



APPROVED

## Board of Selectmen Town of Gilmanton, New Hampshire

Meeting

February 5, 2018

6:13pm. – Gilmanton Academy

**Present:** Chairman Stephen McWhinnie, Selectman Michael Jean, Selectman Marshall Bishop and Town Administrator Heidi Duval. Assistant Town Administrator-Heather Carpenter not present.

Also present please see attached sign in sheet.

**6:13 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.

Chairman McWhinnie-we are going to go right into public comment. He gave a brief outline of how public comment will be run, it will last five minutes per person and it will last a half hour, and the Chairman will try to respond the best he can.

**Public Comment opened public comment at 6:15 p.m.**

*The following public input provides an overview of questions, concerns and/or statements made. Please refer to the audio for exact statements.*

**Sandra Guarino-**

- Questioned who the man was already sitting in the auditorium when the public was let in the front door for the last Selectmen's meeting and why he was allowed in before the rest of the public. Chairman McWhinnie explained that the man in question had come to the back door when the Chairman was outside, as the Chairman was on his way to open the front door, he let the individual in, then unlocked the front door.
- Ms. Guarino stated that she was not feel she was getting clear answers on her 01/17/18 Right to Know request from the Heidi Duval, that she wants the cost of the Police Directives and wants to see the attorney's statements but does not want them to go to legal counsel for review. Chairman McWhinnie confirmed that there are other charges on the bills and they need to be redacted before being provided. Ms. Guarino did not feel that Heidi Duval had answered if the Town had used Drummond Woodsum for other items before or after the Directives, Chairman McWhinnie stated he did not know when exactly, but yes Drummond Woodsum had provided other services to the Town and those items are combined on the bills.

**Amy Brown-**

- Asked if there are documented job descriptions for the Board of Selectmen & if they were online. Chairman McWhinnie told her there are positions such as Chair, vice chair and secretary, but did not know if they were online. Ms. Brown asked if the Board has access to phones and other office equipment in the office and if the Board members are allowed to conduct business outside of regular business hours/ on your own time, and if so how is that time documented, so she can understand why the Chairman would need a cell phone. There was discussion on documentation, it was noted that emails sent/

received would be considered documentation. She also asked if the Chairman is allowed to act outside of the Board, Chairman McWhinnie explained that it was a full vote of the Board to allow him to act on certain items. Ms. Brown reiterated the feelings of the public at the last meeting, that the public should be allowed to hear what the Board is discussing in a work session. Ms. Brown read out a text, explaining it to be RSA 91-A, Section 2, paragraph 3, (c) "Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location. Any member participating in such fashion shall identify the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting..." which states that public meetings should be audible to the public... Chairman McWhinnie asked if she had not been able to hear previously, Ms. Brown stated she had not. Chairman McWhinnie acknowledged a microphone placed in front of him the start of this meeting by the public, stating hopefully the mic will help.

**Adam Mini-**

- Asked when the Board had voted to allow the Chairman to make decisions, Chairman McWhinnie replied that we will get back to you.

**Donald Guarino-**

- Asked where the money came from for the compactor site work, electrical and concrete slab and what the Town Bidding Policy was. Chairman McWhinnie explained that the funding was taken from the Facility Improvements reserve fund; the warrant article was enough for the compactor, but the Board decided it was better to install a second compactor for better use. Chairman McWhinnie and the Town Administrator explained that the Bidding Policy had been used, at least three bids had come in for the compactor and but they were not sure how many they had received for the concrete. There was discussion on the original vote, Mr. Guarino stated the original vote was to replace the compactor, Chairman McWhinnie stated it was the Board's purview to change.

**Michael Wilson-**

- Stated that the Board of Selectmen function as a group by design, and that the Chair acting alone defeats that purpose. Chairman McWhinnie responded that while he has the autonomy to make decisions, he wouldn't, he does bring anything he works on back to the Board, but does have the authority to deal with day-to-day small issues. There was discussion on illegal meetings, the Chairman stated that the Board does not meet or speak on Town business outside of their legal meetings. There was also discussion on the Board reading out what they are discussing in public meetings so the public is aware, it was stated that the agenda does not provide enough detail for the public to know what the Board is discussing if they do not read out the topic or documents they are reading. The Board will look into making the agenda more specific.

**Brenda Currier-**

- Stated that the consent agenda is not on the agenda or read out, Chairman McWhinnie explained that it is included in the minutes. Ms. Currier asked how many vacation days full time employees of the Town get, it was explained that it depends on how long they have worked for the Town. Ms. Currier stated that she felt it was poor management for the Board to close the office at noon on 12/22/17 and 12/29/17, as those select employees

received what equals to an extra vacation day. Chairman McWhinnie stated the Board would give it some thought and get back to her. Ms. Currier read a text (*not provided for these minutes*) comparing April 2016 to something happening right now, referencing in 2016 the Board cleaned the slate of employees that had different opinions than you did, but you can't clear the slate of the public now...three people who have attended these meetings have had something very concerning happen to them recently... asked Chairman McWhinnie if he went to a member of the public's employer and tried to cause a problem with their employment ... did you also try to affect a family member of a second person who spoke out, you copied Facebook postings...and tried to get them fired by having their employer view those postings, but that kind of backfired, didn't it... you tried to mess up the employment of two of these people just because they spoke out against you in a meeting... third person I don't know what you're up to as they only saw your number on their phone...these are people you don't call...right after a meeting...were you calling to threaten them...it's outrageous that you are bullying the town's people who speak out... social media...intimidating...disgusting behavior for a sitting Selectman... you Mike (*Selectman Jean*) and Marshall (*Selectman Bishop*) are a part of this whole vendetta thing and you just sit there like a couple of mutes...are these things true, Steve? (*Chairman McWhinnie*) ...can these things be proven by the people that were witnesses... She also asked Selectmen Jean and Bishop if they condone what has been happening with the perceived misuse of our tax dollars...Mike you're on your way out & Marshall you just received a payout from your fellow Selectmen... Chairman McWhinnie stopped Ms. Currier at this point.

**Adam Mini-**

- Asked for the parameters of the vote giving the Chairman authority to act, the Chairman responded we will get you the motion. Mr. Mini asked if the public could hear from the rest of the Board. Chairman McWhinnie asked Selectmen Jean and Bishop individually if they were "good" (*with the vote to give Chairman McWhinnie authority*), they each responded yes.

There was brief discussion on how to properly run a meeting and Robert's Rules.

**Amy Brown-**

- Asked for an update on when the rest of January's minutes will be online, and asked if the Board had researched surrounding town websites, citing Gilford's minutes including YouTube videos. Chairman McWhinnie stated the Board would review Gilford's website, and that some minutes would be approved tonight and placed online after approval.

**Richard Bakos-**

- Asked if the website was going to cost more than \$5,000, stating that if it costs more than \$5,000 or lasts more than a year, it needs to be a warrant article because of the capitalization policy of the Town. Chairman McWhinnie stated we do not know the price yet, but if there is a requirement it will be followed.

**Brett Currier-**

- Asked who had authorized Code Enforcement to remove signs and why was it done so quickly, when previous sign complaints had sat for over a month. There was discussion on if the signs are considered political signs, Mr. Currier stated they are political signs as the Police budget is being voted on. Chairman McWhinnie read out the RSA explaining political signs and the requirement that they include the name of the sponsor. There was further discussion on code enforcement being sent out to remove the signs, Mr. Currier

reiterated that he had filed a complaint on signs that went on for a month with no action. Chairman McWhinnie stated that Code Enforcement is handling the issue.

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

**Approval of Minutes –**

**MOTION:** On a Motion by Selectman Jean, and seconded by Selectman Bishop it was voted to approve the minutes of 01-22-18. (3-0 Voice Vote – Chairman McWhinnie-yes, Selectman Jean -yes, Selectman Bishop – yes).

**MOTION:** On a Motion by Selectman Jean, and seconded by Selectman Bishop it was voted to approve the minutes of 01-29-18. (3-0 Voice Vote – Chairman McWhinnie-yes, Selectman Jean -yes, Selectman Bishop – yes).

**Consent Agenda/Signature File**

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

- **Purchase Order:** *Aamco Transmission, mass airflow sensor & steering column '07 Chevy (some parts/labor under warranty), \$2,393.53, 01-4311-667*
- **Events Permit:** *Gilmanton Corner Library, Snowman Building Contest, Town Commons/Library, February 24, 2018, 10:00 am – 1:00 pm*
- **Yield Tax Warrant:** *Issue Yield Tax Warrant of \$276.58 Map 403 Lots 12 & 22*

There was discussion previous transmission work done, it was believed that the recent transmission work was on the One Ton truck, this purchase order is for the 2007 Chevy pick up truck. It was noted that the Event Permit for the Snowman building contest was to be held on the Town Commons.

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

**New Business- Planning Board: candidate for appointment, Gabriel Jerome**

“Gabe” Gabriel Jerome has submitted his interest in serving on the Planning Board, the Board of Selectmen interviewed the candidate. It was asked if he had previous experience, he stated was an alternate for a little over a year in Newmarket, as well as attending various meetings. He also stated he intended to learn a lot at first, not planning to spear head any big changes. He had read some of the Master Plan survey results and understands the Town’s passion for being a small town, balancing small business and conservation. It was asked how he would handle making a decision he didn’t like, Gabe stated his gut reaction is to follow the book. While he hasn’t had any training yet, it was noted there are often trainings available in the spring.

**MOTION:** On a motion by Chairman McWhinnie, and seconded by Selectman Bishop it was voted to appoint Gabriel Jerome as a full member to the Planning Board. (3-0 Voice Vote – Chairman McWhinnie-yes, Selectman Jean -yes, Selectman Bishop – yes).



It was noted that Board and Committee vacancies are posted on the website and bulletin boards.

### **Old Business- Legal Proposals**

The proposals received in response to the Legal Services Request for Proposal (RFP) were unsealed and reviewed (sealed bid). The following bids were received and key points of each noted. The Town Administrator was to later provide each Selectman full copies of each proposal for review. Having each firm in to meet with the Selectmen at a later meeting was discussed.

- Mitchell Municipal Group, P.A.-
  - Highest hourly rate \$220/ hr (Walter Mitchell)
  - Yearly (paid monthly) flat rate retainer available, \$18,308 (@ \$1,500 per month)
- Wadleigh, Starr & Peters, P.L.L.C. –
  - Highest hourly rate \$205 (partners)
  - 33 Associates
- DTC –
  - Hourly Rates: \$150 (Partner), \$145 (Associate)
  - Yearly (paid monthly) flat rate retainer available, \$33,000 (@ \$2,750 per month)
- Drummond Woodsum –
  - Highest Hourly rate: Specialized (Bonding etc) \$265, General Municipal \$205/hr
  - Willing to discuss flat rate retainer

### **SelectBoard Items-**

The Board discussed Town Deliberative Session on Saturday, February 10, 2018 at 10:00 am; including acknowledging the weather forecast for the School Deliberative Session may require them to postpone, that the Selectmen will move non-monetary items, and will be holding a brief meeting immediately following Deliberative Session with a possible consent agenda and to reconsider their warrant article recommendations only.

The Board scheduled their next full regular meeting for Monday, February 26, 2018.

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

**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 (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 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 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, Selectman Bishop – yes).


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

**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, Selectman Bishop – yes).


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

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

Respectfully Submitted,

  
Heidi Duval  
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}



## SELECTMEN'S OFFICE TOWN OF GILMANTON

PO Box 550, Gilmanton, NH 03237


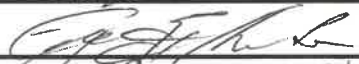


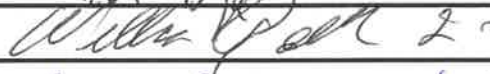



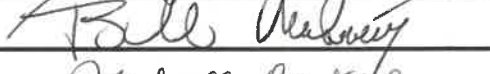

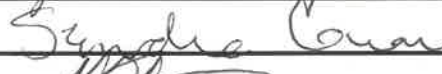


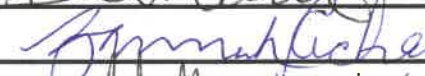
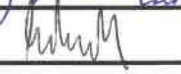



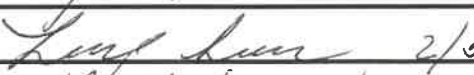
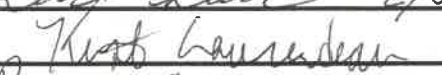
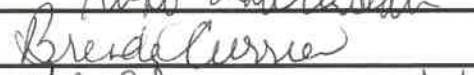
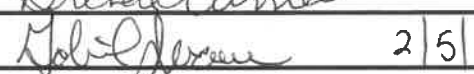
Ph: (603) 267-6700 Fax: (603) 267-6701 Website: [www.gilmantonnh.org](http://www.gilmantonnh.org)

### ATTENDANCE SIGN-IN

#### PRINT NAME

#### SIGNATURE & DATE

February 5, 2018

Jacob Daizell	 2-5-18
GREG ALBERTSON	 2/5/18
Amy Brown	 2/5/2018
Mike Daile	 2/5/18
William Preswick	 2-5-18
Laurel Roebuck	 2/5/18
RICHARD BAKER	 2/5/18
Jack Farrington	 2-5-18
Bill Mahoney	 2/5/18
Quater BAKES	 2/5/18
Sandra Guarnas	 2/5/18
DON GUARAS	 2/5/18
Brett Currier	 2/5/18
Zannah Richards	 2/5/18
ADAM MINI	 2/5/18
MICHELLE MINI	 2/5/18
Mico Wilson	 2/5/18
Robert Carpenter	 2/5/18
Leonard Swanson	 2/5-2018
KRISTI LAURENDEAN	 2/5/18
Brenda Currier	 2/5/18
Gabe Jorson	 2/5/18