

APPROVED

**Board of Selectmen
28 March 2011
Minutes**

6:00 pm – Chairman Don Guarino read “This meeting of the Selectmen of the Town of Gilmanton is now open, and the matters presented and discussed here shall be for the purpose of managing the prudential affairs of the town and to perform the duties by law prescribed.”

Present were Chairman Guarino, Selectmen Rachel Hatch and Ralph Lavin, Town Administrator Tim Warren and Clerk Lois Dionne. Also in attendance were Fire Chief Hempel and Bruce Morse of US Tanker.

Fire Truck Agreement – The agreement for the purchase of the new fire truck was discussed. The truck is custom-built for the town, and the final price will not exceed the amount voted at Town Meeting. Delivery of the truck is expected in August.

MOTION – Selectman Hatch moved to approve the entering of a contract with US Tanker for the retrofitting and the purchase of a new 2500-gallon pumper/tanker fire truck. Selectman Lavin Seconded. Motion passed 3-0.

The Selectmen signed the lease for the truck, and presented Mr. Morse with a check for the purchase of the truck chassis.

Recycling Dept. Issues

Free Day – Selectman Hatch informed Recycling Manager Justin Leavitt that she had been taken aback at Town Meeting when he had asked to announce the “free-for-all”. She knew the idea had been discussed with the Selectmen, but she hadn’t felt they had made a decision, and finalized plans for a “free-for-all day”. Justin said he thought they had come to an agreement, because then chair, Betty Ann Abbott, had told him to work it out with Tim, finalize the day, and take care of the postings, which led him to assume that the agreement was made that it would happen. Selectman Hatch said she had not known what day it was to be, so she was left with “egg on her face”.

Justin said he and Tim had discussed it and were looking at a Friday in May. He chose a Friday because a regular day couldn’t handle the influx of people. Selectman Lavin was concerned that people might bring items for relatives or friends from other towns. Justin

said the idea has to be fine-tuned. They have to decide on how many items can be brought from a single household, etc. He said they would just take in these particular items on that day; there would be no other trash or recyclables disposed of on that day. Selectman Hatch was also concerned about the financial impact to the Town due to paying employees an extra day, and then having to pay for the disposal of the items. Selectman Hatch asked Justin to get an estimate of what the free day would cost the town, and then they will discuss the issue further.

Job Descriptions – Selectman Hatch noted that the job descriptions for all the employees at the facility are outdated, and need to be revamped. Tim will get samples of job descriptions from the LGC, and Selectman Hatch will work with Justin to draft new job descriptions.

6:30 pm – Selectman Hatch moved to Enter into Non-Public Session as per RSA 91-A:3, II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Selectman Lavin seconded. Motion passed 3-0.

The Selectmen discussed recycling center employee reviews.

6:45 pm – Selectman Hatch moved to come Out of Non-Public Session. Selectman Lavin seconded. Motion passed 3-0.

Meeting with Library Trustees - Present were Trustees, Tom Scribner, Phyllis Buchanan and Diana McElwee. Also present were Elena and Roger Ball, and Wilbur Buchanan.

Selectman Hatch asked what had happened at Town Meeting. She was surprised that the trustee's budget had been raised from the floor. Rachel said the trustees had come to the Selectmen with, what she considered, a viable budget with a 2% increase, but a motion was made and seconded on the floor to increase the budget by \$459, which put their increase well over 2%, which is what other town departments received. This is the second year in a row that this has happened. Rachel asked if the trustees were unhappy with the budget they had brought to the Selectmen. Dianna McElwee felt the reasoning for the person who brought the amendment was that the only way they had bought books in eighteen months had been through private contributions; they have an "angel" who has been giving them \$100 a month to buy books, but they should be able to buy books out of their budget, because the "angel" might not keep giving them money. Rachel asked if the trustees had known this was going to happen ahead of time. They said they didn't.

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Selectman Hatch stated that the Selectmen support the library, and asked that if, in the future, the trustees feel they need more funds in their budget to address it with the Selectmen. Chairman Guarino agreed. He said it wasn't the dollar amount, but the procedure that had been taken to get the money; they need to communicate with the Selectmen.

7:00 pm – Public Input – No one was present for public input.

FYIs

MetroCast Cable – We received a check for our share of the franchise fees from MetroCast in the amount of \$50,216.

Tim is going to attend a meeting at the Gilford Town Office with their town administrator and administrators from other area towns on Thursday afternoon. There are about six area towns whose contract with MetroCast is up for renewal the same year as ours. They want to discuss hiring one attorney to negotiate all six contracts.

Towing Fees – On March 16th a gentleman from out of town got stuck on Donovan Road and had to have his vehicle towed out. He wants the Town to pay for his towing charges because his GPS had sent him down Gale Road across Donovan Road to Perkins Road. He said the maps tell him to take this route. The gentleman took pictures of the road. In one of the pictures you could see the sign that says, “pass at your own risk”; Class VI road - not maintained for public use.

Tim will call the gentleman; the town is not going to pay the towing charges.

Selectmen's Workshops will be held at Antioch University on four separate Saturdays starting April 30th – limited number of applications. NHMA will hold an ethics workshop on April 4th and LGC will hold a local officials workshop on June 11th. The Selectmen will let Tim know who will attend the various workshops, so he can register them.

Tri-State Fire Protection has been awarded the fire extinguisher contract with the State of New Hampshire. We use them to do our annual inspection of fire extinguishers. The awarding of the state contract means that municipalities, counties and non-profits can take advantage of the contract, which would save us 30% on our contract. Tim will contact the company.

7:25 pm – Recess

7:30 – Back in Session

State Bills & Budget Impacts – Present were State Senator Jim Forsythe, State Representative David Russell, School Superintendent John Fauci, School Board members, Phil Eisenmann, Michael Hatch, Renee Kordas, Business Administrator Donna Clairmont, and Roger and Elena Ball.

The Selectmen had asked State Senator Forsythe and State Representative Russell to meet with them tonight to discuss the impact of Senate Bill 156 – Dealership Registrations and House Bill 457 – Reducing Interest Rates on Late and Delinquent properties and the impact of the State budget on the Town. Due to illness, Town Clerk Deb Cornett could not be present to present the concerns of the town clerk/tax collector, but submitted a memo expressing their concerns.

Senate Bill 156 – State Senator Forsythe addressed the concerns of Senate Bill 156 – Electronic payment of registrations by automotive dealerships. He said the Town wouldn't lose revenue by allowing dealerships to handle registration of new vehicles. This had been a major concern. The money goes to a third party (integrator) who is responsible for forwarding the money directly to the Town; it is not filtered through the State. He felt there are benefits to the consumer and dealer by allowing registration this way. State Senator Forsythe stated that the senate had worked hard addressing the issues and in the end, the Town Clerk's association had not come out against the bill because most of their concerns had been addressed.

Selectman Hatch said the bill sounds good, and has viable options for the state, towns and dealerships, but was concerned about the assurance the Town would get their funds, and to ensure proof of residency. State Senator Forsythe reiterated that the funds are sent by a vendor to the towns, either electronically or by check. Selectman Hatch asked who had authored the bill; why fix something that isn't broken. State Senator Forsythe replied that the NH Auto Dealer's Association had brought it forward. The dealers can register a new vehicle at the time of purchase and add that to the loan for the car. They receive a fee for the service. They will also be doing credit checks on people buying cars. This service is for new vehicle registrations only. There was considerable discussion of the benefits to the dealers and the town and potential problems that might occur if the dealerships didn't deposit the money as they should.

State Representative Russell was concerned about the bill because there is no specified amount of the surcharge that can be charged by the dealer and they might take advantage of the consumer. There were also questions to which State Senator Forsythe had no answers, such as who pays for mailing the plates, and if there is anything in the system for 20-day plates; he will try to get answers to those questions.

House Bill 457 – State Representative Russell said House Bill 457 is an incredibly bad bill, and he would not be supporting it. This bill would reduce the interest the Town last year, it would have been a \$70,000 decrease in Gilman's revenues last year. State

Senator Forsythe said he saw no compelling reason for the bill, and would be talking with the sponsor of the bill, but he is leaning toward voting against the bill.

Retirement & School Funding – Chairman Guarino had expressed his concern that the State is passing the expenses from the state down to the towns. Selectman Hatch was concerned about the State requiring the Towns to contribute 100% to the Group II retirement fund; Gilmanton contributes to this retirement fund.

State Representative Russell said they are working on CARC 12, which is a constitutional amendment concurrent resolution that is to bring before the voters of the state of NH an amendment to our state constitution to remove the powers of the Supreme Court as far as considering school funding and adequacy and give it back to the legislature. He said neither the Senate nor the Governor could change the constitution; it has to come from a popular vote of the people. State Representative Russell cited the Claremont Decision regarding school funding of twenty years ago. He said as far as passing the expense “down the road”, whether the expense is paid partially to the town and partially to the state, or all to the state or town, the taxpayer is going to pay for it. State Representative Russell said he thought part of the resolution was to do away with a statewide education tax.

State Senator Forsythe said the House is looking to keep the state adequate education grant level funded; the governor and senate are supporting that. He stated that the governor had cut the building aid, but the house had restored it.

Superintendent Fauci asked about catastrophic aid. He asked if it had been restored to its current level of 60%. State Senator Forsythe wasn't sure of the level, but said it would be close; the House will vote on it this week.

Retirement – State Senator Forsythe said the Governor reduced state contribution from 25% down to zero. He said the House passed a pension reform bill that ups the contribution rate for teachers, firefighters and policemen, which will offset expense to the taxpayers. There is also a bill in the senate that he feels is more aggressive. There was discussion on how the rates affect teachers, how money would be returned to Towns, and budget shortfalls. There was also discussion of revenue sharing and unfunded mandates when both schools and towns are struggling.

School - Superintendent Fauci was concerned about HB 1, tuition transportation reimbursement. There will be no more funding. He also asked about SB 2, provision for special town school district meeting. State Senator Forsythe didn't have an answer to that. He said towns could, with a super majority vote, vote to enact a tax cap; it could also be over ridden by a three-fifths majority vote.

There were also brief discussions on the lowering of the cigarette tax, on the gas tax, the meals and room tax, the elimination of pistol permits and the lowering of the dropout age for students with parental consent.

State Senator Forsythe said the goal is to balance the budget without increased borrowing, no new taxes and not downshifting to the towns.

State Representative Russell said there are a number of bills that have been passed, and then tabled until they see how the revenues are coming along.

When asked if they were looking into new revenue sources, State Representative Russell said Resources Recreation and Development approved a one and one half million bond to Gunstock to increase summer activity. They are putting in the largest zip line in the continental US, will have a tree adventure system and a Segway trail system; they are trying to make it a four-season resort. He said they are also promoting travel and tourism in the state.

The Selectmen thanked State Senator Forsythe and State Representative Russell for coming tonight.

Other Business

YRL Representative – The Selectmen discussed a letter they had received requesting that a Selectman sit on the Board of Directors of the Year-Round Library. The Selectmen felt the Library Board of Directors is a conscientious board, and since the Selectmen don't sit on the board of any other outside agency, it is unnecessary to have a Selectman on the Board, so are declining the request.

HDC – A letter of interest has been received from a resident interested in serving on the HDC. An interview will be set up with the gentleman.

NH Municipal Energy Assistance Program Report – A copy of the NH Municipal Energy Assistance Program Report for the fire department was distributed for the Selectmen's review. They will review the report, and discuss it at a future meeting.

RCAP Solutions Report – Tim distributed copies of a report that RCAP Solutions had done on the Recycling Facility. Included in the report are suggestions how the Town should go with their recycling program. The Selectmen will read the report and discuss it at a future meeting.

Town Audit – The Town audit has been completed. There have been some changes to GADSBY requiring towns to earmark a percentage of unreserved funds balance to cover delinquent taxes. This will affect the tax rates, because we won't have the money in the undesignated fund to offset the tax rate.

CDFA Loan – Tim had a copy of the loan agreement for the CDFA loan for energy improvements. The loan was discussed. More information is needed, and Town Counsel will be asked to review the agreement.

Provan & Lorber - We received the proposal/contract from Provan & Lorber for the annual monitoring at the landfill. There was a brief discussion of the monitoring. Testing has to be done twice a year now, rather than quarterly, as had been required. Tim will sign the contract for the town.

Contractor Yard – Tim informed the Board that there would be a site visit on Friday at 10:30 am to a contractor yard on Rte 140. He said the owner is in violation of his state driveway permit, and of his planning board and zoning board approvals.

Hatch Road – Selectman Hatch said she had received a complaint about the conditions of Hatch Road. Rachel will speak with the Road Agent.

Dog Complaint – Selectman Hatch had a letter from a resident complaining about dogs roaming the neighborhood, and killing her chickens; the chickens are her livelihood and she is losing money. She doesn't want the dogs killed, but doesn't know what to do. She said the problem had been reported to both the police and the animal control officer. The dogs should be leashed. Tim read from RSAs, 466-27, 666-33, 466-34 and 466-36 all pertaining to damage done by dogs, all of which allow compensation for damage to property or livestock. The information will be passed on to Chief O'Brien.

9:45 pm – MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Lavin seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk