

**Board of Selectmen  
17 October 2011  
Minutes**

**6:00pm** - Chairman Don Guarino called the meeting to order. 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”.

**Planning Board Committee Report** – Selectman Hatch reported on the last planning board meeting.

**BMMC Contractor Yard** – The planning board had discussed the notice to rescind the contractor’s yard for BMMC Contractor due to non-compliance with regulations. Selectman Hatch stated that after a very lengthy discussion, the decision was to continue the hearing until next April, allowing the contractor yard to stay in operation until that time.

**Rainbo Club** – The Rainbo Club survey has been completed.

**Public Hearing** – A public hearing was held on the proposed sub-division regulations; the regulation amendments were formally approved.

**Unrecorded Subdivisions** – Planning Clerk Desiree Tumas found plans for four subdivisions that had never been recorded with the Registry of Deeds. Letters will be sent to the owners of the subdivisions, and Desiree will work to get them recorded.

**Budget** – Selectman Hatch said the Planning Board had asked to level fund their budget, with the exception of the advertisement and notice line items. They have monies in that line, and asked to have those unused funds encumbered for next year. Tim explained that funds couldn’t be encumbered; they would have to be returned to the general fund, and be requested for next year’s budget.

**Fire Dept. – Budget Review** – Chief Hempel reviewed the fire department budget with the selectmen. The biggest change was in the salaries and benefits line due to the State mandated increase in the retirement funding. There was little change in the actual operating budget, although the amount for fuel oil and electricity might be able to be lowered.

There was considerable discussion about the purchase of a new fire truck next year, whether it could be postponed, and if a lease or purchase-lease agreement might be more economical than buying an engine outright. There was also discussion of the need to replace an ambulance next year.

**GAT (Guaranteed Annual Tonnage)** – Recycling Manager Justin Leavitt informed the Selectmen that the GAT had to be set so he could hand deliver it on Thursday. There was a brief discussion of the tonnage sent to Penacook last year, and what amount to set the GAT for the coming year.

**MOTION – Selectman Hatch moved to set the GAT for the coming year at 1225 tons as per the recommendation of the Recycling Facility Department Head. Selectman Lavin seconded. Motion passed 3-0.**

**7:00 pm -Public Input** – Chairman Guarino read “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.

**Iron Works Fire Station** – Israel Willard stated that about a month ago he had brought up the conditions at the Iron Works Fire Station; the building inspector was to make an inspection, which he has done, but nothing has been done, and there are two students living there. Mr. Willard said the fire chief had told the building inspector that he didn’t have the funds to make the necessary changes. Selectman Hatch said Bob had done the inspection, and had gotten back to the chief, and it is up to the chief to come up with a cost to get it rectified. Mr. Willard felt this was an instance of selective enforcement. The Selectmen will follow up on the issue.

**Fire Chief** – Israel stated that during the last chief’s tenure, the selectmen had wanted him to “pull a shift” the same as the police chief does. Chairman Guarino agreed they had wanted that, and when asked if the current chief is “taking a shift”, and if taking classes was part of “taking a shift” he didn’t know. There was a brief discussion.

**Land-Use Clerks** – Mr. Willard was concerned because he said the zoning clerk had charged for copies of information he wanted for a ZBA case. He asked if the planning clerk got paid when she attended a ZBA meeting representing an applicant where she should not have been involved. The Selectmen would not permit a discussion on personnel, but said they would check into all of Mr. Willard’s concerns.

**Recycling Update** – Recycling Manager Justin Leavitt updated the Selectmen on the year-to-date recycling income for items for which there is a fee to dispose of. He also discussed the fact that the Co-Op is going to become a single-stream facility by the end of 2012 or the beginning of 2013.

**Budget Committee Meeting** – Selectman Lavin reported that the Budget Committee had met and put a plan together for the upcoming season. Tim said they had also worked on the new format they want for presenting the budget.

**Grant Writer Position** – The Selectmen briefly discussed the grant writer position, but tabled the discussion until after meeting with the conservation commission.

**Conservation Commission – Gilman Easement** – Present from the conservation commission were Chair Tracy Tarr, Dick deSeve, Sue Hale-deSeve, Erin Hollinsworth, Joe Derrick, Clerk Desiree Tumas and former member Nanci Mitchell. Also in attendance were Paula Gilman and Tom Dombrowski.

In December 2010, the Selectmen agreed to accept a conservation easement on land owned by Paula Gilman with a Restrictive Easement, which included a subordination clause on her mortgage. Ms. Gilman and the members of the commission were present tonight to present the final paperwork on the easement for acceptance and signature by the Selectmen.

Chairman Tarr stated that there had been a few wording changes to the easement, and she had asked former member Nanci Mitchell to be present to explain them, as Nanci had been involved with the project from the beginning.

Nanci gave a brief history of how the easement had come about, explained the changes and that they had come about because Paula had changed banks, and the bank had suggested the wording changes in regards to the subordination clause on the mortgage.

**MOTION – Selectman Hatch moved that the Gilmanton Board of Selectmen accept the gift of a Conservation Easement Deed with Restrictive Easement with the changes made since December 20, 2010. The Conservation Easement Area consists of approximately 49.14 acres, situated on Stage Road, a private road, in the Town of Gilmanton, County of Belknap, State of New Hampshire, shown as “Total Conservation Easement Area” on a plan prepared by Ronald A. Johnson, LLS, of Harold E. Johnson, Inc., and titled “Conservation & Restrictive Easement Plan for Paula L. Gilman, 50 Hawkins Lane, Gilmanton, Belknap County, New Hampshire”, dated August 22, 2005, and last revised November 23, 2010. The Residential Area subject to the Restrictive Easement consists of approximately 3.56 acres, situated on Hawkins Lane in the same Town, shown as “Residential Area (not a separate lot) Subject to Restrictive Easement, 155,073 sq. ft., 3.56 acres” on above Plan, subject to update of title opinion by staff. Selectman Lavin seconded.**

It was pointed out that Stage Road is a public, not a private road.

**MOTION – Selectman Hatch moved to amend the original motion to change the word private to a public road, referencing Stage Road. Selectman Lavin seconded. Motion passed 3-0.**

**Chairman Guarino called for a vote on the original motion with the amendment. Motion passed 3-0.**

All papers for acceptance of the easement were signed and notarized.

**8:00 pm – Recess**

**8:10pm – Back in Session**

**FYIs & Other Business**

**Grant Writer** – The Selectmen resumed their discussion of the grant writer position. Whether we had wanted the grant writer to actively seek grants, if it would be economical to pay someone just to assist in filling out grant applications and whether payment should be a flat fee or a percentage of the grant monies were the main issues of discussion. Selectman Hatch will speak with the applicant for the position before any decisions are made.

**Safety Building - Perimeter Drain** – Chairman Guarino was asked if he had any more information on having a camera put up the perimeter drain at the safety building. He responded that Mr. Hurst, who had done the base coat on the safety building, had called him. Mr. Hurst had spoken with Mr. Ricci, who built the building, who said everything had been built according to plan. Don had checked the elevations of the parking lot, and they were correct. Mr. Ricci had offered to have an “earth guy” insert a camera into the drain. Don will call Mr. Ricci to see if that can be done. We sent a letter to the engineer who had done the work on the perimeter drain asking him to meet with the Selectmen. Tim said he had received a message from the engineer asking to set up an appointment to meet with the Selectmen. Tim will arrange a meeting.

**EMPG Grant** – Tim presented the Selectmen with the final paperwork for the EMPG Grant for acceptance and signature. We need to formally accept the grant. The grant is for money to buy furniture and equipment for the emergency operations center at the safety building.

**MOTION – Selectman Hatch moved to allow the Town of Gilmanton to accept the EMPG Grant in the amount of \$42,608.00. This grant is for the purchase of furnishings and equipment for the emergency operations center. The total project cost is \$114,900.00 with a local match of \$71,482.00. Selectman Lavin seconded. Motion passed 3-0.**

The application was signed and notarized.

**Bingham Road** – Tim had letter from Attorney Nix regarding paving of Bingham Road. Mr. Thomasian, one of the builders of the development on Bingham Road, requested that he and Attorney Nix meet with the selectmen to discuss the final phase for paving Bingham Road, so Mr. Thomasian can petition the Town to accept the road as a Town road.

After a brief discussion, Tim was asked to set up a meeting.

**Sexual Harassment Classes** for employees will be held tomorrow morning at 9:30. For employees unable to attend tomorrow's class, there will be another on one Wednesday, October 26<sup>th</sup> at 6:00 pm.

**Shrubbery at Old Town Hall** has been trimmed.

**4th of July Committee** – The Owens are no longer going to be in charge of the 4<sup>th</sup> of July Committee. They have filled out a budget request for next year for whoever takes over the project.

**Email-Dave Nagel**

**Gardens Transfer Station** – Tim received an email from Dave Nagel informing him that due to time constraints, he will be unable to continue to take care of the gardens in front of the transfer station.

**Perambulations** – Mr. Nagel also stated that there are two perambulations in progress, one with Belmont and the other with Barnstead town lines. He indicated that he wasn't sure he would be available to do future perambulations.

**Flags** – Mr. Nagel was unsure who is in charge of the flags in the corners and the Iron Works. He is unsure, but said he was told the Boy Scout Troop is defunct. Mr. Nagle stated that we need to get new flags every year, and he would be happy to donate money for them.

**Banks** – After meeting with TD Bank, and being informed of charges that will start being added to our account, and the average daily balance we would be required to keep, Tim Warren and Jen Correia have met with two other banks and are scheduled to meet with another one tomorrow to get proposals from them.

**Speakers – Town Meeting** – Selectman Lavin said a resident had asked him if something could be done about the speaker system at the school for town meeting; the resident had a hard time hearing people. It was stated that the speaker system belongs to the school, but was felt people weren't standing close enough to the microphone when they speak. Someone will speak with the moderator.

**Non-Public Sessions** – Selectman Lavin said residents were concerned about the number of non-public sessions the selectmen have. There was a brief discussion during which it was stated that most of the non-public sessions deal with personnel issues, which can't be discussed in public. They are also entered into when discussing legal matters and to protect a person's reputation.

**Availability of Minutes** – Selectman Lavin said residents had also complained that minutes weren't available in a timely manner. He was told that the draft minutes are always done well

within the legal time frame, and are available to be read by the public at the Selectmen's office, but they are never posted until after the Selectmen have approved them.

**Uniformed Officers** - Selectman Lavin said some residents had asked if the police officers and firemen had to wear their uniforms at town meeting. They felt the uniforms were intimidating when voting on some of the fire and police department issues. Tim said if people felt intimidated, they could request a secret vote.

**Agenda – October 24<sup>th</sup>** - The Selectmen briefly discussed the agenda for next Monday, October 24<sup>th</sup>. It is a very full agenda, so public input will be fifteen minutes only, from 7:15 to 7:30.

**Agenda Issues** - Selectman Hatch was disturbed that Recycling Manager Justin Levitt had come in at public input tonight and had given a department update. She reminded Tim that he had been asked to make sure department heads were placed on the regular agenda, not just show up at the meeting. Tim said he had told Justin to come in tonight because they had to set the GAT. Tim was told that he could have discussed the GAT during their regular business, and gotten back to Justin; public input is reserved for public input.

**Personnel Policy** – Selectman Hatch stated that at the last meeting, they had decided to postpone review of the personnel policy until after the Selectmen had a chance to read the report that the auditors had done on the financial policies.

She expressed her dissatisfaction that Tim had brought up the change of pay rate for the fire department employees due to a conversation with Ms. Fillmore at the LGC. Rachel said she had asked for it to be put in writing. Rachel said she had received a letter from Ms. Fillmore, and the information she had was that we were fine with the way we had been paying the firefighters. She said she felt Tim had rushed the Board into making a decision before they had it in writing, and it didn't have to be made last week. She was unhappy with the way Tim had presented it.

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

**MOTION- Selectman Lavin moved to accept the minutes of September 26, 2011 as amended. Selectman Hatch seconded. Motion passed 3-0.**

**9:12 pm – Selectman Hatch moved to enter into Non-Public Session 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.

**9:18 pm – Selectman Hatch moved to come out of Non-Public Session.** Selectman Lavin seconded. Motion passed 3-0.

**10-17-11 BOS**

**APPROVED**

**9:20 pm - MOTION – Selectman Lavin moved to adjourn the meeting. Selectman Hatch seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk