to Class V standards or alternative standards that might work. Chairman Forst suggested that rather than spending more of the Morrills money, the Selectmen needs to do more homework on their side and try to get answers to questions he (Brian) has and get back to Attorney Wood to try to find out where they are standing. He said they had a public hearing, had set specifications, and the Morrills had gotten costs, and Brian felt the question tonight is whether the cost is fair and equitable to the Board's decisions. Brian said the Selectmen need to ask their legal representative where to go next. He felt they could do that and get back to Attorney Wood, and then decide whether they need to meet again to discuss what to do, because they could not sit here tonight and undo what the Selectmen have done.

07-09-07 BOS

Attorney Wood stated that there is a great deal of frustration, and sometimes it is difficult to keep perspective.

7:00 p.m. – Public Input

Town Website – Cindy Houghton asked what was going on with the Town website. She said the last time it had been updated was in April. Tim suggested that Cindy speak with Deb Cornett. He said they have been having trouble, something to do with the front page and the links, but somebody is working on it. Tim said there is talk about scrapping the whole thing and beginning from scratch. Cindy said she had heard on the tape of the Selectmen's meeting she had seen that somebody had offered to do it for money. She said she done it for free, and would be willing to help out for free, and doesn't want to see it cost the Town any money. She said she would like to see it fixed. Tim didn't feel it was a simple fix. He said they had been talking with Microsoft and they couldn't figure out what is wrong with it. Cindy said she would talk with Deb.

Road Name Change – Linda Hamilton said she was present to make a last ditch effort to see if the name of her road could be changed from Plourdes Way to Stony Point Road. She said when the road names were changed in 2000, a letter had been sent so she and her husband could have a say in the name of the road. She stated that at the time, she was going through a divorce and it was the last thing on her mind to address the name of the road. She said she now has the property and is moving up here full time from Massachusetts. She said she had no problem with the name until now, when she wants a mailbox to be put out, so needs a mailing address. Linda said she has neighbors two houses up with the name of Plourde, and she was concerned there might be confusion with the mail because of the name. She said she also didn't like it because it seemed like the Plourdes are paying the tax bill and she is the one paying the bill. Ms. Hamilton said she had sent a letter in April requesting the name change, but was denied. There was a brief discussion about the road and not liking to change the 911 road names. Chairman Forst stated that the Selectmen would have to discuss it later, and would notify her of their decision.

Betty Hackett – ZBA Issues – ZBA Chair Betty Hackett told the Selectmen that she found it commendable that they were getting alternates for the various land boards, but she felt it was a total lack of courtesy on the part of the Selectmen not to notify the boards that they are adding members, especially her as the chair. She said she came into the last meeting and Mr. Gray was sitting at the desk, and she had no idea who he was. Betty felt it made a laughing stock of the meeting when she had to ask him who he was, and why he was sitting at the table. She said Mr. Gray informed her that the Selectmen had appointed him as an alternate to the board. Betty said everybody at the meeting had laughed, and she told them that the Selectmen don't necessarily communicate enough. Betty said that at one point they used to interview the applicant and give their recommendation before the Selectmen appointed them to the board. She noted that the Selectmen have the ultimate say in whether or not the applicant is appointed. Betty stated that the reason

07-09-07 BOS

they had interviewed the applicant first was to know the people coming on, and to know what their experience and education was as far as zoning rules and regulations, so they would know that they don't have a personal agenda, but mostly so she would know if the applicant needs training.

Betty had seen a Selectmen's meeting on TV, and addressed Selectman Clairmont on comments he had made about considering setting term limits on the ZBA. Betty stated that the ZBA does have term limits. They are three years, and people normally come on as an alternate and work their way into a permanent position. She said she had been an alternate on the board for four or five years before becoming a permanent member. Betty said if the Selectmen want something different, that would have to go be voted on as an article at town meeting; that is in the rules and regulations.

Betty noted that it had also been mentioned that the Selectmen were concerned about the money involved in court cases. She said that any case they hear, as a quasi-judicial board, could go to court. Betty stated that anybody could appeal their decision.

Betty said that Selectman Clairmont had also stated that the Selectmen could appeal any decision made by the ZBA. Betty stated that was true, but to bear in mind that when they do, their appeal is no different to them than an abutter's appeal. She said it wasn't to say there was no more weight behind it, but if they appeal the ZBA decision, it prolongs the case, so the appeal should have some merit, meaning they should have some information that wasn't on the original application, or some case of point they might have missed in their decision. Betty added that if it were to go to court, the Town would then have to pay for a lawyer to represent the Selectmen as well as a lawyer to represent the ZBA. Betty cautioned the Selectmen not to discuss any case in public session that is to go to court. She added that the Selectmen could, at any time they are not satisfied with a Board member's performance, refuse to reappoint them to the board. She said that if the Selectmen have questions of the Board or problems with any members of the Board, it should be addressed; things that the Selectmen may perceive as wrong cannot be fixed if the Selectmen talk among themselves, and she doesn't know about them.

Chairman Forst didn't feel they had time to have a constructive discussion tonight, and asked if Betty would come back. Betty said she had called, and this was when she had been told to come in. Brian said he had understood that, but they were scheduled to meet with members of the fire department in five minutes. He didn't want the ZBA to feel that they were trying to micromanage what they do. Betty thanked Brian for saying that because she said she had felt that was where they were coming from.

Carolyn Baldwin, ZBA member, stated that the ZBA is a unique board in that they have no other function than being a quasi-judicial board. Carolyn stated that the Selectmen are not a quasi-judicial board; they make policy and spend money, town meeting makes policy, and the Planning Board at some level is a quasi-judicial board, but the ZBA is the only board in town that has that function only. She said they don't make policy; they

07-09-07 BOS

make hard decisions based on the zoning ordinance and the particular issues presented to them, and it isn't always easy.

Selectman Guarino said his personal feeling was that when the Selectmen appointed people to the boards, they wanted to see the boards fully manned, and when people asked to be appointed to the ZBA, from his point of view, it was nothing malicious, and he wished now that they had done just a simple notification or called somebody. Tim Warren stated that in Mr. Gray's case, he had come in on Monday evening, and the Selectmen had interviewed and appointed him that evening, but the appointment letter hadn't been signed and back to Mr. Gray to be sworn in before the Thursday night meeting, but Mr. Gray had gone to the meeting that Thursday. Betty said she had no problem with that, but the same thing had happened with Rachel Hatch, and she just wished she would get just a simple email to notify her of the appointment.

Israel Willard stated that approximately three months ago, he had suggested ID badges for the Board. He said Wendy Keane had brought the idea to the Selectmen, and they had felt it would be a good idea. He said pictures had been taken two months ago, and asked what the hold up was. Mr. Willard felt they should have ID badges when they go on people's property. Tim said they were trying to get everybody's picture taken. Mr. Willard felt the Selectmen need to do more for all of them in the form of communication. He stated that Brian, as Chairman, needed to take responsibility to be sure it gets done.

The Board will meet with Betty Hackett on July 16th at 7:30 p.m.

7:32 p.m. – Break

7:40 p.m. – Back in Session

One member of the fire department was not present, so the Selectmen approved the minutes of the last meeting while waiting.

Approval of Minutes – The Selectmen reviewed the minutes of June 25th.

Motion – Selectman Clairmont moved to accept the minutes of June 25th as amended. Selectman Guarino seconded. Motion passed 3-0.

7:50 p.m. – Enter into non-public session as per RSA 91-A:3, II(a)

Selectman Clairmont 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 personnel issues with members of the fire department.

07-09-07 BOS

8:55 p.m. – Out of non-public session

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

MOTION: Selectman Clairmont moved to seal the minutes of the Non-Public session with the fire department employees. Selectman Guarino seconded. Motion passed 3-0.

Boot Drive – Captain Middleton stated that the department had heard that people were having problems with the boot drive the association has on race weekend, and asked how the Selectmen felt about it.

Selectman Clairmont felt it is an embarrassment to the Town. Selectman Guarino agreed with Dave, and stated that people he had seen at the corner store were upset about it. Brian said he felt the efforts of the firemen were noble, but he, personally, doesn't like being solicited. He said if he were somewhere and they had a boot drive, he would skirt it, but you can't do that in Gilmanton.

There was a discussion during which the firemen stated that they do much better with the boot drive than they had when they used to have the clambake and the firemen's carnival. They said these activities were not as profitable as they used to be, and they had a difficult time to get people involved.

Raffle Permit – Tim presented the Selectmen with a raffle permit for the Women's Club to be held on Old Home Day for their approval. The Selectmen signed the permit.

Tonnage to Penacook – Tim reported that the tonnage the recycling center had sent to Penacook in June was 110.24 tons, down from 128.99 tons that was sent in June of 2006.

Seminars – Tim had information on several seminars being offered that have to do with road "stuff", wetlands permits, etc. He said he was going to ask Paul Perkins to attend the one on wetlands permits with him. Tim passed out the information on the other seminars to the Selectmen, and told them that if they wanted to attend any of them to notify him so he could make the reservations.

Culvert Permit – Tim informed the Selectmen that we had received a letter from DES today requesting more information on the application for the after-the-fact permit we had submitted for the culverts we had replaced on Middle Route. He said we had paid Bill Stack to do the engineering work required by DES originally. Tim said basically what they need to know is what was there for culverts to start with and a list of the abutters, even though we weren't required to notify the abutters. He said the letter stated that it appeared that the work on the down-stream side of the culvert encroached on an abutter's property, and we need a letter from the abutter stating their concurrence with the work on the property.

07-09-07 BOS

Public Access to Water Bodies - Tim said he had received a letter from NH Fish & Game stating that they are updating their map on public access to water bodies, and want to know if there are any areas in town we want to have them put on the map.

After discussion it was decided that we should add Crystal Lake, Manning Lake and Rollins Pond.

Letter – Census Bureau – Tim informed the Board that the Census Bureau would be holding a technical training workshop at the Local Government Center in Concord on July 27th from 9:00 a.m. to 2:00 p.m. This program enables local governments and the Census Bureau to review and update the address list used to deliver census questionnaires. This will directly impact the accuracy of Census 2010.

Letter – ERRCO – Tim stated that he had a letter from ERRCO who wanted a chance to bid on our recyclables. This is mainly for construction and demolition debris and metals. We currently send our construction debris to Rochester. Tim stated that at one time we had sent some of the debris to ERRCO, but many times it had been sent back as not acceptable, so we had to send it to Rochester anyway. He said our metals go to NRRA as well as our aluminum cans and paper and they go to bid and get the best price for all who participate in that group.

Letter – Brenda McBride – Tim had a letter from Brenda McBride that she requested be read into the minutes. (copy attached) The letter addressed the disobedience and misuse of the recycling facility, and the need to adhere to the rules and regulations and how to handle an egregious violation of the ordinance, and the need for the Selectmen to support and protect the employees at the transfer station.

There was a brief discussion of the letter. Brian felt the Selectmen are supporting the employees out there. Dave felt that it is the responsibility of the Recycling Manager to manage the dump. Tim felt Brenda was looking at the Selectmen giving the Recycling Manager better direction as to how he could do that (manage the facility).

Recycling Center Issue - Tim said Doug Kapplain had called him because a gentleman had come in with a green sticker, and asked why someone had given Camp Fatima a sticker because the camp is in Center Barnstead. Tim said the camp owns land, that has a building on it, in Gilmanton and they pay taxes here. He said the only thing Camp Fatima brings to the Recycling Center are things they pay for to dump. Tim said the camp has a dumpster on site to take care of their trash. Tim said he had told Doug to leave things as they are, and he would mention it to the Selectmen. Tim said we try to make sure we tell people who own land only in Gilmanton that they can dispose of brush only at the Recycling Center.

07-09-07 BOS

After a brief discussion, the Selectmen agreed that there is no reason to deny a dump permit to Camp Fatima. Tim will send a letter to Camp Fatima telling them they can continue to take trash to the dump.

There was further discussion about the need to handle things at the Recycling Center in a non-confrontational manner, and discussed again the possibility of issuing warnings and citations for violators.

Canaan Road – Selectman Clairmont had pictures of a section of Canaan Road by Route 140. He stated that when the Planning Board Okayed the Zane subdivision, part of the condition of the subdivision was that Paul Perkins was supposed to widen the road in this area for safety issues. He said the Planning Board couldn't require the Zanes to fund that because of the other subdivision that had gone on prior to the Zanes, and there had been no conditions that they upgrade it.

Dave stated that this is one of the roads he plows with his big truck, and the road is just barely wide enough for his truck to get through with the wing down.

After a brief discussion, Dave said he would speak with Paul and ask if he had done anything out there. He felt the work could be done in about a half a day.

Fees – Traffic Violations- Selectman Clairmont said he was asked what happens to fees charged for traffic violations that occur in our community. Chairman Forst replied that they go to the State of New Hampshire.

Taxing of Structures - Selectman Clairmont said he was asked if permanent structures are taxed the same as ones on skids or blocks and are portable in nature. Tim answered that sheds on blocks are taxable items because they are not moveable, and the general rule of thumb is that structures are taxed if they are not moved on a daily basis; this includes above-ground pools.

Class VI Road Policy – Dave said he had a draft of a letter he would like to send, if the other members of the Board approve, to towns similar in size to Gilmanton to get information concerning the way they handle their Class VI Road policies. He stated that the Selectmen would be getting information from the Class VI Road Committee and the Planning Board, but felt addition information might be helpful.

Don was concerned that they might get some flack from the Class VI Road Committee if they send the letter. Dave felt that the road committee is out of balance with people who don't want roads developed and people who are willing to listen to reason. He felt there wouldn't be a lot of constructive suggestions forthcoming from the committee. Dave stated that the last Class VI Road Committee meeting had been non productive, and he has reservations about how productive the next meeting will be. Dave felt it would be

07-09-07 BOS

good for the Selectmen to have additional information to compare with information from the Boards because ultimately it is up to the Selectmen to make a policy. He felt this might be the most challenging thing they, as a board, has to do, establish a Class VI Road Policy, which is why they should have as much information as possible at their disposal.

After a brief discussion, the Selectmen felt it would be a good idea to send the letter.

New Fire Station – Dave stated that Brenda and Brett Currier had brought to his attention that there had been some discussion by members of the fire department about not building a safety building, but either elevating the lot that the Corners Fire Station is on and constructing a new station, or razing the old building. He said they had also mentioned that the existing Police Station be remodeled and expanded with the interior of the existing building. Dave said they had felt that with the funds voted to be raised at the 2007 Town Meeting, and the sale of the property that was purchased for the Safety Building and a one-time appropriation at the next Town Meeting we could fund the entire project.

Dave was told that we could not use the money that had been appropriated unless it was reappropriated and the name of the fund changed because that was designated for a safety building. It could be done with a vote at town meeting.

There was considerable discussion whether having a big fire station in the safety building would end up in getting more equipment than we need, and the budget for manpower would increase. They also discussed the feasibility of being able to alter the current police station to meet the needs of the department. It was stated that there would be the need of an elevator in the building and many other changes. They discussed whether it would be possible to put a full foundation under the building. It was stated that residents might be more receptive to these ideas than to a safety building. It was also felt that having the safety building might create rivalry between the two fire stations.

Road Issues

Holes in Roads - Selectman Clairmont stated that he spoken to the road agent about a hole on Stage Road and another on Meetinghouse Road, and both had been repaired.

Meetinghouse Road - Selectman Clairmont said Paul Perkins had also told him that he would speak to the contractor who plows Meetinghouse Road and advise them to lower their speed when plowing in that area.

Hertel Property – Middle Route –

Selectman Clairmont reported that he had inspected the Hertel property on Middle Route and the entrance has been reconstructed. He stated that he had reviewed it with Paul Perkins, and Paul found the work satisfactory. He said there have been no erosion problems related to this area of the road to date.

07-09-07 BOS

Allison Lake – Cat Alley – Selectman Clairmont stated that he had photographed the progress at Allison Lake’s property on Cat Alley for the Board to review. He said he also photocopied the section of the survey map, and it indicates that the edge of the Town right-of-way is just a couple of feet from the structure. Dave stated that he had looked at the grate over the drain and it looks like a piece of plastic latticework. Dave said he had company (Mrs. Smith from next door to Ms. Lake who had come out to see what he was doing) when he was taking the pictures. Don thought the pictures looked as though something had happened on the side of the junction box. Dave said that Ms. Lake had dug out the side of the junction box and left it. He said it is within the Town’s right-of-way, and she is only five feet from the corner of her house, and she would only have to go down a couple more feet and she would be at the bottom of her structure, and she could put her pipe in, and that would be the end of it.

Refurbishing of Fire Truck – Dave asked if we had heard any more about the refurbishing of the fire truck. Selectman Guarino stated that he had spoken with the fire chief, and he hadn’t received his third bid, but was hoping to have it this week.

Letter DOT – Selectman Clairmont asked if Tim had gotten the chance to get a letter to DOT regarding the road issues. Tim said he hadn’t, but would get it done by Wednesday.

Dave asked if anyone knew what the State survey crew in town was doing. Tim said they have been surveying both intersections (Rte 140 & 107 and Rte 140 and Elm Street) and they were also going to go down Crystal Lake Road. He wondered if the survey had anything to do with the Town talking to them about the maintenance of Crystal Lake Road and the intersections. Dave felt it would be nice, if that were the case, for them to notify us that they were working on it.

Old Police Cruiser - Selectman Clairmont asked the status of the old police cruiser in relationship to it being used by town employees. Tim said they are removing the decals and have finished pulling the radio and other stuff out of it. He felt it would be available for use within the next week or so. Dave asked if the Code Enforcement officer would be using it. Tim replied that he would; the magnetic code enforcement signs, that are currently on Bob’s truck) would be put on when Bob is using it, but removed when other town employees used the car.

There was discussion on the need for a log and who would buy the fuel and where the fuel would be gotten. They want to keep track of the expenses involved in running the car to be able to determine if it is feasible to keep the car for use of town employees when on town business.

Vault Project – Selectman Clairmont asked what the status of the contractor was for the vault. Tim said a gentleman who is doing the deck and stairs had been here. He said the company is supposed to put the ramp inside the vault tomorrow, Wayne had finished the

07-09-07 BOS

brickwork, and had done an excellent job, but he isn't sure when they are coming back to do the excavation.

Office Computer Support – Dave said Tim had mentioned something about putting office computer support out to bid. Tim said he had received a quote from Certified Computer (Dave Beaudry) on the upgrading of the server, etc. He said Dave is the one we have been using to work on our computers. Tim said we had been switching back and forth between Dave and Nate Abbott, and the prices had been comparable, but when Nate became a Selectman he had told them they would be better off to stay with Dave and have just one person doing it all. Nate hadn't wanted to do it because he felt it would be a conflict of interest, so we had stuck with Dave and have been satisfied with him. He said the proposed upgrade is \$6,000 and is proposed to be done the 1st of August.

RFP – Places Mill Road - Dave asked if there was any news on the RFP for Places Mill Road. Tim had a copy of the new RFP that had been submitted. Dave asked when it would be put out to bid, but Tim was unsure. He felt the Selectmen should review the RFP to see if they wanted to sign it.

Failed Septic System – Shellcamp – Dave asked if there was any news on the failed septic system in Shellcamp. Tim reported that there was a meeting today with Bob Flanders, the contractor and Mr. Davis' attorney. He said he understood that the mobile home would be coming out in a few days, and then they would start getting the house torn down and rebuilt. Tim said the problem they would have is that their variance expires next week, so they would need to go before the ZBA to see if they could renew or extend their variance.

Clean up old Salt/Sand Shed Site – Selectman Clairmont asked if Four Corners Landscaping had been notified that the silt fence and other materials used for the remediation of the old salt/sand shed site had to be removed. Tim replied that they hadn't. Selectman Guarino stated that he had driven by, and felt the materials might have been removed. Tim will speak with Justin Caldon.

Pillars- Bell Tower – Academy Building – Selectman Clairmont asked if anything had been done yet with the pillars in the bell tower of the Academy Building. Tim said nothing has been done yet, but he would call the painter who is going to get someone to do the job.

10:35 p.m. - Enter into non-public session as per RSA 91-A:3, II(c)

Selectman Clairmont 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 Clairmont seconded. Motion passed 3-0.

07-09-07 BOS

The Selectman discussed a code enforcement issue.

10:37 p.m. – Out of non-public session

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

10:38 p.m. Enter into non-public session as per RSA 91-A:3, II(d)

Selectman Guarino moved to Enter into non-public session as per RSA 91-A:3, II(d) - 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 Clairmont seconded. Motion passed 3-0.

The Selectmen discussed a welfare issue.

10:40 p.m. – Out of non-public session

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

10:41 p.m. - Enter into non-public session as per RSA 91-A:3, II(c)

Selectman Guarino 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 Clairmont seconded. Motion passed 3-0.

The Selectmen discussed a code enforcement issue.

10:46 p.m. – Out of non-public session

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

10:48 p.m. - Enter into non-public session as per RSA 91-A:3, II(c)

Selectman Guarino 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 Clairmont seconded. Motion passed 3-0.

The Selectmen discussed a code enforcement issue.

10:52 p.m. – Out of non-public session

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

07-09-07 BOS

10:53 p.m. - Enter into non-public session as per RSA 91-A:3, II(c)

Selectman Guarino 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 Clairmont seconded. Motion passed 3-0.

The Selectmen discussed a code enforcement issue.

11:04 p.m. – Out of non-public session

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

11:05 p.m. – 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.

The Selectmen discussed fire department personnel issues.

11:19 p.m. – Out of non-public session

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

11:20 p.m. - Enter into non-public session as per RSA 91-A:3, II(c)

Selectman Guarino 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 Clairmont seconded. Motion passed 3-0.

The selectmen discussed a ZBA issue.

11:29 p.m. – Out of non-public session

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

07-09-07 BOS

**11:30 p.m. – MOTION – Selectman Clairmont moved to adjourn the meeting.
Selectman Guarino seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne
Recording Clerk