

**Board of Selectmen
10 December 2007
Minutes**

6:05 p.m. - Chairman Brian Forst called the meeting to order. Present were Chairman Forst, Selectmen Don Guarino and Rachel Hatch, Town Administrator Tim Warren and Clerk Lois Dionne.

Town Clerk/Tax Collector – Budget Review - Deb Cornett presented the Town Clerk/Tax Collectors budget to the Selectmen. The budget was reviewed and discussed. Other than employee benefits, the biggest change was for Maintenance & Service, which is the cost for the renewal and support of the BMSI Tax Collecting and Town Clerk's Clerkswork program, as well as the cost of computer maintenance and support.

Compactor/Recycling Center -Tim reported that there had been some issues with some parts of the compactor at the recycling center last week. The case that holds the piston had cracked, and it leaked. Doug is going to have it welded, but it was felt that money should be set aside to replace it.

Lougee Road Classification – Tim informed the Selectmen that Anne Bartlett had been in today with a question on the classification of Lougee Road. Tim said the Bartletts have always maintained that road from Griffin Road to their house; the road is on our books as a Class V road. Tim said the road goes past the Bartletts and past a cemetery, then is discontinued. Tim said Mrs. Bartlett said nobody from the Town has plowed the road for the past twenty years. He said the Bartletts would like to build a new barn, and would like to build it near the road, which they couldn't do if the road is a Class V road, so Mrs. Bartlett is going to send a letter to the Selectmen requesting the road be reclassified.

The Selectmen were concerned about reclassifying the road because it leads to a cemetery. They discussed discontinuing it with an access easement. There were several concerns about changing the classification, and it would have to be put on a warrant article and approved at town meeting. Tim will contact LGC for advice before discussing the matter further.

12-10-07 BOS

6:41 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 Hatch seconded. Motion passed 3-0.

The Selectmen discussed a police department personnel issue with Chief O'Brien.

7:00 p.m. – Out of Non-Public Session

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

7:00 p.m. – Public Input

Tasers - Chief O'Brien notified the Selectmen that the tasers for the police department have been ordered. Chairman Forst asked if the chief had read, and was comfortable with the stipulation the Selectmen had put upon their agreement to purchase the tasers, mainly that the officers would receive the proper training, and the use of the equipment could be revoked by right of the Board of Selectmen at any time. Chief O'Brien said he was fine with it.

Bats – Old Town Hall - Chief O'Brien asked Tim if he had talked to the Selectmen on the cost to rid the Old Town Hall of bats and to clean up from the bats; he hadn't brought the quote with him. Tim said it was \$8,900. The cost was around \$4,000 to seal the building to keep the bats out, and the rest was to clean up the mess from the bats, which is very hazardous to a person's health. Phil said he had an individual look at the building, and was told the Old Town Hall was a breeding ground for female bats.

There was a discussion on how to get rid of the bats, and how to seal the building to prevent them from getting back into the building. Also discussed was the clean up process, which regardless of whether or not the building is renovated for the police department, the bats are a health issue, and need to be gotten rid of, and the building cleaned.

Pete Pinckney – Zoning/Building Issues - Pete Pinckney came before the Selectmen to discuss, what he considers to be inconsistencies in the issuance of building permits on non-conforming lots. He had copies of the zoning ordinances. Mr. Pinckney stated that he had a personal interest because he is in the conservation zone, and is also a real estate agent. Mr. Pinckney said he has been getting a lot of negative feedback from the general public regarding building permits.

Pete's main concern was building permit denials based on non-conforming lots (lots lacking either adequate road frontage or lot size). He said he was referring to lots with

pre-existing residential homes with people living in them, not new construction. Pete felt article 7 of the zoning ordinances was clear when pertaining to non-conforming lots with no construction on them. He felt the problem was when people want to make improvements to a conforming building on a non-conforming lot. Pete said he has spoken with Code Enforcement Officer Bob Flanders because Pete felt he is not finding consistency in the issuance of building permits for these lots. He felt people interpret the laws differently, and referred to article 7, c-2 and 7, c-3. Pete felt Bob had shed some light for him, but Pete felt the zoning ordinance wasn't clear, and questioned why some people were granted permits and others weren't.

Selectman Guarino stated that the Planning Board was concerned about the construction on non-conforming lots in the lakes areas, and had been working on a proposed amendment for building on non-conforming lots.

After considerable more discussion about going before the zoning board, non-conforming lots with conforming structures, and new construction on non-conforming lots, Mr. Pinckney asked that the Selectmen review and clarify the ordinance. He feels no building permit should be denied on a conforming structure. Pete felt Gilmanton is getting a reputation that makes people afraid to buy a home in Gilmanton because they are afraid they wouldn't be able to get a building permit to fix things.

Chairman Forst said the Selectmen can't change the law, but could speak with Bob to ensure that the laws are enforced consistently.

Conservation Commission Applicant Interview - The Selectmen interviewed Eric Rowley who had requested to be appointed to the Conservation Commission. Chairman Forst informed Mr. Rowley that the Selectmen had filled the full-time position on the Board last week, but there was still a vacancy for an alternate, and asked if he was interested in that position. Mr. Rowley was interested.

Mr. Rowley is a CPA with twenty-five years practice with particular focus on land conservation. He works professionally with Land Conservation Trusts and Conservation Societies. His firm is a member of the Land Conservation Association.

The Conservation Commission felt he would be a valuable member to their board.

MOTION- Selectman Hatch moved to appoint Eric Rowley as an alternate to the Conservation Commission. Selectman Guarino seconded. Motion passed 3-0.

Old Town Hall & Steel Building – Tim Warren distributed copies of a letter from Stan Bean to the Selectmen and Chief O'Brien. The letter congratulated the Selectmen for "thinking outside the box" for exploring less costly options and reasonable alternatives for a police and fire station. Included were items of consideration he felt should be addressed when looking at the options of renovating the Old Town Hall for the police station, and the possible use of a used steel building in Laconia for a new fire station to be put on the land acquired for a safety building.

12-10-07 BOS

There was a very brief discussion of the letter, and Chief O'Brien was asked to try to get answers to Mr. Bean's questions.

Acceptance of Easement Deed from Daniel Webster –Conservation Commission, Chair Nanci Mitchell, members Brenda Sens, Sue and Dick deSeve, Paula Gilman and newly appointed member Eric Rowley along with Daniel Webster and Carolyn Baldwin were present to accept a conservation easement deed from Daniel Webster.

Conservation Chair Mitchell explained that this finishes up a project that started in June 2006, when Paula Gilman spoke with Mr. Webster about the possibility of selling the forest in exchange for a conservation easement. A warrant article was approved at town meeting last year. The warrant read, in part, to sell the 0.15-acre Schoolhouse Town Forest to Daniel Webster for \$1 and a Conservation Easement from Mr. Webster to the Gilmanton Conservation Commission protecting from further development the former Schoolhouse Town Forest and approximately 9.2 acres of land on Tax Map 63, Lot 24. Approximately 2 acres of Tax Map 63, Lot 24 will be excluded from the conservation easement.

The Conservation Commission has been working with Mr. Webster, and have been working on surveys and appraisals and drawing up the easement deed. The Conservation Commission accepted the language of the deed, and the Selectmen accepted the gift a couple of weeks ago.

Tonight the Selectmen signed the deed to the Schoolhouse Town Forest over to Mr. Webster, who in turn paid his dollar for the forest and signed the easement deed over to the Conservation Commission.

The Conservation Commission served light refreshments.

Solar Power – Paula Gilman stated that she had been at a meeting at the Farm Bureau, at which a woman from Stratham stated that Stratham has recently built a new safety building, and this woman had come up with the idea of putting solar panels on the building. The way the building was situated and constructed was perfect for putting solar panels. Paula said you have to get permission from the utility companies, but Stratham has solar panels on the building, and are doing "net metering" on the building, which is generating so much power that it is metering the excess power to other departments and buildings, so they are making money. Paula felt this is something to be considered if we get a new building.

There was a brief discussion about the saving of energy, during which it was stated that NH Elec. Coop does energy audits. There was also discussion about people considering putting land into conservation.

12-10-07 BOS

Americorp Intern – Fire Chief Tim Robbins had approached the Selectmen a while ago about hiring an intern from Americorp to work at the fire station for a year. The Selectmen felt the idea was worth pursuing. Tonight Tim Warren had an agreement for the Selectmen to sign that would have an intern here until October 2008. After reviewing the agreement, the Selectmen felt they would like to get more clarification before signing the agreement.

Welfare System – Selectman Hatch stated that she had noticed that we had overspent the welfare portion of the budget by a considerable amount, and asked for clarification of our program. Tim explained the system briefly, and said that we are legally responsible to aid any resident who meets the criteria. Rachel felt things are only going to get worse, and asked that Tim increase the welfare budget so it would reflect the true amount. Tim also noted that the guidelines for assistance need to be updated.

9:02 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(e)

Selectman Hatch moved to Enter into Non-Public Session as per RSA 91-A:3, II(e) - Discussion of pending or threatened (in writing) litigation against the Town or Town Officials, Board Members or Employees. Selectman Guarino seconded. Motion passed 3-0.

The Selectmen discussed a legal issue.

9:15 p.m. Out of Non-Public Session

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

9:16 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 Hatch seconded. Motion passed 3-0.

The Selectmen discussed an issue that might affect someone's reputation.

9:20 p.m. – Out of Non-Public Session

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

9:21 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(e)

Selectman Guarino moved to Enter into Non-Public Session as per RSA 91-A:3, II(e) - Discussion of pending or threatened (in writing) litigation against the Town or Town Officials, Board Members or Employees. Selectman Hatch seconded. Motion passed 3-0.

12-10-07 BOS

The Selectmen discussed a legal issue.

9:43 p.m. – Out of Non-Public Session

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

9:44 p.m. - MOTION – Selectman Guarino moved to adjourn the meeting. Selectman Hatch seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk