

**Board of Selectmen  
26 November 2007  
Minutes**

**6:00 P.m.** - Chairman Brian Forst called the meeting to order. Present were Chairman Forst, Selectmen Don Guarino and Rachel Hatch, Administrative Assistant Tim Warren and Clerk Lois Dionne.

**New Chairs for Conference Room** – There was a brief discussion that the chairs in the Conference Room are not OSHA approved because they have four legs, not the five required to be approved by OSHA. Staples is having a sale on chairs that would meet the OSHA standard.

**MOTION:** - Selectman Hatch moved to purchase five OSHA-approved chairs to replace the chairs at the table in the Selectmen's Office. Selectman Guarino seconded. Motion passed 3-0.

**6:12 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectman Hatch moved to Enter into Non-Public Session as per RSA 91-A:3, II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Selectman Guarino seconded. Motion passed 3-0.

The Selectmen conducted a Department Head evaluation.

**6:50 p.m. – Out of Non-Public Session**

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

**6:51 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectman Hatch moved to Enter into Non-Public Session as per RSA 91-A:3, II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Selectman Guarino seconded. Motion passed 3-0.

The Selectmen discussed a previous Department Head Evaluation.

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### **7:00 p.m. –Out of Non-Public Session**

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

**7:00 p.m. – Public Input** – There was no one present for public input.

### **FYIs & Other Business**

**Tax Rate** - Tim informed the board that the tax rate has been set. The new tax rate is \$20.53 per thousand, up \$1.26 from last year. The equalization rate is 86%. The tax rate for Sawyer Lake is \$1.48 above the Town rate, and the Corner's District is .17 cents above the Town rate.

Tim said the bills should be in the mail Wednesday, and taxes would be due December 31, 2007.

The Selectmen signed the Tax Warrant.

**Applicants – Conservation Commission** – Tim said two individuals had expressed an interest in serving on the Conservation Commission. He hopes to have the individuals in for an interview next Monday, December 3<sup>rd</sup>.

**Crystal Lake Farms Subdivision** – Tim reported that we need to have a completion date in the letter of credit for the Crystal Lake Farms Subdivision. He said the Planning Board would be discussing it this week, and Planning Administrator, Lynne Brunelle had been looking for recommendations from the Selectmen as to when the road should be done, and how long before it should be completed. Tim said Hoyle Tanner Associates would be meeting on site with Kurt Rague at 10:00 a.m. Friday morning.

After a brief discussion, during which it was stated that the Planning Board had not yet completely approved the plan, the Selectmen decided that the road should be completed within a year after the date of the approval of the plan.

**Lake Property – Cat Alley** – Tim said he had spoken with Town Counsel today regarding the Allison Lake property. Walter said he hadn't had a one-on-one conversation with Ms. Lake's attorney yet; he had called him several times, but hasn't been able to speak with him, but would be trying again this afternoon.

**ID Badges** – Tim informed the Selectmen that the ID badges for the ZBA should be here no later than Friday, and they would be notified when the badges are ready. We are getting them from a different source than the one we had been waiting for.

**Thank You** – Tim, on behalf of the employees, thanked the Selectmen for the Turkeys they provided to Town employees for Thanksgiving; the employees appreciated them.

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**Truck Rates** – The Selectmen reviewed the truck rates for plowing that were set in September. The agreement was that a 50-cent per hour fuel surcharge would be added to the hourly rate for every .10 cents per gallon increase in the cost of gas over \$3.25 per gallon. Tim said Paul Perkins had called and asked how they went about billing this surcharge. Tim said he had told him that it should be listed as a fuel surcharge on the bottom of the bill. He said Paul said they have been paying \$3.48 per gallon.

**Budget Work Session** – The Selectmen agreed that they should have a work session to discuss the Selectmen’s budget. A work session will be held on Wednesday, December 5<sup>th</sup> at 3:00 p.m.

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

**MOTION – Selectman Hatch moved to accept the minutes of November 19, 2007 as amended. Selectman Guarino seconded. Motion passed 3-0.**

**Tree Lights** – Tim informed the Selectmen that Israel Willard had called and asked if there were any funds available to purchase lights for the tree that is to be put up in front of the Academy Building.

There was a brief discussion during which both Brian and Rachel felt they might know someone who would donate the lights. Tim will find out how many lights Israel needs.

**Conservation Commission Update** - Members of the Conservation Commission present were Chair Nanci Mitchell, members Paula Gilman, Brenda Sens, Dick & Sue deSeve and Ferenc Nagy.

**Thank You** – Nanci, on behalf of the Conservation Commission, thanked Brian Forst and his son for getting the covers on the wells in the Pine Hill Forest. She had pictures taken during the project.

**Applicants for Board** – Chairman Mitchell stated that there were a couple of individuals interested in serving on the Commission; both have attended a meeting, so have a sense of what is going on. Tim informed her that he hoped to set up an interview for both candidates next Monday, December 3<sup>rd</sup>.

**Daniel Webster Easement** – Chairman Mitchell explained to Rachel that at Town meeting the Town had voted to sell a very small town forest to Daniel Webster, who is an abutter to the forest, and in exchange he would put an easement on all but three acres of his land and the town forest. She said the Conservation Commission has been working on that since town meeting. Nanci pointed out the property on a map. She said the land was surveyed, and the survey shows the tax map is in error.

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Nanci said Walter Mitchell is supposed to have written the deed to sell the town forest for the Selectmen to read. Nanci had a conservation easement deed that she said Walter has reviewed. She said they had checked for hazardous materials on the land, and were working on the base line documentation; Mr. Webster has seen the final plan and deed. Nanci said the Commission had voted tonight to accept the language of the deed, and asked if the Selectmen would be willing to accept the deed tonight. She said there are a couple of conditions that need to be met; Walter has to produce the certificate of title, which should be ready any day, and we have to sell the forest to Mr. Webster before he can sign the easement.

Nanci informed the Board that Mr. Webster would like to name the forest after his father, and call it the William Webster Memorial Forest.

Nanci reviewed the easement with the Board. There was a brief discussion about the easement, and the deed. Nanci stated that Mr. Webster would like to take an IRS charitable deduction, so the easement and sale would have to be completed by December 31, 2007.

Nanci had a draft she had written for a motion for the acceptance of the easement deed, if the Selectmen decided to accept it tonight.

**READING NANCY'S MOTION (copy attached), Selectman Guarino moved that the Gilmanton Board of Selectmen accept the gift of the Conservation Easement Deed for approximately 9.133 acres of land situated on NH Route 129 and Sanborn Hill Road as depicted on a plan entitled, "Tax Map 423 Lot 9 Conservation Easement for Daniel W. Webster, NH Route 129 & Sanborn Hill Road, Gilmanton, New Hampshire, Belknap County", dated October 30, 2007, and last revised November 9, 2007, subject to:**

- 1. Sale of the Schoolhouse Town Forest to Daniel W. Webster for \$1.00.**
- 2. Minor changes that might possibly be necessary after completion of Title Opinions for the parcel owned by Daniel W. Webster and for the Schoolhouse Town Forest.**

**Selectman Hatch seconded. Motion passed 3-0.**

After the deed to the town forest and all the other paper work has been finalized, the Selectmen will meet with the Conservation Commission and Mr. Webster to thank him and to sign the papers.

**Paul Stroud – Easement** – Nanci informed the Selectmen that Paul Stroud had met with the Conservation Commission in October. She said she had planned to inform the Selectmen of Mr. Stroud's proposal when she met with them in November, but that meeting didn't take place. Nanci said Mr. Stroud wants to give the Town almost 35 acres of land in the Shellcamp area; he wants the land to stay in wilderness forever. Mr. Stroud

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wants to give this land in memory of his late wife. Nanci pointed out the property on the map.

Nanci said members of the Conservation Commission had walked the land, and had followed a snowmobile trail to the back of the corner of the land, and found an easement with lines on it; there are also trees on the easement. Nanci said Mr. Stroud had told her it was a Verizon cable line. She said they are trying to find out if the lines are used. Nanci said she had been waiting to hear from Mr. Stroud, but had received a call on Wednesday before Thanksgiving telling her that he had dropped off a quitclaim deed at the Town Hall; the deed was signed and notarized. Nanci said Tim Warren had copied the deed, and left it for Walter Mitchell to pick up when he picked up other things. Nanci said all that has to be done is for the Selectmen to accept the land, and record the deed. She felt if Walter thinks the deed is okay, and the Selectmen might want Walter to check on the title, this would be an important addition to conservation land.

Tim Warren stated that in the past the Town has not accepted a gift of land without title insurance to be sure that it is free and clear. Nanci said she had asked Walter about title insurance, and he said we didn't need it because it is a gift. She felt it might be good to check on the title to be sure it is clear.

There was a discussion about accepting the gift of land, and not recording the deed until we have a clear title. Nanci said the Conservation Commission would pay to have Walter do the title opinion, and she would continue to try to reach Verizon to find out about the easement. Tim felt we should speak with the assessor to see if he is aware of the easement. Nanci said it is on the subdivision plan that was approved by the planning board in February 1995, but apparently the plan was never recorded.

Tim Warren will talk with Walter about the title opinion, and Nanci will speak with Lynne Brunelle about recording the subdivision.

It was stated that this would be a valuable piece of property for the Town to own because it has wetlands and streams that feed into Shellcamp, and are all part of that watershed.

Selectman Hatch said she has to be in Laconia tomorrow so would drop the papers off at Walter Mitchell's office.

If everything is in order, after the paperwork is completed, the Selectmen will arrange to have Mr. Stroud come in to sign everything, and so they can thank him.

**Town Forest** – Nanci explained to Rachel that we had hired a part-time consulting forester to help manage our forests. The Forester had developed a management plan for the Thompson and Pine Hill Forests. Nanci explained that they had talked about doing a timber harvest in the Thompson Town forest; the forest had been marked for a cut, but various things had happened, decline in market costs, road issues etc, so the harvest has

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been postponed. Nanci said the forester has since left to take a position elsewhere, so we are working with a new forester. She felt the road issues have calmed down, and the forester they are currently working with couldn't say if it would make much difference postponing the forest harvest because the market is strange. She said the forester is going to ask around to see what is out there. Nanci asked what the Selectmen wanted to do. Chairman Forst asked if the Commission was looking for a harvest that would take out biomass or good lumber. Nanci said they were leaning toward biomass.

There was a brief discussion that it might be a good time to clear out the biomass, and that it would want to be done in the winter. The issue of a culvert was also discussed. The Selectmen agreed that they would like to hear what the forester has to say before making a decision. Nanci will keep the Selectmen updated.

**8:25 p.m. – Break**

**8:34 p.m. – Back in Session**

**8:35 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(c)**

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

The Selectmen discussed an issue involving an individual's reputation.

**8:40 p.m. – Out of Non-Public Session**

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

**8:41 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectman Hatch moved to Enter into Non-Public Session as per RSA 91-A:3, II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Selectman Guarino seconded. Motion passed 3-0.

The Selectmen discussed a personnel issue.

**9:00 p.m. – Out of Non-Public Session**

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

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**9:01 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(c)**

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

The Selectmen discussed a police department issue.

**9:07 p.m. – Out of Non-Public Session**

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

**9:07 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectman Hatch moved to Enter into Non-Public Session as per RSA 91-A:3, II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Selectman Guarino seconded. Motion passed 3-0.

The Selectmen conducted a Department Head evaluation.

**9:35 p.m. – Out of Non-Public Session**

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

**Budget** – The Selectmen had a brief discussion of their budget.

**10:50 P.M. – MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk

