



**SELECTMEN'S OFFICE
TOWN OF GILMANTON**

PO Box 550, Gilmanton, NH 03237

Ph: (603) 267-6700

Fax: (603) 267-6701

Website: www.gilmantonnh.org

Approved

Board of Selectmen Meeting

May 1, 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: Grace Sisti, Kristen Laurendeau, Stephanie Verdile, Adam Mini, Susan Ward, Kim Boutsianis, Ron Nason, Amy Gardner

Chairman Warren opened the meeting by addressing the residents' concerns surrounding the Transfer Station. He was hoping that more residents would have come to tonight's meeting and be able to address the concerns in person. Just so the residents are aware of Town policy, there was a complaint that came in and the Town has an Employee Complaint Policy that protects the process of investigation. When a complaint is issued, a Department Head or individual from the organization has the ability to investigate the complaints. For this particular case, Chief Currier was the Department Head selected to review and conduct the internal investigation. Later it was found that there were other issues other than the individual complaint which made it a much larger complaint. There was a report given to the Selectboard of those findings and it was written in such a way that was given to them to talk about the policy and what policies were breached, and what policies were not followed. Subsequently, there was a pre-termination hearing that allowed the employees to have the ability to have the findings read to them. Once the findings were read, they had an opportunity to speak to the findings to determine whether or not they were accurate or required clarification. All of the interviews were recorded and Chief Currier was present at the hearings as well. As a result of that, there were terminations that were brought forth on the breach of policies and they were significant enough that the Selectboard determined that for the safety of the Transfer Station and its residents that those actions would have been taken. Unfortunately, in the process of those findings that were read to the Selectboard, they had gone into a Non-Public and followed their protocols, where when they enter into Non-Public, they shut down any public sources, and unfortunately the technology didn't do what it was supposed to do. Unbeknownst to the Selectboard there was a recording that was still being recorded. He wanted to be forthcoming in that process.

Chairman Warren wanted to communicate to the residents that the Transfer Station, as it is a recycling center, will continue to take recycling. The process of figuring out how we can do that was to first try to see if we could work with surrounding towns to see what could be done for partnership. Because the surrounding towns were not able to assist us, the solution is now a single stream recycling center that will allow the residents to recycle their items. Single stream is all of the recycling items that go into one container that gets taken away and gets sorted from there. The hope is to have that in place so the residents can resume recycling. Chairman Warren believes it was important for the residents of the Town to understand the process and to understand the integrity of the process and then also knowing there was an issue with technology unfortunately. Obviously, they are working with Legal Counsel on how to navigate that matter in a caring manner for everyone involved.

MEETING MINUTES APPROVAL

1. 04-17-2023 – Public and Non-Public Minutes – These minutes were just presented to the Selectboard, they will review at the end of the meeting.
2. 04-04-2023- Non-Public Minutes

CONSENT AGENDA

3. Deputy Treasurer Appointment – Heather Carpenter, oath and recommendation from Glen Waring.

- 46 4. Request for Use of Town Facility – John Dickey, OTH Gilmanton Historical Society, 5/23, 6/27, and 9/26.
47 Tome Howe Barn 7/29. Historic House Tour 10/7.
48 5. Permit for Raffle – Lower Gilmanton Community Club, drawing 8/19/23.
49 6. Trustees of Cemeteries – Acceptance of donations in the amount of \$50 from Sue McIntyre and Suzanne
50 & William Christie to be deposited into the 2019 McIntyre-General Care Fund.
51 7. PAF's Gilmanton Fire Department – Call pay.
52 8. ZBA – Re-appointments – Nate Abbott and Perry Onion
53 9. Community Development – Credits & Exemptions
54 423-039, 415-024, 119-108, 101-006, 120-058, 423-066, 406-035, 424-043, 110-035

55 **Motion:** On a motion by Vice Chairman Baiocchetti and seconded by Selectman Collins it was voted to pass
56 Consent Agenda items 3, 4, 5, 6, 8, and 9 as published. (3-0)

57 Consent Agenda item 7 is the PAFs for the Fire Department call pay to receive the percentage increase.

58 **Motion:** On a motion by Selectman Collins and seconded by Chairman Warren it was voted to approve the PAFs
59 for the Gilmanton Fire Department call pay. (2-0) *Vice Chairman Baiocchetti, abstained*
60

61 Chairman Warren addressed residents as they arrived for the meeting. He welcomed them to stay for the public
62 comment portion of the meeting but stated that they had already had a conversation regarding the Transfer
63 Station. TA Carpenter stated that the residents can review the recording on the Town's website under the
64 Board of Selectmen, and useful links, under SoundCloud, and the audio will be uploaded after the meeting.
65 Chairman Warren reiterated the resident's concerns that he addressed at the very beginning of the meeting. He
66 invited the residents to ask additional questions during Public Comment.
67

68 **NEW BUSINESS**

- 69 10. Town of Gilmanton Volunteer Policy – Review. Legal Counsel was able to formulate a Volunteer Policy
70 based on volunteerism. Cemetery Trustees, and Trails Committee, had requested this, and the Town
71 was trying to obtain one for Parks & Rec. and Welfare purposes. Discussion was held on whether to
72 volunteers receive approval from the Selectmen, or whether they can come through the Selectmen's
73 Office for approval. Chairman Warren stated that as long as the Selectboard is informed about who is
74 volunteering that the process could take place through the Selectmen's Office.

75 **Motion:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to accept our
76 Volunteer of Service Statement and Release of Indemnity Agreement Policy for Volunteerism. (3-0)
77

78 **OLD BUSINESS**

- 79 11. Transfer Station Update – The report was initially for the Selectboard and then there were additional
80 questions. TA Carpenter put together the information on where we are at right now as the Town stands
81 with DES and vendors, and other processes that have taken place. Chairman Warren stated that this
82 information is also on the website.
83 Chairman Warren asked Vice Chairman Baiocchetti and Selectman Collins if they wanted to proceed
84 with questions from the residents and move into Public Comment at this time. The Selectboard is in
85 agreement to move into Public Comment at this time.
86

87 **PUBLIC COMMENT – 5:18 p.m.**

- 88 • Susan Ward – Asked if there was a list of the things that were wrong after the inspection and that is why
89 these individuals were let go. Chairman Warren, confirmed yes. Susan asked, on the list, were those
90 things that the employees were asking to be fixed before? Selectman Collins stated no. TA Carpenter
91 clarified that the investigation report is one item, and the report that they have moving forward that
92 involves DES and what is in the public packet is the report after the termination. The Town reached out
93 to DES regarding the process of how to move forward with one primary operator for the compactor

only, and then they came out to do an inspection because they knew that more than half of the staff was released. The inspection came after the termination and that is not why the employees were terminated. The investigation and the findings were why they were terminated. TA Carpenter stated there will be more information released moving forward. Susan Ward asked about Facebook and the Facebook Live feed and wanted to know if it was different, one is audio and one is video. How could one be on and not the other? Chairman Warren stated that he did not know how the feed continued going and it was very unfortunate and the same procedure was followed as they do for all of their non-publics.

- Amy Gardner – She wanted to know if the Selectboard considered ever giving the employees a warning to improve their performance prior to terminating them. Selectman Collins stated, not with the findings that were found in the investigation.
 - Susan Ward – Questioned whether any of the other Town employees fall into this area. Without getting into specifics, if the Transfer Station employees were found to be guilty of something, shouldn't all Town employees be checked? Chairman Warren stated they only do it based on the policy and the findings that were found. If they were minor, they wouldn't have been terminations. They were significant enough that there needed to be terminations. Susan asked again, shouldn't the rest of the employees be checked? Selectman Collins stated if there was a complaint against another employee they would absolutely follow up on that. There have not been complaints on other employees. Chairman Warren stated that if those same findings were found of any other employee it would have the same treatment across the board.
 - Guy Knowlton – In the fall of '21, there was an inspection that brought to light safety violations and issues, then reinspected the fall of '22 and some of those had been corrected, why has it taken a year and a half for the Selectboard to step in? Chairman Warren stated that most of them were corrected. The terminations were not based on the initial findings. The investigation was not about those violations that the Transfer Station manager was working through and improving. Guy asked about the 32 infractions and wanted to know if they would learn about what those are in the future. Chairman Warren stated that the information is sensitive and does not believe that it would become public. It would be a document that is redacted, a 91-A request could see that. Guy stated that he is curious about the 18 months that the Transfer Station manager has been working on correcting the violations, and whoever is handling the Transfer Station has been able to swiftly take care of some of those concerns in a relatively short time. His concern is that the management there had too many responsibilities and how will the Town move forward, are the safety concerns going to be dealt with long term.
 - Susan Ward – She wondered if all the things that were wrong should have been reported, and why weren't they fixed. And it appears that all this happened upon the terminations. Is the Town going to hire 6 more people, or 3. Facebook is full of speculation and no answers.
 - Kim Boutsianis – What year was the current Transfer Station building and pavement put into place. Chairman Warren stated he did not know that information. Kim stated it was a landfill prior with just a little hut. Chairman Warren stated that the approach taken with the Department Heads is looking at overall budgets, safety, and personnel, but really asking them to run their departments. As the initial inspection report was conducted by the Fire Chief and Building Inspector and a list was made for things that needed to be brought up. The Transfer Station Manager was working through a process that didn't go as quickly as they were hoping, but they were seeing progress. They want to provide the residents with a service to dispose of waste and recycle, but they have to work through this process. Kim asked if recycling will be starting up again soon. Chairman Warren, confirmed yes, once the container is in and fencing is in place.
- TA Carpenter addressed the septic issue. The plan is on file, but it doesn't appear that there is an inlet. Rowell's stated there should be an inlet that could be accessed and it is possible it is under pavement,

142 which is why a second opinion is needed. TA Carpenter also addressed taking care of the Transfer
143 Station issues in a short amount of time, and that the Office has redirected its attention to a facility that
144 is in need.

- 145 • Guy Knowlton – Questioned whether a hole in the ceiling would be the Town Clerk’s job, or electrical
146 issues the responsibility of the Community Development Director and wants to know why all the repair
147 responsibility is on the Transfer Station Manager, but not on the employees that work at the Municipal
148 building. TA Carpenter stated she is the facilitator at the Selectmen’s Office. The responsibility is all on
149 her. The Public Safety Building is on both Chiefs. The Academy Building, Old Town Hall, and the Park is
150 on her. The Transfer Station Manager dealt with the Transfer Station. When there is water in the
151 basement at the Academy Building, she deals with electrical issues and vendors. She comes in on
152 weekends and deals with the building because we do not have a facility coordinator. They are trying to
153 move forward with a Facility Coordinator position because it is helpful with CIP, and infrastructure
154 repairs. All other facilities need focus and attention as well. Guy further questioned the process of
155 pulling building permits on Town buildings. TA Carpenter clarified the process and stated that these
156 documents are on Image Silo. This system houses all building files in Town and is used for tracking.
- 157 • Stephanie Verdile – She suggested adding a CIP for the Transfer Station and that maybe they should
158 have added one years ago. She stated that Department Heads are responsible for their buildings and
159 the Selectboard is only as good as the information presented in front of them. If they are unaware of
160 things then there needs to be better communication. And for all municipal departments, there is an
161 opportunity to do that because there is CIP and a Budget Committee to express what the problems are
162 and what the facilities need.
- 163 • Ron Nason – Ron stated that Felix pumped the septic about 11 years ago.
- 164 • Grace Sisti – Asked if the single stream recycling will be permanent or temporary until they hire more
165 employees. Selectman Collins stated that they have to commit to it for the length of the Waste
166 Management Contract which is 5 years. Grace asked if they plan to hire the same number of employees
167 back. Selectman Collins stated that is the goal at this time. Chairman Warren stated that this is all new
168 so they are evaluating what the best process will be moving forward to best serve the residents and
169 meets their needs in the most cost-effective way.
- 170 • Ron Nason – Stated that he believes that moving to a single stream the Town will lose a lot of revenue.
171 He had just sent out about 21 bales and it brought in about \$5,000 in revenue. He stated that as far as
172 things that needed to be done, he requested more help from the Selectboard and was shut down.
- 173 • Susan Ward – Understands that the Town cannot tell the residents what they found in the investigation,
174 but can the Selectboard tell us in a professional and honest way, as leaders of the Town, was there a
175 clear and urgent danger to the safety of the public to have this termination happen as hastily as it did.
176 Chairman Warren stated from the findings and in his opinion, and from the information that was found
177 and confirmed from the employees, yes.
- 178 • Stephanie Verdile – Requested clarification that there is no recycling in Pittsfield at this time. TA
179 Carpenter stated do not use Pittsfield. They were gracious in offering assistance, but DES gave
180 Gilmanton a list and Pittsfield is not permitted to assist.
- 181 • Kim Boutsianis – Asked if the amount of money that Pittsfield BCEP has received from Gilmanton
182 residents, will Gilmanton see any of that. TA Carpenter stated that the one weekend that it was opened
183 to the public, no.
- 184 • Guy Knowlton – He asked if all of the employees were full-time employees, and how many were full-
185 time. He asked if more labor hours were needed to do everything that needed to be done at the
186 Transfer Station. Chairman Warren stated that those are things they are going to have to consider.
187 Currently, they’re doing the basics of what is necessary for the residents. Recycling and disposal of

household trash will be offered, and they will have to assess what the residents want and assess how to move forward with the facility.

- Kim Boutsianis – In the past, there were seasonal employees at the facility, and wanted to know why the number of employees was reduced. Chairman Warren stated that he didn't know, and it was before his time as Chairman. Kim stated that the issues with the grounds were due to low staffing. Chairman Warren offered clarification and stated that the termination and change at the Transfer Station has no bearing on the low staffing issues. Kim stated that when you are working understaffed, you are working under stress and with limited hours, and limited staff does more. She asked if the Transfer Station be fully staffed if they go back to regular recycling at the facility, with at least six employees. Chairman Warren stated that is something that will be discussed in the future. This Selectboard wants to care for employees, care for facilities, and care for residents. These are things they are always considering.
- Ron Nason – Ron stated that the Selectboard shot him down every time he asked for more help.
- Kim Boutsianis – Stated that Ron brought issues to the Selectboard and wanted to know what got fixed. He created a budget for approval, but what was approved. Chairman Warren stated Ron was looking for additional support and they were willing to give additional support. But additional documentation was not provided. He stated that they have never done anything to try and not support their Department Heads. They have requested the Department Heads to give them everything they feel is necessary and ultimately, the Selectboard moves it forward to the Budget Committee, and then ultimately the residents decide.
Chairman Warren stated that they can discuss the past, but tonight he would like to figure out where everything is at today, how things can move forward, and to be able to give as much information as they can in regards to terminations.
- Lori Willis - Questioned if there was a timeframe on how long this process will take. TA Carpenter stated there is not currently a timeframe. Single stream recycling should be up and running soon. There was damage to the first one, but another should be in place soon. DES requires fencing around a certain area of the perimeter that residents cannot access. This is currently getting quoted for temporary fencing. TA Carpenter stated that the Selectboard moved forward with a Foreman's position, not a manager's position and this is due to how the Highway Department was voted in at the March election. This will be under a DPW and the Transfer Station will eventually be under the DPW as well. Lori questioned how many employees were in place currently. TA Carpenter stated that one currently, and that is Peter Kotsakis working the compactor, and doing light cleaning in the kitchen, office, and bathroom. There has been some interest in the position and Wakefield and Moultonborough have presented an interest to help. The goal is not to take other Town's staff but to have them come and help clean up the remainder because other Gilmanton Town employees are not certified. Lori asked what is the process to become certified. TA Carpenter stated that you have to contact DES, and Tara Albert is the individual you contact. Anyone can do the training online or in person.

SELECTBOARD ITEMS, FYIs, AND OTHER TOPICS

12. **DOT** – District Resurfacing Program information. TA Carpenter stated this is just an update for what will be happening. She has already notified Police and Fire.
13. **DOT** – Reimbursement, Crystal Lake Rd over Nelson Brook, \$448,656.69. This has not yet been received but should be here within the next four weeks.

TA Carpenter stated that a quote was received from the lower yard for the Transfer Station from Busby. Chairman Warren asked if there was a timeframe based on their schedule. TA Carpenter clarified that they are willing to work with the Town as soon as possible. The compost area and brush area are going to be taken care of by Fire Chief this week. Fire Chief Hempel stated that he will possibly do that tomorrow. TA Carpenter stated that one of the issues being created with the compost is that basically a fault line was being created because it

has been pushed back so aggressively. It has the potential to go on another person's land. Busby and Wolcott worked together to come up with a plan, but TA Carpenter has not viewed the scrap pile but that area is what was impeding further cleanup of the compost and glass aggregate which had been mixed in together. The glass aggregate can be buried and used for drainage. Compost and more material will be added on top of that so the glass doesn't come to the surface. A quote has been received to remove the trailers for \$9,840, which is currently being used to store the baled material, which is not needed. These trailers are in poor condition and need to be removed. That area has a concrete pad, so if the Selectboard wanted to move forward with scrap metal in the future, the refrigerators could be stood up there on a hard surface. Wolcott and Busby are going to do a berm on the backside of the area so the filtered material isn't going onto someone else's land and will be grass seeding that. Vice Chairman Baiocchetti asked if the dumpsters were the Towns. TA Carpenter stated that the one that was cut in half was the Towns. It was in the quote to remove that as well. She also confirmed from Waste Management that the other two were the Towns. The Dumpster Depot container was rented, not purchased. But a timeframe was not given for pick up yet. If more demo cans are needed, the ones that were there could be used, but this would need to be confirmed by Waste Management. Currently, North Coast is going to be picking up the scrap metal.

Chairman Warren stated that all of this is from the initial findings from DES of what's needed to bring it up to compliance. TA Carpenter stated that the compost and brush area is not big enough, and there is glass aggregate from when the Transfer Station used to crush the glass. The Transfer Station manager was working on getting rid of it, but there's just a large amount of it.

Chairman Warren asked where the funds potentially come from. TA Carpenter stated that the Transfer Station annual budget doesn't have enough. She is going to look at CIP and the infrastructure fund. Chairman Warren asked if the Selectboard needed to take any action tonight. TA Carpenter stated no, but that she needs them to understand that if they want the Transfer Station to come into compliance they will need to move forward with it.

Vice Chairman Baiocchetti asked how much is the Town looking at in terms of fines from DES. TA Carpenter stated that they have not alluded to any fines. They are working with the Town to keep the Transfer Station open on a household trash level and let the Town have some time to get into compliance. Vice Chairman Baiocchetti stated our failure to come into compliance will result in a fine. TA Carpenter confirmed, yes she believes it will or other sanctions like closing the facility.

Chairman Warren stated that they would need to move forward now. TA Carpenter stated, correct, this is why she has been trying to do everything she can within the last 9 days so that the facility can remain up and running. TA Carpenter stated when she spoke to Jim Hurst, they had dealt with the Transfer Station in Gilford and their area for the burn pile is roughly 15 acres, and they burn almost every day. The Town of Gilmanton has neither, so the discussion of whether or not to take brush has to happen when that area reopens. There is no space for it, and Fire Chief has confirmed that we should not be taking it because it is a safety issue. TA Carpenter stated the alternative is taking it to Dirt Doctor's free of charge and they can take compost as well. Chairman Warren wanted to know where the funding would come from. TA Carpenter stated that other than the Transfer Station CIP, the only other fund to utilize is infrastructure, but there isn't much because the well came out of that fund, Meadow Pond Bridge, and believes there is about \$80,000 in there currently. Chairman Warren stated that there should be sufficient funds to be able to use.

Motion: On a motion by Vice Chairman Baiocchetti and seconded by Selectman Collins it was voted to contract with Busby to do what has been outlined in their rehab report, which includes the removal of the 3 45 ft. storage trailers. (3-0)

Motion: On a motion by Vice Chairman Baiocchetti and seconded by Selectman Collins it was voted to have the Chairman sign the contract and for the funds to come from where they need to. (3-0)

PUBLIC COMMENT – 6:00 p.m.

283 Chairman Warren opened public comment and asked if there was additional public comment on items that the
284 residents felt necessary or would like to bring up.

- 285 • Stephanie Verdile – She had a question about funds for the Transfer Station. She wondered if anyone
286 had thought about applying for federal infrastructure money. They have sewer, water, maybe
287 something through the planning commission, and DES. In addition to the CIP, that's what the money is
288 there for. A lot of the funding has a set start date and must use by date, but maybe this could jump-
289 start a CIP. TA Carpenter stated that they have looked into the grants. Part of the CIP process is getting
290 the Department Heads involved in looking into grants available. She stated that they've done so much
291 work in the last 9 days and they will have a DES report stating things that need to be handled. Stephanie
292 also suggested an RFP for a new station. Chairman Warren asked if Stephanie was suggesting a new
293 building is the way to go. Vice Chairman Baiocchi stated that they have to repair the hut where the
294 compactor is. Stephanie stated she would look at the cost of repair, bring in people, fix the compactor,
295 and review the scope and how often there will need to be repaired. She works for the Office of Planning
296 and Development.
- 297 • Grace Sisti – She requested clarification that there haven't been any fines yet from DES and wanted to
298 know if they were to get any and if the residents would know about it. Chairman Warren confirmed yes,
299 they would let the residents know. Grace also asked if there was any assistance offered from Gilford,
300 and TA Carpenter stated that they only offered to take foam which could just be part of their permit.

301 TA Carpenter stated that all the neighboring municipalities that have been called have been fantastic. They tried
302 to work with Gilmanton, get us answers, and help direct Gilmanton on a path of repair.

303 Selectman Collins wanted to add that there has been a narrative out with the termination of the employees that
304 TA Carpenter is involved in it. He wanted to make it clear she had nothing to do with it. She is involved now
305 because she is coordinating a lot of things. He wanted to let it be known that it was solely a Board decision and
306 she has had nothing to do with the process other than communicating to the Board and to the public.

307 Vice Chairman Baiocchi also stated that the Selectboard relies on her and the other Department Heads to
308 give them information that they can work with to be able to make decisions. They make decisions based on the
309 information that the Department Heads give them. This Selectboard makes the best decisions based on the best
310 interests of the Town. He thanked the Department Heads for their help in getting through this incident.

311
312 **Motion:** On a motion by Chairman Warren and seconded by Vice Chairman Baiocchi it was voted to move
313 into Non-Public 91-A:3 (I) (3-0)

314 **Motion:** On a motion by Chairman Warren and seconded by Vice Chairman Baiocchi it was voted to come
315 out of Non-Public 91-A:3 (I) (3-0)

316
317 **MINUTES**

318 **Motion:** On a motion by Vice Chairman Baiocchi and seconded by Chairman Warren it was voted to approve
319 the minutes of April 4th, 2023 as amended, adjusting his election to Vice Chairmanship, because Vice Chairman
320 Baiocchi was excused. (3-0)

321 **Motion:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to approve the Non-
322 Public Minutes of April 4th, 2023. (2-0). *Vice Chairman Baiocchi, abstained*

323
324 **Motion:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to adjourn.

325
326 **Adjourned 6:47 P.M.**

327
328
329
330

331 Respectfully Submitted,

332 _____

333 Amanda Davis, Administrative Assistant

334

335 **Approved by the Board of Selectmen**

336 Mark Warren V. A. Baiocchetti

337 Chairman Mark E. Warren

Vice-Chair Vincent A. Baiocchetti

Evan Collins

Selectmen Evan Collins