



**SELECTMEN'S OFFICE  
TOWN OF GILMANTON**

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**APPROVED**

**Board of Selectmen Meeting**

**November 06, 2023 - Academy Building – 5:00 P.M.**

**CALL TO ORDER – ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**Present:** Chairman Mark Warren, Vice-Chairman Vincent Baiocchi, Selectmen Evan Collins, Town Administrator Heather Carpenter

**Public:** Joe Haas, Steven Hall, Allyson Hall, Breyer Hall, Shelby Hall, Kevin Gilbert

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

**PUBLIC HEARING – Transfer Station Fee Schedule**

The Board of Selectmen will hold a Public Hearing on Monday, November 6<sup>th</sup> 2023, at 5:00 p.m. to discuss the Fee Schedule(s) for the Town of Gilmanton.

TA Carpenter stated the changes to the fee schedule, the 4 ft. to 8 ft. lightbulbs are increasing from \$0.50 to \$2.50. And the heavy equipment tire is increasing from \$100 to \$150.

Chairman Warren addressed the public and is there was anyone who wanted to address the Fee Schedule.

Joe Haas – He requested clarification and stated in addition to the fees that if someone pays by credit card that an additional \$2.50 will be added on.

TA Carpenter stated that the credit card use will have a convenience fee that is passed on to the individual using the credit card. She clarified that the \$2.50 is an increase to the fee schedule, not for the credit card usage.

Joe Haas – Suggested a chart listing the cost of silver currently so if someone wanted to pay the costs out of a coin collection they could get it at a lower rate.

Chairman Warren stated there are only two proposed changes based on proposed costs presented from the Transfer Station Foreman and he is closing the Public Hearing.

**Motion:** On a motion by Chairman Warren and seconded by Vice Chairman Baiocchi it was voted to adopt the new fee schedule for the Transfer Station. (3-0)

Vice Chairman Baiocchi asked when the Transfer Station was going to start taking demo.

TA Carpenter stated that demo cannot be taken until they can take credit cards. She is waiting on clarification on fees stated on the contract versus what they had stated in the beginning and wants to be sure she's signing the same thing. The software and equipment are ready. Scrap metal is being accepted and there is additional MSW recycling, and household waste is still going smoothly. The facility is still waiting on a DES inspection, but the require and Operation Plan and a Closure Plan which is currently being updated.

**MEETING MINUTES APPROVAL**

1. **10-04-2023** – Budget Workshop Minutes

2. **10-16-2023** – 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 10-04-2023 and 10-16-2023. (3-0)

Chairman Warren is moving approval of the 10-16-2023 Non-Public Minutes to the end of the meeting.

**Motion:** On a motion by Chairman Warren and seconded by Vice Chairman Baiocchi it was voted to amend the motion to approve 10-04-2023. (3-0)

**CONSENT AGENDA**

3. **PO – Wolcott Construction, \$40,000**

- 47 4. **PO** – Robert Potter & Sons, \$6,800  
48 5. **PAF** – Lauraine Paquin, Finance  
49 6. **Appointment** – Claudia Ferber, Supervisor of the Checklist  
50 7. **Community Development** – Timber Tax, 124-008 and 420-030

51 **Motion:** On a motion by Vice Chairman Baiocchetti and seconded by Chairman Warren it was voted to accept  
52 the Consent Agenda 3, 4, 6, and 7. (3-0)  
53

54 TA Carpenter noted that Lauraine Paquin, Finance's PAF will recognize an earlier start date then the November  
55 10<sup>th</sup> that was on the previous approval.

56 TA Carpenter address the Selectboard and wanted clarification where they prefer the PAF's to be placed. They  
57 would like these listed under New Business.

58 **Motion:** On a motion by Vice Chairman Baiocchetti and seconded by Chairman Warren it was voted to approve  
59 the promotion of Lauraine Paquin to the Finance Specialist rate of \$31.25, Grade 13, Step 9 effective 10/24/23  
60 and will keep her benefits. She will have a 6-month probation, after one year with completion of Municipal  
61 Finance Government Accounting Certificate Program. At that time, she will have an increase from \$30.18 to  
62 \$31.25. (3-0)  
63

#### 64 **BUDGET**

- 65 8. **Warrant Articles** – The proposed Warrant Articles were reviewed by the Selectboard. TA Carpenter  
66 requested that the Selectboard review them so these can move forward to the Budget Committee on  
67 November 15<sup>th</sup>. The information and amounts have already been seen by the Selectboard, but they just  
68 have not reviewed the Warrant Article language.

69 TA Carpenter made a change to the \$100,000 that the Road Agent wanted to add to the budget and the  
70 Selectboard wanted to remove. She stated that they had gone back and forth whether to add that to  
71 infrastructure or put it in a separate line item. She specified that it was for the purpose of road repairs  
72 in 2024 and added it to infrastructure. If the Selectboard would like a new account made she can do  
73 that and add the language to the Warrant Article request making it specific to roads and not attach it to  
74 infrastructure.

75 The Welfare warrant article is generally a combined Warrant Article with Welfare and Transfer Station.  
76 She felt it was best to put it on its own line this year because it went from \$25,000 from last year to  
77 \$15,000 this year. This should be changed based on an increase and it should be funded. There is an  
78 opportunity to reduce the number on the warrant article if the number in the Capital Reserve is correct.  
79 The Forestry Truck is a new request.

80 Additionally, the existing replace ambulance account, SCBA replacement, existing radio replacement,  
81 and the other one that is new is the Elected Official pay.

82 Another discussion was establishing a Parks and Recreation building repair fund, because the budget is  
83 small and they do not want to add large repairs in an operating budget.

84 Also, was the discussion for the Conservation Commission for the Town Forest Maintenance Fund. She  
85 revisited this and adjusted the language and listed a cap and the Conservation Commission as agents to  
86 expend, but legal counsel may adjust this. The RSA states that if the fund is established, that  
87 Conservation or a Forest Committee will be the agents to expend. She believes this is fine as long as  
88 there is the \$25,000 cap.

89 Another addition to the Warrant Articles is the Establish Management Control of Invasive Species in  
90 Public Water Bodies. She did note that if the Selectboard wanted to move forward with that Warrant  
91 Article that the Warrant Article that the Shellcamp Pond Management Group had requested funds. The  
92 Selectboard was interested in creating one Warrant Article for all water bodies. If the Selectboard  
93 moves forward with the establishment fund then the Warrant Article that Shellcamp Pond Management  
94 Group and the Rocky Pond Association Milfoil will be removed.

95 Discussed were items that the Department Heads requested and where they were presented in the  
96 budget. TA Carpenter stated that the items were listed on the narratives presented and also within the  
97 budget.

98 Vice Chairman Baiocchi noted that the Red Cross did not present for the funds they requested this  
99 year. TA Carpenter clarified that when they were presented, the Selectboard did not decide whether  
100 any should be removed so she moved them all forward. If the Selectboard would like to remove  
101 something, they can do it this evening.

102 TA Carpenter clarified that the Building and Equipment fund was not presented in the Transfer Station  
103 budget, but she added to hers as has been done in the past with a combination. TA Carpenter also  
104 clarified the vehicle request for the Transfer Station was \$150,000 for a used truck, \$350,000 for new  
105 truck, and there was an additional option, but it was not road worthy.

106 Chairman Warren clarified that the determinations made at this meeting will be moving forward to the  
107 Budget Committee. TA Carpenter stated that the Budget Committee has an extra date for anything that  
108 needs additional review.

109 Vice Chairman Baiocchi stated that he feels Red Cross should be removed because they did not show  
110 up to the presentation or done anything to assist residents of Gilmanton.

111 **Motion:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to remove the Red  
112 Cross request from the budget. (3-0)

113  
114 TA Carpenter stated that Granite VNA was also removed, because they were asked to provide specific  
115 information pertaining to Gilmanton, but they were unable to provide it and decided to remove their  
116 request for this year.

117 TA Carpenter would like to move forward with legal counsel and DRA on the Warrant Article language to  
118 start the process and the Selectboard can remove items later.

119 Chairman Warren stated he is not in agreement with the Forestry Truck. He does not recall the  
120 narrative and the reasoning for this piece of equipment. He feels that there may be potential for other  
121 towns to support forest fires in Gilmanton. Vice Chairman Baiocchi stated that when this vehicle is  
122 received it would be 2025 and they would be replacing a 20-year-old vehicle at that time.

123 Chairman Warren stated he does recall the need for a vehicle at the Transfer Station to move containers  
124 and he believes that utilizing a yard truck and see how that works versus purchasing a new vehicle that  
125 they may not be hauling with.

126 TA Carpenter stated that she doesn't believe a yard truck would be able to do the same swap out  
127 capacity for a 50 yard or a 42 yard, which is the intention of the truck. When the containers are at  
128 capacity during the summer months and Waste Management schedules vary the Transfer Station has to  
129 close down. This would give the ability to swap out containers as needed.

130 Vice Chairman Baiocchi asked if the truck would allow the Transfer Station to haul the containers  
131 themselves to Waste Management or Casella.

132 TA Carpenter stated yes, in the future. There are other Towns that transport their own containers and  
133 they will go to a facility that is at a lower market rate. Currently, we are under contract with Waste  
134 Management, but in the future that is something that can be looked at. She stated that this facility in  
135 the upcoming years is going to be looking at increasing their equipment. When they DPW Director  
136 position is hired in 2024, the hope is that they will be able to give insight in what is needed. She does  
137 expect expensive equipment needs and the Transfer Station Foreman has stated that the truck would be  
138 beneficial and minimize closures.

139 Selectman Collins doesn't mind putting the request for the Roll off Truck forward to the residents even if  
140 the Selectboard doesn't approve it. Chairman Warren agrees with this.

TA Carpenter stated that they did not bring a compactor request forward due to some semantics with the electrical draw adding a third one. This is something they are still working towards and would likely go with a lease option rather than drawing from a capital reserve.

TA Carpenter stated that she will move the Warrant Articles forward as drafts and bring it to legal counsel and submit it to DRA and whatever the Selectboard would like to remove prior to moving it forward to Budget Committee will be removed.

#### OLD BUSINESS

9. **Privat Road Agreement** – Update on 414-013. TA Carpenter stated that the Selectboard had requested prior to approval of the Mims's request was to see if it conflicted with the cell tower road agreement. This was reviewed and the Road Agent indicated that he did not go up that far when he was plowing. TA Carpenter stated that the cell town road agreement has language pertaining to maintaining the road standard and she stated similar language should also be in the Mim's agreement on 5, 6, and 7 and she requested the Community Development Director to add these changes.

Chairman Warren stated that the current agreement is satisfactory based on what the Selectboard's concern was last time.

TA Carpenter stated that the owner should keep the portion of said Howard Road maintained in its current condition or better which adds to the cell towers recognition of what the road need to be brought up to. And any further improvements to Howard Road will be at the approval of the Selectboard. It will be at the Selectboard's discretion to require engineering plans. The owner shall receive a driveway permit approved by the Town's Road Agent. All requirements of the Road Agent issuing the driveway permit shall be met. The rest is standard language.

**Motion:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to approve the private road agreement between Travis and Amanda Mims for the address at 969 Rte. 140, Gilmanton IW, NH. The property is on tax map 414, Lot 013. (3-0)

#### NEW BUSINESS

10. **Tax Rate Update** – The tax rate has not yet been received. DRA reached out and all of the information is in. The information should be received within the next week, week and a half. TA Carpenter asked if the Selectboard was having a separate meeting to discuss the tax rate if the information and options were provided prior to the next meeting.

Chairman Warren stated if a separate meeting was needed to get the bills sent out he would be in agreement with that.

11. **Emergency Operations Plan** – This was contracted out and has completed by Hubbard Consulting. This requires the Chairman's signature. Chairman Warren clarified that this Emergency Operating Plan is required by RSA. TA Carpenter stated yes, it is required and also assists the Town in obtaining grants.

**Motion:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to approve the updated Emergency Operations Plan dated July 2023 and authorize the Chairman to sign it. (3-0)

Chairman Warren noted there was a PO in the Consent Agenda and that a policy process should be addressed. It was approved, but feels it should have a reminder to be approved before the funds are spent.

#### COMPLAINT

12. **Tamarack Trail** – Steven, Allyson, Breyer, and Shelby Hall are present. Chairman Warren asked about the process of filing a complaint against an employee. TA Carpenter stated that the Town does have a process and it was given to the Hall's and it should be completed and returned to the office as policy dictates. If it an issue with Land Use the Hall's are able to state their concerns to the Selectboard. If it is specific to an employee it is required to follow a process. The Hall's stated they are not represented by

an attorney at this time. Steven Hall stated that this could be an issue for the town in the future and could result in a lawsuit.

Vice Chairman Baiocchi stated that legally they are not allowed to discuss employees in public session. So, if there is a complaint against an employee there is a policy that the Hall's are required to follow.

Allyson Hall asked if the Selectboard was the enforcers of the rules in Town and Steven asked if they hired the Building Inspector in Town and responsible for his actions. The Selectboard stated, yes. Chairman Warren stated that what they are trying to do is explain process and would like to hear their point of frustration, but they would like to address it properly.

Steven Hall stated that the ZBA has issued a variance on Tamarack Trail and when he built, the requirement was to have at least two lots to be able to build on. They issued a building permit before they got all the information they were supposed to have. There were some surface water drainage drawings that were supposed to be done and those were not received, along with erosion control plans. The owner's have gone in and cut all the trees down and in the process went over the boundary lines and cut the Hall's trees down.

The Hall's claimed that no one called and told them, and the office downstairs stated the owner's admitted they had cut the trees on the Hall's property. The Hall's do not have information on who cut the trees and hauled them away. They do have some photos and video of the water issue. Steven Hall stated they were not notified by certified mail, but Town did get a receipt back but there was no signature from the Hall's.

The Hall's purchased the property on Tamarack Trail and had an underground drainage system put in that was drawn up by the State and the State also approved their septic system. They also had three lots to build on. Now their neighbors are trying to do the same thing on one single 60x100 lot. He stated according to the Building Inspector that the people doing the work are very good at surveying and are very good engineers. Steven Hall stated he used to be a licensed septic installer for the State. The lot represented to the ZBA by the owners of the property was a slightly pitched lot. Steven Hall stated there was another building there previously so they were approving this under betterment, like they were making it better. He didn't feel they were truthful in their drawings and do not have a survey plan that's been drawn properly or even accepted as a survey. The ZBA approved these variances and all the dirt dug up on the property was placed on the Hall's lot, with hay and plastic barrier, with a put over it and let it wash down on their septic system. Steven Hall spoke to the Building Inspector and stated that the Building Inspector instructed him to listen to the engineers and that he has confidence in them and that he was not going to listen to the Hall's.

Steven Hall has hired a surveyor and is requesting the Selectboard to allow his surveyor time to put something together, because their neighbor's pins were in the wrong place. They have covered pins with the dirt that they took out of the hole so you cannot get a full picture of where everything is. He feels that the owner has misrepresented the information, there is also dirt placed in the road. The Building Inspector stated that they would move the dirt, and the Hall's stated this has not been done. He would like the cement forms and dirt taken off their property. Steven Hall stated there is going to be a lawsuit over the trees, and he doesn't want to involve the Town but feels the Zoning Board has overstepped their bounds in what they've allowed, because they have the wrong paperwork.

The Zoning Board needs to have a survey, and they do not.

Breyer Hall stated that the President of the NH Land Surveyor's Association returned his call and stated a survey had not been sent. He stated that this is what the Town received and what they based the approval on. It was clarified that this was part of a septic design. Breyer stated that the Town did not receive the actual survey. He also clarified that they spoke to the company that did the septic design are not licensed land surveyors. The survey presented doesn't reference any other pins other than their pins. The only other pins that it shows on what they claim is the survey references two other pins and it

says not held, meaning they do not believe they are accurately marked. The Halls found a survey pin that they believe is one of the original pins done in the early 1960's.

Steven Hall stated this was shown to the surveyor today.

Breyer Hall stated that the surveyor believes that is a historical monument from the original survey of the whole subdivision.

Chairman Warren wanted to reiterate for understanding, the Halls are abutters on a lot that was approved for a building— Steven Hall stated, yes, on several sides.

Chairman Warren stated that in the process of the variance being approved, the landowner has taken trees off of the Hall's property and there is now material, things from the other person's lot sitting on the Hall's land.

Steven Hall clarified it is also sitting on the abutter across the streets lot also. He asked the Building Inspector to have it removed and they are not doing it.

Breyer Hall stated that the tree damage alone is estimated to be between \$250,000 and \$300,000.

Steven Hall stated they pushed them over with a skidder and took all the root balls and there are stumps from some, but they have pictures of the skidder pushing the trees over. He stated that the owners came into the Town and said they took trees they were not supposed to. He stated that no one will tell them who ran the skidder and who was responsible for this.

Breyer Hall stated that the Town has a section regarding non-conforming lots in their Zoning ordinances and it states that the only thing that can be non-conforming is the size of the lot, but they have to have an approved septic design for the State of NH without any release, or variances, or any waivers. Breyer Hall presented a release form for the well protected radii that was required by the State before they would approve that septic design. This was a waiver that the Town was not supposed to grant the building permit with a septic design that has a waiver on a non-conforming lot. This one was recorded with the Registry of Deeds. Breyer Hall also stated that they are violating the setbacks even required by the variance that they applied for. If they are required to state 18 feet from the boundary, which is what they requested, the Halls believe they are much closer to that boundary. Also, the State of NH and the Federal Government, and he presented a letter, that talks about the leach field of a septic system cannot be within 10 feet of the boundary. With the boundary discrepancies that they've been discussing, they would be within 2 feet and they will not be able to fit the septic design on the lot as it is built.

Steven Hall stated the test pits were dug close to their property.

Breyer Hall stated the only way to get the test pits in the leach field moved is to reapply for a septic design. There is not building permit posted at the worksite. There is no sanitation facility. There are hazards on the worksite, there are children in the area and no barrier preventing anyone from falling into it.

Vice Chairman Baiocchi requested clarification on the address and if this was 1 Tamarack Trail.

Steven Hall stated he owns 1 Tamarack Trail. The abutters purchased 3 Tamarack Trail, Lot 99. 1 Tamarack Trail has been turned into his Lakeshore Drive lot at 110 Lakeshore Drive.

Steven Hall stated that they may have way to resolve the problem completely, but it hasn't happened yet. With patience from the Boards, it may happen. He stated he couldn't tell them what it is and he would like to resolve it and that he is not here to cause trouble. He stated that the ZBA has been misled. He stated there is nothing on the site now except for the footings. There are not foundation walls and now is the time to stop this. His neighbor and himself would like to finish the drainage of the property the right way, and if they can work this all out, they can make the problem go away. He feels the ZBA is forcing this building down their throat and it is wrong. He stated back in '91 he had to buy several lots to put in houses. The Selectboard made them do it and they had to go before the Town. They did it the right way and spent a lot of money on their septic systems. He stated this owner should also have to do it the right way and the work being done is very shoddy. The hill there is quite steep and it is not

presented to the Board that way. The water drains down through there and they are building a foundation right where the water comes down.

Breyer Hall stated that back in '91 the State recognized this area for having hydric soils. It has since changed classification, but it is still considered a hydric soil and no longer considered Hydric B and he believes it is considered Hydric F. This means that the soil has too much moisture and it will not accept the effluent from a leaching system. They are concerned that the effluent will be forced to the surface from the high presence of ground water which is described in their letters with the State in 1991.

Steven Hall stated this is why he bought the additional lot and put the trenching all in to protect his septic system. When the water comes down, it hits the trenching and it goes around and keeps his septic dry. The abutter has dug a large hole, throwing the hose over, and flooding his property.

Breyer Hall stated there is not room for the proper trenching on the lot. He had with him the Environmental Code of NH that talks about the suitability of the site and says that no fill has placed on the site, but the natural vegetation and soil have been disturbed to an extent that is not possible to discern the presence or absence of hydric soils based on visual examination of the soil arisings revealed by shoveling. That has taken place. The soil has been completely disrupted by the excavator removal of the current vegetation. It discusses a two-year process determining the hydric soil. That process has not taken place. It talks about piezometric monitoring wells and determining the seasonal high-water table. The seasonal high-water table is considered higher based on the Hall's correspondence with the State back in '91. This was not presented to the ZBA either and all of this information should have been presented to the Zoning Board. The Hall's believe the Zoning Board was lied to by the engineering company and the owner of the property and should not have been granted a building permit nor a variance. The Town requested that an erosion control plan be submitted before the building permit could be released and there is still not one on file as of Friday, November 3<sup>rd</sup>.

Allyson Hall stated she has video if anyone wanted to see them.

Steven Hall stated that he was told by the Selectmen's office that all of the Zoning Board members went out to view the site. He stated that means they could be subpoenaed to court that they witnessed a fairly wooded lot because they would have seen it before it was stripped. He does not believe they went out there. The Hall's met the Building Inspector on the lot and in less than 4 or 5 minutes and stated that he believes in the engineers, he walked away from them, ignored them, and they feel he is not being business like. Steven Hall stated he did not have a personal thing against the Building Inspector, but he called their home and spoke to his wife and daughter, and as soon as Steven picked up the phone, he claimed the Building Inspector hung up on him.

Chairman Warren stated they are not going to go into the Building Inspector.

Steven Hall stated they didn't know where else to turn and wanted to make the Select board aware. He stated the Selectboard may not be the boss of the Zoning Board, but they are on the Zoning Board meeting coming up and he believes the Zoning Board is opening the Town to the possibility of a lawsuit. He doesn't want to argue with everybody, he just wants them to do their job right.

Allyson Hall stated there was a stop work order on September 27<sup>th</sup> and it's been violated a number of times. As of today, the abutter was still pumping water and it was running down the road.

Steven Hall stated that he asked the Building Inspector if the State Environmental Services could be notified and he said the Building Inspector told him it was not a good idea, and that they don't want to State out here. Steven Hall believes the Department of Environmental Services should be there, because the abutters are flooding the Hall's land, making a mess, and not cleaning it up. Steven Hall notified Environmental Services and they reached out to the Building Inspector advising him they are going to send someone out. He is asking for the Boards to have some patience and stop this project long enough for his surveyor to do his work, the Environmental Service Department to come out.

Chairman Warren stated that the Selectboard wanted to listen to the Hall's and receive the information they wanted to provide.

333 Breyer Hall stated they are facing an environmental issue with the lake, because if the septic system is  
334 permitted to continue and fails, and it most likely would be based off of the hydric soil problem, it could  
335 contaminate the lake.

336 Steven Hall stated that Buck Lane is also involved in this, and they own a house there as well. The test  
337 pit data is dug right beside their septic system. It's supposed to be ten feet from the boundary line with  
338 the septic system. If they do that, even with the variances, they are not going to be able to fit the septic  
339 system on the lot.

340 Breyer Hall stated that where their plan materializes into the real world doesn't work.

341 Steven Hall stated that it looks good on paper, but it doesn't fit into the real world.

342 Vice Chairman Baiocchi clarified that the Hall's own the property between Buck Lane and Tamarack  
343 Trail and the whole frontage on Lakeshore Dr. The Hall's confirmed, yes.

344 Steven Hall stated that he also owned 4, 6, 8, 10 Buck Lane. There was an auction over the summer and  
345 the Hall's attended and they requested the Town pull the lot and they would buy it. The Town did not  
346 do this and the property was sold. The owner went in and cut all the trees down and went over the  
347 boundary line and cut some of the Hall's trees. He is camping out in a camper which is allowed from  
348 May until November 1<sup>st</sup>. He stated the Community Development Director said he did not have a permit,  
349 and she would make sure he gets one, he could get a fine, and be told that he has to be out by  
350 November 1<sup>st</sup> and the camper needed to be removed too. He stated he went back to the Town Hall a  
351 few days later and she had not sent anything out. Steven Hall stated that the Selectboard could tell him  
352 that it's up to the Association but he needs somebody to look at this, because it's a real mess. He stated  
353 the water is flowing right down into his wells from the other lot. He stated that the stumps were buried  
354 and the dirt that was brought in is washing down to his 3 wells. His 75 foot well radius almost covers his  
355 entire lot and he should not be allowed to build anything in there, let alone living in a camper with no  
356 septic system.

357 Chairman Warren stated that he believes that is a separate issue from what they are talking about. He  
358 wants to be sure that the Selectboard has the information that they need to hear.

359 TA Carpenter addressed the Hall's and asked if the additional information provided at this meeting was  
360 given to the Community Development Director. Breyer Hall stated that has not and it was just printed  
361 for the meeting. TA Carpenter requested them to provide copies for the Town of anything that they had  
362 referenced at this meeting.

363 Steven Hall requested clarification regarding whether they would still be on the Agenda for the Zoning  
364 Board meeting. TA Carpenter stated yes.

365 Steven Hall stated his surveying started today and he met him onsite. He showed him what they believe  
366 to be the center line of the lot and the surveyor is starting immediately.

367 Allyson Hall stated the surveyor doesn't understand why the previous surveyor couldn't find the  
368 historical pin and he found it.

369 Steven Hall stated the surveyor's words were that he believed they backed into this without a survey  
370 plan, but they're using a septic plan to back into the lot. In other words, they're really not doing it  
371 properly. He stated that he was a licensed installer and he know how you are supposed to do it. And his  
372 septic systems were the big cement chambers and this guy's test pits are right beside his lot, almost into  
373 his 3 to 1 flow.

374 Breyer Hall stated there were only two things left he would like to mention. First, the Zoning Board  
375 made judgement based off of the drainage plan that he did have included with his septic design, which is  
376 not an erosion plan. They did make the judgement that he could put that in, that road is a private road  
377 by the association, and it was not the Zoning Board's job to make that judgement. Second, the  
378 President of the Land Surveyor's Association is looking into the fact that what they claimed was a survey  
379 and what they used to present to the Town was done legitimately. There is not a licensed engineer that  
380 works for Eckman Engineering and he has to rely on a licensed surveyor to come with him to the site to



do the survey and is looking into that process, which is State issued, and whether that was done properly. If there was a misrepresentation of a plan that was presented to the Town the surveyor who should have signed off on that could lose his license and Eckman Engineering could lose their trainee license.

Steven Hall stated he cannot contact the owner of the property and he will not return his calls or the neighbors calls. This is why they cannot put the deal together that they would like to so they can resolve the matter. And the Clifford Construction Excavation have told them nothing but lies.

Chairman Warren stated that they are trying to listen to the factual information and stated that those were the Hall's judgement.

The Hall's stated that someone sent them a video of it so it's not a judgement.

Breyer Hall stated that they want it to be understood the financial issue will fall to the Town for all of this.

Steven Hall stated the ZBA should reverse their decision and they should not have let this go. He apologized for not receiving the certified letter because they would have been there. He also stated that he sent a certified letter to the Town this week, but he has not received the green card back yet. It could be the post office due to COVID.

TA Carpenter stated that the Post offices altered their position on how they delivered.

Allyson Hall stated there should be a checks and balances on that and just because a letter was sent out, does not mean that it is received.

TA Carpenter stated they do check and if someone calls and states they have not received it, the Town can track it and see whether it was delivered, but may not have the signature to prove it.

The Hall's asked why didn't the Town call them.

Chairman Warren stated that he believes the Selectboard has heard all the Hall's concerns and gave appreciation to them for coming in.

Steven Hall stated that him and the Building Inspector are not connecting. He noted this evening the Building Inspector saw them before the meeting and didn't come over and didn't say anything. He just got into his vehicle and left. He stated maybe he's told to do that.

They stated there is a lot of information they've provided and they are going to keep working on it.

TA Carpenter asked if they wanted to do the submission of the complaint. The Hall's stated yes. TA Carpenter said she would give them a copy.

Steven Hall stated that he's never filed a complaint on someone before and that when the Building Inspector spoke to his wife he was downright rude.

Chairman Warren interjected that because they are in public they do not want anything being said.

Vice Chairman Baiocchi gave Steven Hall direction regarding the complaint form and filling it out, then giving it to the Town Administrator so they can start the investigation.

Steven Hall stated he wasn't sure what the power was of the Selectboard over the Zoning Board but he doesn't feel that it will fit with their variances. The minutes also showed when they issued the building permit and shows that they didn't have the drainage plan or any letter from the Association that they were on board with it.

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

13. **Department Head Updates** – Fire Department, PD and the Executive office did not send in their updates.
  14. **Public Works Director Discussion** – The Job Description was sent to Amanda Longo at BlueLion for review and she sent back notes and comments.
- Chairman Warren address TA Carpenter and asked if Amanda Longo had taken the Selectboard individual recommendations and put them into a single document. TA Carpenter clarified that she was sent each of the Selectboard members suggestions and this copy was the one she edited.

Chairman Warren stated there are some concepts he sent that he felt might be helpful such as the Capital Improvement Planning section.

Discussed were the different portions of the description and the need for details in each section.

TA Carpenter asked if the Selectboard wanted to add anything pertaining to Capital Purchase decisions and Planning and the creation for Capital Improvement for roads etc. Capital Purchase decisions speaks to what is already current in the Capital Improvement Plan.

Vice Chairman Warren asked if any other job descriptions have that caveat in their job descriptions, TA Carpenter stated, no.

Vice Chairman Warren stated that it can be written as performs all the related duties as required.

TA Carpenter stated the only reason she would like it specified in more detail is because they do not currently have any of the road systems on Capital Improvement, there is only equipment, and total buildings in not on there. There may need to be the knowledge and understanding of creating part of that process.

Chairman Warren stated that there are just a couple of lines that could in under the Capital Improvement.

Vice Chairman Baiocchi suggested that if the Chairman wanted to do the Capital Improvement that instead of putting in a job description for everyone is write an Addendum to the Job Descriptions, and the Department Heads will require participate in the CIP. It would fit all Department Heads regardless of elected, appointed, trustees, it would include everyone town wide.

TA Carpenter would like to move forward with something, but they do not have a current process from Planning. She can create something that can be put forward and have the Selectboard review it and see if that is the direction they are going.

Vice Chairman Baiocchi feels it would be easier to put it in the Policy then in the Job Descriptions.

Chairman Warren asked if the Selectboard wanted the Public Works Director to be seeking funding for larger Capital Improvement Projects and if it should be listed. In other words, are they are part of searching for grants. TA Carpenter stated she would like that specified, but when there are grants, try to search for them.

Vice Chairman Baiocchi takes it as part of the job.

TA Carpenter stated it could be placed under the budget piece. She also mentioned if they wanted it in the job description, what happens when they do not get the grant opportunity. Will they be held accountable to administering and receiving grants because there may not be an abundant opportunity.

Vice Chairman Baiocchi also stated there may not have been time to do the application and paperwork which can be cumbersome.

Chairman Warren stated it can be worded as has the ability to apply for grants when available that may support the infrastructure for the Town. Because it might be the assumption that it's the Community Development's responsibility so he's trying to get some clarification.

TA Carpenter stated that they need a training process for the new DPW Director so they understand the overview of the expectation of the Selectboard, Administration, and the needs of the Town. She would like to formulate training modules specific to Gilmanton.

TA Carpenter stated that since there has been a shift of staffing in the department, she plans to address her focus on Community Development and what the Selectboard is looking for. The Community Development Director feels that a Clerk would be fine, but TA Carpenter does not and the new individual coming in should be working on the minutia and the Community Development Director should be working on the larger scale initiatives.

TA Carpenter asked when the add was going to go out. Vice Chairman Baiocchi stated it was up to them and they have not determined that yet. The goal was November, but the Selectboard had concerns about the Default Budget and didn't want to hire beforehand, but they would like to get candidates ready in January and they hire in March.

Vice Chairman Baiocchi stated that he would like Scott Kidman to direct them on a timeframe, because he's the expert.

**Motion:** On a motion by Chairman Warren and seconded by Vice Chairman Baiocchi it was voted to approve the DPW Director job description as edited by BlueLion, the long version that would include a grade pay on that job description. (3-0)

- ☐ **Action Item:** TA Carpenter will add the grade to the job description based on the information provided at the previous meeting.

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

**PUBLIC COMMENT – 7:00 p.m.**

- Joe Haas – He commented on the Tamarack Trail tree trespass and stated if it's 100 ft by 60 ft that's a lot of trees to equal \$300,000. He believes he meant, when the trees were cut on the property it was probably \$30,000 because the tree trespass is 3 to 10 times the amount of the value of the trees. He stated that they didn't really need a permit to cut, because it was part of another project. Joe asked if that was one of the interpleaders lots, and TA Carpenter stated she would have to look into it. He further discussed the interpleader cases and information he had researched.

Chairman Warren address Fire Chief, they have gone through the Warrant Articles and he did not recall the request for the forestry truck. He requested some clarification on the need and timing.

Fire Chief Hempel stated that this project has been on the CIP planning, but there has been pauses on the implementation of that plan. The unit is a 2006 Ford Pickup Truck and the timing would be the year to purchase a new unit for an additional service life. The unit is equipped with a skid tank, pump tank which comes off in the winter time. The truck is changed to a utility use in the winter time. It's valuable and used frequently. It's time to replace it, however it is operable and running. The ambulance that was ordered will be here in two years, the engine that was ordered two years ago will be here in mid-December. So, the forestry truck is the last piece of equipment for some time other than a proposed command vehicle in another few years. If they are going to try to maintain their inventory at a certain level and spread out the capital expenses, they are proposing it for this year. The State bid list for pickup chassis is closing next week so he will have an idea where pricing will be. The chassis will run between \$55,000 and \$60,000. The skid unit is another \$18,000 to \$19,000. They have also had discussion about equipping that truck with a plow, because it's very handy to have a plow in the event of an emergency.

Chairman Warren asked what is in CIP for that truck.

Chief Hempel stated he didn't believe there was anything in it right now.

Chairman Warren asked how often it is used for the forestry side of it.

Chief Hempel stated the truck is active and even though it's forestry, it rolls on a number of different calls. It hauls the trailer, the UTV, the boat, and a whole variety of other needs.

Vice Chairman Baiocchi asked why the skid tank need to be replaced. Chief Hempel stated that it was outdated and the pump on the old tank has been rebuilt a number of times and had a long service life. It has been well cared for, but is showing its age.

TA Carpenter asked if there were any grants out for diesel and is the new truck going to be diesel. Chief Hempel stated he did not know yet, and they are tough grants. He felt it would be difficult, but he would take a look.

Chairman Warren stated his dilemma is that he would like to residents to make decisions on larger purchases and he would like to see this move forward. There have been significant increases this year trying to care for the transitions in Town and Healthcare to retain employees, and he suggested being able to put this off for another year.

Chief Hempel stated if the Selectboard was committed to doing this within a two-year period and add funding to the CIP, because they want to get CIP working again. They are supposed to be purchasing an ambulance every 5 years and they are trying to play catch up right now. If the Selectboard was to support funding half of the forestry truck, \$65,000-\$70,000 and worded it for completion in 2025, they would request the other \$70,000 the following year.

Vice Chairman Baiocchetti asked how much has been spent repairing the current forestry truck. Chief Hempel stated a lot has been spent. He does feel like they can make it another year with the truck they have, but they do need to get a new one.

TA Carpenter stated that they are going to have to write a policy for CIP.

Chief Hempel clarified for Chairman Warren that the vehicle is a utility truck and the call sign is changed in the winter. In the summer it's known as Forestry 1. In the winter it is Utility 1. The truck goes everywhere and carries personnel and is a work truck around the fire house, and the next truck they have they'd like a plow on it.

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

Non-Public RSA 91-A:3, II (b) The hiring of any person as a public employee.

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

**Motion:** On a motion by Vice Chairman Baiocchetti and seconded by Chairman Warren it was voted to hire Nick Avellani as the Firefighter/EMT effective 11/19/23 contingent on his successful completion of his NH background check and criminal motor vehicle record at a rate of \$20.99, Grade 8 Step 1 and will participate in the NH Retirement Group II, will have to get his EMT A within a year, get his commercial driver's license, and complete his probationary period successfully, and will be afforded all the benefits provided by the Town . (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 (c). (3-0)

RSA 91-A:3, II(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 Vice Chairman Baiocchetti it was voted to come out of Non-Public 91-A:3 (c). (3-0)

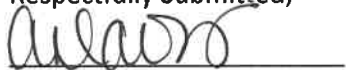
Vice Chairman Baiocchetti would like to address capping the number of hours that employees can work for safety reasons. He stated 40 hour a week employee should not be working 80 hours which includes compensable hours, regular, overtime, court, call pay, overtime. The Fire Department shouldn't be working more then 96 hours. Per Diem cannot work more then 32 hours.

☐ **Action Item:** Add discussion on hours to the next agenda for 11/20/2023.

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

**Adjourned** – 8:24 p.m.

Respectfully Submitted,



Amanda Davis, Administrative Assistant

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571 **Approved by the Board of Selectmen**

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573

Chairman Mark E. Warren

Vice-Chair Vincent A. Baiocchetti



Selectmen Evan Collins

