

APPROVED

**Board of Selectmen
31 October 2011
Minutes**

6:07 pm - Chairman Don Guarino called the meeting to order. Present were Chairman Guarino, Selectmen Rachel Hatch and Ralph Lavin, Town Administrator Tim Warren and Clerk Lois Dionne. Also in attendance were Jeffrey Burd, Roger and Elena Ball and Bernadette Gallant.

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

Site Walk Report – Chairman Guarino reported that he and Selectman Lavin had met with Mr. Burd at the Safety Building at 5:00 pm tonight to review the conditions of the pavement in the parking lot where the pavement had heaved from the frost, and to try to determine the cause of the cracks and come up with a solution to the problem before applying a top coat of pavement. He turned the meeting over to Mr. Burd who had worked with Paul Darbyshire on the original site plan.

Mr. Burd stated that he was the site design engineer for the safety center. He worked with Paul Darbyshire on the site and drainage design. He stated that Paul was familiar with the site, and knew there were drainage issues, so they wanted to design the site accordingly, and a geotechnical engineer was hired.

Mr. Burd said there are stress cracks due to frost heaving, which is related to ground water getting under the pavement and freezing. He said they had designed the perimeter drain and beefed up the gravels because they knew there was a problem, so they are unsure the cause of the current problem. Mr. Burd suggested that before anything is torn up, they make sure it was built to plan, and that the drains are all in place. He asked if any pictures had been taken during the construction; Tim will check with the building inspector to see if he knows of any pictures being taken during the site work. Mr. Burd said they should also check the drain outlets to be sure they are running, and snake or video the drains to see if there are any clogs. He said they should also talk with Turner Engineers after checking the plans and the drains. Mr. Burd presented Chairman Guarino with a copy of Turner’s report with their recommendations, which he said matches closely to the plan that he and Mr. Darbyshire had put together. He said the contractor should have followed the recommendations in Turner’s report.

Selectman Hatch stated that even if it is rectified, it is too late this year to apply the topcoat. She asked and was told the funds could be encumbered.

MOTION – Selectman Hatch moved to encumber \$22,000 in funds for the topcoat of paving for the parking lot at the Safety Building. Selectman Lavin seconded.

There was a brief deliberation.

Chairman Guarino called for a vote on the motion. Motion passed 3-0.

FYIs

Bingham Road – There was a brief discussion of paving Bingham Road to bring the Selectmen up to date on the issue before meeting with Attorney Nix and Mr. Tomasian later this evening.

Grant Writer Applicant – Selectman Hatch wanted to set up a meeting with Linda Radue, the applicant for the grant writer position. Tim said she would like to meet with the Selectmen on a Wednesday night, either the 2nd or the 9th. After discussion, it was decided to meet with Ms Radue on Wednesday, November 9th and to follow that with a work session.

Record Retentions Committee – Selectman Hatch asked if Tim had more information on the Record Retentions Committee. He doesn't have all the information, but has discussed membership with Deb. A member of the Board of Selectmen has to be on the committee, as well as a member of the general public, someone from assessing, someone from the fire and police departments and someone from the town clerk's office.

Household Hazardous Waste Day – Selectman Hatch asked if Tim had gotten the information as to how many residents from Gilmanton had attended the Household Hazardous Waste Day in Belmont. He has not yet gotten that information.

Lakes Region Public Access TV (LRPA-TV) – Last week Cindy Houghton had asked why the Selectmen's meetings were no longer being taped and shown on LRPA-TV. She was told it was due to the expense. Cindy felt many residents would still like to have the meetings aired, and should have a vote at town meeting. She volunteered to find out the current fee to belong to LRPA-TV and have the meetings aired.

Tim reported that Cindy had gotten that information. The current fee is \$5.125 per subscriber to Metrocast for a total of \$19,249.00. He said Cindy would still like to have a warrant at Town Meeting.

During discussion, the Selectmen expressed great concern about supporting a warrant article due to the cost, when there are so many items to consider over which they have no control such as the increase in health care costs and retirement contributions. It was stated that Cindy might want to present it in a petition warrant article.

Bingham Road – Attorney Stephan Nix was present to represent Harry Tomasian, who was unable to attend tonight’s meeting, regarding the topcoat of paving for Bingham Road. Road Agent Paul Perkins was also present.

Attorney Nix stated that Mr. Tomasian had asked him to look into the issue of Bingham Road because there had been confusion regarding putting the final coat of pavement on the road, and getting the funds that are being held released; it has been several years since the project was started.

Attorney Nix briefly reviewed the approval of the subdivision plans and the plans for the road. He said Mr. Tomasian had been looking at putting the last course of pavement down with the intent of getting the cash from the escrow account, but he was under the impression that they couldn’t get the escrow funds released until 50% of homes in the development had been completed.

There was discussion about the conditions of the road, and what work would have to be done before laying the final coat of pavement. Mr. Tomasian wants to do patch work and a shim coat only in places. The Road Agent wants a shim coat on the whole road. It was explained that because of the amount of time since the first coat had been laid, there is concern about the final coat binding with the base coat.

Attorney Nix asked if Mr. Tomasian could hire an engineer to look at the road, and get his opinion. The Selectmen and Road Agent had no problem with Mr. Tomasian hiring an engineer, but Selectman Hatch stated that the Selectmen stand behind the Road Agent’s recommendation when it comes to decisions on roads.

Attorney Nix said he had been unaware that the amount of time that had elapsed would have a bearing on the need for a shim coat. He will speak with Mr. Tomasian to see if he wants to go to the expense of hiring an engineer, or just go ahead with the Road Agent’s recommendation. Mr. Tomasian had hoped to have the road done this fall. Chairman Guarino stated that it is getting late in the season, and the State of NH wouldn’t do any paving below a certain temperature.

6:50 pm – Selectman Hatch moved to enter into Non-Public Session per RSA 91-A:3, II(c) - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Lavin seconded. Motion passed 3-0.

The Selectmen discussed a welfare issue.

6:59 pm – Selectman Lavin moved to come out of Non-Public Session. Selectman Hatch seconded. Motion passed 3-0.

Corners Library Walkway – Library Trustee Tom Scribner stated that the painting and sill work at the library had been completed, and the sidewalk project is moving forward. They ran into a problem with big boulders, but Mickey Daigle had helped them. Mr. Daigle dug out the area where the walkway is to go and filled it with gravel. It was raining the day it was done, and water was coming down the driveway. Mr. Scribner said the shoulder has been compacted down, so there is a lip of asphalt that flattens down, and there is a big ridge on the side of the driveway causing the drainage problem. He would like to have the shoulder graded and pave the shoulder; it would cost about \$2,500, plus having the walkway done in brick is another \$3,500.

During discussion, it was stated that what the trustees want would widen the driveway. Selectman Guarino was opposed to that, and stated that this is something that should be approved by the HDC. Mr. Scribner felt it is a safety issue, and something has to be done about the sidewalk itself for the winter. He also stated this would be the opportune time to do it all, as paving of the driveway is in the Capital Improvement Plan to be done next year. Chairman Guarino noted that what is planned is an overlay; they are not planning to expand the pavement. Tim reported that the Town Building Maintenance Non-Capital Reserve fund, at Town Meeting, had \$10,000 in it, but is now down to \$3,500. Selectman Hatch said if something was broken and had to be fixed was one thing, but she was concerned about spending funds for something that hadn't been disclosed to the residents. Mr. Scribner reiterated that something needs to be done about the sidewalk before winter, and if the Road Agent could even put hard pack down it would help. There was discussion of using reclaimed asphalt for the walkway for the winter. Mr. Scribner will talk with the road agent to see what the expense would be if it could be done.

Public Input – Chairman Guarino read “ Public input is reserved to allow residents, without prior notice, to bring forward new information on matters of interest to the Town. Existing cases or applications shall not be heard. Residents with existing cases or applications shall use the channels established for appeal or submission of new information in their case. The Selectmen reserve the right to place time limits on public input. No vote will be taken on any matter brought in through public input unless a dire emergency requires such action.

Clearing of Sidewalks – Bob Burton, of the Iron Works, said he had gone to the highway garage at 7:10 this morning and asked to have the snow cleared from the sidewalks on the bridge on Elm Street and the sidewalks from the Iron Works up to Crystal Lake Road for “Trick or Treat” tonight. He said the sidewalk over the bridge had been done, but the ones on Rte 140 were not cleared. He felt it was a big safety issue because there were a lot of people walking in the streets tonight. He felt the sidewalks, because of the kids, should have received a higher priority over other things. When asked if he thought the Town should plow these sidewalks in the middle of winter, he replied that he didn't, but felt this was an odd, special circumstance.

Chairman Guarino said the Selectmen would follow up on the issue and get back to Mr. Burton.

FYIs

Bicycle & Pedestrian Sites – Tim had a letter from the Lakes Region Planning Commission (LRPC) stating that the LRPC would employ professional consultants to generate conceptual designs that address existing challenges to bicycle and pedestrian access and/or safety at 12 Lakes Region locations. They are seeking nominations for specific intersections, road segments or trail crossings that don't accommodate pedestrians or cyclists safely. Tim said they are looking to install sidewalks.

Tim received an email from a resident requesting the nomination of the section of Province Road between High Street and Route 140 because it is dangerous to walk along the side of the road. There is an application form that has to be filled out.

The Selectmen were concerned because they felt this would mean going onto people's property, the removal of trees, and there is the question of who would be responsible for maintaining the sidewalks. Also you have to take into consideration that this section of road is within the Historic District.

7:32 – Tim Warren was excused from the meeting.

7:33 – Recess

7:40 – Back in Session

Harassment Class – Selectman Hatch asked if Selectman Lavin had attended the harassment class on Wednesday night, and if so what he felt about the class. Selectman Lavin replied that he had attended, but felt it had informed them that they could sue the Town for just about any reason. He did add that it was an interesting class, informative and worth going to.

Banks – Due to the increased daily minimum balance required and fees being imposed by our current bank, we have met with and requested proposals from three area banks.

Selectman Hatch stated that we had received proposals from Laconia Savings, Meredith Village Savings and Franklin Savings Banks. Tonight at five o'clock, she (Rachel Hatch), Tim Warren, Lois Dionne, Treasurer Glen Waring and Jen Correia had met to review the three proposals.

All three proposals offered better contracts than our current bank. The Treasurer asked that we get references on all three banks; he said he would be fine with any one the three and asked that we make a decision based on the references.

Welcome to Gilmanton Signs – Selectman Hatch said she had spoken with John Dickey of the Historical Society, who had expressed his thanks for getting the trees and shrubs pruned at the Old Town Hall. She said Mr. Dickey had brought up the "Welcome to Gilmanton" signs, which Rachel said had been purchased by the Historical Society years ago, and now need to be replaced. We have already lost two of the signs, and Tim has gotten a price to have them

replaced next year. Mr. Dickey asked Rachel to see if the Board of Selectmen would be okay with the Historical Society taking one of the signs down to put up at the Old Town Hall. There was discussion as to whether the Historical Society should be allowed to take one of the signs now or wait until we have the new ones, or if by waiting we would take the chance that the remaining two signs might be damaged or also disappear. No decision on when to let the Historical Society have the sign was reached tonight.

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

MOTION – Selectman Lavin moved to accept the minutes of October 24, 2011 as amended. Selectman Hatch seconded. Motion passed 3-0.

Volunteer Code of Conduct Agreement - Selectman Hatch asked if the Board had given any thought to the Volunteer Code of Conduct Agreement that she had brought up last week. She had received a disk with a sample agreement from LGC. Chairman Guarino felt this should be incorporated into the personnel policy, and discussed at a workshop when they are working on the policy.

8:00 pm – Selectman Lavin was excused from the meeting.

Parks & Rec. Budget – Parks & Rec. Director Gary Lines, members Judy Williams and Bob Burdett were present to discuss the Parks & Rec. budget and other issues.

The operating budget remained the same as last year. There was a slight increase in expenses related to salaries.

Fireworks – There was a brief discussion of the Labor Day fireworks display. Police Chief O’Brien had requested that the Board ask if the display could be held earlier than it has been the last couple of years. There was a suggestion that the festivities could start earlier, therefore, have the fireworks earlier.

Alcohol – Crystal Lake Park – There had been an incident this past summer due to alcohol consumption at the park. Chief O’Brien was to have been here tonight for the discussion, but was unable to attend the meeting.

After a brief discussion of the issue, it was the consensus of all concerned that they meet another night when the chief could be present to discuss the matter.

10-31-11 BOS

APPROVED

8:23 pm – MOTION – Selectman Hatch moved to adjourn the meeting. Chairman Guarino seconded. Motion passed 2-0.

Respectfully submitted,

Lois Dionne
Recording Clerk