

**APPROVED**

**Board of Selectmen  
7 May 2012  
Minutes**

**6:04 pm** - Chairman Rachel Hatch called the meeting to order. Present were Chairman Hatch, Selectmen Ralph Lavin and Brett Currier, Town Administrator Tim Warren and Clerk Lois Dionne. Also in attendance were planning board clerk Desiree Tumas, zoning board clerk Annette Andreozzi and zoning board chair Betty Hackett.

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

**6:05 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.

**6:35 pm** – Annette, Desiree and Betty left the meeting.

**6:50 pm – Selectman Lavin moved to come out of Non-Public Session.** Selectman Currier seconded. Motion passed 3-0.

**6:50 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3, II(c)** - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Currier seconded. Motion passed 3-0.

The Selectmen discussed a welfare issue.

**6:59 pm – Selectman Lavin moved to come out of Non-Public Session.** Selectman Currier seconded. Motion passed 3-0.

**7:00 pm – Public Input** - Chairman Hatch read “Public input is reserved to allow residents, without prior notice, to bring forward new information on matters of interest to the Town. Existing cases or applications shall not be heard. Residents with existing

cases or applications shall use the channels established for appeal or submission of new information in their cases. The Selectmen reserve the right to place time limits on public input. No vote will be taken on any matter brought in through public input unless a dire emergency requires such action.”

**Old Cruisers** – Bernadette Gallant asked what was going to be done with the old cruiser that is at the sand pit. She was told it would be going to the White Farm for auction on May 19<sup>th</sup>.

**Variance** – Bob Grimard noted that there was some “flux” with the building inspector. He said he felt when he had applied for a variance he had been used. He had a problem with a shed he bought being too close to the property line. The building inspector threatened him with a \$179 a day fine if he couldn’t get it out of there in seven days, and had come back and told him if it wasn’t moved it would be taken out and if anything was said on his (Mr. Grimard) part, there might be other things that might not meet code, so Mr. Grimard dropped the conversation. He said the code enforcement officer had told him he could go for a variance. Mr. Grimard said he applied for a variance, and met all the requirements except he was two feet short at the side of the house. He had a letter from the neighbor stating it was no problem with the shed being there. When ZBA members did a walk of his property they saw a canvas type cover like a garage, and a ZBA member wanted to get rid of those in town. He was granted his variance for the shed on condition that he removes the canvas cover. It was either that or get rid of his shed; he felt the decision had been made before he got to the meeting. Mr. Grimard sold the shed.

Mr. Grimard had a copy of the letter of decision for the variance, which the Selectmen reviewed. Mr. Grimard said he hadn’t felt comfortable, because of implied threats, pursuing the matter while the code enforcement officer was here, but now that he is gone would like to pursue the matter, and wanted information on what he should do. The Selectmen determined that the variance was still good; he was told the outcome might still be the same but suggested that he apply to the zoning board to have his case revisited. There is nothing the Selectmen could do; they can’t overrule the zoning board.

**Approval of Minutes – MOTION – Selectman Currier moved to approve the minutes of April 30, 2012 as written.**

**Use of Academy Parking Lot** - An email was received from a resident asking permission to use the parking area behind the Academy Building as a parking area for guests who will be attending his wedding. Due to limited parking space, he would like to have them park their cars here, and shuttle them to the farm (Varney/Corgie Farm).

After a brief discussion, the request was approved.

**Trash Pick Up** – A proposal was received from Ralph Goodwin to put out trash barrels and empty the barrels at Crystal Lake Park, Nat's Bridge, the Boat Ramp, the Dam and on Meadow Pond Road from May 1, 2012 through Labor Day for a price of \$1,150.

There was a discussion of the proposal during which it was agreed to accept the proposal, but Tim was asked to inform Ralph that the barrels were to be emptied on a weekly basis.

There was also discussion of complaints that bags of trash fall off Ralph Goodwin's truck on the road. Mr. Goodwin has been spoken with about this before; the town will send a letter.

**Crushed Glass** – Chairman Hatch noted that last week there had been discussion of residents being allowed to use the crushed glass from the recycling center, and that if a resident is interested in the glass, they should submit a letter of request to the Selectmen. Rachel had a written request from Mr. Lemieux. Ralph Lavin also submitted a written request. Both requests were approved.

Chairman Hatch said a resident had approached her tonight, and told her that the facility manager had loads of glass that had not been crushed hauled out of the facility. The resident felt that would be more expensive. Tim felt it would be less expensive to haul whole glass because the load would be lighter.

Selectman Currier felt no glass should have to be hauled away. He asked Tim to tell Justin to get the glass crusher fixed so they can crush the glass and get rid of it.

**SB2** – Chairman Hatch was concerned that with SB 2, the time lines for everything for the budget would be moved up three months, and the Selectmen need to be educated on the time line and meetings required before election day. Tim will contact DRA to get information and a calendar of time lines requires for SB 2

There was a brief discussion of what would happen if the budget were voted down, and we had to go to a default budget. Tim said if there were a default budget, we would go with last year's budget plus 10%. He didn't know if the 10% would be mandatory, or if that is the maximum you would be allowed. There was also discussion about how information would be gotten to residents who didn't attend the deliberative sessions.

**Redistricting Law Suit** – Chairman Hatch had a couple of articles she had received from John Funk and Deb Chase with information regarding the lawsuit that communities are filing against the state because of redistricting. John had asked that Gilmanton consider joining the lawsuit asking that we have our own representative rather than being put into a pool with Belmont and South Laconia, which is being proposed.

Selectman Lavin asked what the cost would be to the Town if we got involved in the lawsuit. Chairman Hatch said she was unsure if there would be a cost to the Town for a

portion of the attorney's fees, or if LGC would pay it for us. She said the purpose of the lawsuit is that some of the larger cities are losing representation; we have had our own representative, who also represents Alton, Belmont, and Barnstead. Losing our Gilmanton resident representative, the concern is that while we will have another representative, they might live in Belmont or Alton, etc. Manchester and Concord are looking for more entities to file suit. Selectman Currier said he didn't want to join a lawsuit. Selectman Lavin wanted to know the cost. Brett felt that if the big cities file a lawsuit, and win, the new rules would apply to everyone. Chairman Hatch was concerned that the population of Gilmanton might not be enough to qualify for our own representative. Rachel and Ralph will both do more research before a decision is made.

**Grape Avenue Property** – Chairman Hatch stated that the Selectmen signed a letter tonight that would be going out tomorrow to the owner of the property on Grape Ave. regarding complaints that had been brought to the Selectmen last week.

Selectman Lavin said a resident had talked to him about some concerns about the mess on the abutting property. The resident wanted to know what they could do and stay anonymous with their complaint for fear of retaliation. Ralph said he told the resident he didn't think there was anything they could do. Rachel said everyone has the right to face his or her accuser. Ralph said this resident said a complaint had been made in the past, but nothing had been done. Rachel felt any further discussion would have to be done in non-public session.

**Personnel Policy** - Chairman Hatch asked if Tim had the information they had requested in order to finish the personnel policy update. He said he had not heard back from the Department of Labor.

### **Fire Department Issues**

**Firefighter Dennis Commeau** will be leaving his position of full-time firefighter with the department on May 12<sup>th</sup>, but will be staying in the area so will continue as a call firefighter.

**Ambulance Billing** – Chief Hempel was asked to discuss the ambulance billing system. He noted that the instance that had come to the selectmen of a resident having their bill sent to a collection agency had been a mistake on the part of Comstar. Comstar contacted the resident and the situation has been rectified; Chief Hempel also spoke with the resident.

Chief Hempel explained that Comstar bills a resident's insurance company, and will then bill the resident for the balance over what the insurance company pays. He said they will bill three times, and if the bill isn't paid, it will "fall off". A bill will never be sent to a collection agency. A resident could also check off the hardship box on the form, return it, and that would be it. He felt the system works fine.

There was considerable discussion during which Chairman Hatch asked if it could be set up so a resident would never receive a bill. It was stated that many residents would pay the bill in fear of not receiving service in the future, and that many residents would be embarrassed to check the hardship box, and would not call the ambulance because they couldn't afford it. Although residents would not receive a bill, non-residents would receive a bill, and payment would be pursued. The Chief said Comstar would do what the town wants; it would just take a phone call from him to change the way we bill.

**MOTION – Selectman Currier moved to keep non-resident billing for ambulance service the same as it is now, but get residents insurance information and Comstar would bill the insurance company, and accept what the insurance company pays. Selectman Lavin seconded. Motion passed 3-0.**

Chief Hempel will notify Comstar.

**Use of Safety Building** - Chief Hempel asked if the public safety building could be used by outside agencies. One of their members runs an EMT class, and has requested to use the building for the training, and since the building is not an association building, he wasn't sure of the policy. Chief Hempel asked how he should proceed with the requests. The Town has request forms for the use of town-owned buildings, and there is a fee of \$125 plus a \$50 cleaning deposit. The chief said they receive compensation in that by hosting the classes, they receive free training for several students. The tuition amounts to approximately \$700 per person.

When asked if it would interfere with the operations of the fire department, the chief replied that most classes are held in the evening, so doesn't impact them. One class would be on a Wednesday during the day, and they are in the Iron Works on Wednesdays; the only impact it might have is that the conference room is a shared space with the police department. Chief Hempel asked to be able to establish guidelines for the use of the building.

Chief Hempel was given permission to establish building-use guidelines for fire department training.

**8:40 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3, II(c)** – Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Currier seconded. Motion passed 3-0.

The Selectmen discussed tax-deeded properties.

**9:37 pm – Selectman Lavin moved to come out of Non-Public Session.** Motion passed 3-0. Selectman Currier seconded. Motion passed 3-0.

**9:37 pm – Recess**

**9:40 pm – Back in session**

**Hiring of Police Chief** – Tim distributed information he received from Moultonboro on the process they went through when hiring a police chief.

**Children in Work Place** – Tim was asked if he had sent a memo to department heads informing them that there were to be no children brought to the workplace. He has not done it yet.

Rachel said that at a Department of Labor hearing, it had been recommended that no animals, except for service animals, and no children should be allowed in the work place because of the liability issues. Brett asked if that also applied to no children riding in Town vehicles, such as fire trucks, in parades. The Selectmen agreed that it did.

**9:46 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3, II(c)** - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Currier seconded. Motion passed 3-0.

The board discussed a contractual issue.

**9:48 Pm – Selectman Lavin moved to come out of Non-Public Session.** Selectman Currier seconded. Motion passed 3-0.

**Bingham Road** – Selectman Currier asked if we had a bond for Bingham Road; we do. Brett felt we should call the bond, and pave the road before the price of asphalt escalates more than it already has. Tim will send a letter to Mr. Thomasian informing him that the Town would be paving Bingham Road unless he gets it done by August.

**HDC** – Selectman Currier reported that he had attended his first HDC meeting. He said George Roberts was talking about having the meeting posted in the Suncook Valley Sun (SVS) rather than the Suncook Daily Sun (LDS). Tim said it is more expensive to advertise in the SVS. Brett said he had suggested that if they want it advertised in the SVS, they should have the applicant pay the fee.

Brett said he had asked if the commission would consider relaxing any of their ordinances, i.e. the sign ordinance for the Corners Store, and of relaxing the rules allowing pavement of driveways.

**Village Precinct Meeting** – Selectman Currier said he had attended the Village Precinct Meeting. He said they have 51 lights that cost \$9 each per month; a lot of people don't like the lights. Brett said they want to disband the precinct, but have too much money now, so would like to let the money run out. He said the recommendation was to take out

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all but 6 to 8 lights, change these to cobra-style lights that would cost about \$14 per month, let the money run out, and then have the Town take over the lights and they could disband the district. They would keep the key lights such as at Allens Mill Rd. Meadow Pond Rd, Intersection of 140 and 107, High Street and Powder House Rd.

After a brief discussion, it was the consensus of the Selectmen to go along with the recommendation.

**Planning Board** – Ralph said the planning board would be discussing the table of uses at their meeting on Thursday; they want to expand the table of uses. He said they are interested in commercial development in the town.

**10:05pm – MOTION – Selectman Lavin moved to adjourn the meeting. Selectman Currier seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk