



APPROVED

## Board of Selectmen Town of Gilmanton, New Hampshire

Meeting

April 29, 2013

6:00pm. – Gilmanton Academy

Present: Chairman Ralph Lavin, Selectmen Brett Currier and Donald Guarino, and Administrative Assistant Stephanie Fogg. Also in attendance, Tom Scribner, Barbara Swanson, Brenda Currier, Nancy Girard, Peter Latucky, Steve McCormack, W. John Funk, Ron Nason, Lori Baldwin, Marty Martindale, Joseph M. Collins, Desiree Tumas.

6:00pm Chairman Lavin opened the meeting, took attendance of those present and voting and led the Pledge of Allegiance.

### 6:03pm – Appointments to The Gilmanton Historic District Commission and to The Gilmanton Conservation Commission.

**MOTION:** On a motion by Selectman Currier, seconded by Selectman Guarino it was voted unanimously to re-appoint Patrick D. Hackley to The Gilmanton Conservation Commission for a three year, full member term. (3-0 Voice Vote – Chairman Lavin-yes, Selectman Currier-yes, Selectman Guarino-yes)

**MOTION:** On a motion by Selectman Guarino and seconded by Selectman Currier it was voted unanimously to appoint Ernest Hudziec to The Historic District Commission for a three year, full member. (3-0 Voice Vote – Chairman Lavin-yes, Selectman Currier-yes, Selectman Guarino-yes)

### 6:05 pm – General Business

**Mr. Joseph S. Haas -** Mr. Haas sent an e-mail addressing the Board of Selectmen, which was then discussed. The e-mail contained information regarding Governor Hassan. The Board of Selectmen stated that they will respond by letter to Mr. Haas.

**L-Chip -** See attached letter regarding an award to The Town of Gilmanton for continued preservation of the Academy Building.

**Flag Pole** – Selectmen Currier asked about the status of the flag pole repair. Administrative Assistant Stephanie Fogg will contact Mr. Kelley to follow-up.

**Furnace at the Academy Building** – Selectman Guarino contacted the oil company, A.D. & G, to have the fuel line checked and the filters changed. The issue that the office staff has been having with the heat shutting off is in the control that monitors the temperature; the repairman will call the manufacturer and research to get it corrected. The fuel line and filters were replaced.

1  
2 **Hot Water Heater** - Selectman Guarino will call NH Electric Co-op to purchase the new  
3 Marathon Heater and contact Penco to have it installed.  
4

5 **Security System** - Selectman Guarino spoke with A&B Lock, regarding the lock issue on the  
6 back door. A&B Lock will resubmit the proposal to include the additional monitor for the back  
7 door that would be used in the Selectmen's office.  
8

9 Mr. Marsten reviewed the current portable and stationary security system in place in the  
10 Selectmen's office last week. He reported back to Selectman Guarino that for an additional  
11 portable to be added to the system, the current system would have to be replaced. Selectman  
12 Guarino does want everyone to feel safe, but recommended we take a closer look at the panel,  
13 how many buttons we have currently and how many could be added. Administrative Assistant,  
14 Stephanie Fogg to report back to the Selectmen.  
15

16 **Granite Posts** - Selectman Guarino drove to the location, he could not see the posts that were  
17 broken. Selectmen Currier had seen them right after the posts were broken, there were two, one  
18 on the corner of Meadow Pond Road and one as you take a left on to Loon Pond Road.  
19 Selectman Guarino will locate the posts and have them mended.  
20

21 **Town Owned Property** - Mr. Peter Latucky spoke regarding trash that has been placed on  
22 Town property and an open cellar hole. As an abutter and knowing there are children who live  
23 in the area, he wanted the Selectmen to be aware of the condition of the property. There are  
24 tires, campers, and extensive trash that is continuing to accumulate. Mr. Steve McCormack is a  
25 direct abutter who is also concerned about the liability to the Town. Mr. Latucky would be  
26 willing to help clean up the property, or requests that the Town hire someone to clean it up.  
27 Selectman Guarino requested that if there is unauthorized use of Town property, please alert the  
28 proper authorities. Chairman Lavin assured Mr. Latucky and Mr. McCormack that the  
29 Selectmen would look into resolving the situation. Nancy Girard recommended that the Board  
30 of Selectmen fill in the cellar hole, because it is a liability to the Town.  
31

32 **Meeting Minutes:**  
33

34 **MOTION:** On a motion by Selectman Guarino, seconded by Selectman Currier, the minutes  
35 of April 22, 2013, were approved as amended at 6:40 pm. (3-0)  
36

37 **Transfer Station** - Tom Scribner sited the information from the Transfer Station Advisory  
38 Committee in which it discusses the NRRA report. He said the Advisory Committee is in total  
39 agreement as far as the short term recommendations, however because of the current situation he  
40 feels that the Town of Gilmanton should not be implementing anything, until there is a plan as to  
41 how the facility is going to be used.  
42

43 Strictly a safety issue, is the flow of traffic as it turns the corner near the paper bin. The idea  
44 would be to keep traffic away by five feet or more, to have a column put up as a barrier to make  
45 the flow of traffic better for the safety of the people. Selectman Guarino suggested that a sand  
46 filled barrier would be best. Lori Baldwin asked if there was room to move the paper section  
47 down, even if temporary, as it is a real safety issue. Ron Nason responded yes, he will have help  
48 soon to move the windows. Mr. Scribner stated that there is a deadline for June 30, 2013 for our

1 solid waste, which was noted on the paperwork from the NRRA. It is important to not only look  
2 at the solid waste but the recycling as well. Sarah Lakeman from Rcap sent the Requests for  
3 Proposals (sample) to the Selectmen's office. Mr. Scribner also said that Mr. Presher from the  
4 Co-op is willing to come and speak before the Selectmen to inform the Town, with regard to  
5 their proposal. The Town of Gilmanton has been a Co-op member for over 20 years. It is  
6 important that all the companies with proposals fill out the same RFP so that we can compare  
7 them equally. Chairman Lavin asked if we are going to send these RFP's out. Mr. Scribner said  
8 there is a list of companies that should have the RFP's sent to them. Selectman Guarino will  
9 have Stephanie Fogg make an appointment for Mr. Presher from the Co-op to come in and speak  
10 to the Selectmen.

11  
12 **6:58 pm** Chairman Lavin called for a short recess.

13  
14 **7:00 pm** Chairman Lavin called the meeting back to order.

15  
16  
17 **Transfer Station** – Mr. Scribner also noted that there is an application from the Co-op for a  
18 voting member and an alternate for that voting person. In the past it was the Town Administrator  
19 and /or the Transfer Station Manager. It was suggested that we would wait until the new Town  
20 Administrator could be added. Mr. Scribner stated that someone should be sent to the Co-op  
21 meetings to gather information and to represent the Town at those meetings, otherwise we will  
22 be uninformed. Possibly Ron Nason could be authorized to vote for the Town at the Co-op  
23 meetings.

24  
25 **The Piano** – Mr. Scribner has removed the piano from the Academy.

26  
27 **Town Property** – Mr. John Funk, just for the record and to echo Nancy Girad's concern about  
28 the cellar hole mentioned earlier, under the law it is called an attractive nuisance and the Town  
29 could be liable if kids go and play there and fall in and someone were to get hurt. He agrees that  
30 filling the cellar hole would be a good idea.

31  
32 The second comment by Mr. Funk, as an observation, it was his understanding that the earlier  
33 subject regarding Town property was a public hearing, so that anyone could comment. He  
34 suggested that when it is a public hearing, it might be asked by the Chairman if someone had  
35 comment on the current subject. People are unaware of the correct process allowing a comment.  
36 They try to do that at the Planning Board, they invite anyone from the public to comment on the  
37 subject. As a procedural standpoint it would make it clearer. He also commented that he read  
38 the minutes of the meeting he attended a couple of weeks ago, and the minutes looked somewhat  
39 different from his recollection of what the meeting was. His comment on this was that minutes  
40 are not really a vehicle for rewriting history. They do not have to be detailed minutes, but there  
41 needs to be enough content in them so that anyone can get a sense of the meeting. He suggested  
42 to the Selectmen that when they are looking at minutes in draft form, what they should try to do  
43 is recapture the spirit of what that meeting was, but not try to recharacterize it. He would ask  
44 that the Board try to be as accurate as possible.

45  
46 Brenda Currier stated that when she has attended past Board meetings when someone is on the  
47 agenda that is not during a public input session, you are not allowed to speak during that time.  
48 Mr. Funk stated previously that you are allowed to speak. Ms. Currier asked for clarification.

Chairman Lavin said he would look into the correct procedure. Selectman Guarino directed a question to Mr. Funk, asking "that when the Planning Board, for instance, regarding the Jones Estate Subdivision, and you know that it is a public meeting, isn't it different then when the Board of Selectmen are conducting general business and people have asked to be put on the agenda, you believe the Board of Selectmen should always be open to public input?" Mr. Funk said, it seemed to him that if you are dealing with a matter and people are interested in it, you would want to get their comment at the time you are talking about it. Mr. Funk stated that part of the problem is that the Board is trying to control their time, so you don't want extensive testimony going on while you are trying to control an agenda. Mr. Funk stated that public input are things that are not put on the agenda that someone wants to bring up that they are concerned about and want to bring it to the Selectmen's attention. Whereas, items on the agenda, he believes would be fair game to entertain comment. Mr. Funk stated, the Selectmen might want to check with Town Council about that. Ms. Currier said that in the past the Selectmen were not allowing the public to speak during an agenda topic because it would end up as a debate, rather than the person who was coming forward. Chairman Lavin said there would be some research to clarify procedure.

**Railings at The Academy** – Mr. Scribner reported that Mr. Mike Kender looked at the railings last week and his report on the condition of the railings was that they really needed to be redone. After speaking with Mr. Dickey, he would be interested in putting in for another L-Chip Grant and there is interest in restoring the railings. The railings are stored in the basement of the Academy.

**Park and Recreation Position** – Ms. Baldwin asked if someone has stepped forward for that position yet. There has been no response to date.

**Appointments** - Selectman Guarino has asked that the openings on all boards be posted so the Boards would be filled with voting members.

**Town Property** – Mr. Scribner suggested that the Conservation Commission should be made aware of the situation on South Road discussed earlier this evening.

**Committees and Boards** – Mr. Funk spoke regarding an absent member being allowed to attend by telephone when everyone can hear the person and they can be a part of the discussions, in other words and open microphone. He wasn't sure that if the law allowed that within a municipality. Occasionally, Boards cannot convene a quorum, it would be helpful if someone could call in and participate, so they would be deemed to be in attendance so that a decision could be made so as not to inconvenience any of our citizens. If we were able to do that, it would be a relatively small investment for speaker phones. Selectmen Guarino said that there is an existing system that has been used already. Selectman Guarino stated that he would ask the LGC.

**7:20 pm – Non-Public Session – RSA 91-A:3,II(c)**

**MOTION:** On a motion by Selectman Guarino, seconded by Selectman Currier, it was voted unanimously to enter Non-Public Session per RSA 91-A:3,II(c). (3-0 Voice Vote – Chairman Lavin–yes, Selectman Currier–yes, Selectman Guarino–yes)

1 The meeting room was closed to the public. Present during the Non-Public Session were  
2 Chairman Lavin, Selectmen Currier and Guarino, Recorder Stephanie Fogg. Also Present Debra  
3 Cornett, Town Tax Collector.

4  
5 Ms. Cornett gave recommendations before the Selectmen regarding properties referencing deed  
6 waivers.

7  
8 **MOTION:** On a motion by Selectman Currier, seconded by Selectman Guarino, it was voted  
9 unanimously not to seal the minutes. (3-0 Voice Vote – Chairman Lavin–yes, Selectman  
10 Guarino–yes, Selectman Currier–yes)

11  
12 **MOTION:** On a motion by Selectman Currier, seconded by Selectman Guarino, it was voted  
13 unanimously to come out of Non-Public Session at 7:26 pm. (3-0 Voice Vote – Chairman  
14 Lavin–yes, Selectman Guarino–yes, Selectman Currier–yes)  
15 The meeting room was opened to the public. The Board noted the non-public session minutes  
16 were not sealed.

17  
18 **7:29 pm – Chief Collins – Planning Board** – Chairman Lavin asked that the Board of  
19 Selectmen be addressed directly. Chairman Lavin also offered for the meeting to go into non-  
20 public, to Mr. John Funk and Ms. Nancy Girard, both of whom Chief Collins was directing his  
21 conversation to. Mr. John Funk and Ms. Nancy Girard both replied to leave it public. Chief  
22 Collins read aloud the letter he had written to the Gilmanton Board of Selectmen. (see attached)

23  
24 Chairman Lavin stated that as Selectman Currier was named in the document, Chairman Lavin  
25 asked that Selectman Currier would recues himself, which he did. Chairman Lavin asked if Mr.  
26 Funk had a response to Chief Collins letter.

27  
28 Mr. Funk said he would defer initially to Nancy Girard, but he said his observation would be that  
29 in any situation like this there are different sides to stories. Those stories then have the effect of  
30 repeating themselves, much like the old game of grapevine. Stories get distorted and after a  
31 period of time the true facts sometimes get lost in translation. My comment would be that I had  
32 heard stories around the community that were impugning the integrity of the Planning Board and  
33 Nancy Girard in particular. My purpose of sending out the letter was to counter those particular  
34 allegations that were being made. I think it is unfortunate that it has gotten to this point. I have  
35 respect for the Police Department. I think the Police Department does a fine job in carrying out  
36 its duties. If I have made inaccurate comments about Sergeant Currier, then certainly I would  
37 retract them. I have no problem in doing that and I have no problem in apologizing to him if  
38 there are errors. Unfortunately, there has been a back drop here, where our Planning Board  
39 Chairman was not reappointed to the Planning Board, and naturally members of the community  
40 begin to wonder what the reason is for that. I think all of this coincided at the same time and it is  
41 too bad that it has gotten to this point. Certainly, I do not have anything personal against  
42 Sergeant Currier. In fact, if he walked into this room right now, I am not sure I would recognize  
43 him, I don't think I have ever met him formally. It was not my intent to impugn his integrity.  
44 The facts that were related to me, were facts that I then described in my letter. I was not  
45 personally a part of any of those, so my information was second hand. I think this has been  
46 unfortunate. I think Mr. Benson caused a lot of trouble in this Town. He violated the conditions  
47 of his permit on multiple occasions. The Planning Board bent over backwards trying to get him  
48 to conform. Ultimately, we lost patience with him because he ignored notices from the Planning

1 Board, did not attend meetings that we had requested him to attend and did not remedy problems  
2 that we had brought to his attention. Finally we revoked his permit, and instructed him that he  
3 had to remove the material from the property. The rights of the landlord and tenant are governed  
4 by civil law. Commercial tenants do not have the same protection that residential tenants have.  
5 The Vaydas should have consulted with an attorney as to how to proceed. They are in Florida.  
6 They took whatever actions they took. They could have consulted with an attorney, for all I  
7 know. It is unfortunate that this gentleman, Mr. Benson, has caused these kinds of disputes to  
8 arise within the Town. I certainly think that was not the intent of the Planning Board. Mr. Funk  
9 asked Nancy Girard if she had anything to add.

10  
11 Nancy stated, she would simply add, (unable to hear her voice on the recording) kind of  
12 appalling, not to be able to tell you when we were in the meeting with respect to the issues that  
13 we had with that report. You have just gone and repeated the issues again. Chairman Lavin  
14 requested that Ms. Girard please address the Board. Nancy Girard said, excuse me, I am talking  
15 to the Board, you are hearing this. Chairman Lavin said thank you. Nancy Girard said the issue  
16 is that I was accused of one particular thing and that was that I backed up an administrators  
17 letter, and there was a question on my side. That was totally blown over, totally ignored and I  
18 tried to make that position clear when I was before the Board last time. At that time, I submitted  
19 my request to be appointed to the Planning Board, and as a result of it, I got a very pithy letter  
20 from the Selectmen saying that your services are not longer needed. I will tell you after twenty-  
21 two years, to be treated like this by the Town of Gilmanton and by the Board of Selectmen, is  
22 just as pithy as it can get. If you are uncomfortable about what you think happened, try putting  
23 yourself in my shoes. The maligning and slander that I have heard about myself from people,  
24 who do not even know what is happening is pitiful. I am so disappointed in this Board, and the  
25 way you have allowed this to be conducted, that I frankly, wash my hands of this. I am not  
26 happy with Sergeant Currier, he was rude to me on the phone. He may think he is an angel in all  
27 of this, but I do not think so. He may think he is right on everything he said, but his opinions are  
28 not facts. I tried to point that out, neither you nor the Sergeant were willing to listen. Chief  
29 Collins asked of Nancy, the bottom line is, who authorized the letter? Nancy Girard stated that  
30 she authorized the letter, however, he said to me on the phone that I was concerned about the fact  
31 that he was looking at that one particular issue and not the bigger picture. Chief Collins stated  
32 that that was the issue and she just needed to apologize and it would have gone away. Chairman  
33 Lavin brought the meeting back to order and asked that those speaking would address the Board  
34 of Selectmen. Chairman Lavin let Nancy Girard continue. Ms. Girard said, she would simply  
35 say that when she was contacted by Sergeant Currier, he contacted me at home. I did not have a  
36 file with me, I did not have my law book with me, I was in the kitchen with a child trying to  
37 make dinner and he was grilling me over and over again about what he believed was the law. I  
38 suggested to him that it was more involved. I did not suggest that he was a liar and I did not  
39 suggest that he was stupid. If he suggested that and that is part of the complaint, that is not  
40 something that came from me. I tried to work with him, I actually thought it was amusing when  
41 he said I am going to send you something. I gave him my e-mail. He sent it to me, and said call  
42 me back. I couldn't call him back because the number was restricted, so I called Brenda Currier  
43 and asked for her son's cell phone number because he needs me to call him back. When I called  
44 him back he about jumped down my throat, who gave you this number. I said your mother. I  
45 wanted to say, chill out, because this is not the way you react, it is not how you treat people. But  
46 he kept at it. Frankly, I just came to the point that this is a matter between the Vayda's and  
47 Benson. I also was going on what I was told. I was told that Matt Currier knew Ryan Benson  
48 very well. That they had gone to school together. I was also told that he was being very

1 sympathetic towards Ryan Benson. I have to go on what I am told too. I am trying to make sure  
2 the Planning Board extracts itself out of this issue. We basically said we are done with this. We  
3 revoked your permit, you are done. Mr. Benson would have to work it out with the Vaydas, and  
4 if you do not remove the property, the Vaydas can do something, which they did. Chief Collins  
5 stated that the letter was not worded that way. Nancy said, well that was how the Planning  
6 Board worked to settle it. Chief Collins stated that the letter said the Vaydas would become  
7 owners of the property. Chief Collins wants the issue addressed and stated that the Planning  
8 Board does not want to address the issue. Chairman Lavin asked Chief Collins if he was willing  
9 to accept the apology that Mr. Funk extended to him. Chief Collins accepted Mr. Funk's  
10 apology, and asked if the Planning Board is willing to acknowledge the mistake. Mr. Funk  
11 stated that he was not going to get into the middle of this; the Planning Board issued a letter. Mr.  
12 Funk stated that it is a civil matter between the Vaydas and Mr. Benson. Mr. Funk stated that the  
13 county attorney said it is a civil matter. The county attorney is not going to prosecute any claim.  
14 What happened, happened. It was left between the Vaydas and the Bensons to work out.  
15 Chairman Lavin stated that the Board had agreed it was a civil matter, several months ago.  
16 Chairman Lavin said that there had not been a case similar to this, but now that this has been  
17 brought forward, we will know what to look for in the future. Chief Collins asked if Mr. Funk  
18 would retract his e-mail to forty-nine people. Chairman Lavin said he couldn't tell Mr. Funk  
19 what to do. Chief Collins asked that Mr. Funk just do the right thing. Chairman Lavin asked  
20 Mr. Funk if he sent the e-mails representing the Planning Board, and Mr. Funk replied that it was  
21 in his own personal capacity. Chief Collins stated that Mr. Funk represented himself as the  
22 Chairman of the Planning Board. Chairman Lavin said he would look into the e-mails and  
23 report back at a later date. Chief Collins said he had been a Police Officer for 23 years. Last  
24 week we had a case to take a switchblade from someone. It used to be that switchblades were  
25 illegal, two years ago they changed the law. Chief Collins said he did not realize that. When the  
26 person asked for the blade back, because it was the law, Chief Collins had to look at the law,  
27 made his calls and had to say he acknowledged the person was right, I made a mistake. I gave  
28 the switchblade back; I hadn't dealt with switchblades since they changed the law. My mistake.  
29 If people are not willing to admit they have made a mistake, and fix it, they are never going to  
30 have any type of working relationship with anybody. You cannot always be right, nobody can.  
31 Chairman Lavin said to Chief Collins, we appreciate your opinion. Chairman Lavin stated that  
32 Mr. Funk and Nancy Girard had heard from Chief Collins and thanked everyone for attending  
33 the meeting. Selectman Guarino asked that before Chief Collins goes and before the audience  
34 leaves, Selectman Guarino wanted them to know that he does know this case was handled  
35 properly by the Police Department and does not want this to be detrimental to Sergeant Currier  
36 and how the officer operated. Selectman Guarino has no interest in paying attention to this issue,  
37 he said that as Mr. Funk said this is a civil matter and we are done with it. Chairman Lavin  
38 wanted to state for the record to Ms. Girard, that this incident had nothing to do with not being  
39 reappointed and we thank you for years of service. The letter that the Board of Selectmen sent  
40 was not quite as "snubbish" as you think it was. We thanked you for your service and asked if  
41 you would be interested in serving on another board in the future.

42  
43 Nancy Girard said she wanted to know if Mr. Lavin recalled what he had called her last year in  
44 another meeting. He stated he did recall. She said she remembered it very well and she said Mr.  
45 Lavin has carried that with him and he will continue to. Nancy Girard said she would not say  
46 those words in this public session, because they were foul. Mr. Lavin said he was way out of line  
47 and apologized to Ms. Girard with a letter to the entire board. Mr. Lavin stated that he believed  
48 the letter was read at the next meeting, but it may not have been. Chairman Lavin stated that had

1 nothing to do with Ms. Girard not being reappointed. Ms. Girard said she appreciated that and  
2 stated I will tell you; I have no intention of offering my services to this Town again. At least not  
3 until the composition of this Board changes. Chairman Lavin said thank you to Ms. Girard. Ms.  
4 Girard said you are welcome.

5  
6 **7:53 pm – Chairman Lavin closed Public Session**

7  
8 **7:55 pm – Non-Public Session – RSA 91-A:3, II( C)**

9 **MOTION:** On a motion by Selectman Guarino, seconded by Selectman Currier, it was voted  
10 unanimously to enter Non-Public Session per RSA 91-A:3,II( C). (3-0 Voice Vote-Chairman  
11 Lavin-yes, Selectman Currier-yes, Selectman Guarino-yes)

12  
13 The meeting room was closed to the public. Present during the Non-Public Session were  
14 Chairman Lavin, Selectman Currier, Selectman Guarino and Administrative Assistant Stephanie  
15 Fogg.

16  
17 **MOTION:** On a motion by Selectman Guarino, seconded by Selectman Currier, it was voted  
18 unanimously to come out of Non-Public Session at 8:08pm. (3-0 Voice Vote-Chairman Lavin-  
19 yes, Selectman Currier-yes, Selectman Guarino-yes)

20  
21 The meeting room was opened to the public. The board noted the non-public session minutes  
22 were sealed to avoid adversely affecting the reputation of a person other than a member of the  
23 Board.

24  
25  
26 **8:10 pm – Non-Public Session – RSA 91-A:3, II( C)**

27 **MOTION:** On a motion by Selectman Guarino, seconded by Selectman Currier, it was voted  
28 unanimously to enter Non-Public Session per RSA 91-A:3,II( C). (3-0 Voice Vote-Chairman  
29 Lavin-yes, Selectman Currier-yes, Selectman Guarino-yes)

30  
31 The meeting room was closed to the public. Present during the Non-Public Session were  
32 Chairman Lavin, Selectman Currier, Selectman Guarino and Administrative Assistant Stephanie  
33 Fogg.

34  
35 **MOTION:** On a motion by Selectman Guarino, seconded by Selectman Currier, it was voted  
36 unanimously to come out of Non-Public Session at 8:14 pm. (3-0 Voice Vote-Chairman Lavin-  
37 yes, Selectman Currier-yes, Selectman Guarino-yes)

38  
39 The meeting room was opened to the public. The board noted the non-public session minutes  
40 were sealed to avoid adversely affecting the reputation of a person other than a member of the  
41 Board.

42  
43  
44 **8:15 pm – Non-Public Session – RSA 91-A:3, II( C)**

45 **MOTION:** On a motion by Selectman Guarino, seconded by Selectman Currier, it was voted  
46 unanimously to enter Non-Public Session per RSA 91-A:3,II( C). (3-0 Voice Vote-Chairman  
47 Lavin-yes, Selectman Currier-yes, Selectman Guarino-yes)



1 The meeting room was closed to the public. Present during the Non-Public Session were  
2 Chairman Lavin, Selectman Currier, Selectman Guarino and Administrative Assistant Stephanie  
3 Fogg.  
4

5 **MOTION:** On a motion by Selectman Guarino, seconded by Selectman Currier, it was voted  
6 unanimously to come out of Non-Public Session at 8:19 pm. (3-0 Voice Vote-Chairman Lavin-  
7 yes, Selectman Currier-yes, Selectman Guarino-yes)  
8

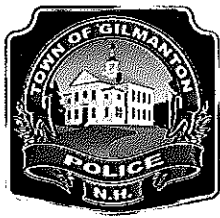
9 The meeting room was opened to the public. The board noted the non-public session minutes  
10 were sealed to avoid adversely affecting the reputation of a person other than a member of the  
11 Board  
12

13 **Adjournment:**

14 **MOTION:** On a motion by Selectman, seconded by Selectman it was voted  
15 unanimously to adjourn at 8:20pm. (3-0)  
16

17 Respectfully Submitted,  
18

19  
20   
21 Stephanie S. Fogg  
22 Administrative Assistant



# GILMANTON POLICE DEPARTMENT

Post Office Box 190, 297 NH Route 140  
Gilmanton, New Hampshire 03237  
Office: 603-267-7401 Fax: 603-267-7403

Joseph M. Collins  
*Chief of Police*

Dear Gilmanton Board of Selectmen,

April 29, 2013

I come before the Select Board with concerns about the Gilmanton Planning Board. It has been brought to my attention that emails have been drafted and circulated by the current Chairman of the Planning Board. These emails contain false information about the Police Department and in particular Sgt. Matt Currier .

On January 23, 2013 at approximately 12:50 PM the Gilmanton Police Department received a call (call#13-3-OF) to respond to a contractor's yard on NH Route 140 to investigate a theft complaint. Sergeant Currier was working at the time and responded to the area and met with the complainant. The complainant advised Sergeant Currier that a number of items (allegedly totaling \$22,068) had been stolen from the site.

Sergeant Currier went to the Town Hall and spoke with the Planning Board Administrator and found the complainant who was leasing land at that location had his contractors' yard permit revoked by the Gilmanton Planning Board.

During the course of the investigation by the Gilmanton Police Department it was learned that on September 26, 2012 the Gilmanton Planning Board issued a letter to the complainant who had been leasing the property at the location on Rte 140. In that letter the complainant is warned that "all items remaining in the former Contractor Yard area must be removed from the premises immediately. Ownership of any items remaining on the property after October 15, 2012, will convert to the Property Owners of record."

Sergeant Currier made contact with the Planning Board Chairperson Nancy Girard in reference to the letter. When asked which RSA the Planning Board used to issue said letter, Chairperson Girard told Sergeant Currier that the property laws were very confusing and that he probably wasn't familiar with them. Sergeant Currier confirmed that he didn't know all of the Planning Board rules and laws that is why he was asking her. Chairperson Girard said that the planning board didn't give the property away but the property owner did. Sgt. Currier pointed out to Chairperson Girard that the property owner used the planning board's letter as authorization to give away the property. Sgt. Currier e-mailed Chairperson Girard a copy of the letter so she could read it and call him back.

Chairperson Girard called Sgt. Currier back about twenty minutes later. She called the September 26, 2012 letter concerning and said the planning Administrator sent it on her own as it had not been approved by the planning board.

The Gilmanton Police Department was able to locate the person who had taken the items in question from the contractor's yard. This subject refused to give the items back to the complainant, stating that he had been given a copy of a letter from the Planning Board, stating the owner of the contractor's yard on NH Route 140 would own the items if they hadn't been removed by October 15, 2012. The subject did state to Sgt. Currier that if he was given something from the Planning Board acknowledging a mistake that he would give the property back. The planning board Chair Nancy Girard refused to acknowledge a mistake. The planning board cited RSA 676:4 which authorizes a planning board to revoke a contractor's yard permit. Gilmanton PD never questioned the planning boards authority to revoke the permit. The planning board never gave us a legal defense for authorizing the complainant's property to be given away. Finding no criminal intent the GPD determined this was a civil matter, closed the case and advised the complainant that he would need to seek civil action if he felt his property was wrongfully given away by the town. Sgt. Currier had consulted with me from the beginning of this case and none of his actions were outside of my authorization.

When GPD's involvement ended in this case personal attacks began against the PD and specifically Sgt. Currier. Sgt. Currier was called a liar by Chairperson Girard and accused of writing a false police report. This is a very serious charge that can cost a police officer his career. There was no evidence that Sgt. Currier lied in any way. We were referred to as bullies, it was said that Sgt. Currier was belligerent and "threw his weight around" during this investigation. It was said that we (GPD) didn't know the law. It was said that Sgt. Currier was "good friends" with the complainant in this case and was trying to help him out. These accusations are false. I spoke to other employees that were in the office during Sgt. Currier's conversations regarding this case and nobody said it was anything but a polite, respectful conversation.

On April 1, 2013 the Belknap County Attorney Melissa Guldbrandsen issued a letter in reference to this case. In County Attorney Guldbrandsen's legal analysis she states "Although the Planning Board does not have the authority to determine the ownership of this property, their letter provided the apparent authority for (property owner of contractor yard on NH Route 140) to take the action she did."

County Attorney Guldbrandsen continues and states "Sergeant Currier was correct in his assessment that this is a civil matter as to the removal of (the complainant's) property.

The Planning Board has stood by their claims that the letter issued on September 26, 2012, was approved by Chairman Girard or Town Council. I have had the opportunity to speak with Town Council who told me that he had read the letter in question and the paragraph giving authority to the property owner of the contractor yard on NH Route 140 to give away the complainant's property was not approved by him. In fact, when Attorney Mitchell saw the language in the last paragraph he told me that he called the planning board to advise them it was incorrect.

Please remember that this issue could have been easily avoided had the Planning Board checked the law, and admitted they had made an error. The person who removed the items from the property had said all it would take was a letter from the Planning Board showing a mistake had been made. If said letter had been issued, the items would have been returned immediately.

Now in light of all these facts on April 16, 2013 Planning Board Chairperson John Funk sent an email to 49 email addresses stating "Officer Matt Currier, Brett's son, inappropriately intruded himself in an official capacity in a dispute involving the planning board." John Funk's statement is absolutely false. Sergeant Currier was called to investigate a potential Felony level Theft complaint and had a DUTY to make every effort to get the property back for the victim.

Then following his first letter John Funk issued another email to 40 email addresses on April 19, 2013 at 9:28 PM after being appointed to the position of Chairman of the Planning Board. The second email states "A story was circulated suggesting that the Planning Board and Nancy had engaged in illegal conduct and that they were being investigated by the County Attorney. That story is totally false." The email goes on to say, "A Police officer failed to properly investigate the matter and made various erroneous assertions claiming that a crime had been committed." Chairman Funk continues his rant stating, "The officer was told to stand down on the matter once the correct facts were known."

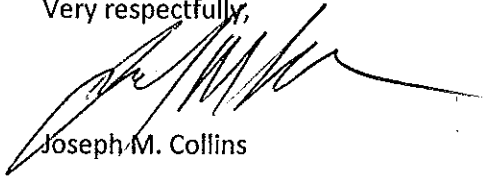
This second letter has me completely appalled and stunned. The facts of this case are indisputable. The County Attorney has reviewed the case, and clearly made a statement concurring with Sergeant Currier's actions and interpretation of the laws. As for Sergeant Currier being accused of failing to properly investigate, that is again a false statement. As far as the Sergeant being told to "stand down," that again is not true. As the Chief of the Gilmanton Police Department, and the only person who has the authority to give such an order, I am telling you that Sergeant Currier did a proper and thorough investigation and adhered to the procedures of the Gilmanton Police Department and the Laws of the State of New Hampshire.

In this battery of e-mails it is clear this is politically motivated and personal in nature. Mr. Funk's e-mail refers to Sgt. Currier as "Brett's son". That should have no bearing on Sgt Currier's job or Mr. Funk's opinion of Sgt. Currier. I respectfully request that the Planning Board publicly acknowledge that a mistake was made by them when they authorized the property owner to keep the complainant's property. Chairman Funk has represented himself as a member of a board for the Town of Gilmanton, and has disparaged the Police Sergeant, and the Gilmanton Police Department as a whole. I request at the very minimum Chairman Funk be instructed to issue an email to each and every one of the prior email addresses he used prior and correct himself with the facts. I further request that Chairman Funk issue a letter of apology to Sergeant Currier for the false statements he made regarding Sgt. Currier.

It is unfortunate that this incident is still being carried on by the Chairman of the Planning Board, and former members of the Planning Board. The Police Department handled the case with respect toward the planning board. Nobody from this department made any negative comments about any planning board members throughout this case. In the future I hope we can work together in an honest and transparent way and can treat each other in a respectful manner. My door is always open if anyone feels

that there is an issue with the Police Department. I can assure you that every member of this department is dedicated to serving this town with honesty and integrity.

Very respectfully,

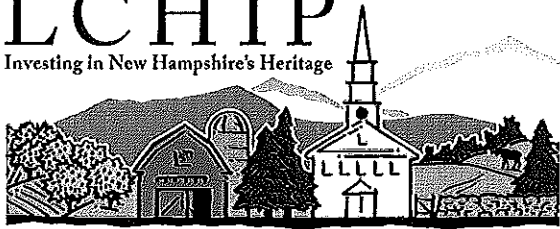
A handwritten signature in black ink, appearing to read 'J. M. Collins', with a long horizontal flourish extending to the right.

Joseph M. Collins

Chief of Police

# LCHIP

Investing in New Hampshire's Heritage



LAND & COMMUNITY HERITAGE INVESTMENT PROGRAM

Land and Community Heritage Investment Program  
13 West Street, Suite 3  
Concord, NH 03301

(603) 224-4113  
fax (603) 224-5112  
[www.lchip.org](http://www.lchip.org)

April 24, 2013

John Dickey  
8 High Street  
Gilmanton, NH 03237

Dear John,

We are pleased to send you the enclosed incentive payment to recognize that you have submitted an acceptable 2012 monitoring report for your LCHIP-protected property.

The Monitoring Endowment fund was created to encourage grant recipients to continue good stewardship of the resources protected with Land and Community Heritage Investment Program assistance. Payments are based on income available from the endowment, the number of projects receiving funds and a variety of resource-based factors.

Because the return on the investment that supports these payments is good this year, we are able to provide more substantial payments than in some past years. However, since the amount distributed varies from year to year, we advise that you not include a specific payment from this source as part of your organization's annual budget.

This check represents stewardship monitoring for the Gilmanton Academy.

Remember that you will need to submit a completed 2013 monitoring report to fulfill your agreement with LCHIP and to receive an incentive payment next year. Many recipients find that summer is a good time to complete the required monitoring. The current monitoring report form is available on the LCHIP website.

If you have any questions please feel free to call us at 224-4113.

Sincerely,

*Dorothy T. Taylor*

Dorothy T. Taylor  
Executive Director



*what fun to see the letting pond  
emptied out last summer!*

*Reposited 4/30/13*