

APPROVED

**Board of Selectmen
16 April 2012
Minutes**

6:05 pm – Chairman Hatch called the meeting to order. Present were Chairman Rachel Hatch, Selectmen Ralph Lavin and Brett Currier, Town Administrator Tim Warren and Clerk Lois Dionne.

After attendance, everyone stood for the “Pledge of Allegiance”.

6:07 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.

The Selectmen discussed a personnel issue.

7:45 pm – Selectman Lavin moved to come out of Non-Public Session.

7:46 pm – Several residents who had come for public input joined the meeting. Because the Selectmen were in non-public session at that time, Chairman Hatch said she would open public input for a half an hour.

Members of the public present were conservation chair Tracy Hatch, conservation member Patrick Hackley, Roger & Elena Ball and Bernadette Gallant.

Selectman Lavin asked to speak as a resident, not as a member of the board. Ralph commented that the Selectmen have been keeping the town budget down, but the school budget goes up every year; the only people who don't seem to be feeling the down side of the economy are the ones who are in the education field. He was especially concerned about the new contract signed with Superintendent Fauci at the last school board meeting; his work schedule has been reduced to two days a week, and his salary was increased to \$60,000 a year. Ralph felt the Selectmen should write a letter to the school board.

Chairman Hatch stated that the school board has no purview over the Selectmen's budget, nor does the Selectmen have any purview over the school board budget. Rachel asked

Selectman Currier how he felt. Selectman Currier said he agreed with Ralph, but felt it was a completely different budget, and not the Selectmen's task.

Chairman Hatch didn't feel this was the proper time to discuss the issue; public input is for residents to express their concerns or to comment on issues, and asked if members of the public had issues they wished to discuss.

Suncook River Nomination – Conservation Chair Tracy Tarr wished to discuss the Suncook River Nomination. Selectman Lavin informed her that he would be attending the meeting in Epson on Wednesday to get information on the Suncook River nomination; he is going with an open mind, but didn't think he would hear anything that would make him change his mind, but would research it.

Tracy said she appreciated the time the Selectmen had put into the issue; she isn't here to complain, but wanted to continue productive discussions, and if anyone on the board or any residents had issues or concerns, she hoped they would go in front of the committee and discuss them. Tracy addressed an issue Brett had mentioned at the meeting about having his picture taken while installing a dry hydrant. She said the conservation commission never starts a complaint themselves; the complaints always come through the town hall, abutters or from residents. Tracy said in the case of the hydrant, the complaint had come from a resident, who had first contacted DES, then the conservation commission. She said it is their policy to get more information, which is what pictures are about, and then contact the landowner to help them resolve the issue.

Elena Ball asked if after the last meeting, the decision is a done deal or if we have options. Can the Town get involved? Not just the people who live on the river. Elena said she felt there are so many questions that didn't get resolved.

Chairman Hatch stated that what had been presented was that the residents wanted the Selectmen to "Pull the Plug" on the nomination application.

Elena asked if it could be resurrected, and if it could be, if the Town could be more involved as a whole. Chairman Hatch said it could be, but she didn't know what would happen. She said last week she heard people were afraid their property rights were being taken away from them. Rachel said why she had wanted a formal motion last week to withdraw support of the nomination was because they had made a formal motion when they supported the nomination. She said if one of the selectmen wanted, in form of a formal motion, to resurrect it, she would entertain it. Elena noted that Ralph would be attending the meeting on Wednesday, and would bring information back.

Selectman Lavin said it is unlikely that he would change his mind, but if he gets information at the meeting he will share it with the public, and perhaps make the motion to get back on the committee, but that is unlikely to happen.

Conservation member Patrick Hackley said he is here to support Tracy. He said he serves on the conservation commission because he values their mission and wants to help the community. Patrick told the Selectmen that if they want reasonable people to volunteer their time to serve on committees, they should allow informed debates; last week was not an informed fair exchange by two sides on an issue. We have responsibility to taxpayers to hear two side of one issue. He said, although he was not at last week's meeting, he knows it was not a fair informed discussion because fear and lack of information was driving the emotion in that room. He asked that the Selectmen be mindful that they have volunteers that care, and are putting time in to serve the community, and there should have been some forewarning and given equal and fair due process to both sides.

Mr. Hackley said he supported the nomination because he felt we were better off being part of the process than to stay out, and let something develop in towns around us that we might not have any control of later on. He said it was so early in the process he felt it was an educational effort, not a regulatory land grab. Mr. Hackley said he has worked for property rights groups for half his career, he is a forester, a land manager and land broker who has worked some of the largest landowners in the country, and knows all about property rights. He said he has worked for the NH Timberland Owners Association for six years, and lobbied for landowners; if this had looked in any way to be a regulatory land grab, he would have been the first one to "raise his hand". Mr. Hackley said if there had been an informed debate last week, and the decision had been made to pull out, he would have been fine, but it wasn't an informed debate; it was an orchestrated ambush to torpedo something people were afraid of without enough information.

Selectman Lavin said Mr. Hackley's argument was well presented, but the people were making the same argument that Mr. Hackley had just made. He said the first time they were presented with the idea, he had voted against it because he felt he was not well informed.

Mr. Hackley said he had heard that Mr. Jeffers had not presented a persuasive argument, but added that it was not Mr. Jeffers job to persuade the town to accept it, but rather to answer questions. He said Mr. Jeffers had not been aware he would be addressing a roomful of angry people; he thought he would be speaking to the three selectmen, so it had not been fair to him.

Brett said the question had been asked many times by the board and the members of the public what the benefit would be to the town, and could see none. He wants the river protected, but doesn't see how we, at the headwater, are going to be affected by what is happening downstream. He said the people were blindsided; they were not duly notified, and now they get a letter informing them of the deal. Brett asked the question that was asked last week, which was if this doesn't change anything, why are we doing it?

Tracy said people get involved for different reasons, one is that being involved with other communities that plan for the river: it allows you to do a river management plan so you can work together on issues you both relate to. Being in the program you also get more money from federal people. Brett asked what the money would go for. Tracy said some towns get money for storm water management, and others get money for the town road agent for storm water. It takes money out of the general fund, and helps protect water quality.

There was more discussion during which Mr. Hackley stated that Mr. Jeffers had been here twice before, and the public was invited to hear what he had to say. Chairman Hatch also explained what happened at the meeting last week, and why the conservation commission had not been informed of the meeting. The week before Mr. Munsey had come to the Selectmen's meeting, and during public input, had expressed concerns about the nomination. She said Brett is new on the Board and she wanted reassurance that this would not have a negative impact on the land owners, so had asked Mr. Jeffers to meet with them last week to be able to answer the Selectmen's questions. The Selectmen had no idea or advance notice that the group that showed up for public input would be coming, so there was no way to notify the conservation commission, Mr. Jeffers or anyone else that they would be present. Rachel added that Mr. Jeffers was present during most of public input, so had heard most of the questions. She stated that she informed the public that the Selectmen would be meeting with Mr. Jeffers following public input, and she would put their questions to him, but there was to be no public input; this was not a public hearing. Mr. Hackley stated that the Selectmen had done the prudent thing in listening to the residents, but asked if, as we learn more about this process, it looks as if it would be a benefit to the Town, can it be readdressed so an informed decision could be made as to whether we want to be a part of it.

Superintendent's Salary – No members of the public had anything else they wished to discuss, so Chairman Hatch asked Selectman Lavin to speak to the board. Selectman Lavin said he had spoken with a number of constituents who are very upset with what they are hearing about Mr. Fauci's hours being reduced to two days a week, getting paid \$60,000 a year and getting a benefit package. He is working for another town where he is also getting paid about \$60,000, but Gilmanton is paying all the medical costs.

Chairman Hatch said she was at the meeting, and had heard that Mr. Fauci would be working two days a week and be getting paid \$60,000 a year and a two-year contract, but there would be not medical or dental benefits. Ralph said he would like to see a copy of the contract. He wanted the board to be aware that there is talk about getting the selectmen to create a warrant article or for someone to create a petition warrant article to eliminate the SAU office.

Brett asked if the Selectmen could do that. Rachel asked Tim to call LGC to see if the Selectmen have any purview over the school district. Ralph said he would like to send a letter to the school board explaining the struggles the town is having, yet they keep giving

out raises, and getting new teachers; every year for the last ten years, the school department budget has had an average increase of one-half a million dollars a year. He feels the school board should share the burden with the town. He complimented the prior board of selectmen for level funding the budget the past few years, but the school keeps asking for more money.

Tim will call LGC to see if the Selectmen have latitude over the school board or their budget, and if they could write a letter to the school board. Selectman Currier said if the Selectmen could legally send a letter, he is behind the idea.

Ambulance Lease – Tim informed the board of the need for a formal motion to accept the lease terms with Kansas State Bank of Manhattan for the new ambulance, and to appoint the Select board chair to sign on behalf of the town. He said Town Counsel had reviewed the agreement.

MOTION – Selectman Currier moved to accept the new ambulance purchase lease as drafted. Selectman Lavin seconded. Motion passed 3-0.

MOTION – Selectman Currier moved to approve the Select Board Chair to sign the lease agreement. Selectman Lavin seconded. Motion passed 2-0. Chairman Hatch did not vote.

Property in Shellcamp – Tim reminded the board of a property owner who had inherited a small piece of property in Shellcamp, but didn't want the property; he had offered to give the property to the Town. At the time, Tim was asked to send the property owner the names and addresses of his abutters so he could contact them to see if any of them would like to purchase the property. Tim said the gentleman had contacted him again, and said none of the abutter was interested in the property, so would like to donate it to the town; he said the planning clerk had done a title search on the property.

After a brief discussion, it was determined that the Selectmen would look at the property when they view the properties that are scheduled for tax deeding. A tentative date for the viewing is Saturday, April 21st. The selectmen will confirm the date with Tim tomorrow.

Dead Tree – Mountain Road – Tim said a resident on Mountain Road informed him that he had cut down a dead Maple tree on Mountain Road that was in the Town right of way that was hanging over his driveway. He said the gentleman would be willing to cut the tree into stove-length pieces and leave it if the Town wants to pick it up for anyone who needs assistance who burns wood.

Kudos – Highway Department – Tim read an email he received from a resident commending the highway department for the outstanding job they do, but specifically thanked Tony for his keen eye and honesty. The gentleman lost a small bag containing

his license and cards along the side of Rte 140 last week, and Tony who was going by in the loader spotted it along the side of the road and returned it to him.

Fluorescent Bulbs – A couple of weeks ago the question had been brought up of what to do with fluorescent bulbs at the recycling center. Tonight there was a discussion of the cost to get rid of the bulbs and the number they were legally supposed to keep on hand before disposing of them; usually they are held until household hazardous waste day in Belmont. The consensus was to have the recycling manager get rid of the bulbs.

Computers – Tim said it was budgeted to get two computers in the Selectmen's office this year. He asked and received permission to order them; we don't need the keyboards or monitors. The hard drive crashed on one of our computers last week, and we had to get it fixed.

Town Signs – Chairman Hatch said last year the Selectmen had discussed replacing the Gilmanton boundary signs, and asked where that stood. Tim responded that he had spoken with Mr. Adel, and he will be starting that project. Chairman Hatch asked Tim to remind him that one of the old signs is to go to John Dickey for the Historic Museum.

Approval of Minutes

MOTION – Selectman Currier moved to accept the minutes of April 9, 2012 as drafted. Selectman Lavin seconded. Motion passed 3-0.

Motions for Non-Public Sessions – Selectman Lavin said he keeps getting asked why he makes so many motions to go into non-public session, and wanted clarification that he is not the one requesting the non-public sessions.

When the Selectmen need to go into non-public session, the chair will generally ask to have a motion made to enter the non-public session. Usually, although not always, the second year selectman makes the motion, and the new selectman seconds the motion. It does not mean the one making the motion is the one who has asked for the non-public session to begin with.

Garbage – Recycling Center – Selectman Currier expressed concern about the look at the recycling center. He said there is a lot of garbage on the property at the side of the compactor. He said that on Wednesday there are a lot of employees there, and not always a lot to do, so felt they should pick up garbage that is lying around on the property.

Cover over Compactor – Tim asked if Brett had looked at the cover Justin wants to erect over the compactor. Brett replied that he had, but felt it would be more important to cover the C & D bin than the compactor.

04-16-12 BOS

APPROVED

9:49 pm – MOTION – Selectman Lavin moved to adjourn the meeting. Selectman Currier seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk