

**Board of Selectmen
15 October 2007
Minutes**

6:03 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.

6:04 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(b)

Selectman Clairmont moved to Enter into Non-Public Session as per RSA 91-A:3, II(b) – Consideration of the hiring of a public employee. Selectman Guarino seconded. Motion passed 3-0.

The Selectmen, along with Recycling Manager Doug Kapplain, interviewed an applicant for the position of a recycling attendant.

6:25 p.m. – Out of Non-Public Session

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

6:28 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(b)

Selectman Guarino moved to Enter into Non-Public Session as per RSA 91-A:3, II(b) – The consideration of the hiring of a public employee. Selectman Clairmont seconded. Motion passed 3-0.

The Selectmen, along with Recycling Manager Doug Kapplain, interviewed an applicant for the position of recycling attendant.

6:45 p.m. – Out of Non-Public Session

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

6:46 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(b)

Selectman Guarino moved to Enter into Non-Public Session as per RSA 91-A:3, II(b) – The consideration of the hiring of a public employee. Selectman Clairmont seconded. Motion passed 3-0.

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interviews with candidates for the position of recycling attendant. No decision was made tonight.

7:02 p.m. – Out of Non-Public Session

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

Public Input

Brush Cutting – Governor’s Road – George Roberts had attended a previous Selectmen’s meeting, at which time he had requested, on behalf of the 1st Congregational Society (Meetinghouse) to clear brush and small trees along Governor’s Road to widen and improve the entrance to the meetinghouse. The Selectmen had withheld a decision on the request until all affected abutters could be notified of Mr. Robert’s request.

Mr. Roberts was in tonight to see if the Selectmen had come to a decision on his request. Mr. Roberts informed the Selectmen that the Society had a person out there doing wood work, but is getting ready to leave the area and felt this would be the time to get the cutting done while he is still working in there.

Tim Warren stated that we had sent a letter to all the abutters, and had heard nothing back from any of them. Selectman Guarino stated that he had called the Bartletts, and Mrs. Bartlett had told him that she did have concerns, but hadn’t had enough time to respond in writing to the Board. Selectman Clairmont asked what Mrs. Bartlett’s concerns were. Don felt the concern was how many trees would be cut, etc. Mr. Roberts stated that the letter had been sent a month ago; as an abutter, he had received a letter. A letter was sent to the Bartletts on June 13th informing them that the Society had been given permission to widen the end of the road to enable two vehicles to pass. Don stated that the Bartletts had received that letter, but had not received the letter to abutters sent out on September 17th regarding the cutting of brush and trees, and asking if anyone had any concerns regarding the cutting to notify the Selectmen’s office in writing. Don asked if there had been a deadline in the letter for concerns to be expressed. Tim said we had not set a deadline. It was also determined that the letter had not been sent by registered mail.

There was considerable discussion on the project, the opportunity of getting the cutting done while the Society had a person in there working, getting it done before inclement weather, and that most of the cutting would take place on the left hand side of the road, the opposite side of the road from the Bartletts. It was stated that the Town could give permission to cut the brush in the right of way on the side of the road that abuts the Society’s property. Mr. Roberts stated that they would like to restore the property to the stonewall.

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A letter will be sent to the Bartletts by certified return-receipt mail, and they will be given the opportunity to express their concerns at the Selectmen's meeting on Monday, October 22nd.

Class VI Road Update – Class VI Road Committee members present were Chair Ella Jo Regan, Brenda Sens, Mary Ann Morrill, Paula Gilman, Doug Isleib, Nanci Mitchell, Sue and Dick deSeve and John Funk.

Ella Jo stated that she is the chair of the Class VI Road Committee, but was speaking as an individual tonight and wanted to review the process the Committee has gone through so the Selectmen would know the steps they had taken. She also wanted to address a few issues in the minutes in the September 24th Selectmen's meeting.

Ella Jo went through the steps taken from the Committee's inception to date. She said the committee was formed because the Board of Selectmen felt we needed to form a consistent, coherent policy for Class VI roads. Ella Jo said the first thing the committee had done was to identify where the roads were, and how many we have; the second step was to take the maps the Town provided, and look at each road in terms of where it came on the map for information like the geography and topography of the land, any important water sources, etc. Ella Jo stated that after this had been done, the committee had drawn up a tentative list of criteria that they needed to look at when looking at the roads. She said the next step was to use Mary Butler Lane as their "test road". The road was walked as an entire committee, and they had measured, took photographs, looked at the condition of the road and the land abutting it, noting anything interesting or unusual about the road, such as the monument on Mary Butler Lane, the house at the end, and that it crosses Route 140. Ella Jo said they had done this as a group, so they could see the process they needed to take, because the complete group could not walk every road. She said they went back and, as a committee, refined the list of criteria, broke into groups and walked the roads.

Ella Jo stated that when all the roads had been walked, they began the process of putting the information into a form that would be easy to read and be computer friendly. She said after they had evaluated a couple of roads, they realized that the format was awkward, so one of their members created a different format that would fit onto a computer, and someone could sit at a laptop and enter the information as it was given. Ella Jo felt the new format would be easier for the Board of Selectmen to read, and understand what they were trying to do. Ella Jo stated that at the Committee's September meeting, Dave Clairmont had brought a new list that he said the Board of Selectmen had created the Monday before the Class VI Road Committee meeting. She added that was difficult because they had new items that the groups hadn't had with them when walking the roads. Ella Jo said they spent the entire meeting trying to meld the two lists. She had a sample of what they had come up with. She had questions about two items on the list the Selectmen had sent them. The first item was if the road is straight, and has acceptable lines of sight for intersections and driveways. Ella Jo didn't feel that determination was the purview of the committee, because they didn't know where abutter's property lines

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began and ended, and she felt it was the Road Agent's job to determine if there was an appropriate line of sight. The other item was a question of understanding what the Selectmen were asking regarding steep slopes adjacent to the road that, if upgraded, would require the road to be extended past the Right-of-way onto private property.

Chairman Forst explained that they were asking if the right-of-way was of a size that if there are steep slopes on the adjacent properties, and the road were to be upgraded, could it be upgraded within the right-of-way and still maintain the slopes as they presently are. There was a brief discussion of this item, and Dave Clairmont gave an example of what they meant.

Ella Jo was concerned because the Committee didn't have these criteria when walking the roads, so might not have this information on all the roads.

Chairman Forst stated that it was his feeling that the Class VI Road Committee was doing their job, which they will present to the Selectmen. He said he hadn't wanted to be involved in the groups when they walked the roads because he wanted a clear mind to look at the information when the committee presents it without having been involved with it prior to that point. Brian felt one selectman on the committee is fine (Dave Clairmont is on the committee), but the Board needs to be able to look at the information to see if it makes sense in order to ultimately come up with a Class VI Road Policy.

Brian stated that Dave had put a lot of effort into a side of the Class VI road that is representative of construction, and there is a side that is representative of conservation and nature, which is a good mix and it all fits in, and should be a plus when it comes to establishing a policy. Brian stated that Dave had brought the list of criteria to the Selectmen for their review. Ella Jo said she had understood that the Board had created the list. Brian replied that the Board had seen and approved the information on the list.

There was a fairly lengthy discussion about the item regarding driveways and line of sight. It was ultimately decided that it would be okay if the committee felt they wanted to delete the part about the driveway and line of sight, and just ask if the road is straight. Ella Jo will bring the issue up at the Class VI Road Committee meeting on Wednesday night and ask for a vote from the committee. Other items on the criteria list were also discussed.

After a discussion on whose the two lists were, (they had been referred to in the Selectmen's minutes as Nanci's list and Dave's list) it was agreed that it is the committee's list and Dave's list, and the melding of the two lists ended up being a good product. It was clarified that the initial list was arrived at by everyone on the committee; it was nobody's list.

Ella Jo was concerned about a statement in the Selectmen's minutes by Tim Warren that the Class VI Road Committee are saying that it is not their purpose to make

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recommendations to the Selectmen. She said she didn't understand his saying that. Brenda Sens felt the minutes didn't make sense because Dave had initially stated that the Committee had been unhappy because he had left a section out of the form for them to make their recommendations; then Tim said the Committee was saying it wasn't their purpose to make recommendations. She felt Tim was not at the meeting, so he didn't know what they were saying, so questioned his input into the minutes. Don said the reason this had been brought up was the Selectmen were trying to figure out if the Committee was established for inventorying the roads, or for making recommendations to the Selectmen to review.

Paula Gilman addressed the fact that Dave Clairmont had stated in the Selectmen's meeting that he hadn't felt what he had presented to the Class VI Road Committee was well received. She felt it was unfortunate he felt that way, because it was something they had all taken time to discuss. Paula was disturbed by the statement Tim had made that he had heard the last Class VI Road Committee meeting was just a bunch of bickering between Dave and Ella Jo about the two different forms. Paula told Tim the committee was having discussions, but were not bickering; everybody was giving their comments. It could be considered constructive criticism.

The purview of the Class VI Road Committee was also discussed. It had been unclear to some committee members if the committee was to have also drafted a policy or to just present their information on the roads and their recommendations to the Selectmen in order for the Selectmen to establish a policy. After considerable discussion, it was agreed that the Committee would draft a policy and present it to the Selectmen for their review.

8:30 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 a police department personnel issue with Chief O'Brien.

8:50 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 meeting with Chief O'Brien. Selectman Guarino seconded. Motion passed 3-0.

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FYIs & Other Business

Renovation of Old Town Hall – Chief O’Brien informed the Selectmen that he had spoken with someone about the jacking up of the old town hall. Phil was concerned about the disruption of his department while this was being done, and asked about the possibility of remodeling the upstairs for the Police Department, and use the downstairs for storage, etc. He said the upstairs is handicap accessible, so there would be no need to install an elevator.

There was a brief discussion, and Phil was asked to get ideas together and come up with a plan he felt would work.

Federal Grant – Chief O’Brien informed the Selectmen that his department was slated to receive a “Car 54” grant. This is a 100% Federally Funded Grant that provides \$5,000 to \$7,000 worth of equipment in the cruisers. He was unsure how many cruisers they would do. This includes new laptops, light bars, control panels, etc.; we also get to keep our old equipment.

Budget Meeting - Tim informed Chairman Forst that the first budget meeting is to be held on October 25th.

Law Lecture – Tim reminded Selectman Guarino of a law lecture he is to attend on Wednesday October 17th at 7:00 p.m. in Manchester.

Steel Building – New Fire Station? – Brian Forst had told the Board of a steel building in Laconia that is for sale. The building would have to be dismantled and removed. Tim Warren was asked to have Chief Robbins check into it.

Tim had pictures that Chief Robbins had taken of the building. He said Jimmy Hurst would take measurement of the building to see if it would be suitable for the fire department’s use. There was a brief discussion of the building, and whom we could get to take the building down and reconstruct it.

Trail Ride – Tim informed the Selectmen that there would be a trail ride through Gilmanton on Sunday, October 21st. It would start at Camp Bell, and it is expected there will be between 50-80 horseback riders.

Thank You - Tim informed the Selectmen that we had received a nice thank-you letter from the Reach-the-Beach people for the use of the parking lot for the port-a-potties and extension cords for lights for their use during their race.

Notice of Violation – Tim reported that Code Enforcement Officer Flanders had issued a notice of violation for the trailer units parked in the Corners in Historic District.

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Tree of Heaven - Tim had a note from Nanci Mitchell about a “tree of Heaven” on the corner of Route 107 & Stage Road that had been cut down last year. This tree is an invasive species. Nanci’s note stated the tree has suckers, and there are numerous suckers that are nearly ten feet tall, and asked the Selectmen to have the Road Agent dig out the stumps so the tree would not continue to sucker annually.

Bids – Landfill Cap Mowing - A notice for request for bids to mow the cap at the landfill had been posted in the papers. Bids had to be in today by 4:00 p.m. We received two bids. Chairman Forst read the bids; they were as follows:

Israel Willard	\$700.00
Jack Fanning	\$650.00

There was a brief discussion of the bids.

MOTION – Selectman Clairmont moved to accept the bid from Jack Fanning for the mowing of the landfill cap at the recycling center. Selectman Guarino seconded. Motion passed 3-0.

Department Head Reviews – Tim informed the Selectmen that it was time for them to do the Department Head Reviews.

The Selectmen will hold a non-public work session on Monday, November 12th at 7:00 p.m. to do Department Head Evaluations.

Places Mill Road Project – Tim said we had received our second group of invoices from Nutter Construction. He said Paul has reviewed them and verified that the slips check out. Tim said we would pay the bills, and then forward them to Phil McLaughlin so we would get the money. He said the contract would be forwarded with the bills, so he can get the rest of the money deposited into the account from the Scouts.

Handicap Parking – Iron Works Post Office – Selectman Clairmont said he had a conversation with Peter Casey regarding a parking space in the gravel area along the side of the Post Office, and Peter said we could put whatever we want outside of the building. Dave also had photographs of the area. There is currently a space in front of the post office marked on the street. Brenda McBride was concerned that the paint wears off, and asked if a sign could be erected. There was a question as to where a sign could be put up, as it was felt a sign on the curb would interfere with plowing, and the Town doesn’t own the land in back of the curb. Dave said Peter Casey was agreeable to installing a Handicap Parking sign on the building in front of the handicap space.

Striping Handicap Parking Space – Selectman Clairmont said he had contacted Eric Stockwell concerning the striping of the handicap space at the post office; for a handicap parking space with a blue emblem, the correct markings and wide enough to

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accommodate a van, which they have to be, would be a minimum of \$100. Dave added that restriping the entire square would cost \$350.

There was a brief discussion on the striping. It was suggested that we have a sign put on the building this fall, and get other estimates and look into having it striped in the spring.

Jahnle Property – Selectman Clairmont asked if Tim had contacted Coldwell Banker regarding the possibility of purchasing a small piece of the Jahnle property next to the Iron Works Town Hall. Tim said he had contacted them, and the realtor is going to contact the property owner then get back to us.

Intersection Rte 140 & 107 – Selectman Clairmont said he had spoken with John Pillsbury of NH DOT regarding a traffic light for the intersection of Rtes. 107 & 140. Dave said he had spoken to him regarding the fact that we haven't had any response to our correspondence with the Gilford office. He said Mr. Pillsbury had apologized and had given him a contact in Concord. Dave asked that we send a copy of all our correspondence to Gilford, and send it to the address in Concord.

There was a brief discussion, during which Don felt we hadn't requested a traffic light. The pros and cons of a light there were briefly discussed. It was stated that we should get copies of our correspondence to the man in Concord, and even if a light is discussed, it doesn't mean we would get one.

Crystal Lake Farms – Kurt Rague had been in at a previous meeting discussing the engineering firm (Hoyle Tanner) that the Town had hired to oversee the construction of a road into a subdivision he wants to make off Crystal Lake Road. Mr. Rague had felt the bill he had received for Hoyle Tanner's services were very high, and asked about getting two other estimates. Mr. Rague felt the estimate had been made without them ever having visited the property, and he was being charged for things that he (Kurt) had already done before Hoyle Tanner had been hired.

Selectman Clairmont updated the Selectmen with what the Planning Board had discussed with Mr. Rague at their last meeting.

Dave said that Mr. Rague might be getting estimates from two other independent engineering firms for the inspections and testing involved in Phase One of his project. Dave said he had informed Mr. Rague that he could get other estimates, but the estimates had to have a detailed scope of work to be performed to present to the Board of Selectmen and the Planning Board to review.

Dave stated that the Planning Board has required an evaluation of the road plan that has been submitted be completed by Hoyle Tanner before an approval could be given for Phase One of the project. He said Mr. Rague has agreed to forward \$5,000 to be used for

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this purpose. Dave said Mr. Rague would like an estimate to review Phase One, and an estimate to review Phase Two, and he would make a decision upon the receipt of the quotes. He said the Planning Board felt that reviewing Phase One was required for an approval, and the Planning Board felt if the cost was not too much more, Mr. Rague might want Hoyle Tanner to complete a total plan review, as it might save time and money when Mr. Rague seeks approval for Phase Two of the project.

The Planning Board also required Mr. Rague to deposit into an account with the Town of Gilmanton the sum of \$10,000 for engineering inspections and reporting for Phase One. If when the review of the road is complete, Mr. Rague wishes to have the remaining balance of his \$5,000 refunded to him, he may do or he could leave it in the Town's custody, and deposit the difference of the required \$10,000 to the remaining sum of money to total the required amount. The Planning Board also requires that if the money for engineering expenses is expended before the completion of the project, all work will cease until enough money is made available to complete engineering work on the remainder of the project.

Dave asked Tim to contact Hoyle Tanner to find out if they have actually completed an on-site evaluation for the purpose of quoting the project engineering cost, and to ask for a quote for reviewing the proposed road plan and commenting on and reporting their findings to the Board of Selectmen, Planning Board of Selectmen and Mr. Rague. He asked Tim to be sure to indicate that there are two phases of the project, and Mr. Rague would like a quote for the first Phase road plan (to the end of the turn around) and another quote for the entire road plan (Phases 1 & 2). Dave asked that Tim also ask for an updated quote and detailed scope of work for overseeing of Phase One, which is a 4-lot open-space subdivision.

Dave said, at the Planning Board meeting, he had explained the reason for the Selectmen's decision to lower the required amount of Mr. Rague's bond. He said it had been accepted well, and the required bond would be \$75,000.

Places Mill Road Update – Selectman Clairmont had photographs he had taken at various times and spots on Places Mill Road during the upgrade that is currently being done on the road.

There was concern about a stump that is being left on the side of the road that Dave felt should be removed. He said the Potters were concerned about a septic system on the other side of the wall that might be affected. Dave said Bobby Potter said he wouldn't take the stump out without a paper saying they wouldn't be responsible for the man's septic system, and there would be an extra charge for removing the stump. There was also concern that the headwalls on the culvert weren't cemented in yet, and a guardrail was being erected before this had been done. The width of the road and sloping were also items of discussion. Another concern was that there was some base material higher

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than the asphalt on the Alton end of the road. There was also a brief discussion on the invoices we have received for gravel.

Allison Lake – Cat Alley – Dave asked if we had any response from the letter we had sent to Allison Lake’s attorney regarding the situation on Cat Alley. Tim responded that we had heard nothing yet. There was a brief discussion of the property, and the need to know that the situation had been taken care of correctly so we wouldn’t have the icing problems on Cat Alley that we had last winter. Tim said he had spoken with a lady at LGC, and she said the Town was within their rights to have the problem corrected. He said she had given him the number of a couple of RSA’s (RSA 236-19 & 236-13), but he hadn’t had time to read them yet. It was requested that Tim contact Town Counsel and request that Walter ask for documentation from Ms. Lake’s attorney that the problem had been fixed correctly.

Subdivision – Middle Route – Selectman Clairmont informed the Selectmen that the Planning Board had approved a two-lot subdivision for Van Hertel on Middle Route. Dave asked that Tim have Paul Perkins look at one driveway that is located on the hill where much construction has been completed for the Town in 2006. Dave felt Paul should require Mr. Hertel to install some type of surface that would prevent dirt from coming out of the driveway onto the road, and to loam and seed the slopes of the drive to further prevent erosion

Bob Burton Culvert – Selectman Clairmont stated that Bob Burton, who is building a home on Shannon Road, had asked him to speak to Paul Perkins regarding Paul’s request that Mr. Burton install a 15” culvert at the end of his driveway. Dave said Mr. Burton felt a paved apron with a swale would provide the necessary amount of drainage and erosion protection. Dave said that he, at Mr. Burton’s request, had looked at the drive, and he (Dave) felt an apron with a swale would work fine. Dave said he had spoken with Paul, and Paul had agreed to Mr. Burton putting an apron in as long as Mr. Burton would sign an agreement that if the swale does not perform to Paul’s satisfaction, Mr. Burton would install a culvert at his (Burton) expense. Dave had a draft of a document for the Board to review. The Selectmen reviewed the draft, and Lois was asked to type it up as an official agreement, which Dave will take to Mr. Burton for his approval.

10:45 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 reviewed and signed an employee evaluation.

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Selectman Clairmont moved to come Out of Non-Public Session. Selectman Guarino 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 Planning Board issue.

10:54 Out of Non-Public Session

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

10:55 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 possible code violations.

11:00 p.m. – Out of Non-Public Session

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

Timber Market – Tim informed the Selectmen that Nanci Mitchell informed him that the timber market has come up, and this might not be a bad time to harvest the Town Forest on Gale Road. He added that winter would be the best time to get it done. Chairman Forst felt it didn't have to be decided tonight.

11:02 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 Clairmont seconded. Motion passed 3-0.

The Selectmen discussed the applicants for the position at the recycling center. No decision was made tonight.

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11:14 p.m. – Out of Non-Public Session

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

11:15 P.M. – MOTION – Selectman Clairmont moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk