



Board of Selectmen Town of Gilmanton, New Hampshire

6 Meeting

7 June 17, 2019

8 **Approximately- 5:30 p.m. – Gilmanton Academy**

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

12 Also present please see attached sign in sheet. - ***see attached**

14 Chairman Bishop opened the meeting, took attendance of those present and voting (Chairman
15 Bishop, Vice Chairman Wilson and Selectman Warren).

17 **Minutes-** *Tabled until next regularly scheduled meeting*

19 The Town Administrator recommends the Board go into a non-public session.

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

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

24 **To discuss legal advice given**

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

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

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

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

37 **Reputation**

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

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

Parks and Recreation: 6:06 p.m.**Mr. Richard Kordas presents-**

The Parks and Recreation Commission has been dissolved as of the 2019 March election the two of the former members are asking the Board for clarification on what the Parks & Rec. will look like moving forward, more specifically will it be turned into a Department.

When Mr. Kordas initially got involved in the Park the objective was to keep cost low.

Town Administrator- The Warrant Article was presented because for years the Commission didn't have the proper membership. The article essentially transfers the authority of the Parks and Rec. to the Board of Selectmen. This is a temporary solution, the Board of Selectmen will have a specific section added to their meeting, so that you can come and present anything that needs to be approved and to maintain communication through discussions. This allows us time to come up with a long-term solution that will be presented at the next Town meeting.

Issues that need to be looked at;

Other than a seasonal employee, the Park is run by volunteers and there is no authority for those individuals to spend money which is why items will go through the Town's approval process.

ATA Carpenter- The commission did not function for decades in the appropriate way per RSA standard and had no interest in meeting requirements. Meeting was not public, agendas were not posted, no minutes of the meeting had been taken. As a Town we have an obligation to meet state standard. There is a possibility of it functioning as a Department and what that looks like is a full discussion that needs to be had, so that it is successful and not a disjointed effort.

Town Administrator- The key to this transition period is communication, it is better to over communicate at this point.

Mr. Kordas- If it is set up as a Department, whoever is running it should have the full authority to run the program as we did with the Commission.

ATA Carpenter- The differences between the Commission and a Department; If the choice is to go back to a Commission the authority is held with the Commission and will need to function appropriately. If it is a Department it will need to function just like any other department which is subject to the policies, rules and regulations and a hierarchy.

The discussion continued about the possibility of a Department being formed, the process of budgeting and authority to spend now compared to when there was a Commission, swim lessons- the issue of having a non-certified instructor vs a certified instructor and why it effects the Town in regards to liability and risk management.

Outcome of the discussion: Administration will work with the volunteers of Parks and Rec through this temporary period and make it as easy as possible through the season. Volunteers would like the differences of Department, Commissions and Committees and then they can come up with questions in order to help figure out what will work out best.

Public Input:

Disclaimer: The views and opinions expressed in stated or attached statement read during public comment are those of the speaker/authors and do not reflect the opinion of the Town of Gilmanton.

Opened public input at 6:30 p.m.- Topics listed below in the public comment are based on topics discussed and not described in full detail. Audio version of this meeting are on the Official Town website listed under the Board of Selectmen- Useful links tab- Board of Selectmen- Audio Recording.

Mrs. Dodie Smithers-

- The Swim Instructor in the past have not been certified.
- The liability would fall to the Town anyways because it is taking place on Town property.
- She believes the swim lessons are a valuable program.

Mr. Brett Currier-

- Suggested that Parks and Rec. volunteer be named as the designee for spending the budget up to \$1,500.00.

Mrs. Sandi Guarino-

- Has Administration spoken to the insurance carrier in regards to the liability of the Park?

Mr. Joe Haas-

- Process of his abatement and the legality of the State Wide Property Tax "S.W.E.P.T", legality of the local tax, and the request to have the Town Administrator ask the definition from NHMA on the term "bill" and if is the technical term or pure English.

Assessing/ Planning Administrator Bre Daigneault –

Mr. Haas has had his questions answered via email on the following items;

- The Assessor holds no office and therefore does not take an oath, he is a contracted position.
- The Assessor is held to a standard of ethics by the Assessor Standards Boards.
- Abatement process- Submit your application with your findings and the Assessor makes a determination. The Assessor is bound to the laws as they are written. The laws you are looking to have changed don't apply to this process.

Mr. Joe Haas- He has requested a copy of the Assessors contract with the Town.

The following is background on the Frisky Hill public input discussion;

A (copy of) petition was submitted at the Conservation Commission Meeting held on June 11.

The petition has not been officially filed with the Town Clerk. The petition, which does not have the valid number of signatures, requests "to halt the installation of a parking area/lot on conservation/agricultural land that was intended to be preserved per the Gilmanton Conservation Commission"

Mrs. Virginia Sapiro-

- She is not an abutter to Frisky Hill but she does go up to enjoy the view.
- Connected to Frisky Hill view preservation efforts through her substantial donations through a private organization.
- She has objections to the pull off/parking lot because of the noise and light pollution it could create.

- The area will encourage people to set up camp, create litter and cause traffic incidents.

Mr. Ernie Gillum-

- He has objections to the Frisky Hill pull off project; the area is only six feet away from his property line, scenic areas invite an element to the area, the pull off is lower than the road which is a danger to drivers pulling back on to the State route.
- They are already dealing with robberies, illicit behavior and drug paraphernalia from the opioid epidemic.

Assessing/ Planning/Conservation Administrator Bre Daigneault -

- We have received a driveway permit from the State, the driveway was placed there because the line of site from the position was better in that location. The initial idea is to keep the area graveled, so people are not driving off of the intended driveway area.
- The RFP still needs to be placed for the design of the pull off.
- The Deed for the property allows for 5,000 sq. foot impact area for access.

Mr. David Knibbs-

- He is one of the petitioners against the Frisky Hill project
- Concerned about heightened robberies, illicit behavior and trash
- The field is used for hay, he is concerned about the hay being contaminated with glass and metal which can cause potential harm to livestock through their food source.
- Discussed issues of his property being scoped out and prior robberies when Mr. Twigg was still with us.

Mrs. Judy Hopkins-

- Objects to the Frisky Hill project and has the same concern that all the neighbors have.

Mrs. Sandi Guarino-

- Given all the concerns that the neighbors have and the opioid epidemic doesn't this parking area create additional liability?

Police Chief Matthew Currier- Address the concerns about the Frisky Hill pull-off project;

- There is an opioid epidemic but people are doing drugs anywhere they want not just in Parking areas. Needles are found on RTE 106 & RTE 140, the Police Dept. gets calls all the time.
- From a safety stand point, getting people off the road in a specified area is safer than parking along the road side.
- Physical Relations- This is the first time he is hearing that this is an issue. It is an odd spot, right off a main route and out in the open.

Assessing/ Planning/Conservation Administrator Bre Daigneault – Addressing the process and community outreach that took place with the Frisky Hill project.

- The scenic outlook/pull off was a part of the original agreement for the land and was a part of the plans with the original acquisition. The initial discussion about the project started in 2011.

- Due to the concerns that have been represented at this meeting and at the last Conservation meeting, the Conservation Commission has a site walk is planned for June 25th at 6 p.m. on Frisky Hill.
- Chief Currier plans to attend the site walk, pending any calls he may receive.
- The Conservation has invited a Selectmen's Representative to attend the site walk.

Mrs. Jane Sisti-

- Does the Conservation Commission get to do whatever they want, do they not have to get approval from the Selectmen?
- As resident for over thirty years, I knew nothing about this area.

Assessing/ Planning/Conservation Administrator Bre Daigneault –

Over the years public hearing and joint meetings have taken place to discuss this particular area. The most recent joint public meeting took place in 2017.

Town Administrator- Typically how many people attend the Conservation Meetings?

Bre Daigneault- On average, zero people attend the meetings. The public only attends when they are presenting something to the Commission.

Town Administrator-

Speaking personally but also as the Town Administrator, we do hear all the public's concerns; we do hear you and understand. What is difficult is this process has taken place over years and we hear this at the end. There is a need to get involved with the process, so that the process work and we don't have to change the plan at the last minute.

Further discussion about the Towns communication process by State statues such as posted agendas/ notices, open meetings, minutes and website information. The obligation of residents to be aware of the notices, local projects taking place, and the communications the Town Offices/ Boards do provide. In general, valid petitions requirement is a minimum of twenty-five signatures, original petitions need to be turned into the Town Clerk/Tax Collectors office and signature verification done by the Supervisors of the Checklist.

Closed Public Input at 7:38 p.m.

Old Business:

Police Department Operational Assessment- Chief Currier submitted a 41-page amendment to the original document he had produced.

- Requesting permission to approach a fire arms dealer to get rid of the surplus weapons and to get prices on selling them or trading.
- We got rid of the old Crown Vic cruiser; the cages are still at the Police Department taking up space. Requesting permission to scrap it, along with the other scrap metal.

Outcome of discussion: Take a picture of the cage and how it was disposed of.

Firearms- The Town Administrator will reach out to give the Police Chief the list of vendors to go over the process.

Town Administration would like there to be an acknowledgement of the revised operational improvement plan that has been provided today, it has not been read in its entirety but stated there is progress.

Selectmen Warren thanked Chief for the efforts placed in the document, he hasn't gone through line by line but there is substantial work in there.

Update on hiring process for the Police Department:

Town Administrator gave an update on the applications being received for the two open patrolman positions that are currently vacant. Chief will be reviewing all the resumes before we move on to the next step. We are getting feedback from the people who participated in the Great Bay Community College Police Testing Alliance. Based on the pool of applicants received, once reviewed, Chief and I will be deciding if it warrants placing more ads.

The Town Administrator recommends going into a short non-public with Chief.

Chief Currier requested what the non-public was in reference to.

Town Administrator- It is about your vacation request.

Chief Currier- We can talk about it in public.

Town Administrator gave Chief the approval for the upcoming vacation he had requested and a signed response to a letter Chief Currier had sent to him.

Chairman Bishop thanked Chief Currier for making an effort, it means a lot.

New Business:

Fire Department Donation-

Chief Hempel was approached by Steven and Judith Hopkins. They are year-round residents. They would like to donate funding in the amount of \$2,200.00 for the purchase of two Ferno EXL scoop stretchers. Judy spent some time as an EMT, and felt that the improvements with the new scoop stretchers would be helpful to the Fire Department. These new devices will replace two older aluminum and very uncomfortable scoops. These will be placed in each ambulance.

The money donation, if accepted by the Board, will be placed in the General Fund until the Fire Department places the order and the invoice is processed for payment.

MOTION: On a motion by Selectman Warren and seconded Chairman Bishop to accept the donation of \$2,200.00 to purchase two Ferno EXL scoop stretchers and would like to thank Steven and Judith Hopkins for their donation. We authorize Chief Hempel to make that purchase of the Ferno EXL scoop stretchers with the \$2,200.00 and work out the details with Administration. (3-0)

Consent Agenda: *There was no motion to open the consent agenda, moved right into discussion.*

- OTH Event: Celebration of Life- 06-21-19 between the hours of 1-5 p.m., no alcohol, between 75-100 people.
- Crystal Lake Park Event: Birthday Party on 08-03-19 during open park hours, 20-30 people.
- Celebration of life on 08-23-19 from 3- 8 p.m. and a Softball game and birthday party on 08-25-19 12 pm- 5 pm.

- 270 ○ **P.O.-Wolcott Construction** for the paving of Upper City Rd. and Allensmill Rd. in the
271 amount of \$56,100.00.
272 ○ **P.O.- \$1,500.00- First Responders Grant** from the Fire Chief
273
274 **Timber Tax Warrants Intent to Cut Application for Current Use Abatements** for the following
275 Map/Lot;
276 420-120- *Corrective*
277 405-084 414-106 113-029
278 419-096 424-022
279
280 ○ Intent to Cut for Map/Lot 410-48
281 Abatement request for Map/Lot as follows;
282 ○ 113-29- Recommendation from the Assessor is to deny.
283 **MOTION:** On a motion by Selectman Warren and seconded by Chairman Bishop it was voted to
284 Deny the abatement request of Map/Lot 113-29. (3-0)
285
286 ○ 424-22- Recommendation from the Assessor is to grant the tax abatement.
287 **MOTION:** On a motion by Selectman Warren and seconded by Chairman Bishop it was voted to
288 GRANT the abatement request of Map/Lot 424-22. (3-0)
289
290 ○ NHEC- Recommendation from the Assessor is to deny.
291 **MOTION:** On a motion by Selectman Warren and seconded by Chairman Bishop it was voted to
292 Deny the abatement request for Unitel/NHEC. (3-0)
293
294 ○ PSNH- Recommendation from the Assessor is to deny.
295 **MOTION:** On a motion by Selectman Warren and seconded by Chairman Bishop it was voted to
296 Deny the abatement request for PSNH. (3-0)
297
298 **Chairman Bishop leaves the meeting at 7:58 p.m. for a prior engagement.**
299
300 **MOTION:** On a motion by Vice Chairman Wilson and seconded by Selectman Warren it was
301 voted to close the consent agenda as amended. (3-0)
302
303 **Old Business continued:**
304 **Old Town Hall Assessments Update- Tabled**
305 *This portion of the meeting was tabled and then brought up again later in the meeting by a*
306 *member of the public. The Board brought the issue to the table for discussion at that point.*
307
308 **Loon Pond Dam Update- Tabled**
309
310 **Bridge Project Payment-**
311 The first application for the payment has been received from ED Swett and was approved by
312 the Chairman. The Town Administrator is requesting to be the designated signatory for future
313 payment for convenience purposes or to have it come forward on a once a month basis.
314 **Outcome of discussion:**

MOTION: On a motion by Vice Chairman Wilson and seconded by Selectman Warren it was voted to allow the Town Administrator- Patrick Bore` to be the sole signature on the continuing contract terms and payments with ED Swett for the Stage Road Bridge Project. (2-0)

Planning Board Appointment:

Member Gabriel Jerome has submitted his resignation from his full membership on the Planning Board. Alternate Member Nic Peterson has submitted his letter of interest to be appointed to that vacancy.

Selectman Warren made a recommendation to appoint Mr. Peterson.

MOTION: On a motion by Selectman Warren and seconded by Vice Chairman Wilson it was voted to appoint Nic Peterson as a Full-time member of the Planning Board for the remainder of the term that was vacated by Gabriel Jerome. (2-0)

Consent Agenda Part II:

MOTION: On a motion by Vice Chairman Wilson and seconded by Selectman Warren it was voted to re-open the consent agenda to include the Park and Rec. application for park usage. (2-0)

Events- OTH & Crystal Lake Park Usage:

- Birthday- 20-30 people, no alcohol.
- Celebration of Life and Birthday Party- Tabled until the cost is discussed; event isn't until August.
- Celebration of Life- for the Old Town Hall on 06-21-19

Call Pay Increase approval:

The Selectmen approved the call pay increase from \$2.00 to \$3.00, there needs to be a motion because the call pay was not added in the approval process of regular wages.

MOTION: On a motion by Vice Chairman Wilson and seconded by Selectman Warren it was voted to approve the previous rate increase for the PD call pay/ on call hours from \$2.00 to \$3.00. (2-0)

MOTION: On a motion by Vice Chairman Wilson and seconded by Selectman Warren it was voted to close and approve the consent agenda as amended. (2-0)

Draft Personnel Policy Update: It was determined at the last meeting that the draft personnel policy would be distributed and reviewed by Department Heads and employees. Based on comments received there were some minor changes. The final document that is being presented tonight does include those comments.

The current practice is that Police and Fire are required to work on holidays, they get paid for those holidays. As it stands those departments get paid at the end of the year, in one lump sum for the 11 holidays, assuming they have been around for the whole year. The initial draft was set up that all employees would be paid the same, to be paid per the holiday throughout the year. Police and the Fire Department like the idea of getting the payment in a lump sum, like a Christmas bonus.

The other comments received was from the ATA for the issue of social media and those items have been added.

Vice Chairman Wilson- Is there a social media policy being added additionally to what is in the Personnel Policy?

Town Administrator- The binder of specific policies that have been done through the years on various things, these policies will need to be updated. The purchasing policy will be a good place to start. The personnel policy is more of an umbrella policy pertaining to employees, how and when do you get paid, inclement weather, fair labor acts, etc. The Personnel Policy was done in coordination with Town Counsel and it is ready for you to sign but would prefer to have three signatures on it.

The Board members present feel comfortable approving based on the condition of receiving approval from Chairman Bishop.

MOTION: On a motion by Vice Chairman Wilson and seconded by Selectman Warren it was voted to approve the Personnel Policy as long as the Chairman doesn't have any concerns or recommendations. (2-0)

Policy will be effective as of July 1st, 2019.

The Town Administrator addressed the Board and the public present about the issue of the non-vacancy on the Board and the petition that had been brought forward.

There is no vacancy currently and for the foreseeable future. We are looking at a petition with signatures that required certain actions, which include a special Town meeting to address the process of potentially filling a Selectmen vacancy. Town council is currently reviewing the content.

Vice Chairman Wilson- Obviously people know my house is on the market and I wanted to be proactive and have Patrick look into what needed to be done if the position becomes available when I sell my house or step down. As of right now I am not stepping down, so there is no need. If the need arises, we have a legal way that it will need to be done and obviously the Board, by State Statute gets to appoint my replacement. Some people in Town don't like that, they want to vote for it but the Town's article isn't written that way. I don't know if we can have a special election to determine if we can have a special election if the Board can't come to an agreement, that's just my opinion. There is two members of the Board here and the other one isn't here to weigh in.

As it is understood from legal if the Board can't come to an agreement it goes to Superior Court to designate a replacement because the Town has not voted for that optional procedure, which would then allow to petition for a special election, if the remaining Selectmen cannot come to an agreement themselves for a replacement.

Further discussion about the cost of a special election, process and that RSA for the optional procedure can go on the ballot for the next election. The intent has always been that if we have a vacancy at some point or when we have a vacancy, we would advertise it, we would request people to express their interest in the appointment and then the two Selectmen would assess the candidates and hopefully find a candidate within that pool. It is a very democratic way to look at it.

If the RSA for the optional procedure is adopted it doesn't circumvent the process of the Selectmen being able to have the opportunity to appoint, it is only in the event that the two remaining Selectmen cannot agree, then it becomes the next step.

The optional procedure could be placed as a warrant article on the ballot during the next election.

Select Board Items:

Meeting schedule for the month of July:

The next meeting is scheduled for July 1st. The Town Administrator asked the Board if they would like to alter the meeting schedule for the summer months due to vacations.

Selectmen will send their schedules to the Town Administrator and a meeting schedule will be determined.

Old Town Hall Assessment:

Members of the public asked about the Old Town Hall assessment and when it will be discussed.

There was a warrant article to raise and appropriate money for the Old Town Hall assessment to be completed. The Town has started the process and had a visit last week with a representative from the NH Preservation Alliance, Mr. John Dickey from the Historical Society and Mr. Steve Bedard as a consultant. The following are the steps that will take place;

- The Town will receive the firm numbers for the assessment.
- If the numbers for that assessment are approved this year, then the assessment will move forward.
- Once the completed assessment is done in 2019, the Town will be able to have numbers to present to the voters in 2020 as options.

Further discussion on future use, options for the use of the building, a possibility of a committee being formed to recommend future potential and uses, and different options that can be presented to the voters.

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

MOTION: On a Motion by Vice Chairman Wilson, and seconded by Selectman Warren it was voted unanimously to go into Non-Public Session per RSA 91-A:3, II (c). (2-0 Voice Vote – Chairman Bishop -absent, and Selectman Wilson-yes and Selectman Warren-yes).

Reputation

MOTION: On a Motion by Vice Chairman Wilson, and seconded by Selectman Warren it was voted to come out of Non-Public Session. (2-0 Voice Vote – Chairman Bishop -absent, and Selectman Wilson-yes and Selectman Warren-yes).

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

MOTION: On a Motion by Vice Chairman Wilson, and seconded by Selectman Warren it was voted unanimously to go into Non-Public Session per RSA 91-A:3, II (c) and not to seal the minutes of the last non-public. (2-0 Voice Vote – Chairman Bishop -absent, and Selectman Wilson-yes and Selectman Warren-yes).

Reputation

MOTION: On a Motion by Vice Chairman Wilson, and seconded by Selectman Warren it was voted to come out of Non-Public Session. (2-0 Voice Vote – Chairman Bishop -absent, and Selectman Wilson-yes and Selectman Warren-yes).

MOTION: On a Motion by Vice Chairman Wilson, and seconded by Selectman Warren it was voted to seal the minutes of Non-Public Session. (2-0 Voice Vote – Chairman Bishop-absent, Selectman 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 Vice Chairman Wilson and seconded by Selectman Warren it was voted to adjourn at 9:06 p.m. (2-0).

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

06-17-19

Brett Carrier

Brett Carrier

Phil Capri

Sandra Guanno

Sandra Guanno

Richard Karon

Richard Karon

Bob Burden

Bob Burden

Virginia Sapp

Virginia Sapp

Tane Sisti

Tane Sisti

Judith Hepkins

Judith Hepkins

Dave Knibbs

Dave Knibbs

Ernie Gillan

Ernie Gillan

Joseph Stancich

Joe Stancich