



APPROVED

## Board of Selectmen Town of Gilmanton, New Hampshire

Meeting

May 6, 2014

**5:00 pm.** – Gilmanton Academy

Present: Selectman Donald Guarino, Selectman Stephen McCormack and Town Administrator Arthur Capello, Administrative Assistant Stephanie Fogg.

**5:00 pm** Selectman Guarino 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 McCormack and seconded by Selectman Guarino, it was voted unanimously to go into Non-Public Session per RSA 91-A:3, II (c) at 5:00 pm. (2-0 Voice Vote –Selectman Guarino – yes, Selectman McCormack - yes).

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

The Selectmen were given information regarding a personnel issue with the Fire Department. The meeting will be continued.

**MOTION:** On a motion by Selectman Guarino it was voted unanimously to seal the minutes of the Non-Public Session at 5:58 pm. (2-0 Voice Vote, Selectman Guarino – yes, Selectman McCormack - yes).

**MOTION:** On a motion Selectman Guarino and seconded by Selectman McCormack it was voted unanimously to come out of Non-Public Session at 6:00 pm. (2-0 Voice Vote, Selectman Guarino – yes, Selectman McCormack - yes).

The meeting room was opened to the public. The Board noted the Non-Public Session minutes were sealed.

Chairman Currier joined the meeting at 6:00 pm.

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

**MOTION:** On a motion by Selectman McCormack and seconded by Selectman Guarino, it was voted unanimously to go into Non-Public Session per RSA 91-A:3, II (c) at 6:05pm. (3-0 Voice Vote –Chairman Currier – yes, Selectman Guarino – yes, Selectman McCormack).

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.

The Selectmen discussed and made decisions on two tax agreements.

**MOTION:** On a motion Selectman Guarino and seconded by Selectman McCormack it was voted unanimously to come out of Non-Public Session at 6:15 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.

**Recess** - Chairman Currier called for a 5 minute recess for set up for a presentation.

**Meeting called back to order.**

**Community Action Program for Merrimac and Belknap Counties** – Terry Paige is the Midstate Regional Coordinating Council Regional Coordinator for Belknap and Merrimac Counties. She is here to talk about community transportation. In 2007 the Federal Government mandated the states to coordinate for community transportation. 10 Regional areas were set up in the State, near area hospitals. Lakes Region Planning Commission works with Midstate Regional Coordinating Council for Belknap County. They work to improve mobility and access by all by coordinating regional and community transportation, services and information.

Arthur will put up information on website for transportation regarding these services. Handouts will be posted on the bulletin board at the Academy as well.

**Office Hours:** Arthur Capello asked the Selectmen about changing the hours to 8:30 – 4:00 pm. After discussion the Selectmen decided to keep the hours for the Selectmen’s Office at 9:00 am – 4:30 pm as it has been.

**Event Policy for Town/Non-Town Functions** - Arthur Capello gave the Selectmen three forms from the City of Concord to review regarding how the Concord handles events. After they have read through them and discuss, Arthur will put together an Event Policy for the Town of Gilmanton for the Selectmen to sign.

**Budget** - Arthur Capello said he will have a more extensive report at the next meeting. As you know we are over on heating oil because of the cold winter and snow plowing/ sand/salt over by about \$3,000.

1 **Planning Board/Accounts Payable New Hire:** Arthur Capello said we have hired a Staci  
2 Ricks, who attended a training on Saturday for Planning. Wayne Ogni, Chairman of the  
3 Planning Board attended the training with Staci Ricks.

4  
5 Wayne Ogni said there were a few things regarding law updates, the first is that the authority for  
6 Road and Regulation will be given back to the Selectmen if the new law passes. The second new  
7 recommendation will be that every Planning Board Member should have a New Hampshire  
8 Planning and Land Use Regulation Book. Wayne Ogni recommended that the Planning Board  
9 order the Planning Regulation Books for each member. The Selectmen agreed.

10  
11 Selectman McCormack said that there was an Attorney at the conference that said under RSA  
12 31-105 and 31-106, ( the Town should vote to adopt the RSA) for the protection of the Town and  
13 the Selectmen, members of the Boards, etc. It will be reviewed and voted on at a later date.

14  
15 **Academy Building Use :** Ann Kirby wanted to know what the policy was for the use of the  
16 Academy Building? Selectman Currier said we have set a policy. The Academy will only be  
17 used for Town functions. Ann Kirby said no more “fun stuff” here? Selectmen Currier stated  
18 not at this time. Ann Kirby said you may not want to ask for money to help support the  
19 Academy if people are not able to use it.

20  
21 Events will be held at the Old Town Hall.

22  
23 **Gilmanton Year Round Library -** Ann Kirby said that her comment tonight relates to the  
24 Laconia Daily Sun Article, it was so disconcerting to her to open the newspaper and see the  
25 Selectmen’s comments, not so much that you didn’t want the Selectmen to be a formal  
26 representative and she understands the voting part so it wouldn’t be a conflict of interest. She  
27 was disappointed that the newspaper “flavor” was that it was a negative thing. The reporter said  
28 that the Selectmen seemed “put off by”, Ann asked what were you put off by? She didn’t think  
29 they had done anything that was “off putting”? Selectman Guarino said the minutes quoted the  
30 paper. Selectman Guarino read again, “Ann Kirby said that having the town willing to officially  
31 have a representative to the Library was a big step towards their ultimate goal of having the  
32 Library owned and operated by the Town”. Ann Kirby said and maybe the paper does not quote  
33 me exactly, as I’m sure you don’t get quoted exactly. Ann Kirby said she came to clear it up.  
34 They have long range planning that they are working on, and they are happy to have a Selectmen  
35 listening in on what is going on, as they are questioned about transparency, it’s Town funds etc.  
36 It was a great thing, a positive step, we were working together. We are doing long range  
37 planning, someday the Library Board would love for this to be a Town owned building.

38  
39 Ann Kirby said there was no leap from a Selectmen being on the Board to a Town owned  
40 building in any sense of reality. She feels that the paper spins the information, and Ann Kirby  
41 said they are just moving forward, in a positive manner, long range planning possibly to make it  
42 a Town owned building. It is all to better serve the Town for a Library, there are no ulterior  
43 motives, just trying to do the right thing.

44  
45 **7:18 pm Close of Public-Input:** Chairman Currier closed public input.

46  
47 **Lighting in the Upstairs Academy –** Arthur Capello said that he would like to update the  
48 lighting as he has had many complaints about poor lighting, difficult to read or see. He has

1 worked with Wayne Ogni to come up with a lighting plan. Wayne Ogni said that LED lights are  
2 the least expensive to run. The lights he is looking at are 12 8' lights, 2" wide. Selectman  
3 McCormack said are we going to keep the existing side lights and replace them with the LED  
4 lights? So Wayne Ogni said they could be replaced with LEDs.

5  
6 Selectman Guarino said that the building/auditorium has a "sacred status". He agrees that the  
7 lighting could be better. Selectman Guarino said we have to think about the consequences, some  
8 people may want input on this. Selectman Guarino said maybe we should have a hearing on this.  
9 Arthur Capello said we will have a public hearing May 20, 2014 at our next Selectman's  
10 Meeting.

11  
12 **E-Mails** – Selectman McCormack said that it was strongly represented by a lawyer at the  
13 Selectmen's training he attended to have no personal e-mails, but to set up Town e-mails at the  
14 cost of \$3.00 per account. Arthur Capello asked Laura Spector Morgan, Town Council, if Town  
15 e-mails were set up for the Selectmen and Board Member strictly for Town business, would that  
16 protect them from their own personal e-mails being brought in as well. Laura Spector-Morgan  
17 said probably, the problem is that if you are e-mailing from your own home computer, no matter  
18 what e-mail you are using, some people are overly anxious to seize your computer and get  
19 everything off of it. Arthur Capello said possibly g-mail may be free. Laura Spector-Morgan  
20 said it could be something like [Brett.CurrierSelectman@gmail.com](mailto:Brett.CurrierSelectman@gmail.com).

21  
22 Debra Cornett, Town Clerk, asked how would g-mail be different from what they have now?  
23 Laura Spector-Morgan replied, it is different because it would be a dedicated account only for  
24 your Selectmen's business.

25  
26 Selectman McCormack said the other advantage is if someone needs to correspond with you as a  
27 Selectman, they would have an e-mail for you. Debra Cornett said if you want to make it  
28 official it should have the Gilmantonnh.org address like the rest of us. You can access it from  
29 anywhere.

30  
31 Selectman McCormack would like to have a motion made to accept the new e-mail policy.  
32 Chairman Currier said we can continue this discussion later after the Public Hearing.

### 33 34 **7:30 PM PUBLIC HEARING FOR WARRANT ARTICLE #19 FOR THE FIRE TRUCK**

35 Laura Spector-Morgan explained the procedural defects as follows: The Town had a Warrant  
36 Article for a lease/purchase to buy a truck. The Town wants to use money out of reserved funds  
37 as the first payment for this lease purchase agreement. DRA takes the position that if you want  
38 to take money out of the reserve funds towards the lease/purchase agreement, it has to be a lease  
39 purchase agreement that does not have an escape clause, you cannot get out of it, those Capital  
40 Reserve funds have to absolutely be used toward that truck. Because it has an escape clause, it  
41 makes it technically debt; and because it is debt for over \$100,000 it required both that it have a  
42 public hearing, such as tonight, and that it be the first substantive Article on the Warrant.  
43 Neither a public hearing nor being first on the Warrant happened. So there was a procedural  
44 defect. So what happened is, when it came time to execute the lease purchase agreement, and  
45 our office was asked to sign off on it, and say that everything was done legally.

46  
47 Debra Cornett, Town Clerk said when we had our public hearing, we discussed this, the whole  
48 thing at the public hearing. Town Counsel, Laura Spector Morgan, said that there had to be a

1 separate public hearing noticed. The public hearing can be held at the same time as deliberative  
2 session, but must be noticed separately.

3  
4 Brian Forst, Chairman of the Budget Committee, said is that a change with SB2? Town Counsel  
5 said yes.

6  
7 Debra Cornett, Town Clerk, said the only thing that changes with SB2 is that the vote has to be a  
8 3/5 majority, not a 2/3 majority. Ann Kirby asked that the other fact is that this had to be placed  
9 earlier in the Warrant, is that correct? Town Counsel said yes, after electing officers, after  
10 zoning amendments, it would be the first thing you would discuss at Deliberative Session. Debra  
11 Cornett said how did this get by Town Counsel? Town Counsel said it didn't get by. Arthur  
12 Capello said it was DRA that reworked it, and added the escape clause and redid the numbering.  
13 Rachel Hatch asked since this was a defect that DRA professionals caused, is there any way that  
14 the Town of Gilmanton can recoup the costs of the Special Meeting? This is costing the tax  
15 payers money, and it's at no fault of the Board of Selectmen, I want to be clear on that. Town  
16 Counsel said I understand your point, but I can guarantee you are not going to get the State to a  
17 position on this. Rachel Hatch said that her concern is that not a lot of people know about what  
18 is going on tonight. The notice was posted in the newspaper, the Academy Building, the Town  
19 website and the post offices. Rachel Hatch said her concern is that people are not going to come  
20 out and vote in June, and those that do come to vote, what if they vote no.

21  
22 Chairman Currier said it will be posted so people will know what the vote means, and what the  
23 Special Town Meeting is about. It will be posted as to what a yes vote means and what a no vote  
24 means.

25  
26 Debra Cornett, said could you please tell us what the impact will be if the vote is NO. Town  
27 Counsel said you would have to wait until next year's vote. The Grant possibility is still out  
28 there as well. Arthur Capello said currently the price on the truck is being held until this vote,  
29 on June 10, 2014.

30  
31 Rachel Hatch asked if the Town would lose their deposit on the truck. Arthur Capello said no.  
32 Arthur Capello said what he would ask of Town Counsel, is that they write up the Warrant to be  
33 voted on, so we can get it out to the people.

34  
35 Rachel Hatch said that she would encourage those that are here at this meeting to pick up a  
36 phone and inform people about the upcoming meetings and voting.

37  
38 Debra Cornett recommended that the Notice that Town Counsel is preparing should be posted  
39 daily until the Deliberative Session in the newspaper. Arthur Capello said as soon as he receives  
40 the Notice from Town Counsel it will be posted in the Laconia Daily Sun. Debra Cornett said  
41 she will post it on the website as well.

42  
43 Rachel Hatch asked if Arthur Capello could "gestimate" what this Special Meeting will cost the  
44 tax payer? Chairman Currier said about \$2,000.

45  
46 We will have Counsel at the Deliberative Session on Tuesday, May 13, 2014, at 6:00 pm.  
47

1 **7:54 pm Public Hearing Closed** – Chairman Currier closed the Public Hearing on Article #19,  
2 Fire Truck

3  
4 **Town E-Mails** - Arthur Capello said if the Board pleases, he will set up g-mail accounts for  
5 them.

6  
7 **Bulletin Boards** – Selectman McCormack asked about having an “exterior” bulletin board.  
8 Selectman Guarino said the design would have to be approved by the HDC. Public Sessions,  
9 hearings, meetings, the bulletin board would be strictly for Town business. Selectman  
10 McCormack would just like to get information out to people in as many places as possible.

11  
12 **Town Gas Pumps** – Selectman McCormack spoke with the man in charge of the State  
13 regulations for gas pumps. By 2015 our tanks will have to comply with those regulations. The  
14 State offers a free service to come inspect the tanks. Selectman McCormack will call the person  
15 at the State that he spoke with and have him contact Arthur Capello. Arthur Capello will look at  
16 the Dump and Highway gas tanks with the State inspector.

17  
18 **Request for Proposals -**

19 Arthur Capello said the following RFP’s have gone out for bid:

20  
21 RFP for Roll Offs – at the Transfer Station

22 RFP for Municipal Waste and Construction Debris

23 RFP for Auctioning off Property – a couple of companies have asked for additional information,  
24 which Arthur Capello has forwarded to them.

25 RFP Air Circulator for the Highway Garage

26  
27 All based on Warrant Articles that were approved by the Town vote in March, 2014.

28  
29 Selectman Guarino asked if there was anything else to be put out to bid regarding maintenance  
30 on the Town Buildings? Arthur Capello said the repair on the Fire Escape has also gone out to  
31 bid.

32  
33 Chairman Currier asked about the Academy Building and drainage? The Selectman discussed a  
34 possible catch basin next to the building. Selectman Guarino said there is a sprinkler feed from  
35 Henry Page’s pond with no shut off, so we need to be careful of that. Selectman Guarino will  
36 come up with a solution and get back to the Board and send out an RFP for drainage.

37  
38 Arthur Capello will check with Mr. Page, regarding the roofing fix.

39  
40 **Painting Ceiling Upstairs -**

41 Selectman McCormack asked about painting the ceiling upstairs, if we are going to have new  
42 lighting, we should take care of the ceiling at the same time. The Selectmen will discuss this at a  
43 later date. Arthur Capello said that we can talk about it at a later date, but it is not in the budget  
44 at this time.



**Letters to the Board of Selectmen/Town of Gilmanton:**

*Thank you Letters from:*

**Red Cross****Community Action****NRRA, Membership Renewed**

**Gilford High School Jrs. and Srs.** would like to volunteer their time for Community Service, ie. Painting, Gardening, Spring Clean-Up etc. Arthur Capello said possible clean up at the Old Town Hall or at the Transfer Station, he will respond to Gilford High School.

**Town of Barnstead** – Acting Police Chief Joe McDonald sent a letter to Chief Collins, Gilmanton Police Chief, in appreciation of Sargent Matthew Currier with respect to two recent arrests made in Barnstead. Sargent Currier's actions helped to make the scene safer. Please take a moment to thank Sargent Currier for me. I ask that a copy of this letter be placed in his personnel file, it is reassuring to me as the officer in charge of the department, that we can rely on a true professional such as Sargent Matthew Currier to assist when necessary.

**Selectmen's Office Staff** - Arthur Capello said he would like to thank the Office Staff publicly for their extra efforts and help during this time when they have been short-handed without the Planning/ Accounts Payable position being filled.

**Joint Training Session for Boards and Committees:** Arthur is waiting for members from Boards and Committees to set up a date, Selectmen, Planning Board and Budget Committee.

**Snowplowing Bids** - Arthur Capello asked if the Snow Plowing could go out to bid this year. Chairman Currier would like to set the rate, offer the plowing to the people who currently plow for the Town and have them sign the contract by a certain date. If they don't sign or accept then the plowing can be put out for RFP.

Arthur Capello will put this on the agenda for May 20, 2014 as part of the Town Administrator's Report.

**Sand Out to Bid** –Selectman Currier asked that the sand be put out to bid again this year. The sand should be taken care of during the summer months so we are well prepared for the fall/winter months. Arthur Capello said he will be using the same RFP requiring samples as we did last year.

**Building Department** - Arthur Capello would like to set up a meeting with Bill Tobin, Building Inspector, Annette Andreozzi, Building Administrator and the Selectmen to discuss streamlining, fee schedule etc. for the Building Department.

Chairman Currier stated that as a Town employee, or a government employee they will get paid from the time they start until the time they go home. A contractor, if he has to wait for an inspector, a machine sits there and he doesn't get paid. Time is money.

1 Selectman McCormack said there is State Law for the inspections, RSA 155-A for Building  
2 Code, for 2002. Selectman Guarino said we follow the State Code for inspections. Arthur  
3 Capello will set up a work session to include Annette Andreozzi and Bill Tobin.

4  
5 **8:48 pm Chairman Currier called for short recess.**

6  
7 Town Administrator, Arthur Capello left the meeting.

8  
9 **8:51 pm Chairman Currier called the meeting back to order.**

10  
11 **Fire Department** – Selectman Guarino said the Selectmen received a letter from Chief Hempel  
12 asking them to reconsider their position on the Sunday shift and the certification required. The  
13 Selectmen discussed the difference between and EMT-B and an EMT-I. An EMT-I or A can  
14 administer drugs that require a needle and EMT-B cannot. Chairman Currier said he was on a  
15 call one day that having the personnel there that were able to administer the proper drug, saved a  
16 life.

17  
18 Chairman Currier said he doesn't understand why some of the full-time firefighters do not fill  
19 these Sunday shifts? Selectman McCormack asked several questions, as he was not here when  
20 this was discussed before. Selectman McCormack will read back through some of the earlier  
21 minutes to get caught up with the previous discussions.

22  
23 Selectman Guarino stated that there is enough labor on the Department that the Town's people  
24 pay for, to carry through the Sunday shift.

25  
26 Chairman Currier said this is what we have discussed over the last two years, we have 184 paid  
27 man hours, a Chief that works 40 hours and three firefighters that work 48 hours each.

28  
29 The Selectmen continued to discuss Chief Hempel's letter. The Selectmen decided to send a  
30 response letter to Chief Hempel to keep the standards as they are now.

31  
32 **(C)Non-Public Session RSA 91-A:3, II (a)**

33 **MOTION:** On a Motion by Selectman Currier and seconded by Selectman Guarino, it was  
34 voted to go into Non-Public Session per RSA 91-A:3, II(a) at 9:17 pm. (3-0 , Chairman Currier –  
35 yes, Selectman Guarino – yes, Selectman McCormack - yes).

36  
37 Present during the Non-Public Meeting were Chairman Currier, Selectman Guarino, and  
38 Selectman McCormack, Town Administrator Arthur Capello, and Stephanie Fogg and Annette  
39 Andreozzi.

40  
41 The Selectman discussed a personnel issue regarding the Selectmen's Office Staff.

42  
43 **MOTION:** On a motion by Selectman Guarino it was voted unanimously to seal the minutes of  
44 the Non-Public Session at 9:23 pm. (3-0 Voice Vote, Chairman Currier – yes, Selectman  
45 Guarino – yes, Selectman McCormack - yes).



1 **MOTION:** On a motion by Selectman Guarino and seconded by Selectman McCormack it was  
2 voted unanimously to come out of Non-Public Session at 9:24 pm (3-0, Chairman Currier – yes,  
3 Selectman Guarino – yes, Selectman McCormack - yes).

4  
5 The room was opened to the public. The Board noted that the non-public session was sealed.

6  
7 **Fire Department:** Selectmen discussed money available for training, for those EMT-B's who  
8 would like to become EMT I's or AEMT, or firefighters that would like to be an EMT-B. The  
9 money for certification is reimbursed by the Town to the candidate that qualifies.

10  
11 **(D)Non-Public Session RSA 91-A:3, II (a)**

12 **MOTION:** On a motion by Chairman Currier and seconded by Selectman Guarino, it was voted  
13 unanimously to go into Non-Public Session per RSA 91-A:3, II(a) at 9:35 pm. (3-0 , Chairman  
14 Currier – yes, Selectman Guarino – yes, Selectman McCormack - yes).

15  
16 Present during the Non-Public Meeting were Chairman Currier, Selectman Guarino, and  
17 Selectman McCormack, and Stephanie Fogg.

18  
19 The Selectman discussed a personnel issue regarding the Transfer Station.

20  
21 **MOTION:** On a motion by Selectman Guarino it was voted unanimously to seal the minutes of  
22 the Non-Public Session at 9:49 pm. (3-0 Voice Vote, Chairman Currier – yes, Selectman  
23 Guarino – yes, Selectman McCormack - yes).

24  
25  
26 **MOTION:** On a motion by Selectman Guarino and seconded by Selectman McCormack it was  
27 voted unanimously to come out of Non-Public Session at 9:50 pm (3-0, Chairman Currier – yes,  
28 Selectman Guarino – yes, Selectman McCormack - yes).

29  
30 The room was opened to the public. The Board noted that the non-public session was sealed.

31  
32 **APPROVAL OF MINUTES:**

33 **MOTION:** On a Motion by Selectman Guarino, and seconded by Selectman McCormack it was  
34 voted unanimously to approve the Minutes of April 21, 2014 as written at 9:52 pm (3-0).

35  
36 **ADJOURNMENT:** On a motion by Selectman Guarino, seconded by Selectman McCormack it  
37 was voted unanimously to adjourn at 9:54 pm. (3-0)

38  
39  
40 Respectfully Submitted,

41  
42  
43 \_\_\_\_\_  
44 Stephanie S. Fogg  
45 Administrative Assistant  
46  
47  
48

**Approved by the Board of Selectmen**

\_\_\_\_\_  
Chairman Brett A. Currier

\_\_\_\_\_  
Selectman Donald J. Guarino

\_\_\_\_\_  
Selectman Stephen J. McCormack