



APPROVED

Board of Selectmen Town of Gilmanton, New Hampshire

1 Meeting

2
3 June 29, 2020

4
5 **Open Public Meeting**

6 Meeting was open to public attendance in the auditorium of the Academy Building and also
7 conducted telephonically using FreeConferenceCall.com and live streamed on the Town Facebook
8 homepage, for people not comfortable attending in person due to COVID-19 pandemic.
9

10 **Present:** Chairman Mark Warren, Vice Chair-Selectman Vincent Baiocchi and Town
11 Administrator Patrick Boré (Gilmanton Academy building – Auditorium).
12

13 Also present in the audience at the auditorium are: Evan Collins, Heather Carpenter.
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15 *Disclaimer: these minutes represent topics discussed and are not a reflection of verbatim*
16 *discussion.*
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18 **6:00 pm - Open Public Meeting**

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20 Chairman Mark Warren opened the meeting, took attendance of those present and voting (Vice-
21 Chairman Baiocchi) and led the Pledge of Allegiance.
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23 **APPROVAL OF MINUTES**

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25 T.A. Boré presents the draft minutes for the June 24, 2020 Board of Selectmen Meeting, and
26 indicates that the only amendment made since the posting of the draft pertains to removing
27 Selectman Wilson signature line.
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29 **MOTION:** On a Motion by Vice-Chairman Baiocchi and seconded by Chairman Warren, it
30 was voted unanimously to approve the minutes of 06-24-2020 as amended. (2-0 Voice Vote –
31 Chairman Warren-yes, Vice-Chairman Baiocchi-yes).
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33 **CONSENT AGENDA**

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35 **MOTION:** On a Motion by Vice-Chairman Baiocchi and seconded by Chairman Warren, it
36 was voted unanimously to open the Consent Agenda. (2-0 Voice Vote – Chairman Warren-yes,
37 Vice-Chairman Baiocchi-yes).
38

39 T.A. Boré mentions to the Board that he was hoping to have the LRPC Roads Condition
40 Assessment Agreement with the added language for the unpaved roads available for the Board to
41 sign. Unfortunately, that redraft has not yet been received.
42

T.A. Boré presents to the Board for their approval and signatures the Letter of Conditional Employment for the new Building Inspector/Code Enforcement Officer, which was not listed on the posted Meeting Agenda. Employment has an initial term ending March 31, 2021.

Chairman Warren announces that Fab Cusson will be the new Building Inspector/Code Enforcement Officer. Although joining as a part-time employee, the Board is confident that Fab will be able to alleviate some frustration residents have expressed in the past, in particular with respect to accessibility, and will be able to serve the residents well. Fab will start July 13.

MOTION: On a Motion by Vice-Chairman Baiocchetti and seconded by Chairman Warren, it was voted to accept the Consent Agenda as amended and to close the amended Consent Agenda (2-0 Voice Vote – Chairman Warren-yes, Vice-Chairman Baiocchetti-yes).

COVID-19 Update

T.A. Boré discusses Governor's Emergency Order (EO) # 56 which was issued last week by the Governor's Office as a result of municipalities concerns related through NHMA. The Order grants the BOS the authority to reduce appropriations for any items as may be necessary to keep total expenditures of the town within its total anticipated revenues. Municipalities are awaiting clarifications on certain aspects of the EO, including potential impact on the 2021 Default Budget calculations if certain budget appropriations were removed by a BOS under the EO as well as confirmation that "for any items" includes not only appropriations for the Operating Budget but also any Capital and Non-Capital Reserve Fund appropriations.

T.A. Boré states that once the Town has a better insight into its cash-flow position after the deadline for taxpayers to turn their first property tax bill payment in, this authority granted to the BOS under the EO should be re-visited. The deadline for acting on this is the submission date for the MS-1, i.e. before September 1, 2020.

Vice-Chairman Baiocchetti suggests that Town Administration reaches out to the School Board to jointly address any potential adjustments to 2020 approved appropriations. Chairman Warren agrees and the Board tasks T.A. Boré to set a meeting before end of July.

OLD BUSINESS

- **Transfer Station Fee Schedule**

The Transfer Station Manager is present in the auditorium to discuss his proposal for a new Transfer Station Fee Schedule. The purpose is to seek to reduce the current gap in revenue coverage of recycling expenses (see attached proposed Fee Schedule analysis).

Vice-Chairman Baiocchetti asks the Transfer Station Manager how much money the Town currently loses on demo recycling. The Transfer Station Manager states that it is about 50%.

The Transfer Station Manager goes through its proposed increase in fees.

Chairman Warren asks how the fees compared to those of surrounding towns. Both Transfer Station Manager and Town Administrator confirm that the proposed new fees are in line altogether with neighboring towns. T.A. Boré adds that we do need to stay aligned so that we do not run the risk of "attracting" recycling from out-of-town individuals and businesses. He also indicates that it sees simpler fee schedules at other towns and that maybe the Transfer Station can look into a

simplified structure for ease of use to both staff and residents. As an example, for demo materials the fee schedule could be based on the size of pickup truck.

T.A. Boré clarifies that, currently, taxpayers end up paying for the gap in revenue coverage as part of the overall operating budget. The intent of the new fee schedule is to minimize that gap and to have the cost individualized based on what each taxpayer ends up recycling on their own rather than for the whole community.

T.A. Boré comments on ongoing changes in the recycling industry, which also justify updating the current schedule.

Discussion moves to dump stickers. T.A. Boré describes the current setup whereby stickers are currently distributed out of Town Hall so that proof of residency is verified. He believes the Transfer Station staff should be able to confirm residency in 90% of cases, the remaining 10% requiring the individual to show proof of residency documentation. He recommends that once we are past the current deadline (June 30) for getting dump stickers, the distribution of the stickers be moved to the Transfer Station.

Following T.A. Boré's statement that the Station will be closed on Saturday, July 4th, the Transfer Station Manager agrees to open 2 hours earlier on Sunday, July 5th, so the Station will be open from 10:00 AM until 5:00PM.

Board agrees that, starting Wednesday, July 15, the Transfer Station staff will take over the responsibility for the stickers' distribution and needs to come up with a registry (dump sticker #, License plate # etc...).

The Transfer Station Manager talks to the Board about needed repairs to the skid steer. While it is at the shop, the Highway Department will loan a skid steer.

The Transfer Station Manager then discusses the opportunity to acquire 2 dump hoppers from Grainger to facilitate flow and social distancing for some of the recycling materials. Each hopper is quoted at \$1,316 + shipping costs.

Chairman Warren asks if that would be covered under the department budget. The Transfer Station Manager indicates he does not have the budget to cover that expense but that the intent is to seek reimbursement under the GOFERR Grant Agreement. T.A. Boré also mentions that the State Aid Municipal funds received in 2019 could cover the expense if needed.

Next subject addressed is commercial hauling. Currently, we know of 3 commercial haulers, only one having the required permit. The permit is currently \$125, purpose being to confirm proper insurance coverage as well as ensuring that this is "Gilmanton trash".

Vice-Chairman Baiocchetti inquires whether the setting up falls under the authority of the Board or should go to the next Town Meeting and whether each of these haulers do report their trash tonnage to DES. T.A. Boré will do some additional research on this before any decision is made on commercial hauling permit.

Consensus on the Fee Schedule that T.A. Boré and Transfer Station will submit a final revised schedule at the next Board Meeting and to be effective July 15.

Consensus on purchasing the 2 dump hoppers.

- Petition re Frisky Hill Conservation Land

T.A. Boré informs the Board about a petition from the abutters of the Frisky Hill Conservation Land (Twigg property). The petitioners request that all plans to build a parking lot on Frisky Hill be dropped.

This petition should be addressed by the Conservation Commission, not the Board of Selectmen. The Board acknowledges the petition and that the Conservation Commission will be handling that matter.

- Crystal Lake Beach water testing

T.A. Boré mentions that the latest water testing at Crystal Lake were just received and there is no contamination. The beach remains open to swimming.

At 6:58 PM, Chairman Warren opens the Public Input portion of the meeting.

T.A. Boré asks a couple of times for any resident on the teleconference system to unmute themselves by pressing *6. No answers

Heather Carpenter, present in the auditorium, talks about the commercial haulers and the need to tighten up the current ordinance to eliminate an existing "loophole" around the definition of light versus other haulers.

At 7:03 PM, T.A. Boré checks on the Facebook page for any input/question. As none have been posted, Chairman Warren proceeds with closing the Public Input session and moving back to the Old Business discussion.

- Residents Petition to open the Academy Building on Tuesdays.

This discussion was initiated during the June 15 BOS meeting and was tabled due to technical issues preventing public input on the matter.

T.A. Boré restates that his only concern is that if we were to open to the public on Tuesdays immediately, we will just amplify residents' frustration as the TCTX Office remains closed due to the ongoing staffing issues. That frustration has already been imposed on the Selectmen's Office staff as they have had to handle all the inflow of communications related to the TCTX office when the TCTX is unavailable to answer.

T.A. Boré confirms that he would be supportive of opening on Tuesdays once the TCTX Office has resolved its staffing issues and is ready to re-open.

T.A. Boré takes the opportunity of this discussion to address comments on social media. He clarifies that he is not the TCTX supervisor. The BOS is not the supervising authority of the TCTX. Since end of March the TCTX has been operating alone and it has been a very difficult situation for her. She has reached out for assistance from surrounding towns. Right now, Gilford has agreed to help, Belmont has refused, and we are awaiting answers from Loudon, Alton and Barnstead. She is getting the assistance of one person from Grafton starting tomorrow. The Selectmen's Office staff has also given a hand, in particular the Assessing Clerk, who has experience in DMV registration and has helped with the backlog as well as the A.T.A. who has helped on tax payment deposits and to a lesser degree the Research Clerk for paperwork handling assistance. We are being careful though of not impacting the ability of these employees to perform their own duties.

The TCTX is interviewing 2 final candidates this week and hopes to hire one by Mid-July with the expectation that training will be made available soon at State level again.

Contrary to statements made online, there is no hiring freeze of any kind. It is just an unfortunate situation whereby one staff has been out for 3 months on a COVID-19 related leave and there has been no option to hire due to the inability to get any new recruit certified to perform transactions.

Vice-Chairman Baiocchi states that, although he understands the situation, thinks it would be helpful to have a specific date to share with the petitioners. Tuesday, September 8th, right after Labor Day, is suggested by T.A. Boré.

Chairman Warren stresses that this is an evolving situation and there is a consensus among Board members that this is the intent and that circumstances may require a little bit of give-and-take from residents.

T.A. Boré indicates that there still needs to be a discussion between the right and left sides of the hallway about aligning working hours and clarifies that the opening will occur under the current hours that the staff is employed for.

MOTION: On a Motion by Vice-Chairman Baiocchi and seconded by Chairman Warren, it was voted unanimously to open Town Hall Monday through Friday starting September 8th, 2020. (2-0 Voice Vote – Chairman Warren-yes, Vice-Chairman Baiocchi-yes).

- Crystal Lake Bridge Project

T.A. Boré briefs the Board about his meeting with Joe Downing and Angela Canezin, the Road Agent and the Project Engineer from Hoyle Tanner at the Crystal Lake Bridge to address certain requests/concerns with respect to the new bridge scheduled to be constructed in 2021. Josif Bicja, Project Engineer from Hoyle Tanner & Associates also attended the meeting.

Meeting went well and residents were altogether satisfied with the clarifications and responses provided. These will be shared at the Crystal Lake Association Annual Meeting Mid-July.

As we have not had a Public Meeting with respect to this project for quite a while now, T.A. Boré offered to organize one end of July, early August so that we can update Town residents and taxpayers on the project.

- PSNH/Eversource BTLA Update

T.A. Boré updates the Board that the Board of Tax and Land Appeals (“BTLA”) has just issued its decision on the merits in the Tax Appeals involving Public Service Company of New Hampshire (“PSNH”) for tax years 2014-2017.

BTLA completely rejected the appraisal and opinions submitted by PSNH’s experts and, instead, ruled that the appropriate assessments for the various communities should be the opinions of value submitted by the Municipalities’ Expert, George E. Sansoucy, PE, LLC (“GES”)

For Gilmanton, one of the 95 municipalities involved in this litigation, the calculation of amount due by the Town made by GES equates to \$23, 958 as of 07/01 instead of \$49,194 as requested by PSNH (the amount due by the Town will be slightly higher as interests will need to be updated).

It is anticipated that PSNH will appeal this decision to the New Hampshire Supreme Court and strongly believed by our lawyers that the BTLA’s decision will be viewed as the correct decision by the Supreme Court.

Vice-Chairman Baiocchi queries whether the legal fees incurred by the Town are due to be reimbursed by PSNH. T.A. Boré will follow up.

Post-meeting note: To appeal, PSNH must first file a Motion for Rehearing with the BTLA and identify each issue that PSNH claims that the BTLA got wrong. That Motion for Rehearing is due within thirty-days from the date of the BTLA’s decision, June 23rd.

Each side pays their own Attorneys’ fees.

- Loon Pond Dam Inspection Report

T.A. Boré states that as a result of their inspection conducted on 9/20/2019, NHDES recently submitted their inspection report. While it is clearly stated that NHDES can only make

suggestions/recommendations for repairs and maintenance as the dam is classified as a “non-menace” structure, it does set official documentation which could be used as evidence of potential negligence by the Town if nothing is done to address their recommendation. NHDES is actually recommending that the Town submit an Operation, Maintenance and Response (OMR) form which specifically requires that the Town provides details monitoring and maintenance measures taken by the Town “consistent with the findings of the inspection”.

As part of the Budget cycle for this 2020 fiscal year, we had recommended two appropriations to the Budget Committee:

- a \$3,700 under Other Conservation Budget, which was to cover repair and maintenance expenses as estimated by NH Dams, a contractor we intended to hire to perform the work.

- a \$7, 750 WA# 33 for the replacement of the stoplogs and the setup of a secure enclosure for replacement materials.

The \$3,700 was removed by the Budget Committee from the Operating Budget. WA # 33, on the other hand, was voted for by the Town Meeting.

T.A. Boré recommends that the Town proceeds with the maintenance. The cost can be prorated based on the proposed schedule and timeline (April 15 to November 15). Assuming July would be included, the revised costs would be \$1,937.50. He further recommends covering this cost under the State Municipal Aid Fund received last year.

With respect to the WA# 33, T.A. Boré recommends to wait till the fall to install the new boards when we’ll have a better idea of the Town’s cash Flow situation following the First Property Tax bill payment deadline.

MOTION: On a Motion by Chairman Warren and seconded by Vice-Chairman Baiocchetti, it was voted unanimously to expend \$2,000 from the 2019 State Municipal Aid funds to provide for the maintenance of the Loon Pond Dam. (2-0 Voice Vote – Chairman Warren-yes, Vice-Chairman Baiocchetti-yes).

SELECTBOARD ITEMS

Vice-Chairman Baiocchetti inquires about people’s complaints of roads washouts. T.A. Boré confirms that the Road Agent is the appropriate person to contact on that matter. Residents can continue to address their complaint to the Town Administration if they are unable to reach the Agent. The Road Agent was working on Allen’s Mills Road this morning.

Chairman Warren discusses the date for the next BOS meeting. Board consensus to next meet on Tuesday, July 14th at 6:00 PM.

This ends the public portion of the Board Meeting. 7:51 PM.

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

MOTION: On a Motion by Chairman Warren and seconded by Vice-Chairman Baiocchetti, it was voted unanimously to come out of Non-Public Session per RSA 91-A:3, II (c) (2-0 Voice Vote – Chairman Warren-yes, Vice-Chairman Baiocchetti-yes).

279 **MOTION:** On a Motion by Vice-Chairman Baiocchi and seconded by Chairman Warren, it
280 was voted unanimously to seal the minutes of this Non-Public Session per RSA 91-A:3, II (c) (2-
281 0 Voice Vote – Chairman Warren-yes, Vice-Chairman Baiocchi-yes).

282
283 **MOTION:** On a Motion by Vice-Chairman Baiocchi and seconded by Chairman Warren, it
284 was voted unanimously to go into Non-Public Session per RSA 91-A:3, II (c) reputation. (2-0
285 Voice Vote – Chairman Warren-yes, Vice-Chairman Baiocchi-yes).

286
287 The purpose of this session was for T.A. Boré to update the Board on the follow-up investigation
288 to a resident's complaint.

289
290 **MOTION:** On a Motion by Chairman Warren and seconded by Vice-Chairman Baiocchi, it
291 was voted unanimously to come out of Non-Public Session per RSA 91-A:3, II (c) (2-0 Voice Vote
292 – Chairman Warren-yes, Vice-Chairman Baiocchi-yes).

293
294 **MOTION:** On a Motion by Chairman Warren and seconded by Vice-Chairman Baiocchi, it
295 was voted unanimously to go into Non-Public Session per RSA 91-A:3, II (c) (2-0 Voice Vote –
296 Chairman Warren-yes, Vice-Chairman Baiocchi-yes).

297
298 The purpose of this session was to discuss Personnel Management matters.

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300 **MOTION:** On a Motion by Vice-Chairman Baiocchi and seconded by Chairman Warren, it
301 was voted unanimously to come out of Non-Public Session per RSA 91-A:3, II (c) reputation. (2-
302 0 Voice Vote – Chairman Warren-yes, Vice-Chairman Baiocchi-yes).

303
304 **MOTION:** On a Motion by Vice-Chairman Baiocchi and seconded by Chairman Warren, it
305 was voted unanimously to go into a Non-Public Session per RSA 91-A:3, II (e). (2-0 Voice Vote
306 – Chairman Warren-yes, Vice-Chairman Baiocchi-yes).

307
308 The purpose of this session was for T.A. Boré to update the Board on the current litigation
309 between the Town and Chief Currier.

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311 **MOTION:** On a Motion by Chairman Warren and seconded by Vice-Chairman Baiocchi, it
312 was voted unanimously to come out of Non-Public Session per RSA 91-A:3, II (e). (2-0 Voice
313 Vote – Chairman Warren-yes, Vice-Chairman Baiocchi-yes).

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315 **Adjournment:** On a Motion by Chairman Warren and seconded by Vice-Chairman Baiocchi,
316 it was voted unanimously to adjourn at 10:33 PM (2-0 Voice Vote – Chairman Warren-yes, Vice-
317 Chairman Baiocchi-yes).

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320 Respectfully Submitted,

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325 Patrick Boré

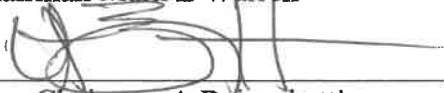
326 Recording Secretary

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Approved by the Board of Selectmen



Chairman Mark E Warren



Vice-Chairman A Baiocchetti