



APPROVED AS SUBMITTED

## Board of Selectmen Town of Gilmanton, New Hampshire

Meeting

January 15, 2018

**6:00pm.** – Gilmanton Academy

**Present:** Chairman Stephen McWhinnie, Selectman Michael Jean, Selectman Marshall Bishop, Town Administrator Heidi Duval and Assistant Town Administrator- Heather Carpenter  
Also present please see attached sign in sheet.

**6:00 pm** Chairman McWhinnie opened the meeting, took attendance of those present and voting (Chairman McWhinnie, Selectman Jean and Selectman Bishop) and led the Pledge of Allegiance.

### **Budget Work Session- Tabled**

### **Approval of Minutes –**

**MOTION:** On a Motion by Chairman McWhinnie, and seconded by Selectman Bishop it was voted to amend the minutes of 12-27-17, line 202 (a) change it to a (c). (3-0 Voice Vote – Chairman McWhinnie-yes, Selectman Jean -yes, Selectman Bishop – yes).

*This was an error list under non-public #2 for the minutes of 12-27-17*

Minutes of 01-08-18 were tabled until the following meeting until the Board can review.

### **Consent Agenda/Signature File**

**MOTION:** On a Motion by Chairman McWhinnie, and seconded by Selectman Bishop it was voted to open the consent agenda for discussion (3-0 Voice Vote – Chairman McWhinnie-yes, Selectman Jean -yes, Selectman Bishop – yes).

Northpoint Engineering P.O.-

Town Administrator speaks to the addendum from Northpoint, we had been noticed that additional testing would be likely.

There are two purchase orders in the amount of \$1,630.00 and \$2,550.00

Northpoint does the actual work and the samples are sent out for testing.

- **Purchase Order:** *Certified Computer Solutions, 2018 Town Offices Contract (billed quarterly \$2,784.00), \$ 11,136.00, 01-4130-370*
- **Purchase Order:** *NorthPoint Engineering, LLC, \$1,630.00 for additional mandatory landfill monitoring and authorize the Town Administrator to sign the addendum. (Board has authorized TA to sign previous contract)*
- **Purchase Order:** *Eastern Analytical, +/- \$2,550.00 for additional mandatory landfill monitoring analysis*
- **Intent to Cut:** *Intent to Cut for Map 408 Lots 01, 1001, 1002 & 1003*
- **Yield Tax Warrant:** *Issue Yield Tax Warrant of \$2,650.28 Map 403 Lot 14*

- **Refund:** *Refund of \$3,774.00 to Merrimack County Savings Bank for overpayment of 2017 Taxes on Map 421 Lot 1002, (L) Allens Mill Rd.*

**MOTION:** On a Motion by Chairman McWhinnie, and seconded by Selectman Jean it was voted to approve the consent agenda. (3-0 Voice Vote – Chairman McWhinnie-yes, Selectman Jean -yes, Selectman Bishop – yes).

**Public Comment open at 6:10 p.m.**

*The following public comments written in an outline form of question, discussions and concerns.*

Chairman McWhinnie open public comment and stated that this isn't a debate. I want to answer your questions as uniformly as I can, bearing in mind that there will be stuff that I won't be able to comment on. So, I am not being evasive, we need to protect the people that are involved. If this turns into a big battle, I'm going to stop it and close public comment and continue with our meeting. Ask the question and then acknowledge the answer, because the answer is what you have. If you want me to be more elaborate about it I will try to be as honest and true as far as I can. So, anybody?

**Mrs. Kendra Reed-**

- Why was the police department Facebook page shut down?
- There may be a dispute between the police department and Town Officials and if that is the case, can you expand upon what the issues are or matters are being disputed.
- Who changed it (*the Facebook page*)
- Is the intent to put the page back up once the policy is established?

Chairman McWhinnie spoke to the name change of the Facebook page from the Official Police Department page to the Police Association page, the time line of when and how the Facebook page got shut down on the 27<sup>th</sup> of December, positive media vs negative media through. The response to the change from the Association and that the fact that the Association does not adhere to the Town of Gilmanton's rules.

To the knowledge of the Board of Selectman there is a sole administrator to the page that could have made these changes. The Board wanted the page put back to the original form to the Gilmanton Police Department and then deactivated, until better policies are put in place. There is a possibility of the page going back up, the Board understands the page was informative, however you can't just change the page and the say rules don't apply any more.

**Ms. Amy Brown-**

- Is there going to be something put in place until the two parties can come to an agreement, for notifying the community about all the important safety information we get, especially through the winter time? Being aware of road closures, making sure you avoid areas in case of down power lines.
- Is there a plan in place were the community can get that information because without that page there isn't a place to get that type of information, aside from school closures on WMUR?
- Was the issue that the Gilmanton P.D. page was just name changed to an association? So, if they wanted to create a fresh Police Association page for safety notifications, they can do that? They just couldn't utilize the switch of the actual P.D. page?

Chairman McWhinnie understands that there is a need and it is unfortunate that this happened. The Police Association is more than welcome to open up their own private page and do that but you can't take the Gilmanton P.D. page and make a name change.

**Mr. Casey Brennan-** President of the Association for the Police Department

We are going to ask you, because the followers that we do have of the Police Department, just switching over to something like this is going to *(in audible)* and then we are going to have to start all over again.

We will take down all mug shots and we are asking you to relinquish everything over to the Police Department Association, for the simple reason as we have all these followers, we already have all these people and all the stuff that we do on that page. We are just looking not to start over fresh because, because we would have to get more followers and push everything out again. We are just looking at specific things that you guys don't want on there, we are in agreement we will take down the mug shots and keep all the positive stuff on there and that is what we are looking to keep.

**Chairman McWhinnie-** Wouldn't it have been easier to do that in the beginning?

**Mr. Casey Brennan-** Wouldn't have been easy enough to come talk to us about it too?

**Chairman McWhinnie-** We sent it, we sent the first one, to just change to what you agreed to.

**Mr. Casey Brennan-** I am not privy to that, I haven't seen it.

**Chairman McWhinnie-** You don't know how it gone done?

**Mr. Casey Brennan-** I don't know the specifics on the whole thing, no.

**Chairman McWhinnie-** You don't know why it got done or anything like that.

**Mr. Casey Brennan-** No, I do that's why I was talking about the mug shots you guys wanted to take off, that I do know about, not of anything else.

**Chairman McWhinnie-** The concern that I have in giving you all the followers is, do all 2200 want to be on the Gilmanton Police Association page? I know they wanted to be on the Gilmanton Police Department page?

**Mr. Casey Brennan-** We can put on there a disclosure that we are switching over to the Association, so they won't have anything to do with the Police, I'm sorry, the Town of Gilmanton and will strictly run by the Police Association.

**Chairman McWhinnie-** That's right, that would be a sole page and that is what you are asking for, for the Town of Gilmanton to give you the page?

**Mr. Casey Brennan-** That's right.

**Chairman McWhinnie-** We would have to discuss that. I think for now if you have a concerned citizen...

**Mr. Casey Brennan-** I'm just looking to keep the followers that we have.

**Chairman McWhinnie-** Well, get it out there and start your page, until we can sit and talk about what has been done and what's happened. Is that something we could put on the website to get the word out? I don't want to just give you 2200 names, maybe they don't want to be on that page?

**Mr. Casey Brennan-** The Town of Gilmanton had nothing to do with it, you guys did not start the page. It was done by the Police Department, we earned those names, is how I feel.

**Chairman McWhinnie-** You earned it from the Police Department.

**Mr. Casey Brennan-** For all the positive things we did.

**Chairman McWhinnie-** I totally get that Casey but it was a Gilmanton page that got turned into a non-Gilmanton page.

**Mr. Casey Brennan-** You can unfollow as well.

**Chairman McWhinnie-** You can unfollow but is it cool to tell Joe Smucka-telli, now you are in here? Maybe he doesn't want to be in the Police Association.

*Public speaking out of turn with an interjection-* You can unfollow it, there are pages that I don't like and I un-follow. I feel like they are trying to do the right thing.

**Chairman McWhinnie-** The right thing through the wrong thing. Please one at a time.

**Mr. Casey Brennan-** So is the Board...

**Chairman McWhinnie-** We need to discuss it; no should we discuss it in public? No, I don't think so.

**Mr. Casey Brennan-** So, it's a no right now?

**Chairman McWhinnie-** If you need an answer right now it's a no.

**Mr. Casey Brennan-** I am being told that you have to do it in public.

*Public speaking out of turn with an interjection-* It is a public issue, I don't believe it falls any under RSA, which I don't believe it does.

**Chairman McWhinnie-** It actually does, it falls under reputation.

*Public speaking out of turn with an interjection-* Of?

**Chairman McWhinnie-** Of personnel involved.

*Public speaking out of turn with an interjection-* You don't have to name a specific person/

**Chairman McWhinnie-** No you don't, that's why they are non-publics. Casey, we will give it consideration.

**Mr. Casey Brennan-** I appreciate it.

**Mr. Michael Wilson-**

- You guys said that if, it was to take the derogatory parts of their Facebook page off and they just said that they won't put the mug shots up but they want to keep the informative parts up. So, can they not continue to control the Facebook page to where they started it?

**Chairman McWhinnie-** They want to make it an Association page, so we need to look at all aspects of that. To take something that Gilmanton owns and give it to the Association.

**Mr. Michael Wilson-**

Technically, the Police Department owned it, even though they are Town servants...

**Chairman McWhinnie-** No, no, the Gilmanton Police Department Facebook page belongs to the Town of Gilmanton, that's how that goes.

**Mr. Michael Wilson-**

So, is it censorship, that's what it sounds like?

**Chairman McWhinnie-** We don't want mug shots, we don't want... The Board has already decided, we don't see where it serves a purpose...

**Mr. Michael Wilson-**

They just said that they won't post those and they would like to continue operating the page. To keep the informative part up, which is what citizens are asking for.

**Chairman McWhinnie-** Well that's great, and I said no he needed an answer right now, right?

**Mr. Michael Wilson-** So, even though they are willing to take down the parts...

**Chairman McWhinnie-** Were they willing when we wanted to do this to begin with, were they willing then? An email got sent asking to take the mug shots down.



The discussion between Mr. Michael Wilson and Chairman McWhinnie continues with the topics as follows;

- cell phones and the cost
- 91: A's,
- Process of building a new website
- Video and the cost of equipment and uploading video to YouTube and have the file stored digitally
- Indefinite storage of audio minutes and the utilization of audio files from the meetings

Assistant Town Administrator speaks to the set up of the audio files through Soundcloud, the request for audio to be accessible 24/7 and through an app via smart phones, the time and money it takes for elaborate minutes, the use of the website for accessible information per Department and the access to the Selectmen's Office to answer questions similar to what has been presented at tonight's meeting.

**Mr. Michael Wilson**

- Cost of legal budget, this year's budget request for an additional \$15,000.00 for legal capital reserve and the anticipation of what this year holds legally.

Town Administrator wants to clarify that they aren't requesting to put more than previously in capital reserve, they are asking more in the operating budget.

There is a warrant article to replenish and the difference between the request for the operating budget vs the warrant article. The cases currently are one land use case and a number of ongoing utility cases. Discussion of the updated numbers for the legal line that had been used in 2017.

**Mr. Robert Cameron-**

- Social media, the need for social media to do the job of public safety effectively and getting the information out to the public and Facebook is the main source for that
- The need for community to able to have a site for safety information
- Understands the issue of the site if it goes unchecked, and if no strictly regulated can cause issues.
- Understands that the dispute of content is between the Board and the Department but his concern that the Board is withholding a resource, the site is a benefit to the Town, the Department and the citizens.

**Mrs. Sandi Guarino-**

- The vote in 2016 for a generator, concern over the lack of purchase, where the money went and why you did not follow-up on the voters' wishes.

Chairman McWhinnie spoke to the lack of money requested within the article and the fact that it wasn't enough based on the needs of the building.

Assistant Town Administrator speaks to the past warrant article which came about under a different administration, the number within that article was valid through one contractor, however when the new Board came on the price was no longer available. Different contractors were sought out for pricing, and sizing that would be appropriate for the building. Within the search for a generator the need for a replacement on the fire pump became an issue and concerns.

**Mrs. Stephanie Fogg-**

- Speaking to the past warrant article for the generator after the flooding in the building because there was no heat in the building

- The pump was never apart of the situation with the generator, the generator was for the heat and the elevator.
- The warrant article that was voted on by the Town and concern of where the money went

Discussion about the money for the generator not being enough for the size that was need based on multiple concerns of mechanical updates needed for the building.

**Mr. Bill Mahoney-**

- Spoke to the previous Town Electrician, the quote that was given for the generator and his credentials of being a Master Electrician.

**Ms. Kristen Menard-**

- Would like to know the reasoning for not wanting mug shots on the Facebook page and how that is bad for the Town
- Examples of a good reason for having mug shots, so that people in the community can be made aware of child molesters, drug dealers, drunk drivers, serial offenders...

Chairman McWhinnie and the Board felt that the mug shots didn't serve a purpose, it doesn't help the Town, and it isn't constructive. All of that information that was posted on the site is public knowledge and you can go request that at the Police Department.

**Public Comment closed at 6:52 p.m.**

**(1) Non-Public Session per RSA 91-A:3, II (c)**

**MOTION:** On a Motion by Chairman McWhinnie, and seconded by Selectman Jean it was voted to go into Non-Public Session per RSA 91-A:3, II (c). (3-0 Voice Vote – **Chairman McWhinnie**-yes, Selectman Jean -yes, Selectman Bishop – yes).

**MOTION:** On a Motion by Chairman McWhinnie, and seconded by Selectman Bishop it was voted to come out of Non-Public Session. (3-0 Voice Vote – Chairman McWhinnie-yes, Selectman Jean -yes, Selectman Bishop – yes).

**Public meeting session resumes-**

Chairman McWhinnie- The Board understands the need for the community to have this page, we don't want it to be an Association page because it is a Gilmanton Police Department page. Are you willing to operate that under Police Department page and operating it under the guidelines and policies that The Board comes up with?

**Mr. Brennan** -In all fairness that's not my decision. If you're going to make it an Association and agree to have it be an Association.

**Chairman McWhinnie**- No, we are not going to agree to that.

**Mr. Casey Brennan**- Right, that's not my decision to make in a sense because I'm not the Chief of Police. I am the President of the Association, so I can't say yes or no to that. Doesn't the Fire Department have an Association.

**Chairman McWhinnie**- They opened it as an Association.

**Mr. Casey Brennan-** I'm not trying to get anything besides my followers, that's it

**Chairman McWhinnie-** But you can't just take them.

**Mr. Casey Brennan-** Sure you can.

**Chairman McWhinnie-** I know you tried to or someone did. I am trying to meet you half way.

Both parties agreed that this was silly, that we have to sit here and talk about this. Mr. Brennan feels the Board should allow it to open up as an Association page and the Board has agreed that it will not open back up under the name of the Association and if the Association would like to open up a page they can.

Mr. Brennan suggestion is for the Board to allow the Police Department page to open back up, the regulation/ policy can be made, before anything is additionally posted we will go through the proper channel but we will take the mug shots off.

Continued discussion over who's page it is, the fact that the page was taken and made into an Association page that didn't have to follow the guidelines set by the Town.

**Selectman Jean-** We will send the Chief a letter tomorrow.

**Chairman McWhinnie-** Agrees to have the letter sent out tomorrow  
Police Department directives are available at the Selectmen's Office.

#### **Select Board Items-**

- Request from the Selectmen's Office employees that the Board consider an exception to the Personnel Policy, "Jeans Friday" in exchange for Gilmanton Food Pantry Donations.

**MOTION:** On a motion by Chairman McWhinnie and seconded by Selectman Jean it was voted to allow an exception to the Personnel Policy to allow non-uniformed employees of the Town of the Gilmanton to wear Jeans, still neat and clean in appearance, on Fridays in exchange for a food donation to the Gilmanton Food Pantry or similar charitable donations. (3-0 Voice Vote – **Chairman McWhinnie-yes, Selectman Jean -yes, Selectman Bishop – yes).**

#### **(2) Non-Public Session per RSA 91-A:3, II (a)**

**MOTION:** On a Motion by Chairman McWhinnie, and seconded by Selectman Bishop it was voted unanimously to go into Non-Public Session per RSA 91-A:3, II (a). (3-0 Voice Vote – **Chairman McWhinnie-yes, Selectman Jean -yes, Selectman Bishop – yes).**

**MOTION:** On a Motion by Chairman McWhinnie, and seconded by Selectman Bishop it was voted unanimously to come out of Non-Public Session. (3-0 Voice Vote – **Chairman McWhinnie-yes, Selectman Jean -yes, Selectman Bishop – yes).**

**MOTION:** On a Motion by Selectman Jean, and seconded by Chairman McWhinnie it was voted unanimously to seal the minutes of Non-Public Session. (3-0 Voice Vote – **Chairman McWhinnie-yes, Selectman Jean -yes, Selectman Bishop – yes).**

#### **(3) Non-Public Session per RSA 91-A:3, II (c)**

**MOTION:** On a Motion by Chairman McWhinnie, and seconded by Selectman Bishop it was voted unanimously to go into Non-Public Session per RSA 91-A:3, II (c). (3-0 Voice Vote – **Chairman McWhinnie- yes, Selectman Jean-yes, and Selectman Bishop– yes).**

**MOTION:** On a Motion by Chairman McWhinnie, and seconded by Selectman Bishop it was voted unanimously to come out of Non-Public Session. (3-0 Voice Vote – Chairman McWhinnie -yes, Selectman Jean-yes and Selectman Bishop – yes).

**MOTION:** On a Motion by Chairman McWhinnie, and seconded by Selectman Jean it was voted unanimously to seal the minutes of Non-Public Session. (3-0 Voice Vote – Chairman McWhinnie-yes, Selectman Jean -yes, and Selectman Bishop – yes).

**(4) Non-Public Session per RSA 91-A:3, II**


**MOTION:** On a Motion by Chairman McWhinnie, and seconded by Selectman Bishop it was voted unanimously to go into Non-Public Session per RSA 91-A:3, II. (3-0 Voice Vote – Chairman McWhinnie– yes, Selectman Jean-yes, and Selectman Bishop– yes).

*Review and approval of non-public minutes*

**MOTION:** On a Motion by Chairman McWhinnie, and seconded by Selectman Bishop it was voted unanimously to come out of Non-Public Session. (3-0 Voice Vote – Chairman McWhinnie -yes, Selectman Jean-yes and Selectman Bishop – yes).

**Adjournment:** On a Motion by Chairman McWhinnie and seconded by Selectman Jean it was voted unanimously to adjourn at 8:32p.m.(3-0).

Respectfully Submitted,

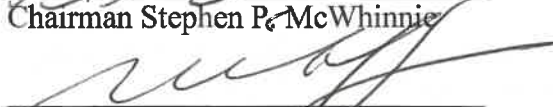


Heather Carpenter  
Assistant Town Administrator


**Approved by the Board of Selectmen**



Chairman Stephen P. McWhinnie



Selectman Michael J. Jean



Selectman Marshall E. Bishop

{Audio recordings are available at the Selectmen's Office and for free as a link on the Town website through SoundCloud}