



## APPROVED

### Board of Selectmen Town of Gilmanton, New Hampshire

Meeting

July 14, 2020

#### Open Public Meeting

Meeting was open to public attendance in the auditorium of the Academy Building and also conducted telephonically using FreeConferenceCall.com and live streamed on the Town Facebook homepage, for people not comfortable attending in person due to COVID-19 pandemic.

**Present:** Chairman Mark Warren, Vice-Chairman Vincent Baiocchi and Town Administrator Patrick Boré (Gilmanton Academy building – Auditorium).

Also present in the audience at the auditorium is Evan Collins.

*Disclaimer: these minutes represent topics discussed and are not a reflection of verbatim discussion.*

#### 6:04 pm - Open Public Meeting

Chairman Mark Warren opened the meeting, took attendance of those present and voting (Vice-Chairman Baiocchi) and led the Pledge of Allegiance.

#### APPROVAL OF MINUTES

T.A. Boré presents the draft minutes for the June 29, 2020 Board of Selectmen Meeting.

Vice-Chairman Baiocchi confirms with Chairman Mark Warren that lines 71 through 73 are accurate, and asks about adding potential joint initiatives to the discussion agenda with the School Board. Chairman Mark Warren concurs and T.A. Boré is tasked to approach the School Board to that purpose.

**MOTION:** On a Motion by Vice-Chairman Baiocchi and seconded by Chairman Warren, it was voted unanimously to approve the minutes of 06-29-2020. (2-0 Voice Vote – Chairman Warren-yes, Vice-Chairman Baiocchi-yes).

Prior to opening the Consent Agenda, Chairman Warren states that the Board had asked residents to submit their interest in applying for the Selectman vacancy to replace Michael Wilson for the remainder of his term (ie until March 2021). The only candidacy received is from Evan Collins. Mr. Collins is present at the Board Meeting and is being interviewed for the position by the Board. Mr. Collins thanks the Board for the opportunity to be considered. He states that when he decided to run for the Selectman position in March (at the time, Marshall Bishop's position), he had thoroughly thought through his decision and now, as the opportunity to join the Board has presented itself again, he has had even more time to think it through. He has an interest in learning and being part of municipal decisions for a town he and his family are living in and where his personal business is located.

Vice Chairman Baiocchi states that he had the opportunity to discuss with Mr. Collins during the March election and believes Mr. Collins would be a good addition to the Board.

Mr. Collins mentions that his experience in running a business gives him a particular interest and knowledge in budget aspects.

Chairman Warren reminds the audience that the remaining Selectmen have the statutory authority to fill in the current vacancy and that the vacancy is for the remainder of Mr. Wilson's term so that the position will be on the ballot for election at the March 2021 Town Meeting.

**MOTION:** On a Motion by Vice-Chairman Baiocchi and seconded by Chairman Warren, it was voted unanimously to appoint Mr. Evan Collins to fill the Selectman position rendered vacant by Mr. Michael Wilson's resignation. (2-0 Voice Vote – Chairman Warren-yes, Vice-Chairman Baiocchi-yes).

Mr. Evan Collins is sworn in under Oath as new Selectman for the Town of Gilmanton by Chairman Warren.

Selectman Collins is invited to join the Board at the table for the remainder of the Meeting and is added to those voting.

## CONSENT AGENDA

Chairman Warren opens the Consent Agenda.

- **GOFERR Grant – Reimbursement Request #2 - ~~\$10,566.97~~. \$16,987.29**

T.A. Boré states that the amount posted on the Meeting Agenda has changed and is now \$16,987.29. Request is due to be filed on or before July 15 for eligible expenses incurred from May 1 to June 30. T.A. Boré goes through the details of expenses being included in the reimbursement request.

Remaining eligible fund balance under the GOFERR Agreement = \$66,136.44, assuming this second request is approved by GOFERR.

T.A. Boré indicates that the initial program called for a third and last reimbursement request due September 15 to cover the August period. An announcement is expected this week that the program will be extended for an additional period, allowing for eligible expenses incurred from September 1 to October 15 to be reimbursed. Counties and municipalities will have to submit reimbursement requests to GOFERR by October 30. Further details will be forthcoming.

If confirmed, this will allow, in particular, the Town to seek reimbursement for any additional COVID-19 related costs with respect to the September primaries. The anticipation is that at the end of the extended GOFERR program municipalities will be required to estimate similar expenses with respect to the Presidential election in November for potential reimbursement if funding remains available.

**MOTION:** On a Motion by Vice-Chairman Baiocchi and seconded by Selectman Collins, it was voted unanimously to authorize T.A. Boré to file as necessary the Reimbursement Request with GOFERR. (3-0 Voice Vote – Chairman Warren-yes, Vice-Chairman Baiocchi-yes, Selectman Collins-yes).

93 • **Acceptance of Lois R Foss \$1,000 donation to Foss Family Pine Hill Cemetery Trust**  
94 **Fund**

95  
96 **MOTION:** On a Motion by Chairman Warren and seconded by Vice-Chairman Baiocchetti, it  
97 was voted unanimously to accept the donation in the amount of \$1,000 from Lois R Foss for  
98 deposit into the existing Foss Family Pine Hill Cemetery Trust Fund. (3-0 Voice Vote – Chairman  
99 Warren-yes, Vice-Chairman Baiocchetti-yes, Selectman Collins-yes).

100  
101 • **Rocky Pond Assoc. Milfoil treatment funding request \$3,000 (WA# 40)**  
102

103 Selectmen's Office has received the request for payment from the Rocky Pond Association for  
104 milfoil treatment set to start at Rocky Pond. Approval/Timing of payment to be discussed under  
105 OLD BUSINESS Section.

106  
107  
108 • **LRPC Roads Condition Assessment – \$10,000 (WA# 25)**  
109

110 Agreement was redrafted to include the unpaved roads in the Assessment. As opposed to paved  
111 roads assessment, unpaved roads assessment portion will only include inventory and condition  
112 assessment and not forecasting/modeling which is not available in the current RSMS software  
113 version of NHDOT that LRPC will be using for the Assessment.

114  
115 **MOTION:** On a Motion by Vice-Chairman Baiocchetti and seconded by Selectman Collins, it  
116 was voted unanimously to approve the Agreement for the LRPC Roads Condition Assessment in  
117 the amount of \$10,000 as per WA # 25 and to authorize Chairman Warren to execute the  
118 Agreement. (3-0 Voice Vote – Chairman Warren-yes, Vice-Chairman Baiocchetti-yes, Selectman  
119 Collins-yes).

120  
121 • **Temporary hiring of Assistant to TCTX (not posted on Meeting Agenda)**  
122

123 TCTX has obtained assistance from a Town of Grafton employee to help her catch up with the  
124 TCTX workload. T.A. Boré presents a Personnel Action Form to the Board for the hiring of a  
125 temporary assistant to the Town Clerk/Tax Collector.

126  
127 Selectman Collins inquires whether this is a long-term arrangement. T.A. Boré indicates it is on a  
128 week-to-week basis, whereby TCTX will inform the assistant whether she needs her back the next  
129 week or not.

130  
131 **MOTION:** On a Motion by Vice-Chairman Baiocchetti and seconded by Chairman Warren, it  
132 was voted to hire Bonnie Haubrich as temporary assistant to Town Clerk/Tax Collector on a  
133 weekly basis at an hourly rate of \$20.00. (3-0 Voice Vote – Chairman Warren-yes, Vice-Chairman  
134 Baiocchetti-yes, Selectman Collins-yes).

135  
136 **MOTION:** On a Motion by Vice-Chairman Baiocchetti and seconded by Selectman Collins, it  
137 was voted to accept the Consent Agenda as amended (3-0 Voice Vote – Chairman Warren-yes,  
138 Vice-Chairman Baiocchetti-yes, Selectman Collins-yes).

139 Amendments are:

- 140 - GOFERR Reimbursement Request #2: amount changed from ~~\$10,566.97~~ to \$16,987.29
- 141 - approval/timing of payment of Rocky Pond Association funding to be discussed as part of the
- 142 OLD BUSINESS Section, and
- 143 - hiring approval of Bonnie Haubrich

144  
145 **MOTION:** On a Motion by Vice-Chairman Baiocchetti and seconded by Selectman Collins, it  
146 was voted unanimously to close the Consent Agenda as amended. (3-0 Voice Vote – Chairman  
147 Warren-yes, Vice-Chairman Baiocchetti-yes, Selectman Collins-yes).

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149  
150 **OLD BUSINESS**

151  
152 • **First Tax Bill Update/Deferred funding request payments**

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154 T.A. Boré reminds the Board that, on May 28, the Board executed the Tax Warrant to allow the  
155 Tax Collector to collect \$6,165,056.00 in property tax. The deadline for residents to pay their  
156 Property Tax bills was July 1. The Tax Collector has collected to-date \$5,526,023.16 (about 90%).  
157 The difference is \$639,032.84, some of which is expected to be collected before end of the year.

158 T.A. Boré indicates that, as a comparison, Gilford has collected 93% of its Tax Warrant and  
159 Belmont 94.8%.

160 T.A. Boré moves on to provide an update on the Town's cash-flow situation. As of July 13, 2020,  
161 available cash amounts to \$4,570,110.50, with the understanding that not all taxes collected have  
162 been deposited/credited yet. The CD entered into in 2019 is still "untouched" at \$1,110,614.65.  
163 The NH DOT final reimbursement for the Stage Road Bridge is still pending at \$916,302.36. This  
164 combined \$2million or so is typically what the Town carries in continuous cash-flow.

165 So, altogether, the Town is in a pretty good shape from a cash-flow standpoint.

166 Finally, T.A. Boré provides an update on the appropriations voted at last March Town Meeting:  
167 The voted Operating Budget amounted to \$4,266,891. As June 30, 2020, there was a \$2,583, 393  
168 remaining balance. Other Special Warrant Articles voted through amounted to \$ 1,018,052. As of  
169 June 30, 2020, there was a remaining balance of \$949,769.

170 In light of this overall update, T.A. Boré recommends the Board discuss:

171 - any measure to be taken on the 2020 operating budget and other appropriations as voted for by  
172 the residents at the March meeting, including applying authority granted to the Board under  
173 Governor Sununu's Emergency Order 56. Any adjustment would have to be reported to DRA  
174 before September 1

175 - impact on deferred payments for Outside Agencies funding requests voted through at the March  
176 Town Meeting.

177  
178 As a reminder, the Board has deferred (\$56,200 total) payment requests for the following:

- 179 ○ GYRL (WA# 35): \$46,700
- 180 ○ IW Library (WA#38): \$1,000
- 181 ○ LRMHC (WA#44): \$7,500
- 182 ○ New Beginnings (WA# 42): \$1,000

183  
184 Rocky Pond Association: \$3,000 (WA#40) pending as part of today's Consent Agenda.

185  
186 In addition, the following funding amounts approved at the March Town Meeting are still pending  
187 receipt of a payment request by the respective entities (\$21,600):



- WA# 36 Snowmobile Association: \$2,500
- WA# 39 Central NH VNA & Hospice: \$7,600
- WA# 41 American Red Cross: \$1,000
- WA# 43 CAPA: \$ 5,000
- WA# 45 CASA: \$1,000
- WA# 46 4<sup>th</sup> of July Association: \$4,500

Chairman Warren asks T.A. Boré if, based on his update, he is comfortable going ahead with the payments requested (\$59,200). T.A. Boré answers yes for those requested. Other voted funding should remain pending.

General consensus from the Board to disburse \$59,200 to cover the payment requests received to-date:

- GYRL (WA# 35): \$46,700
- IW Library (WA#38): \$1,000
- LRMHC (WA#44): \$7,500
- New Beginnings (WA# 42): \$1,000
- Rocky Pond Association (WA#40): \$3,000

## **PUBLIC INPUT**

Chairman indicates it is 7:01 PM and he stops the discussion of the Old Business Section to open the Public Input session.

After checking if anybody on the teleconferencing call has any public input, Chairman Warren moves to Mr. Joseph Haas in the auditorium.

Mr. Haas informs the Board that he just learned while attending the Gilmanton-Gilford discussion part of the School Board Meeting that the Bus company has decided to limit students capacity to 28 per bus, due to COVID-19, which will result in an additional cost for the School and expects taxes to go up accordingly.

Mr. Haas then talks about the appropriation request that the School makes every year through the MS-22, which, according to him, under RSA 198:4 (a) should be a request to the State for funding and not a local funding request. He asks the Board to take a stance by taking a vote to commit to tell the School Board, when they meet next week, that they will stop funding the School. He further states the plaintiffs in the ongoing ConVal case will win this case and that the State will have to come up with a resolution for the way school expenses are funded at the State and not the local level. He suggests the funding should come from the Business Tax not from local taxpayers.

Local taxes would be reduced by  $\frac{3}{4}$ . Previously paid taxes would then have to be reimbursed to local taxpayers. Mr. Haas then talks about his lawsuit against the Town on his tax abatement requests. Vice-Chairman Baiocchetti asks if he is talking about the lawsuit he is appealing the recently Motion to dismiss judgement and as Mr. Haas confirms he is working on filing the appeal, Vice-Chairman Baiocchetti strongly advises that he makes no further comments in this ongoing lawsuit.

After checking again if anybody on the teleconferencing call has any public input, Chairman Warren closes the Public Input session at 7:20 PM and returns to the Old Business Session.

## **• Transfer Station Fee Schedule**

T.A. Boré reminds the Board that, at their June 29 Meeting, the Board tasked the Transfer Station Manager and Town Administrator to coordinate a joint proposal for a new Fee Schedule analysis that would incorporate their respective recommendations.

Changes proposed aim at 3 goals:

- simplify for ease of use by both staff and residents
- update/increase fees to reduce/eliminate the current deficit between revenues collected from residents and the costs to the Town with respect to recycling
- align with surrounding towns' applicable fees to avoid incoming flow of out-of-town recyclable materials

Questions were raised with respect to the Board Authority with respect to the Ordinance/Fee Schedule. In 1975, the Town voted to grant the Selectmen that authority (WA# 37). However, in 2017 the Town voted to adopt RSA 41:9-a which grant the BOS authority to set/change fees through public notification and public hearing rather than going through the Town Meeting. After checking with Town Counsel, the recommendation is to err on the safe side and apply the process as described in RSA 41:9-a.

General consensus from the Board to proceed with a Public Hearing to address the Fee Schedule change as proposed by the Transfer Manager/Town Administrator. Outdated business hours and a couple of erroneous references will also need to be updated in the Transfer Station Rules & Regulations ordinance.

Discussion ensues with respect to the current Town Commercial Hauling regulations and fees. The Rules and Regulations of the Transfer & Recycling Facility adopted in 1975 include the reference to the Commercial Hauler Permit requirement

Vice-Chairman Baiocchetti questions the definition of a commercial hauler and the purpose for the regulations as well as the legality of the requirement to provide a list of customers.

T.A. Boré states that a commercial hauler is somebody who handles somebody else's trash for a profit and that the regulations serve 3 purposes:

- ensure haulers are complying with the Town requirement that only so-called "Gilmanton refuse" is being handled (this requirement dates from March 11, 1969)
- ensure haulers commit to adhere the Town's rules & regulations
- ensure haulers have appropriate insurance coverage

Vice-Chairman Baiocchetti asks what type of insurance and why. T.A. Boré answers General and Third Party, allowing the Town to have some recourse if needed.

T.A. Boré adds that, every year, the Transfer Station Manager completes an Annual Facility Report, part of this report includes a compliance statement to the State Rules & Regulations. Without getting the haulers commitment in writing that they abide by these rules & regulations, he is not sure the Transfer Station Manager could make that statement and, surely, the Town minimizes its recourse against any hauler.

At the State level, as Selectman Baiocchetti mentioned during the discussion at a previous BOS meeting, there is a reporting requirement. T.A. Boré suggests it would probably make sense for the Town to request a copy of that reporting from the hauler from the application is filled to ensure compliance with that State requirement or maybe a statement that they comply with that requirement..

General Board consensus to proceed with the Public Hearing regarding the new Transfer Station Fee Schedule and necessary updates to current Rules & Regulations, while doing some more research on the Commercial Hauler Permit piece.

- **Crystal Lake Bridge Project**

T.A. Boré stipulates that the Town have not had a Public Meeting with respect to this project for quite a while now, he recommends to organize a Public Hearing end of July, early August so that we can update Town residents and taxpayers on the project and get their input. Time is of essence because we would want to be able to address any concern/request before the final design for the construction goes to approval to NH DOT (and potentially DES) early Fall.

General consensus from the Board to proceed with a Public Hearing on Crystal Lake Bridge Project. Date to be confirmed based on dates for Public hearing for Transfer Station Fee Schedule and joint meeting with School Board.

- **PSNH/Eversource BTLA**

T.A. Boré talks about the recent Board of Tax and Land Appeals (“BTLA”) decision on the merits in the Tax Appeals involving Public Service Company of New Hampshire (“PSNH”) for Tax Years 2014 through 2017. These appeals involve PSNH’s electric transmission and distribution property and associated easements and rights-of-way. BTLA completely rejected the appraisal and opinions submitted by PSNH’s experts and ruled that the appropriate assessments for the various communities should be the opinions of value submitted by the Municipalities’ Expert equalized by the applicable equalization ratio.

Initially, T.A. Boré had placed this subject on the Agenda to relay to the Board that some municipalities have decided to proceed with paying that refund now as the abatement due by municipalities to PSNH carry a statutory interest on that amount at the rate of 6%.

However, over the weekend Town Counsel informed the Town that BTLA committed an error in the way they applied the equalization ratio. In the instance of Gilmanton, correcting this error is estimated to make a fairly modest positive impact to the Town’s liability (estimated at \$155.95 by DTC).

DTC asked the Town to verify the calculations of land values they had estimated and our Assessor found an additional mistake, raising the total tax abatement due by the Town to PSNH to \$ \$20,143.57 excluding interest from DTC’s estimated amount of the refund sans interest at \$18,917.10.

General consensus from the Board to give Vice-Chairman Baiocchetti final say on the issue on or before July17 after T.A. Boré confirms final impact to the Town of the two discussed corrections.

## **1. NEW BUSINESS SECTION**

- **Purchasing Policy**

- **Credit Card Policy**

- **Budget 2021 – Process Discussion**

T.A. Boré submitted a draft Purchasing Policy and a new Credit Card Policy for the Board to review prior to the Meeting. He recommends that the discussion on these be tabled to allow new Selectman Collins to have a chance to review the documents.

Similarly, copies of the 2020 Budget process and schedule were submitted to the Board ahead of the meeting for the Board to discuss any change they would like to see for the 2021 Budget. There, as well, T.A. Boré recommends the discussion on this matter be tabled to allow new Selectman Collins to have a chance to review the documents.

Brief discussion ensues on the historical background, purpose and benefit/risk of the Credit Card Policy as well as purpose and benefit/risk of the Board setting up guidelines upfront for Department Heads with respect to the 2021 Budget priorities and other considerations.

Discussions around potential priorities, including compensation/training for personnel retention, road network.

Brief discussion on the Capital Improvement Plan due for update this year, a statutory responsibility of the Planning Board. Chairman Warren, BOS rep. on the Planning Board, to follow up.

General consensus from the Board to table these discussions, with the budget discussion to be addressed at next meeting/after joint meeting with School Board and the Policies discussion later in August.

### **SELECTBOARD ITEMS**

Chairman Warren asks for an update on the Four Corners Intersection roadwork. T.A. Boré confirms that he has not yet heard from DOT on their initial plan to start work on July 20<sup>th</sup> and will seek confirmation.

Chairman Warren inquires about road complaints the Board should be aware of. T.A. Boré talks about the damages that occurred to unpaved roads to recent washouts, which the Highway Department has worked on as quickly as possible. He also mentions complaints on social media with respect to Middle Route. Finally, he talks about a complaint received re Griffin Road. The Town is seeking confirmation from first responders that the condition of the road does not hinder their ability to provide emergency services to residents along that road.

T.A. Boré adds that it has been a challenge for several months now to fill the Foreman and the Equipment Operators positions, which does not facilitate the Highway Department's ability to respond to these events.

Vice-Chairman Baiocchetti inquires about the vacancy at the Crystal Lake Park. T.A. Boré indicates there was a lead with a local person who unfortunately decided not to pursue.

Chairman Warren asks for an update on the new Building Inspector/Code enforcement Officer. T.A. Boré confirms that he started on Monday, July 13. T.A. Boré asks for patience as we are going through this transition.

**MOTION:** On a Motion by Chairman Warren and seconded by Vice-Chairman Baiocchetti, it was voted to come out of the Selectmen Items Section. (3-0 Voice Vote, Chairman Warren-yes, Vice-Chairman Baiocchetti-yes, Selectman Collins-yes).

T.A. Boré asks the Board to go into a Non-Public Session per RSA 91-A:3, II (c) reputation.

T.A. Boré discusses some potential deviations from the Town Purchasing Policy. After confirming personnel involved with T.A. Boré is an elected official, Vice-Chairman Baiocchetti indicates that the conversation must statutorily be conducted in public.



General consensus from the Board that the discussion needs to happen in public at their next meeting with the official present.

**MOTION:** On a Motion by Vice-Chairman Baiocchetti and seconded by Chairman Warren, it was voted to approved the sealed minutes of Non-Public Session per RSA 91-A:3, II (c) reputation from June 29, 2020. (2-0 Voice Vote, Selectman Collins abstains – Chairman Warren-yes, Vice-Chairman Baiocchetti-yes).

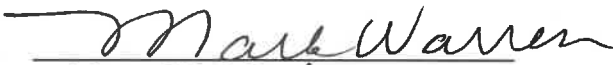
**Adjournment:** On a Motion by Chairman Warren and seconded by Vice-Chairman Baiocchetti, it was voted unanimously to adjourn at 9:00 PM (3-0 Voice Vote – Chairman Warren-yes, Vice-Chairman Baiocchetti-yes, Selectman Collins-yes).

Respectfully Submitted,

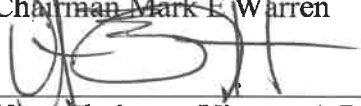


Patrick Boré  
Recording Secretary

**Approved by the Board of Selectmen**



Chairman Mark F. Warren



Vice-Chairman Vincent A Baiocchetti



Selectman Evan J Collins