

**APPROVED**

**Board of Selectmen  
18 April 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.

After attendance, everyone stood for the “Pledge of Allegiance”.

**6:02 pm – Selectman Hatch moved to Enter into Non-Public Session as per RSA 91-A:3, II(c)** - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Lavin seconded. Motion passed 3-0.

The Selectmen discussed a tax agreement with a resident.

**6:11 pm – Selectman Hatch moved to come Out of Non-Public Session.** Selectman Lavin seconded. Motion passed 3-0.

**FYIs & Other Business**

**Damaged & Rotted Trees** – Tim informed the Selectmen that there was an article in “Town and City” on who is responsible for damage caused by decayed or defective overhanging trees; it is the landowner’s responsibility. He said he had gotten an estimate for the removal of a tree on Allens Mill Road that has been a topic of discussion at several Selectmen’s Meetings. The estimate was \$1,200. The Selectmen will read the article before a decision is made.

**Invitation** – The Selectmen received an invitation to attend the Lakes Region Chamber of Commerce’s “ Mix and Mingle” on the Mt. Washington Dockside on May 19<sup>th</sup>.

**GAT** – The tonnage sent to Penacook in March was 102.72 tons down from 103.09 tons in March 2010. The year-to-date tonnage is 354.81 tons, down from 356.77 tons in 2011.

**Recycling Center Survey** – Chairman Guarino reported that the results of the survey done by the recycling center was that the number one recommendation is to leave things the way they are at the facility. He said the recycling committee was disappointed in the number of people who completed the survey. They will be making a recommendation as how to proceed, and then would like to move forward educating the public. The recycling committee is also looking for new members, as a few have dropped out.

**Trees – Allens Mill Road** – Tim reported that Mr. Woodbury of Allens Mill Road was concerned that trees on his property abutting the GYO land where the sand/salt shed is are turning brown and starting to die. He feels the salt in the salt shed causes it; there is also silt running down into his property. The Selectmen will individually go check the trees.

**Free Day** – The recycling manager had been asked to estimate what it would cost the Town to have a “free day” at the recycling center to dispose of items for which there is normally a charge. The revenue that was received last year for the items he feels he will get a lot of was \$3,600.00. If the same number of items came in on one day as were received last year, the extra pay for employees and the cost of disposing of the items would cost the Town approximately \$9,300.00. There was a brief discussion during which it was the consensus of the Board that due to the cost involved, the Town would not have a “Free Day”.

**Tax-Deeded Properties** – The Selectmen will do the required site visit of properties scheduled to go to tax deed on May 1<sup>st</sup> at 1:00 pm.

**Appeal** – Tim reported that Wayne Zold had spoken with the assessor about his property value, was not satisfied with the results and had filed an appeal with the State. Mr. Zold feels it would be in the best interest of everyone if the Town would appoint a neutral appraiser to evaluate his property rather than go to the appeals board. After a brief discussion, the Selectmen agreed that Mr. Zold would have to go through the appeals board.

**Error – Article #35** – Tim said he had received a phone call from Department of Revenue Administration (DRA) informing us that Article #35, the article allowing the Town to get the money for the CDFA loan, needed a two-thirds majority vote, so they are disallowing the article. We were unaware of that, and DRA had not informed us of this before Town Meeting. He said we could hold a special meeting to rectify the defect. There would have to be a public hearing at least 21 days before the special meeting.

There was considerable discussion about the cost of a special meeting, and also if the CDFA loan, due to some of the repairs we were considering for the Academy Building

would void our LCHIP Grant. Don called LCHIP and Tim has sent a copy of the RFPs for the energy improvements to LCHIP for their review to see if any of them would void the grant. Tim will get the cost for a special meeting and will notify the energy committee while we are waiting to hear from LCHIP.

**7:00 pm – Public Input** – Public input is reserved to allow residents, without prior notice, to bring forward new information on matters of interest to the Town. Existing cases or applications shall not be heard. Residents with existing cases or applications shall use the channels established for appeal or submission of new information in their cases. The Selectmen reserve the right to place time limits on public input. No vote will be taken on any matter brought in through public input unless a dire emergency requires such action.

Brett Currier was present, but did not have any input at this time.

### **Planning Board**

**Gilmanton Winery** – Selectman Hatch stated that at Thursday's Planning Board meeting, Chair Nancy Girard had brought the article from the newspaper on the Gilmanton Winery's beginnings and future plans up at their meeting. The Bishops received permission on January 14, 2010 to operate as a winery. Planning administrator Desiree Tumas has spoken with the Bishops, and they are going to appear before the Planning Board to discuss the possibility of expanding.

**Crystal Lake Farm** – The planning board disallowed, without prejudice, the subdivision proposal off Crystal Lake Road for Kurt Rague because he did not show up for his scheduled meeting.

**Construction Yard** – The Planning Board asked the planning administrator to have the Code Enforcement Officer Bob Flanders to issue a "Cease & Desist" on the BMMC Contractor yard on Rte 140 in the Iron Works because of some serious violations. Rachel said she was asked to meet with Desiree, Tim Warren and Bob Flanders to discuss the possibility of putting a lien on the items that have been illegally put on the property. She said they have been trying to work with the contractor. The owner of the property had been asked to meet with the planning board, but didn't show up at the meeting.

**Policies** – The Selectmen began discussion of the draft of policies for procedures to be followed to lodge a complaint against a town employee, and public complaints against employees.

### **Public Input**

**Cameras – Safety Complex** – Brett Currier was concerned because there are cameras in the Fire Department and Police Department; he didn't feel it was fair to the employees.

He said the cameras are in the bays in the fire department, and in the police officer's rooms, not in any public areas. He felt if they are to be on camera, the rest of the town employees should have cameras in their work areas. The Selectmen thought the cameras were in the Sally port and booking rooms; they were unaware that they were in other areas. Rachel asked if the cameras could be regulated. She was told they could be. The Selectmen said they would research the matter.

**7:30 pm** – Chairman Guarino closed public input.

### **More FYIs & Other Business**

**Policies & Procedures** – The Selectmen continued review of the procedures for complaints and for changes to the personnel and computer policies. Rachel will check with LGC to see if they have any policies on how to handle complaints. The Selectmen will continue to work on the policies and procedures.

**Approval of Minutes** – The Selectmen reviewed the minutes of their last meeting.

**MOTION: - Selectman Lavin moved to accept the minutes of April 11, 2011 as written. Chairman Guarino seconded. Motion passed 2-0. Selectman Hatch did not vote, as she was not present at the meeting.**

**Pavement – Safety Building** – Chairman Guarino said he had spoken with Mr. Ricci, contractor for the safety building, about the pavement at the complex. He said Mr. Ricci is arranging a meeting with Wolcott Construction, the excavating contractor and Don to look at the pavement to figure out how to fix it.

**\$50 Septic Inspection Fee** – Chairman Guarino said he had investigated Brett Currier's question of the need for the \$50 inspection fee for the code enforcement officer to review the site of the leach field prior to approving the design for a septic system and forwarding it to the State. He said he had called the state subsurface division, who issues the permits. Don asked if it was the licensed designers' responsibility to ensure that all the setbacks and other specifications are met. The State said Gilmanton has preapproval, so the plan comes to the code enforcement officer for his review before forwarding it to the state, and he could refuse to accept the design if he feels it doesn't meet specifications.

Don said he had also called a licensed septic designer, who told him that it is his (the designer) responsibility to be sure the system is designed properly, and he could lose his license if it weren't. The designer told him when they have to go back and stake out the leach field for the code enforcement officer, there is an added cost to the resident to have the designer return to the property. The fee can be up to \$150, so the extra cost to the resident, including the inspection fee can be \$200.

There was considerable discussion as to whether the inspection is necessary. Selectman Hatch will speak with the Code Enforcement Officer before a decision is made.

**8:38 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 a personnel issue.

**8:44 pm – Selectman Hatch moved to come Out of Non-Public Session.** Selectman Lavin seconded. Motion passed 3-0.

**8:45 pm -MOTION – Selectman Lavin moved to adjourn the meeting. Selectman Hatch seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk