



**SELECTMEN'S OFFICE  
TOWN OF GILMANTON**

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**Board of Selectmen Meeting**

**Approved**

**October 02, 2023 - Academy Building – 5:02 P.M.**

**CALL TO ORDER – ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**Present:** Chairman Mark Warren, Vice-Chairman Vincent Baiocchetti, Selectman Evan Collins, Town Administrator Heather Carpenter, Police Chief Matt Currier

**Public:** Gary Adams, Jesse Pacheco, Joseph Haas, Kathy Everest, Rich Maher, Jean Martin, Harold Martin, Nancy Abbott, Stephanie Verdile, Robert Richardson, Jesse Pacheco

**PUBLIC HEARING – Traffic Count and Speed Analysis – Lakes Region Planning Commission**

The Board of Selectmen will hold a Public Hearing pursuant to RSA 41:11 and RSA 265:63 to discuss the Traffic Count and Speed Analysis conducted by Lakes Region Planning Commission for the following roads;

- Hemlock Dr.
- Middle Route
- Crystal Lake Rd.
- Stage Rd.
- Allen's Mill Rd.
- Lakeshore Dr.

The Board of Selectmen will solicit public comment on each of the above referenced roads prior to deliberation. This study was completed over approximately 12 days at the end of June 27<sup>th</sup> through July 11<sup>th</sup> to ensure it was done during a busy season.

Chief Currier stated what Lakes Region Planning Commission was tracking was speed of vehicles and direction of travel, and there was over 700 pages of data collected. What he was looking for was the 85<sup>th</sup> percentile that was traveling at or below a certain speed. Federal Guidelines that use the manual on uniform traffic devices for streets and highways recognizes the 85<sup>th</sup> percentile and recommends the speed limit that is set within 5 mph. of where the data collected was. Chief Currier stated the Selectboard can set the speed limits based on RSA 265:63 and gives them the authority to do that based on the data provided.

- Hemlock Dr. - 8,857 vehicles traveled the roadway, and the 85<sup>th</sup> percentile speed was 28 mph., and had zero motor vehicle crashes.
- Middle Rte. – Just over 6,000 vehicles traveled the roadway, and the 85<sup>th</sup> percentile speed was 40.7 mph., and had two vehicle crashes, which neither were speed related.
- Crystal Lake Rd. – 14,290 vehicles traveled the roadway, and the 85<sup>th</sup> percentile speed was 34.4 mph., and had zero motor vehicles crashes.
- Stage Rd. – 17,976 vehicles traveled the roadway, and the 85<sup>th</sup> percentile speed was 48.7 mph., and had zero motor vehicles crashes.
- Allen's Mill Rd. – 19,255 vehicles traveled the roadway, and the 85<sup>th</sup> percentile speed was 47.8 mph., and had zero motor vehicle crashes.
- Lakeshore Dr. – 3,934 vehicles traveled the roadway, and the 85<sup>th</sup> percentile speed was 20.5 mph., and had zero motor vehicle crashes.

Chief Currier went into the Police Department records management system and checked the same areas over the last ten years. Hemlock Dr. showed 8 crashes over the ten-year period, and zero were speed related. Middle Route showed 48 crashes over the ten-year period, 9 of those crashes were speed related. Crystal Lake

Rd. showed that there were 19 crashes over the ten-year period, 1 of those was speed related. Stage Rd. showed 52 crashes over the ten-year period, 9 of those were speed related. Allen's Mill Rd. showed that there were 44 crashes over the ten-year period, 2 of those were speed related. Lakeshore Dr. showed that there were 2 crashes, zero of those were speed related.

Based off the road designs, where different roads intersect, number of residents, he made the following recommendations;

- Hemlock Dr. – Posted speed limit recommendation, 25 mph.
- Middle Route – Posted speed limit recommendation, 35 mph.
- Crystal Lake Rd. – Posted speed limit recommendation, 30 mph. posted between the dam to Guinea Ridge Rd.
- Stage Rd. – Posted speed limit recommendation, 35 mph.
- Allen's Mill Rd. – Posted speed limit recommendation, 35 mph.
- Lakeshore Dr. – Posted speed limit recommendation, 25 mph.

Chairman Warren noted that Police Chief Currier presented the results and a recommendation based on the statistics that have been collected. He addressed the public if anyone wished to comment or address any of the recommendations.

- Joe Haas – He had a question regarding Stage Rd. He stated that certain sections of the road he agreed you could travel a little faster, but wanted to know where the strips were placed. Chief Currier stated that they were placed near the church. Mr. Haas asked where the crashes were and Chief Currier stated that he did not know.
- Rich Mahar – He owns property on Crystal Lake Rd. and was at a previous meeting. He did not want to repeat all the information they provided previously to the Selectboard, but feels disappointed with the location of the traffic counters which were located opposite of Crystal Lake Park and that is the only section of road where there are no houses on either side of the road. He stated that this is an area of the road where he catches himself speeding at 35 mph. because there are just woods and an empty ball park. He believes the results would have been different if the counters were placed anywhere from Crystal Lakers North, by Holiday Rd., by the Martin's where the road is narrow, because this is where people tend to go much slower due to necessity. He is requesting that the traffic study be repeated in the area he just talked about or that they Selectboard keeps the speed limit at 25 mph. and not raise it to the suggested 30 mph. for safety.
- Gary Adams – He is a resident of Crystal Lake Rd. and he recommends that the Selectboard consider maintaining the 25 mph. speed limit. The traffic is increased from spring through fall. He lives in the section of roadway from the park to Pine Circle and finds that people accelerate through that area of roadway.
- Robert Richardson – He is not a resident of Allen's Mill Rd. but wondered why it has become such a through roadway for large trucks. He stated it is a Town road not a State maintained road and he doesn't believe that it would be up to State specifications to carry the weight of the vehicles that are using it. He asked if there was a forum to address changing that road to exclude commercial vehicles. Chairman Warren stated that the Selectboard will take that under advisement, but because this is a Public Hearing to discuss the speed study, but that if he wanted to address it further there would be Public Comment later in the meeting. Vice Chairman Baiocchetti also stated that he could have a conversation with Chief Currier after.
- Harold Martin – He is a resident of Crystal Lake Rd. He is having a conflict with the speed study saying that the 85<sup>th</sup> percentile recorded vehicles traveling 34.4 mph. and that instead of trying to enforce the

25 mph. that was agreed upon in the spring it was recommended to raise it to 30 mph. and it seems to be conflicting.

Chief Currier addressed this and stated that the crash data doesn't support that 30 mph. is a dangerous speed limit and there has been only 1 speed related crash in 11 years with the average speed being almost 35 mph.

Mr. Martin stated the roadway is extremely narrow once you pass the park and there is a large number of individuals who use that roadway as a recreational area and believes Chief Currier made an error in his recommendation.

- Robert Richardson – Stated that they had 19 crashes over the last 11 years, and the speed limit has been 25 mph. and if there are crashes, how can speed be ruled out and how can they really know what caused the crashes.
- Kathy Everest – She is a resident of Crystal Lake Rd. She is hearing about car crashes, walkers, bikers, but not about children who cross the roadway to get to the lake. She requested the Selectboard keep the children in mind.
- Jean Martin – She is a resident of Crystal Lake Rd. With the speed at 25 mph. they have less than double the crashes than the other heavily traveled roads. She stated that what 5 mph. does to stopping distance in terms of cars traveling and the injury rate is far greater for older individuals than that of a child being hit. Jean stated she reviewed the entire report and noted that there is a vehicle that travels the road daily at a rate of 55-60 mph and wondered if anyone had tried to figure out who the individual was and the time of day they are traveling through.

Chief Currier stated not to his knowledge and that he will look into it.

Public Hearing was closed.

Selectman Collins requested from Chief Currier the differences between all the roads surveyed at the 85<sup>th</sup> percentile and the recommended speed. Chief Currier stated the list as requested for the Selectboard.

Vice Chairman Baiocchi stated he agreed with the report. He stated that Crystal Lake Rd. is a seasonal road and there is more traffic from Memorial Day through Labor Day. The bill that failed would have allowed the Selectboard to reduce the speed limit. If the bill passes he believes it would behoove them to adjust the speed limit to 25 mph in that seasonal timeframe, but not to keep it at 25 mph for the entire year. He discussed Allen's Mill Rd. and the areas of concern.

Selectman Collins requested clarity on the three roads that are posted within 5 mph and the other three that are within 12-13 mph, and what contributes to the decision. Chief Currier stated that it's rural residential so it's 35 mph. so that is as high as it should be per State statute. He stated the Selectboard is allowed to lower the speed limit from 35 mph. down to 25 mph. but cannot go above 35 mph.

Selectman Collins tested the road and drove at two different speeds, he stated that 30 mph felt safe to him and he felt he was able to avoid walkers and stop safely. He asked Chief Currier about enforceable speeds if it was set at 30 mph. Chief Currier stated that there are a lot of factors that can contribute to that.

Chairman Warren has looked at the roads himself and believes the recommendations are correct. He does agree that if he were living on the roads that the slower speed would be his preference. He does agree that in accordance to the study and the statutes that are given, that the set limits are safe specific to Crystal Lake Rd.

**Motion:** On a motion by Vice Chairman Baiocchi and seconded by Selectman Collins it was voted to accept the Police Chief's recommendation, but if the house passes the reduction bill that they revisit the reduction in speed on Crystal Lake Rd. seasonally, and in accordance with Chief Currier's report. (3-0)

## MEETING MINUTES APPROVAL

### 1. 09-18-2023 – Public and Non-Public Minutes

**Motion:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to approve the meeting minutes from 09-18-2023. (3-0)

141 **CONSENT AGENDA**

142 2. **PAF** – Bonnie Haubrich, Assistant TC

143 3. **Community Development** –

144 • **Private Road Agreement**, 414-013

145 • **LUCT**; 4234-050, 125-014, 405-002, 410-049-004, 405-057-001, 412-024

146 4. **Appointment** – Stephanie Verdile, Commissioner of Lakes Region Planning Commission. The Selectboard  
147 approved her until 2024.

148 **Motion:** On a motion by Vice Chairman Baiocchi and seconded by Chairman Warren it was voted to approve  
149 the Consent Agenda as amended to approve the corrected date of Stephanie Verdile's appointment to the Lakes  
150 Region Planning Commission for one year. (3-0)

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152 Stephanie Verdile was sworn in by Selectman Collins as the Commissioner of Lakes Region Planning Commission.

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154 Chairman Warren and Selectman Collins noted there was a private road agreement for Community Development  
155 they wanted to review.

156 **Motion:** On a motion by Chairman Warren and seconded by Vice Chairman Baiocchi it was voted to reopen  
157 the Consent Agenda. (3-0)

158 Selectman Collins recalled that at the last Planning Board meeting it was voted and went back and forth a few  
159 times, but that the individuals were going to come into the Planning Board and meet with them before the private  
160 road agreement was put forward. He was unsure why this was being put forward.

161 TA Carpenter stated that this was a staffing issue and it should not have been added to the Consent Agenda.  
162 Selectman Collins stated that initially it was voted that they were going to recommend it, but then as discussion  
163 moved forward it went the other direction and neither was approved.

164 TA Carpenter stated that they would like to see people show up for the private road agreements, which is not  
165 taking place.

166 Selectman Collins stated even if they are suggesting it, he is suggesting it be denied at this time.

167 Vice Chairman Baiocchi stated he was confused, because the memo stated that the Planning Board  
168 recommends that the Board of Selectmen approve the road agreement with no further requirements.

169 Selectman Collins stated that was not how he recalled the conversation.

170 TA Carpenter stated this is why they would like to table the private road agreement, because Selectman Collins's  
171 recollection is not meeting what the memo is stating and she would like to double check the information.

172 Selectman Collins reiterated that the conversation went back and forth a few times, but that his recollection is  
173 that the individuals were going to come in and meet with the Planning Board before it is recommended to the  
174 Selectboard.

175 Chairman Warren stated he was present at the meeting and stated there were two private road agreements  
176 discussed that night. One was the one off of Howard Rd. which is the one coming off of where the cell phone  
177 tower is where they would be accessing someone's property in the back. He does agree and stated this one went  
178 through very quickly. Then the next one came up and they said "wait a second" and they felt they had missed the  
179 process.

180 Selectman Collins recalls them saying it would be addressed at the next meeting. He stated that maybe in the  
181 minutes that vote had gone through.

182 TA Carpenter stated that she would like to check on this. When the private road agreements were brought to the  
183 last Selectboard meeting it was stated that they wanted due diligence from the Planning Board, official  
184 recommendations, residents requesting the private road agreements to be present, and there were steps that  
185 needed to happen prior to getting to this level. She stated that at the Planning Board level there is an inconsistency  
186 of process. She will address the staff issue and if Selectman Collins's recollection is correct, then why the memo  
187 made it for approval.

Selectman Collins stated that maybe what happened was the Planning Board voted on it, he voted no, and then discussion came back that they would be tabled until the next Planning Board meeting, but that it was never reconsidered and voted on. He stated that it was not a clean process either way.

TA Carpenter stated that they do not want to have inconsistent processes with private road agreements because then it can look like they are picking and choosing. She would like to review what took place at the meeting and if they need to follow a set standard process with all the of the private road agreements brought forward.

**Motion:** On a motion by Vice Chairman Baiocchi and seconded by Selectman Collins it was voted to approve the Consent Agenda as amended and table private road agreement 414-013. (3-0)

## **NEW BUSINESS**

- 5. Schedule of Meeting & Holidays and BOS Schedule 2024** – Discussed was the proposed schedule for 2024 for the Selectboard Meetings and Holiday schedule. Christmas Eve is generally the option to replace Civil Rights Day. If both holidays are kept in January, there will be no Selectboard meeting unless the 1<sup>st</sup> and 3<sup>rd</sup> week schedule is altered.

Vice Chairman Baiocchi suggested a quarterly work session so they do not get behind on things and could schedule a 2-hour workshop to review items. This would not include public comment but the public can attend, and be solely for budget items, policies, etc. Chairman Warren suggested 4:00-6:00 on Wednesday, Vice Chairman Baiocchi suggested January, April, July, October on the 3<sup>rd</sup> Wednesday.

**Motion:** On a motion by Chairman Warren and seconded by Vice Chairman Baiocchi it was voted to approve the holiday schedule for 2024 with the removal of Civil Rights Day and include Christmas Eve, giving 11 paid holidays for the Town employees.

**Motion:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to approve the Selectboard schedule for 2024 as amended to include some work sessions to the schedule as presented. (3-0)

## **SELECTBOARD ITEMS, FYIs, AND OTHER TOPICS**

- 6.** Various Selectboard Items – None at this time.
- 7.** Department Head Update – Police Department, Fire Department, Executive Office did not send in an update.

## **PUBLIC COMMENT – 5:55 p.m.**

- Joe Haas – Joe requested the continuing education certificates for Town employees, discussed the ongoing issue with taxation, affordable housing, and the usage of Old Town Hall. TA Carpenter asked Joe what he was looking for pertaining to the CLE's. He was looking for certificates from Primex or NHMA for courses taken per year. TA Carpenter stated that CLE's are recommended, but not required.
- Nancy Abbott – She is the wife of Russell Abbott from the auction company and wanted to answer questions for the Selectboard concerning the standing order that is currently in place. Chairman Warren stated that Nancy has shared with him the work they have done and the plans that have been submitted. He let her know that they will communicate their decision to them and will be discussing this in a non-public this evening. Jesse Pacheco was also present if there were any additional questions in regards to the CO's that had been approved. Selectman Collins asked if there was any communication update in regards to the Fire Chief. Jesse stated they had someone come in and look over the system and he was going to work with the Fire Chief on this. Chairman Warren clarified with Nancy Abbott that a wireless system had been put in place. She stated no, that Jeff from ESP assessed the property has spoken to the Fire Chief and received approval of a plan for a system to be installed. The Fire Chief has approved that plan. There are discrepancies and she is trying to help get it resolved. She is waiting for ESP to schedule the installation. There needs to be a

certain percentage of the building done by code. Jesse discussed the difficulty he had getting a final inspection from the Building Inspector.

TA Carpenter stated for clarification that their style of calls is "rapid fire". She stated that if a call is not returned within two hours, it becomes problematic. The Town has a high volume of calls and a return call within 48 hours is the recommended timeframe. The Building Inspector is part-time and returns phone calls within a 48-hour period of the work schedule. The CFO should not have been given because they didn't meet approval. There are going to be some in staff processes the office will be going through, because the conditional approvals were not met yet.

Jesse stated that this is the first time in all the years of working as a Building Inspector himself and a contractor that he has ever experienced what the Town of Gilmanton has done. He stated it seems to him that the Town is trying to push them out.

Chairman Warren stated that he understands their frustration and the Town is not trying to kick them out. He stated they are trying to get all parties to move forward and do what they are supposed to be doing and this is what they are working towards.

- Stephanie Verdile – She had a thought in regards to the speeds and the roadways and how wide they are. She stated that Stage Rd does not have any traffic lines or fog lines, and that those are traffic calming devices. She stated that there is a difference when you are driving down unpaved roads. She stated that the fog line could be brought in and have a bit of a shoulder and narrow the traveling's to reduce speed. Vice Chairman Baiocchi stated they added that to the budget a couple years ago and then they received a default budget. He stated they can see about doing that again.

Stephanie asked as the Commissioner, how the Selectboard would like her to report to them and what their expectations are.

Chairman Warren stated that she could give them some ideas of what she might want to tell them, and they can determine if it's helpful for them.

Stephanie stated that the topic at hand is the regional housing needs assessment. She is hearing that the funding for this comes from ARPA and the State gives \$11,000 per year to the regional planning commission. By law the State is required to do a regional housing needs assessment. Her office, with a consultant from NH Housing and Finance did a regional housing needs assessment, and because this was done with federal funds there is a recommendation provided for each municipality in each region, and what they would need to come up with. The State currently has about 25,000 units in kind to try and meet the housing shortage. They came up with a number of units each town needs within a timeframe in order to meet this need. Lakes Region Planning Commission would like the communities to adopt the regional housing needs assessment. She was asked to address the Town to see if they would like to adopt the regional housing needs assessment. Gilmanton's projected housing need is 81 affordable housing units by 2040 in accordance with HUD standards. Her advice to the Selectboard is for them to read the information on the Lakes Region Planning Commissions website for the housing needs assessment and see if they agree or not agree with the plan with or without the table. There is a law that states municipalities cannot zone to keep affordable housing out and this is one they should pay attention to.

Stephanie recommends adopting the plan and the table is an important part and it tells how much each community needs to contribute, but she does not see an issue with adopting it with or without the table but that would be a Town decision.

Chairman Warren stated that she should share with the Selectboard anything that pertains to the Town and that they will have to make decisions and form a partnership with the Planning Board. And the more they are educated to what issues are would be helpful.

Vice Chairman Baiocchi asked why the Town should be required to assist with affordable housing.

Stephanie clarified that by law, the Town is supposed to be contributing to affordable housing and it cannot be zoned out.

Selectman Collins clarified that for example, if he was to come in and want to build an affordable housing unit that it couldn't be denied.

Vice Chairman Baiocchi asked if the affordable housing unit would still be part of the tax rate. Stephanie confirmed yes, as a residential rate.

Chairman Warren stated this would increase the valuation of the Town.

Stephanie stated that water and sewer is a limiting factor for municipalities to reach the suggested numbers. When she goes back in October, she needs to tell them that Gilmanton is going to adopt with or without the table.

Vice Chairman Baiocchi asked if that was a Planning Board decision or Selectboard decision. Selectman Collins stated he believes it would make sense for the Planning Board to hear it. Stephanie agreed and is just relaying the information to the Selectboard and it's important to know what other communities are doing and where and whether Gilmanton can fit into it or not.

Stephanie would like to know what the steps would be to work it out with the Selectboard and Planning Board that she will attend the next Selectboard meeting following the Lakes Region Planning Commission meeting. The next Lakes Region Planning meetings are October 23<sup>rd</sup> and November 27<sup>th</sup>. TA Carpenter stated she would send Stephanie an email with the dates for the Selectboard schedule and the Planning Board schedule and will work on coordinating the dates.

Stephanie noted that she has completed her CIP training webinar so she could assist the Planning Board with that as well.

□ **Action Item:** TA Carpenter to send Stephanie Verdile the Selectboard and Planning Board schedule.

- Joe Haas – He addressed Stephanie and asked what was going on in Tamworth on Saturday. Stephanie stated it was a household hazardous waste day.

**Motion:** On a motion by Chairman Warren and seconded by Vice Chairman Baiocchi it was voted to move into Non-Public 91-A:3 (I). (3-0)

**NON-PUBLIC 91-A:3 (I)**

Allows a public body to enter non-public session to consider advice received from legal counsel, either orally, in writing, even if legal counsel is not present.

**NON-PUBLIC 91-A:3 (c)**

Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

**Motion:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to come out of Non-Public 91-A:3 (c). (3-0)

**Motion:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to have Vice Chairman Baiocchi write a letter for the Police Chief and Town Administrator for their employee performance to be added to their personnel file. (3-0)

**Motion:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to move into Non-Public 91-A:3 (a). (3-0)

**NON-PUBLIC 91-A:3 (b)**

The hiring of any person as a public employee.

**Motion:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to come out of Non-Public 91-A:3 (b). (3-0)

This non-public was held to discuss the hiring job description for the DPW Director.

**Motion:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to adjourn. (3-0)

331 **Adjourned 7:35 P.M.**

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335 Respectfully Submitted,

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337 Amanda Davis, Administrative Assistant

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339 **Approved by the Board of Selectmen**

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341 Chairman Mark E. Warren

Vice-Chair Vincent A. Baiocchetti

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Selectmen Evan Collins