



APPROVED ON 04-29-19

Board of Selectmen
Town of Gilmanton, New Hampshire

Meeting

March 25, 2019

Approximately- 6:00pm. – Gilmanton Academy

Present: Chairman Marshall Bishop, Selectman Michael Wilson, Selectman Mark Warren, Town Administrator- Patrick Bore` and Assistant Town Administrator-Heather Carpenter

Also present please see attached sign in sheet.

Open Public Meeting- Approximately 6:00 p.m.

6:00 p.m. Chairman Bishop opened the meeting, took attendance of those present and voting (Chairman Bishop, Selectman Wilson and Selectman Warren) and led the Pledge of Allegiance.

Public Input: - A statement was made by Chairman Bishop that there would be not public input for tonight's Board meeting and due to his speech impediment, if there is something that a person doesn't understand to please let him know so that he can address it.

Agenda Items:

○ **VOTING ON THE ELECTION OF OFFICERS**

Chairman:

MOTION: On a motion by Selectman Warren and seconded by Selectman Bishop it was voted to accept the appointment of Selectman Marshall Bishop as the Chairman to the Board of Selectmen. (3-0)

Vice Chairman:

MOTION: On a motion by Chairman Bishop and seconded by Selectman Warren it was voted to accept the appointment of Selectman Michael Wilson as the Vice Chairman to the Board of Selectmen. (3-0)

Secretary:

MOTION: On a motion by Chairman Bishop and seconded by Vice Chairman Wilson it was voted to accept the appointment of Selectman Mark Warren as the Secretary to the Board of Selectmen. (3-0)

○ **VOTING ON SELECTMEN'S LIAISON ASSIGNMENTS**

Planning Board Exofficio-

MOTION: On a motion by Vice Chairman Wilson and seconded by Chairman Bishop it was voted to accept the appointment of Selectman Mark Warren as the exofficio of the Board of Selectmen to the Planning Board. (3-0)

Budget Committee Exofficio-

MOTION: On a motion by Chairman Bishop and seconded by Selectman Warren it was voted to accept the appointment of Vice Chairman Wilson as the exofficio of the Board of Selectmen to the Budget Committee. (3-0)

Historic District Commission Exofficio-

MOTION: On a motion by Chairman Bishop and seconded by Selectman Warren it was voted to accept the appointment of Chairman Bishop as the exofficio of the Board of Selectmen to the Historic District Commission. (3-0)

**Highschool options committee had a Selectmen's Representative on it, no motion was made to select a representative at this point.*

○ **PARKS & RECREATION COMMISSION DISSOLUTION**

Town Administrator-

There was a Warrant Article to dissolve the Park and Recreation Commission due to lack of members and the commission had not been followed for many years. The intent tonight is just to acknowledge the dissolution. The Town Administrator received a resignation letter from the current members, aside from one but that is a technicality, we have a quorum of resignations. We need time to reorganize ourselves in regards to Parks and Rec. and follow-up with further discussion.

Board acknowledges the dissolution and the resignation letter from the members.

Alternate Appointments:

Budget Committee-

MOTION: On a motion by Chairman Bishop and seconded by Vice Chairman Wilson it was voted to accept the appointment of Selectman Warren as the **Alternate exofficio** of the Board of Selectmen to the Budget Committee. (3-0)

Planning Board-

MOTION: On a motion by Vice Chairman Wilson and seconded by Selectman Warren it was voted to accept the appointment of Chairman Bishop as the **Alternate exofficio** of the Board of Selectmen to the Planning Board. (3-0)

Historic District Commission-

MOTION: On a motion by Selectman Warren and seconded by Chairman Bishop it was voted to accept the appointment of Vice Chairman Wilson as the **Alternate exofficio** of the Board of Selectmen to the Historic District Commission. (3-0)

○ **VOTING ON THE ESTABLISHMENT OF A MEETING SCHEDULE**

The current Board of Selectmen Meeting schedule is set for the 1st and 3rd Monday of every month, starting at 6:00 p.m.

MOTION: On a motion by Chairman Bishop and seconded by Selectman Warren it was voted to keep the current Board of Selectmen meeting schedule as follows; 1st and 3rd Monday of every month, starting at 6:00 p.m.

Minutes:

Town Administrator sent out the minutes and have not heard any comments from the Board, in the future please let the Town Administrator or the Assistant Town Administrator prior to the meetings.

Minutes of the 03-08-19, 03-11-19 A.M. and 03-11-19 P.M. have been tabled until the next regular meeting.

Review of Non-public minutes- The Board and Administration discussed the current protocol of reviewing and approving non-public meeting minutes.

The recommendation given by the Assistant Town Administrator was to approve the non-public meeting minutes at all subsequent meetings and to re-review all sealed non-public minutes on a quarterly basis.

The Board members would like the review session done on a monthly basis.

MOTION: On a motion by Chairman Bishop and seconded by Vice Chairman Wilson it was voted to review non-public meeting minutes on a monthly basis. (3-0)

Clarification- non-public meeting minutes will only be reviewed on a monthly basis, on the third Monday meeting of every month.

Consent Agenda:

MOTION: On a motion by Chairman Bishop and seconded by Chairman Wilson it was voted to open the consent agenda. (3-0)

- MS-232 - Report of appropriations actually voted
- P.O. Nutter Enterprise: \$13,399
- P.O. Morton Salt: \$12,000
- NH Dept of Corrections: \$1,750
- CCS Agreements (Town Hall, PD, FD, Highway, Transfer station)
- Planning Board vacant position application – Shane Bruneau. **This item was moved to New Business for further discussion and clarification.**

Addition to consent agenda

- P.O. Lakes Region Mutual Fire Aid: \$36,379.90
- P.O. Bergeron: \$3,841.98
- P.O. Nutter Enterprise: \$15,168.00

MOTION: On a motion by Chairman Bishop and seconded by Selectman Wilson it was voted to approve the consent agenda. (3-0)

Old Business:

- Stage Road Bridge project- Discussion on the April 29th start date of the bridge project, any delays will be costly and jeopardize the completion date of the project. The easements & compensation need to be negotiated. The Town Administrator requests the ability to start negotiating with property owners and bring the information back to the Board.

MOTION: On a motion by Chairman Bishop and seconded by Vice Chairman Wilson it was voted to allow the Town Administrator to start the negotiation for compensation with the land owner who will be affected by the easements on the bridge project. (3-0).

The Town Administrator will come back to the Board to discuss the agreement if one has been made.

- 2018 Audit Update-Starting April 2nd, questioners have been sent out to some of Board members.
- NH 140/107 Intersection update-

The project is slated for completion in the year 2028. The Town Administrator would like to see something done in the near future to mitigate the amount of accidents that are occurring at this intersection as an interim solution prior to the completion date. This project is enough of a concern and interest to the Board. The Town Administrator recommends a member of the Board to participate on the LRPC-TAC, in order to promote/defend the project.

The Board has the opportunity to have an additional representative to the Lakes Region Planning Commission-TAC.

MOTION: On a motion by Selectman Warren and seconded by Vice Chairman Wilson it was voted to appoint Selectman Warren to the LRPC-TAC as an additional representation for the Town. (3-0)

- Appointment to the Planning Board- Mr. Shane Bruneau

The Board and Administration discuss and address the current transition of the Planning Board from a fully appointed board to a fully elected board by the year 2021. Mr. Bruneau had been previously appointed by the former Board of Selectmen and had been serving the Planning Board for the last year.

The Assistant Town Administrator addressed legal opinion from Town counsel after the vote took place, NHMA's legal opinion- as reiterated by a prior Town Administrator, the Town's position to follow the RSA's, and the language of the 2018 petition warrant article that was voted in the positive. Additionally, the matter of a Planning Board member that resigned in January and why that seat will be placed on the ballot in the year 2021.

Below is the current legal opinion from Town Counsel, regarding the Planning Board's transition from a fully appointed Board to a fully elected Board.

The Board of Selectmen as the body that appointed the member that has resigned would fill the vacancy for the remainder of the unexpired term of that appointed Planning Board member.

New Hampshire law is not express on this particular set of circumstances, i.e. what is the protocol to fill a vacancy of an appointed member when the Town has voted to elect planning board members in the future. However, the plain wording of the statutes that are applicable would support the Selectmen's authority to fill the vacancy of the appointed member in this instance.

RSA 673:12 provides two protocols for filling vacancies on the Planning Board, one for elected members and one for appointed, ex officio, and alternate members.

- For elected members, the remaining members of the planning board would fill the vacancy until the next regular municipal election, at which time a successor would be elected for the remainder of the expired term (or to start a new term, if the original term would have expired).*
- For appointed members, the original appointing authority (in this case the Board of Selectmen) would fill the vacancy for the unexpired term, following which the position would be elected.*

Here, the vacancy is that of an appointed member. As such, the filling of the vacancy would be by the Board of Selectmen until the term expires in 2021.

MOTION: On a motion by Chairman Bishop and seconded by Selectman Warren it was unanimously voted to appoint Mr. Shane Bruneau as a full-member to the Planning Board, term to expire in 2021. (3-0)

New Business:

- Transfer Station personnel- Solid Waste Manager is present and requesting the ability to move forward with advertisement for the part-time, year-round position that was budgeted for this year.

MOTION: On a motion by Chairman Bishop and seconded by Vice Chairman Wilson it was voted to move forward with the recruitment process for the part-time, year-round position at the Transfer Station. (3-0).

Any applicants that applies for the position will go through the interview process with the Board, Administration and the Dept. Head.

- 2019 Warrant Article 27 – Town Clerk/Tax Collector is present to inform the Board of the change in hours that her office will start as of April 1st due to the petition warrant article 27 that was voted in this past election. New Town legal counsel has stated this is a legally binding article. This article has presented an issue for staff, therefore there will be no evening hours starting April 1st. The change of hours is as follows;
Mon, Wednesday, Thursday, and Friday open from 8:00 a.m.- 4:00 p.m., this change allows for more open hours for the office, prior to this change the office was open on a 28-hr. basis and now it will provide 32 open hours for the public.

Town Administrator made a statement for the record- "Since January 16th the front doors have been open, both front and rear doors are accessible to the public with no buzzer system in place. The buzzer still buzzes because people are still using them for some reason but there is no buzzer in place at this point." It is still in the Board of Selectmen authority and duty to protect not only the public but the employees, if there were to be an incident all of this would have to be reconsidered. It has been working great since January 16th so there is no reason why it shouldn't continue. Signs have been present since the doors have been open, to let the public know of the change.

Assistant Town Administrator made a statement for the record. "Unfortunately, I think there was a real lack of clarity on the public portion as to what was actually happening in the building. I know there were a lot of campaigns, *such as* "Free the Town Hall".

The building for the record was never restricted, people had public access. You did it through a buzzer system, never did we deny people, never did we say "no, you are not on our list you cannot come in", that would be denying public access. What the Board did and what they did for their employees to produce a safe environment, which was requested by multiple employees. The Board listened to *us* and we are thankful for that. They provided an environment that was safer for employees, *while still allowing* public access, essentially giving the employees a little bit of time to know who was coming in because of the issues that had taken place. So, at no point was there ever any restricted access. *Much like*, you have a public building at the school, that is publicly accessible. I have picked my kids up there, I go to the high school I get buzzed in. I am not denied access to my child or that location. They let me in, they just want to know who I am and that is permissible.

I think when we didn't get to speak about this at Deliberative Session because it wasn't a monetary article, there was some real issues when people voted and *may* not had a complete understanding for what they voted for. Not to say they voted improperly, there was this concept that we locked people out. We did not lock people out, the Board provided a safe environment for employees without restriction, just allowing us to know who you were."

LCHIP- The Town has received a check for \$200.00 from LCHIP for the timely submission of the annual reporting information done by Mr. John Dickey. The Board of Selectmen acknowledges the check from LCHIP.

- Building Inspector/Code Enforcement Officer-

The Building inspector has agreed to stay on as an interim inspector for the time, until the Town can find a replacement.

The Town Administrator wants to avoid having a backlog, and would like to start the process of recruitment prior to the busy season which is coming up. There are budget constraints to the position but he would like the authority to advertise for the position, while speaking with the current inspector to see if he is interested in staying.

MOTION: On a motion by Selectman Warren and seconded by Chairman Wilson it was voted to allow the Town Administrator to see if we can keep the current Building Inspector based on what would be necessary to keep him on but also initiating the process of new job hire. (3-0)

Select Board Items:

Vice Chairman Wilson suggested that a camera system be purchased this year for the recording of all public board meetings that take place at the Town Hall.

Assistant Town Administrator would like the Board to consider the information prior to a vote on that request as it will affect staffing needs.

Non-public session:

1. NON-PUBLIC Pursuant to RSA 91-A:3, II (I)
2. NON-PUBLIC Pursuant to RSA 91-A:3, II (c)
3. NON-PUBLIC Pursuant to RSA 91-A:3, II (c)
4. NON-PUBLIC Pursuant to RSA 91-A:3, II (I)

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

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

Legal

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

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

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

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

Reputation

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

Meeting not sealed.

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

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

Reputation

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

Meeting not sealed.

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

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

Legal

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

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

The meeting room was opened to the public. The Board noted the Non-Public Session minutes were sealed.

Adjournment: On a Motion by Chairman Bishop and seconded by Vice Chairman Wilson it was voted unanimously to adjourn at 9:38 p.m. (3-0).

Respectfully Submitted,



Heather Carpenter
Assistant Town Administrator

Approved by the Board of Selectmen



Chairman Marshall E. Bishop



Selectman Michael J. Wilson



Selectman Mark E. Warren

{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

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ATTENDANCE SIGN-IN

PRINT NAME

SIGNATURE & DATE

Bob Burtin

Jacob Dufell

Brett Currier

ADAM MINI

Sandra Guano

Barbara Swanson

Leonard Swanson

Michael Tennesen

James Tennesen

Ron Nason

Amy Brown

03-25-19

Bob Burtin

Jacob Dufell

Brett Currier

ADAM MINI

Sandra Guano

Barbara E Swanson

Leonard Swanson

Michael Tennesen

James Tennesen

Ron Nason

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