

APPROVED

**Board of Selectmen
7 January 2013
Minutes**

5:00 pm - Chairman Rachel Hatch called the meeting to order. Present were Chairman Hatch, Selectmen Ralph Lavin and Brett Currier and Recording Clerk Lois Dionne. Also in attendance was Jen Correia.

5:01 pm – Selectman Lavin 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 Currier seconded. Motion passed 3-0. - Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

The Selectmen discussed a personnel issue.

5:20 pm – Selectman Lavin moved to come out of Non-Public Session. Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

The Selectmen briefly discussed warrant articles, and will meet on Wednesday at 5:00 pm to finalize the articles.

Highway – The Selectmen had asked to meet with the Road Agent to find out if he had any luck getting another contractor to plow Town roads. Because of the perception that had been expressed by residents that he is getting double pay, Paul had been asked not to use his personal truck, but has been submitting invoices for the use of his truck.

Paul said he had been trying to get someone, but had no success thus far. He hasn't heard back from a couple of contractors, and a couple of others felt it was too late in the year to get equipped for this year, but would be interested next year.

Chairman Hatch said the concern is that Paul had been asked not to use his truck, but was using it any way. She also noted that on his time sheets he had worked three hours a couple of different days and 4 ½ and 5 hours other days, and then had submitted invoices for plowing.

Paul said he had not been working 35 – 40 hours when he has been plowing and the hours are only for hours worked when he comes back. He was told the Selectmen don't want him to use his truck, he can drive the grader or the town truck or have the contractors work more; he is not following the directive he had been given.

Paul was given a copy of an RSA stating that if a highway agent shall intentionally or deliberately refuse or neglect to comply with lawful instructions of the selectmen, the selectmen can remove him from office.

Paul was told the Selectmen are not looking to get rid of him, but they have had several meetings with him in which they directed him not to use his personal plow. This is not personal, but they are trying to correct a wrong that should have been corrected years ago.

Chairman Hatch said she has not had complaints about the way Paul manages the roads, but this issue has been brought to their attention, and they need to deal with it. .

Chairman Hatch said they want to work with Paul, and although they were told that legally they don't have to pay him since he was directed not to use his truck, they are going to pay him for the invoices he submitted, but they don't want him using his truck any more. They offered to put an ad in the paper for him, but Paul didn't want that; he said he would work on it.

Paul was asked to meet with the Selectmen next Monday to update them on his success in finding a driver.

Safety Bldg Plowing - Paul was also told that there have been complaints about the contractor we hired to clear the public safety complex, and he would be meeting with the Selectmen later this evening. They wanted Paul to be aware that if they didn't come to an understanding with the contractor, they would have the town plow the complex.

5:55 pm – Break

6:00 pm – Back in Session

Dave Russell - LGC Insurance Premiums – Dave Russell met with the selectmen on behalf of himself and two other retirees who have been paying for insurance to LGC through the Town's insurance policy. LGC has been ordered to refund to towns more than \$52 million in surplus funds it illegally accrued over several years. He distributed copies of newspaper articles stating that thirteen towns had filed a complaint with the Bureau of Securities Regulation regarding how LGC plans to refund the money.

Dave asked if the Selectmen had done anything about it and how much money we would be getting.

Chairman Hatch informed Dave that the Selectmen had gone to a meeting at the school a few weeks ago with attorneys and other people regarding this issue. They have heard nothing since that meeting, and don't know how much money we would be getting; we are waiting for a check, and would decide how to proceed after that. As of the date of the meeting LGC had not complied with the order.

Dave asked if Gilmanton is interested in joining the other 14 Towns in the lawsuit. Chairman Hatch said that is something the Selectmen would have to discuss. He said he would be contacting some town managers and see what they plan. He asked that the Selectmen keep him advised of their plans.

Approval of Minutes

MOTION – Selectman Lavin moved to approve the minutes of December 17, 2012 as written. Selectman Currier seconded. Motion passed 3-0.

MOTION – Selectman Lavin moved to approve the minutes of January 3, 2013 as written. Selectman Currier seconded. Motion passed 3-0.

FYIs & Other Business

Culvert – Thompson Town Forest – Chairman Hatch said she had received a call from a resident about a culvert that was installed in the Thompson Town Forest. The resident wanted to know who maintains the culvert; if the Town maintains it, we would be setting a precedent for maintenance on a Class VI road.

During discussion it was stated that the Town didn't expend any funds for the culvert and has no responsibility for maintaining it.

Street Light – Lois reported that she had a call from Marty Martindale of Edgerly Road who said the Co-op, while upgrading light fixtures, had replaced one that had not been working for at least 6 or 8 years. The light shines into his bedroom, and as he is the only resident on Edgerly Road, he would like the light removed. This is something that will have to be looked into.

Letter – Highway Maintenance – Lois had a copy of an email which had been sent to the road agent from a resident asking that the truck drivers be asked to shut off the salt/sand spreaders when passing motorists in the opposite direction because of chips in his windshield after passing a town truck on Rte 140. The Selectmen didn't feel the drivers could be asked to shut off their spreaders every time they met an oncoming vehicle.

Handyman – The Selectmen had discussed hiring a handyman to do routine repairs and maintenance around the Academy building. Lois said she had been asked if they have

had any luck getting someone. Selectman Lavin said he had spoken with someone, but he needed more information. It was agreed the handyman would be a part-time employee working one day a month, be paid approximately \$25 per hour and would be covered under the Town's liability insurance. Selectman Lavin will relay this information.

Petition Warrant Articles – Lois presented the Selectmen with two petition warrant articles that had been received Friday and today. One was to require separation of recyclables and the other was to establish an Agricultural Committee.

Radio Repeater – Chief Hempel had made the Selectmen aware of a state program that would assist with the cost of a repeater on the Copp Road site. The cost would be \$8,500 with 50% funded by grant. He was asking permission to encumber the surplus funds (approximately \$2,200.00) from the EMD account to go towards this project and have the remainder of approximately \$2,000.00 shared by the departments that would benefit from the repeater system (Fire, EMD, Police and Public Works). If the grant is not awarded the funds could be returned to the general fund.

MOTION – Selectman Currier moved to approve the encumbrance of the surplus funds of approximately \$2,200.00 to go toward the repeater project with the rest of the funds of approximately \$2,000.00 to be shared by the Fire, EMD, Police and Public Works Departments. If the grant is not awarded, the funds would be returned to the general fund. Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

Town Report - Chairman Hatch presented the board with a draft copy of the report she had written to go in the Town Report. A couple of minor changes were suggested, and Chairman Hatch will have the final report for approval at Wednesday's meeting.

Town Report – Chairman Hatch stated that Cindy always has trouble getting the department head to get their reports in on time, and is always chasing them down to meet the deadline. She gave Cindy permission to send a memo notifying any department head that doesn't get their report in on time, it will not be included in the report.

Town Report – There was a brief discussion on a cover picture and dedication of the Town Report.

Cable – Chairman Hatch had an email regarding Metrocast Cable Consortium who are banding together to try to negotiate a contract with Metrocast when our contracts expire. Some of the things that Lakes Region Public Access wants are for every town that joins LRPA to turn their public access channel over to LRPA for their exclusive use. LRPA would be responsible for all broadcasts on that channel, including scheduling. Each town that joins specifies an origination point for its government channel and one for its educational channel. Fees would be billed on an hourly basis.

The Lakes Region Cable Television Consortium will hold a public meeting on Thursday, January 10, 2013 at the Gilford Town Hall, 1st floor conference room.

There was a brief discussion of the franchise fee that residents are currently charged, and the fairness of the way it is handled. Selectman Currier is opposed to the fee.

Revenue - Chairman Hatch said the budget committee is interested in generating additional revenue, and one way they had suggested was an increase in the detail pay rate. The concern was that if the fee were raised, Gilmanton police would no longer be called for details.

The fee for recycling stickers was also discussed; Selectmen Currier and Lavin feel there should be no fee for the stickers.

7:00 - Public Input

Warrant Articles – Recyclables - Tom Scribner was in to explain why the petition warrant article that Lois had given the Selectmen earlier had been submitted. He said it was to not only save the town money by saving on tipping fees, but to generate more revenue from the recyclables. Mr. Scribner said the article is not something new, but an extension of what we now require.

There was a brief discussion on past attempts to try to pass recycling articles, and how to educate more people to recycle more.

Light – Edgerly Road – Marty Martindale was in to discuss his request to the Board that the light the Co-Op had recently upgraded be removed. He said the light had not been in operation for over eight years. Mr. Martindale said he is the only one who lives on that road, and the light shines right into his bedroom window.

Selectman Currier will check the light, and Lois will ask the road agent and police chief to check to see if they feel there is a need for the light.

Plowing – Safety Complex – The Selectmen had requested a meeting with the contractor who is plowing the safety complex.

Chairman Hatch informed him that she had calls from the fire chief who said they had a hard time getting in and out after the last storm. It was also slippery, and a firefighter had fallen and hit his head. She said they realize he is from Laconia, and asked if he were capable of getting the job done in Gilmanton because of the distance.

The contractor didn't feel the distance was a concern because he has other places he does on Route 106 and in Belmont who have the same requirements that they are plowed after 2" of snow, so we are the first ones he does. He said the last time one of his trucks lost a

transmission, so he had been set back two hours, and this is his first year, so he is getting accustomed to our setup, but doesn't feel there would be an issue keeping up with it.

Selectman Currier said he had plowed commercially for years, and he is not happy with the quality of the job that has been being done; there is a buildup that is not acceptable, and when it is slippery, it needs to be sanded. He said they aren't looking to replace the contractor; they will give him another chance, but are looking to have a good job done, and want to see it scraped and maintained.

7:44 pm – Break

7:47 pm – Back in Session

7:47 pm – Selectman Lavin 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 Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

The selectmen discussed a personnel issue.

7:49 pm – Selectman Lavin moved to come out of Non-Public Session. Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

7:49 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3,

II(e) - Discussion of pending or threatened (in writing) litigation against the Town or Town Officials, Board Members or employees. Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

The Selectmen discussed a legal issue.

7:54 pm – Selectman Lavin moved to come out of Non-Public Session. Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

The Selectmen briefly discussed the possibility of submitting a warrant article to do away with SB 2 for the Town. After discussion, it was decided against such an article at least for this year.

7:57 pm – Selectman Lavin 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.

01-07-13 BOS

APPROVED

Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

The Selectmen discussed a personnel issue.

8:28 pm – Selectman Lavin moved to come out of Non-Public Session. Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-Yes, Selectman Currier-yes.

8:29 pm – MOTION – Selectman Lavin moved to adjourn the meeting. Selectman Currier seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk