



APPROVED

## Board of Selectmen Town of Gilmanton, New Hampshire

Meeting

April 21, 2014

**5:15 pm.** – Gilmanton Academy

Present: Chairman Brett Currier, Selectmen Donald Guarino and Stephen McCormack, Town Administrator Arthur Capello, Administrative Assistant Stephanie Fogg. Also present Tom Scribner, Wayne R. Ogni, Justin Caldon, Christopher Johnson, Fire Chief Paul J. Hempel, and William Malbourne.

**5:15 pm** Chairman Currier opened the meeting, took attendance of those present and voting and led the Pledge of Allegiance.

**(A)Non-Public Session per RSA 91-A:3, II (c):**

**MOTION:** On a Motion by Selectman Guarino, and seconded by Selectman Currier it was voted unanimously to go into Non-Public Session per RSA 91-A:3, II (c) at 5:15 pm. (3-0 Voice Vote – Chairman Currier-yes, Selectman Guarino– yes, Selectman McCormack– yes).

The meeting room was closed to the public. Present during the Non-Public Session were Chairman Currier, Selectmen Guarino and McCormack. Town Administrator Arthur Capello, Administrative Assistant Stephanie Fogg.

**2014 Tax Agreements –**

The Selectmen discussed tax agreements with several residents.

**MOTION:** On a Motion by Selectman Currier and seconded by Selectman Guarino it was voted unanimously to come out of Non-Public Session at 5:54 pm. (3-0 Voice Vote – Chairman Currier-yes, Selectman Guarino – yes, Selectman McCormack – yes).

The meeting room was opened to the public. The Board noted the Non-Public Session minutes were not sealed.

**(B)Right to Know Request -**

**Non-Public Session per RSA 91-A:3, II (c): MOTION:** On a Motion by Selectman Guarino, and seconded by Selectman Currier it was voted unanimously to go into Non-Public Session per RSA 91-A:3, II (c) at 5:56 pm. (3-0 Voice Vote – Chairman Currier-yes, Selectman Guarino– yes, Selectman McCormack– yes).

1 The meeting room was closed to the public. Present during the Non-Public Session were  
2 Chairman Currier, Selectmen Guarino and McCormack. Town Administrator Arthur Capello,  
3 Administrative Assistant Stephanie Fogg.  
4

5 The Selectmen discussed the Right to Know Request.  
6

7 **MOTION:** On a motion by Selectman Guarino and seconded by Selectman Currier it was  
8 voted to keep the sealed minutes of February 3, 2014 sealed because of the citizens named in the  
9 minutes and their reputations. Selectman McCormack recused himself. (2-0-1)  
10

11 **MOTION:** On a Motion by Selectman Currier and seconded by Selectman Guarino it was voted  
12 unanimously to come out of Non-Public Session at 6:02 pm. (3-0 Voice Vote – Chairman Currier  
13 -yes, Selectman Guarino – yes, Selectman McCormack – yes).  
14

15 The meeting room was opened to the public. The Board noted the Non-Public Session minutes  
16 were not sealed.  
17

18 **Polygraph Policy:** The Selectmen discussed the polygraph policy. Arthur Capello suggested  
19 that the Selectmen come back to the polygraph policy after they discuss the hiring policy.  
20

21 **Hiring Policy for Police and Fire Departments -** It was suggested by Selectman Guarino that  
22 we use the Sheriff's Department to implement the Polygraph as we have before. Selectman  
23 McCormack said we could say "shall conduct a polygraph test in accordance with State  
24 standards." Selectman Currier agreed.  
25

26 **MOTION:** On a motion by Selectman Guarino and seconded by Selectman McCormack, it was  
27 voted unanimously to approve the Town of Gilmanton Hiring Policy for Police and Fire  
28 Departments as amended for the Polygraph Test to be conducted in accordance with State  
29 standards at 6:12 pm. (3-0)  
30

31 **Academy Use Policy -**

32 **MOTION:** On a motion by Selectman Guarino and seconded by Selectman McCormack it was  
33 voted unanimously to approve the Academy Use Policy as written at 6:15 pm, effective April 21,  
34 2014. (3-0)  
35

36 **Highway Job Description –**

37 A draft of the Road Agent's job description was reviewed by the Road Agent and the Selectmen.  
38

39 **MOTION:** On a motion by Selectman Guarino and seconded by Selectman McCormack it was  
40 voted unanimously to approve the Highway Job Description at 6:22 pm.  
41

42 **Budget, Snowplowing -** Arthur Capello said we are over budget for snowplowing, close to  
43 \$3,000. We still have October, November and December possible plowing. Selectman  
44 McCormack said we had talked about non-capital funds to be set aside for plowing. Selectman  
45 Currier said we need to see what it normally takes for snowplowing for a year. Arthur Capello  
46 said he will have an estimate over the last 3-4 years during November and December, of  
47 expenditures for snowplowing for the next Selectmen's meeting. Then there can be an estimate  
48 for the non-capital reserve fund for future plowing.

***Appointments to Boards and Committees –***

***Roads Committee:***

**MOTION:** On a Motion by Selectman Guarino and seconded by Selectman McCormack it was voted unanimously to appoint Robert Dow to the Gilmanton Roads Committee until 2015 at 6:24 pm. (3-0)

***Historic District Commission***

**MOTION:** On a Motion by Selectman Guarino and seconded by Selectman McCormack it was voted unanimously to appoint Allen Everett as a full-member to the Gilmanton Historic District Commission until April 2017 at 6:26 pm.(3-0)

***Planning Board***

**MOTION:** On a Motion by Selectman Guarino and seconded by Selectman McCormack it was voted unanimously to appoint T. Justin Caldon as a full-member to the Gilmanton Planning Board until April of 2017 at 6:36 pm. (3-0)

**Gilmanton Year Round Library -** Selectman Guarino said when the Selectmen first agreed to the invitation to have a representative to the GYRL from the Board of Selectmen, it was because it would be good stewardship of the \$52,000 voted on by the Town. Selectman Guarino read from a part of an article from the Laconia Daily Sun “Committee Chair, Ann Kirby, said yesterday that having the Town willing to officially have a representative to the Library is a big step toward their ultimate goal of having the Library owned and operated by the Town.” Selectman Guarino was concerned that the Selectman’s Representative to the GYRL was getting too political. The Selectmen decided to rescind their previous vote to send an official representative to the GYRL, and to authorize Selectman McCormack to attend the meetings to relay information to the Board as he can attend. Selectman McCormack said that information sharing is important as the Town has voted to expend \$52,000, he is not going to sit as a voting member on a private entity. He would not want the Selectmen or the Town to be put into an awkward position over this.

**MOTION:** On a motion by Selectman Guarino and seconded by Chairman Currier, it was voted to remove Selectman McCormack as the Board of Selectmen’s Official Appointed Representative to the Gilmanton Year Round Library. (2-0-1)

**Auctioning Town Owned Property -** Arthur Capello will put out a Request for Proposals for auctioning the Town owned properties, to happen sometime this summer. The Selectmen reviewed the RFP and agreed by consensus on the RFP Arthur Capello brought forward.

**Municipal Solid Waste - (Construction Debris Material)**

The RFP for the municipal solid waste was reviewed and amended. The Selectmen made suggestions of waste firms that should be sent bid proposals. The Selectmen reviewed and agreed by consensus to the RFP.

There will be an RFP for a roll off by next meeting that was voted on by the Town.

1 **Board of Selectmen Meeting Day** – Arthur Capello said that two of the Selectmen would like to  
2 discuss the Tuesday meeting day. Issues of safety for those working in the building on Monday  
3 nights were discussed. Selectman Currier and Selectman McCormack both stated that the Police  
4 Department would be notified to check the Academy Building and show a presence on Monday  
5 nights for security. By consensus the Board agreed to keep the previously discussed meeting  
6 night as Tuesday. There will be a notice to the Gilmanton Residents in the paper for the change.  
7

8 **Staff Meeting for Selectmen's Office with the Board of Selectmen-** Arthur Capello will set  
9 up a meeting. Selectman Currier said if the office staff could have questions/issues ready written  
10 down. If there are concerns, have a solution to talk about as well.  
11

12 **Planning Board/Accounts Payable Clerk** – The person who Arthur was looking to bring  
13 forward for hire is no longer available. The position has been reposted and will it was listed as  
14 “up to 30 hours” and “up to \$18/hr” so it is not guaranteed.  
15

16 **Joint Training for all of the Boards in Town-** Selectman McCormack suggested having a joint  
17 training session so that all departments are on the same thought process to be better prepared for  
18 the Deliberative Session next year.  
19

20 Arthur Capello will e-mail the Committee Chairs. Arthur Capello would like to set the meeting  
21 for a Saturday.  
22

23 **Public-Input** – Chairman Currier opened public-input at 7:00 pm.  
24

25 **Next Meeting:** Tuesday, May 6, at 6:00 pm.  
26

27 **Road Race** - Chairman Currier and Selectman McCormack agreed that there were safety  
28 concerns on the roadways during the road race. It needs to be addressed. Chairman Currier said  
29 he is not against the Road Race, however, he is against a function that shuts down Gilmanton for  
30 a benefit that does not spend the money in Gilmanton. It is not a Town sponsored deal, and it  
31 ties up our assets. Selectman McCormack said in Concord there is a fee schedule attached for a  
32 road race. Arthur Capello said he would leave it up to the Police Chief if they need a detail, or  
33 if they can handle it themselves.  
34

35 Arthur Capello will invite the sponsor of the Road Race in to discuss how the Road Race could  
36 be conducted in the future.  
37

38 **Road Issues** – A resident came forward and said there is a serious problem with some of our dirt  
39 roads in Town. He made recommendations to the Selectmen. The Selectmen will forward the  
40 information to the Road Agent and Roads Committee.  
41

42 Selectman McCormack did say that the road problems really come from budget constraints.  
43

44 Selectman Currier said we do have 60 some odd miles of dirt roads in our Town. We are in the  
45 process right now of working on plans to address each of the most serious problems. Again, it is  
46 a budget problem.  
47

1 Mr. Scribner asked what maintenance can be done on a Class VI Road? Chairman Currier spoke  
2 of the right of the landowner, being able to access their land, and filling holes and raking are  
3 acceptable.

4  
5 Arthur Capello will ask Paul Perkins, Road Agent about his schedule for cleaning culverts and  
6 ditching. Mr. Scribner suggested that a schedule for the road maintenance and budget should be  
7 addressed and posted so that people know what is being worked on.

8  
9 **Closed Public-Input** – Chairman Currier closed public-input at 7:36 pm.

10  
11 **(Road Issues Continued.....)**

12 A letter was received from Lakes Region Environmental concerning the condition and access to  
13 South Road. Selectman Guarino will follow-up the request to allow loads greater than 6 tons to  
14 travel to their shop.

15  
16 Tom Scribner asked what are the regulations for maintenance on a Class VI Road? Selectman  
17 Currier said the Selectmen have the purview to let you work on it, but you cannot do it without  
18 permission. If there is a house there, the road can be maintained by the owner. The intent is that  
19 someone does not “blast” trees out and put culverts in, diverting water onto someone’s property,  
20 etc. People need to be able to get into their properties, maintain their road for access, but they  
21 should not change the road.

22  
23 **Non-Public Session per RSA 91-A:3, II(b): Hiring a Public Employee**

24 **MOTION:** On a Motion by Selectman Guarino, and seconded by Selectman McCormack it was  
25 voted unanimously to go into Non-Public Session per RSA 91-A:3, II(b) at 7:40 pm. (3-0 Voice  
26 Vote – Chairman Currier-yes, Selectman Guarino– yes, Selectmen McCormack).

27  
28 The meeting room was closed to the public. Present during the Non-Public Session were  
29 Chairman Currier, Selectman Guarino, Selectman McCormack, Town Administrator Arthur  
30 Capello, and Administrative Assistant Stephanie Fogg. Also present Chief Hempel, William  
31 Malbourne.

32  
33 The Selectmen met the candidate that Chief Hempel brought forward for hire to the Gilmanton  
34 Fire Department. The candidates qualifications were discussed.

35  
36 **MOTION:** On a motion by Selectman Guarino and seconded by Selectman McCormack it was  
37 voted unanimously to come out of Non-Public Session at 7:48 pm. (3-0 Voice Vote – Chairman  
38 Currier-yes, Selectman Guarino – yes, Selectman McCormack– yes).

39  
40 It was noted by the Selectmen that the minutes of the Non-Public Session were not sealed.

41  
42 **MOTION:** On a motion by Chairman Currier and seconded by Selectman Guarino it was voted  
43 unanimously to give a conditional offer to William Malbourne for the position of Firefighter  
44 EMT-A and condition upon the completion of a successful polygraph and physical fitness test at  
45 7:50 pm. (3-0)

1 **Evaluations:** Chief Hempel said he had completed evaluations and the Firefighters meet or  
2 exceed the grade. Selectman McCormack said that the labor grades need to be looked at, and  
3 this is the beginning of the discussion.  
4

5 **General Business:**  
6

7 **Fire Truck-** Arthur Capello said we have an agreement to sign. Walter Mitchell, Town Counsel,  
8 has asked that the Board appoint the Chairman to sign any subsequent documents going forward.  
9 All three Selectmen signed the document for the Fire Truck.  
10

11 **MOTION:** On a motion by Selectman Guarino and seconded by Selectman McCormack it was  
12 voted to authorize Chairman Currier to sign as the representative for the Board of Selectman on  
13 any subsequent documents regarding the acquisition of the Fire Truck at 8:30 pm. (2-0-1).  
14 Chairman Currier recused himself from the vote.  
15

16 **MOTION:** On a motion by Selectman McCormack and seconded by Chairman Currier it was  
17 voted to authorize Vice Chairman Guarino to sign as the representative for the Board of  
18 Selectmen in any subsequent documents regarding the acquisition of the Fire Truck in the  
19 Chairman's absence at 8:31 pm (2-0-1). Vice Chairman Guarino recused himself from the vote.  
20

21 **Building Permit Refund Request-** Arthur Capello said he had a gentleman call regarding a  
22 refund on a building permit recently filed, he has decided not to build. Our policy is not to give a  
23 refund. Arthur stated that only the Board of Selectmen can issue a refund. It was the Boards  
24 decision to stay with the non-refund policy at this time. Selectman Currier recommended that he  
25 still continue with obtaining the permit, so if he wants to build within the next year he has his  
26 permit already paid for.  
27

28 Selectman Currier said, as part of this discussion, he would like to make the building permit  
29 applications more streamline. Could we get an average of what a single family dwelling permit  
30 could cost? Selectman Currier said a permit for a whole house should be inclusive.  
31

32 Arthur Capello will put a request out for information regarding building departments in other  
33 Towns.  
34

35 **Approval of Minutes-**

36 Minutes of April 7, 2014 approved as amended at 8:30 pm. (3-0)  
37

38 Sealed and Not-Sealed Non-Public meeting minutes were signed and approved as well.  
39

40 **MOTION:** On a Motion by Selectman Guarino, and seconded by Chairman Currier it was voted  
41 unanimously to seal the Non-Public Session of March 17, 2014 (C) until the issue is resolved. (3-  
42 0).  
43

44 **Non-Public Session per RSA 91-A:3, II(c):**

45 **MOTION:** On a Motion by Selectman Guarino, and seconded by Selectman McCormack it was  
46 voted unanimously to go into Non-Public Session per RSA 91-A:3, II(c) at 8:40 pm. (3-0 Voice  
47 Vote – Chairman Currier-yes, Selectman Guarino– yes, Selectmen McCormack).  
48



1 The meeting room was closed to the public. Present during the Non-Public Session were  
2 Chairman Currier, Selectman Guarino, Selectman McCormack, Town Administrator Arthur  
3 Capello, and Administrative Assistant Stephanie Fogg.

4  
5 Selectman Guarino discussed a list of concerns from the Town Clerk/Tax Collector that needed  
6 to be brought before the Board of Selectmen.

7  
8 **MOTION:** On a Motion by Selectman Guarino and seconded by Selectman McCormack it was  
9 voted unanimously to come out of Non-Public Session at 9:00 pm. (3-0 Voice Vote – Chairman  
10 Currier-yes, Selectman Guarino – yes, Selectman McCormack– yes).

11  
12 It was noted by the Selectmen that the minutes of the Non-Public Session were not sealed.

13  
14 Adjournment: On a motion by Selectman Guarino, seconded by Selectman McCormack it was  
15 voted unanimously to adjourn at 9:02 pm. (3-0)

16  
17 Respectfully Submitted,

18  
19  
20 \_\_\_\_\_  
21 Stephanie S. Fogg  
22 Administrative Assistant

23  
24  
25 **Approved by the Board of Selectmen**

26  
27 \_\_\_\_\_  
28 Chairman Brett A. Currier

29  
30 \_\_\_\_\_  
31 Selectman Donald J. Guarino

32  
33 \_\_\_\_\_  
34 Selectman Stephen J. McCormack