

**Board of Selectmen
17 December 2007
Minutes**

6:00 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.

Richard Fraser – HDC-Compliance Issues – Mr. Fraser came before the Selectmen to ask for guidance from the Selectmen to settle issues with the Code Enforcement Officer, and the Historic District Commission.

Mr. Fraser bought property in the historic district (Meetinghouse Road). He said he got all his permits, and abided by all Federal, State and Town codes for building on a property. Mr. Fraser said he wanted to build a replica of an antique cape farmhouse style. He said he was advised by the seller of the property (George Roberts, member of HDC) that the style of the house had to be approved by him.

Mr. Fraser said his problems started over a dormer over an addition on the back side of the house, and he doesn't understand why; other houses in the neighborhood were approved to have those features on their homes and he felt this set precedent for the area. He said he was told to tear his down. Mr. Fraser felt half the members on the board are not qualified to be on the board. He said they should be knowledgeable about the historic era of that time. Mr. Fraser said he had asked why his house didn't conform to the era, but had never been given a straight answer. In addition to the dormer, Mr. Fraser had issues with his septic system, which was State approved, his driveway, which he said had been approved by the road agent, and a stonewall that was built on his property.

Mr. Fraser stated that he has received many letters, to the point of harassment, and code violations, and felt no matter what he did on his property, he was brought before the Historic District Commission. He said this has cost him thousands of dollars, cost him to lose his home in Deerfield, he has had a heart attack that left him disabled, so he is now on social security, and has cost him the sale of his home twice. Mr. Fraser said he now has a potential buyer for the property, and wants to resolve the issues with the Town, and was asking for the Selectmen to help him. Mr. Fraser said his biggest concern is with the Town Ordinances and the HDC Regulations, and would like the Selectmen to do something to make them clearer.

12-17-07 BOS

Town Administrator Tim Warren informed Mr. Fraser that the Historic District Commission is currently reviewing and updating their regulations. He also told Mr. Fraser that the Code Enforcement Officer, Mr. Fraser's potential buyer and his real estate agent had met this afternoon to discuss the situation. Tim also presented Mr. Fraser with a copy of a letter Bob Flanders had written to the realtor after their meeting outlining items that had to be addressed for Mr. Fraser to be in compliance with building and HDC regulations.

There was a very brief discussion of the letter, and Chairman Forst felt Mr. Fraser needed to go to the next HDC meeting to address the issues. Mr. Fraser said his wife, the prospective buyer, and the realtor will be attending the January HDC meeting, but he (Mr. Fraser) will not attend; he asked the Selectmen to set guidelines so every house will have to go by the same standards in the future, and not change things.

6:41 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II (b)

Selectman Hatch 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.

Chief O'Brien introduced Christopher Bartlett, whom he wished to hire as a police officer, to the Selectmen. The Selectmen briefly interviewed Mr. Bartlett.

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.

MOTION – Selectman Hatch moved to hire Christopher Bartlett as police officer for the Town of Gilmanton effective December 26, 2007. Selectman Guarino seconded. Motion passed 3-0.

7:00 p.m. – Public Input – No one was present for public input.

Approval of Minutes – The Selectmen reviewed the minutes of the last two meetings.

MOTION – Selectman Hatch moved to approve the minutes of December 3, 2007 as drafted. Selectman Guarino seconded. Motion passed 3-0.

MOTION – Selectman Hatch moved to approve the minutes of December 10, 2007 as amended. Selectman Guarino seconded. Motion passed 3-0.

Renovating Old Town Hall – Used Steel Building - Chairman Forst and Selectman Hatch were concerned about the Budget Committee's reaction to the possible renovation of the old town hall for a police station, and the suggested purchase of a used steel

12-17-07 BOS

building in Laconia for a fire station. The Budget Committee felt an engineering study and plan should be done to see if the plans were feasible.

There was discussion as to whether we should spend the money needed for a study, if there is enough interest in using the buildings, and whether the buildings could be used. Phil said he has heard that some people don't want them to use the auditorium, but are in favor of them using the third floor for the police. It was also stated that an elevator would need to be installed, which would be very expensive. It was also stated that if we want to do anything, a warrant article would have to be drafted shortly so it could be voted on at Town Meeting.

Conservation Commission – Acceptance of Gift of Land from Paul Stroud – A few weeks ago Conservation Commission Chair Nanci Mitchell informed the Selectmen that Paul Stroud wanted to give the Town 34.9 acres of land in the Shellcamp area in memory of his late wife. Tonight Conservation Chair Nanci Mitchell, Conservation Commission members, Paul Gilman, Brenda Sens, Sue & Dick deSeve and Erin Walsh, along with Paul Stroud were present to have the Selectmen accept the gift of land from Mr. Stroud.

There was a very brief discussion, and Chairman Mitchell thanked Mr. Stroud, and felt he had set a wonderful example for what other people should do.

MOTION – Selectman Hatch moved to accept Mr. Stroud's gracious gift of 34.9 acres of land, and thank him very much. Selectman Guarino seconded. Motion passed 3-0.

The Conservation Commission served light refreshments.

8:02: 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(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.

The Selectmen conferred with Legal Counsel.

8:55 p.m. – Out of Non-Public Session

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

8:56 p.m. – Recess

9:10 p.m. – Back in Session

12-17-07 BOS

9:10 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 fire department with Fire Chief Robbins.

9:30 p.m. – Out of Non-Public Session

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

Steel Building – Fire Department Use – Tim Robbins informed the Selectmen that he is not getting good response from members of his department about trying to utilize the used steel building from Laconia as a new fire station. The matter was discussed briefly.

Town Report Bids – The Selectmen reviewed the bids they had received for the printing of the 2007 Town Report. Bids were received from: Commonwealth Printing, Kase Publishing, Wharf Industries and Town and Country Reprographics.

After review and discussion of the bids, the Selectmen made their decision.

MOTION – Selectmen Hatch moved to award the contract for the printing of the 2007 Town Report to Kase Printing, and to reduce the quantity from 950 copies to 900 copies. Selectman Guarino seconded. Motion passed 3-0.

Places Mill Road – The Selectmen reviewed an email between Attorney Phil McLaughlin and Ovide Lamontagne, legal counsel for the Boy Scouts. The email discussed what the Scouts wanted for information pertaining to Places Mill Road, and a letter stating they are in compliance with Zoning Board issues from six years ago. Also discussed was the final payment to Robert L. Potter & Sons for the upgrade of the road.

There was a fairly lengthy discussion during which it was mentioned that we have not yet received the money from the Scouts for the bills the Town has already paid, and are waiting for reimbursement. It was also stated that the Potters were to be paid on a percentage finished for the road upgrade. There is a utility pole that still has to be moved, and the area has to be graded and ditched after the pole is moved. The Potters had been responsible to contact the utility company to get the pole moved. We have been told the pole cannot be moved now until spring, so the Selectmen agreed to pay the Potters all but \$1,700, which is one percent of the balance. The \$1,700 will be paid in the spring after the pole has been moved, and the area graded and ditched. A check will be sent to the Potters along with a letter informing them of the retention of funds until the pole issue has been settled.

12-17-07 BOS

Tim Warren will write a letter to Attorney McLaughlin inquiring about the funds from the Boy Scouts. The Selectmen did not sign the certificate of compliance for the Scouts tonight, as there are items still not completed.

10:27 p.m. – Meeting Adjourned - MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

**Lois Dionne
Recording Clerk**