

**APPROVED**

**Board of Selectmen  
12 December 2011  
Minutes**

**6:02 pm** - Chairman Don Guarino called the meeting to order. Present were Chairman Guarino, Selectmen Rachel Hatch and Ralph Lavin, Town Administrator Tim Warren and Clerk Lois Dionne.

Also in attendance were Police Chief Phil O'Brien, Roger Ball, Bernadette Gallant and Brett Currier.

After Attendance, everyone stood for the "Pledge of Allegiance".

**Budget Review** - Tim Warren distributed up-to-date copies of the budget that will be presented to the budget committee on Wednesday night.

Tim noted that we are in the process of changing all town accounts over to Meredith Village Savings Bank, as the Town is going to be changing from TD Bank to Meredith Village Savings in January. He said Jen Corriea had spoken with him today about the Comstar billing account. He explained that is the account for ambulance billings. Tim said it was discovered that because of the way the account had been set up years ago, the income had been accounted for, but the expenditures were never run through the Town budget, so he is going to add a line for \$3,000 to the fire department budget called other charges - Ambulance.

Selectman Hatch explained that when Norman Skantz was fire chief, the ambulance billing was contracted out to an outside agency to keep a more accurate account of the billings.

Cindy Houghton joined the meeting.

The Selectmen reviewed the budgets that would be presented to the budget committee on Wednesday.

**Warrant Articles** – Chairman Guarino stated that the Year-Round Library had asked to have their request included in the Town Budget. Tim said they would be asking for \$45,000, which is 5.26% less than they had requested last year. It was the consensus of the Selectmen to have the library submit a petition warrant article.

The Selectmen began review of the drafted warrant articles, which included all the capital reserve amounts. Capital Reserve Accounts were reviewed.

Discussion of the warrant articles was tabled until after public input.

**Public Input** - Chairman Guarino 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.”

**Zoning Amendment Language** – Brett Currier stated that he had been at a planning board meeting and asked about the new language in one of the zoning amendments regarding having more than one house on a piece of land. He said he had brought to the board’s attention, after the meeting, that the building inspector had told him and two other people that they could put two single-family dwellings on one piece of land. Brett said he had talked with the planning board, and they said Bob was wrong. Brett was concerned because he had sold a 28-acre parcel of land, and had told the buyer that he could only put one house on the property, but the building inspector had told him he could build a guesthouse, and then build his main house on the hill. The buyer had gone to Brett and told Brett that he had given him inaccurate information, and that he was more restrictive than the building inspector. Brett said the building inspector had told another resident that as long as he had two septic systems he could build two residences without subdividing the property.

Brett feels that the building inspector is not interpreting the language in the zoning amendment correctly, and the planning board says Bob is wrong, so Brett is concerned that there will be issues in the future because of this.

After a brief discussion, it was decided that the Selectmen and Tim would follow up on the issue.

**Budget Committee Hearings** – Cindy Houghton asked if the times and dates of the budget committee hearings would be posted on line; they will be.

**Capital Reserves**- Cindy asked if the fire department is asking for money for a new ambulance that wasn’t budgeted for with capital reserves. Tim told her there is \$54,000 in capital reserves for ambulance vehicles; the CIP (Capital Improvement Plan) shows the ambulance is to be replaced in 2012. Cindy stated that we have been putting money aside for that for several years, so we must not be planning correctly for capital reserves.

There was a brief discussion on how the planning board determines when capital reserve items are to be replaced, and the monies needed to set aside for it. It was also stated that one year the residents voted not to fund the capital reserve at town meeting.

Brett asked if, due to the lack of money, we should postpone it (the purchase) this year. Chairman Guarino felt they should let the voters decide whether to purchase the ambulance this year. Selectman Hatch said the Selectmen have to recommend or not recommend the article as do the budget committee.

The fire chief is checking to see if we could lease an ambulance.

There was a brief discussion on the wear and tear on the fire department vehicles.

Cindy Houghton felt we are buying a lot of equipment, and asked if it is financially sensible to do mutual aid. Brett explained why we have to do mutual aid. He stated that although we are “real heavy” on equipment, everybody can’t afford to buy all the equipment, so it protects everybody. He felt we need two ambulances, but that we have too many trucks.

**Tax-deeded Properties** – Cindy asked if the Selectmen knew the number of properties that had been taken for taxes. Tim stated that the Town Clerk would have that information; he added that we have had a couple of residents buy back their properties from the Town.

**Warrant Articles** – Cindy felt it was good that the Selectmen had decided to have the Year-Round Library submit a petition warrant article. She asked if the Selectmen take a formal vote on the articles, and if it is in the minutes. They don’t take a formal vote unless the Selectmen are unable to come to an agreement, but they discuss the articles, and usually come to an agreement as to whether or not to recommend an article. In the event they cannot come to an agreement, a formal vote would be taken, and that would be noted in the minutes.

Brett asked if the Selectmen have the authority to decline putting an article on the warrant. They can unless it is a petition warrant article, which has to be put on the warrant.

**Flag** – Roger Ball was concerned that the flag at the public safety building had not been flown at half-mast on December 7<sup>th</sup> (Pearl Harbor Day).

**Chairman Guarino closed public input.**

**Review of Warrant Articles continued.**

Articles of discussion were a new police cruiser, the change of the name of an account for the fire department and speaking with the fire chief before approving a warrant article for an ambulance.

**Old Police Vehicle** - There was also discussion about using the old police vehicle as a vehicle for town employees instead of paying mileage rather than using it as an unmarked police vehicle.

**Grants** – Chief O’Brien told the Selectmen that there were other grants such as for new vests, which he had wanted to purchase this year, bicycle safety grants, an student resource officer (SRO) in the school, etc that he would like to apply for, and asked if he could talk with Linda Radue about pursuing the grants.

Selectman Lavin and Chairman Guarino were not in favor of grants that create a new position that is funded for one year, and the town would have to fund after that. Phil was told the Selectmen were in favor of researching grants. Chief O’Brien submitted a list of the grants he would like to pursue.

**Recycling** – There was a brief discussion of presenting the options of pay-as-you throw and mandatory recycling on the warrant, and the proposed new driveway at the recycling center.

Chief O’Brien stated that he was not in favor of the proposed driveway at the recycling center. He felt it presented a safety issue for residents traveling in a northerly direction when turning into the facility. Because they would be just over the crest of the hill, he felt if they had to stop before turning into the facility, they stood a good chance of being rear ended by a car coming over the hill.

**Old Town Hall Drain** – At previous meetings there had been discussion regarding the foundation and drainage in the Old Town Hall. Chairman Guarino had been against the recommended repairs because of the cost. Selectman Hatch said she would be willing to put it on a warrant article. Tonight after a brief discussion, because Chairman Guarino and Selectman Lavin were against the expense, it was decided not present an article for the project. Chairman Guarino said he would be willing to do something to have it fixed so the water would drain toward the sump pump, but felt that what was proposed was too “grand” a project. Chief O’Brien will get Don a copy of what had been recommended when they were considering updating the building for the police department.

**Painting Bids** – Tim said he had talked with the painter who was awarded the job of painting the Academy Building, and the painter would see if he could give the town a better price if he gets the bid for painting all three buildings – Academy, Old Town Hall and Recycling Center.

**Records Retention Committee** – Last week members were appointed to form a records retention committee. Tim had a copy of the RSA that says the Board needs to designate an individual, in addition to those already chosen, to serve on the committee. Selectman Lavin volunteered to serve on the committee.

**MOTION – Selectman Hatch moved to appoint Ralph Lavin as the Board of Selectmen Designee on the Records Retention Committee. Chairman Guarino seconded. Motion passed 2-0. Selectman Lavin did not vote.**

**GAT** – The recycling center sent 100.3 tons of trash to Penacook in November, down from 101.76 tons last November. Year-to-date total for 2011 is 1195.72 tons, up from Year-to-date total of 1187.57 at this time last year.

**Metrocast Cable** sent a notice of increases in services effective January 1, 2012.

**Budget Committee Meetings** will be held on Wednesdays this year, and will be held at the Academy Building instead of the Old Town Hall.

**Reval Clarification** – Tim read a memo (Copy Attached) from Assessor George Hildum into the minutes. George wanted to clarify information that was in the minutes regarding the legal mandates for conducting revals.

**Commendation Letter** – Tim read a letter (copy attached) from a resident commending Chief O'Brien.

**Tree – Thompson Town Forest** – Tim said there is a tree in the Thompson Town Forest that has fallen across the access path, and an individual had said he would be willing to remove the tree if he could have the wood. It was decided we could not accept the liability of having him cut the tree; the conservation commission will be notified of the tree being down.

**Gale Road Culvert** – Tim said beavers had been damming up some culverts the snowmobile club had installed on Gale Road. Tim will notify Paul Osborne, president of the snowmobile club.

**Town Holiday** – Tim said that next year Christmas falls on a Tuesday, and some employees had asked if they could do away with one holiday next year, and have the day before Christmas off. After a brief discussion, the issue was tabled for future discussion.

**Property Repurchase** – Tim had talked with a resident about repurchasing property that had been taken by tax deed. He sent a letter to the individual with the amount it would cost to repurchase the property. The letter was sent by certified, return receipt mail; it came back unclaimed. He said the individual is currently out of the country, but his mail

**12-12-11 BOS**

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was supposed to be picked up by a family member. He asked if we could have the letter hand-delivered to the family, and have them sign for it.

After a brief discussion, it was agreed that Police Chief O'Brien would deliver the letter.

**Email – Joe Haas** – Tim asked if the Selectmen had received an email from Mr. Haas regarding having his name removed from the portion of the tax bill that is collected for the school. They did receive the email.

**Meeting – Alcohol – Crystal Lake Park** – Selectman Hatch asked if Tim had arranged for Chief O'Brien and Gary Lines to meet with the Selectmen to discuss the used of alcohol at Crystal Lake Park. He has not, but will arrange a meeting.

**Approval of Minutes – MOTION – Selectman Lavin moved to approve the minutes of December 5, 2011 as amended.**

**Commendation – Ambulance Crew** – Chief O'Brien stated when he has gone on call with the ambulance crew, they are fantastic and very professional.

**Gas in Corners** – Chief O'Brien asked if there is a possibility of having a gas pump somewhere in the corners, so the officers don't have to travel to the Iron Works whenever they need gas. There was a brief discussion of the issue.

**9:08 pm – Selectman Hatch 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 Lavin seconded. Motion passed 3-0.

The Selectmen discussed a personnel issue.

**9:34 pm – Selectman Hatch moved to come out of Non-Public Session.** Selectman Lavin seconded. Motion passed 3-0.

**MOTION – Selectman Hatch moved to seal the minutes of the above non-public session. Selectman Lavin seconded. Motion passed 3-0.**

**MOTION – Selectman Lavin moved to adjourn the meeting. Selectman Hatch seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk

Barbara C. Gray  
229 Meadow Pond Road  
Gilmanton, NH 03237  
November 26, 2011

RECEIVED  
NOV 29 2011

BY:.....

Gilmanton NH Board of Selectmen  
PO Box 550  
Gilmanton, NH 03237

Dear Selectmen:

RE: GILMANTON POLICE CHIEF PHILIP O'BRIEN

In late July of this year, I filed a police report regarding a stolen well cover located on my property here in Gilmanton and taken from my back acreage, which was the 19<sup>th</sup>-century home of the Gilmanton Town Farm. Were this just an ordinary well cover, I'm sure I'd have taken the entire issue in stride and simply let it pass, but this particular well cover was manufactured by hand from local stone right here on this property by long-ago Gilmanton residents, and as such, and as the current owner of this land, this well cover holds particular historic significance to me.

My police report was assigned to Officer Cory Krochmal who I believed for months was working on the case, and I also believed this case would be a simple matter for him as I'd provided him with the name of the person who stole the well cover, who he sold the well cover to, and the exact address of where the well cover was located in Gilford. By late September and after hearing absolutely nothing back from Officer Krochmal, I made inquiry to Chief O'Brien as to the disposition of this case, telling him I'd heard nothing back from Officer Krochmal, and asking if he could do anything to help me. Chief O'Brien was quick to respond, telling me that he'd look into this and would personally handle it himself.

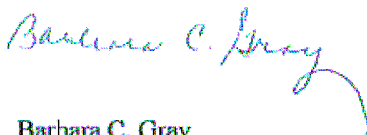
As Chief of Police, Chief O'Brien is busy – and I'm sure far too busy to be handling matters that have been assigned to his officers. And yet with a myriad other matters on his plate, he willingly took this matter under his wing and worked on it until he carried it through to a successful and peaceful resolution which culminated in his taking a Saturday morning and during his own personal time off to escort the delivery of the well cover back to its rightful home here in Gilmanton. I am more than pleased with the way Chief O'Brien handled this entire matter, both with myself and with the Gilford fellow who was harboring the well cover!

I'd like to add that this is the second time I've had occasion of the services of Chief O'Brien, and both of these times he has conducted himself in a highly professional and friendly manner. He's the kind of police chief who takes the time to listen and understand in a non-threatening and non-intimidating manner, yet is not afraid to act when action

becomes necessary. He's also the kind of police chief that you love seeing at the 4<sup>th</sup> of July Parade and at Old Home Day with his big friendly Irish smile for everyone!

In early November I spoke with Rachel Hatch about Chief O'Brien, and this letter is to let her and the rest of the Selectmen know that any issue has been completely and successfully resolved and ultimately how pleased I am with the way Chief O'Brien handled everything. Chief O'Brien is an incredible and wonderful asset to this community, and it is my hope that he enjoys a long and safe tenure as Chief of Police here in Gilmanton. He is much-loved in this home, if indeed within the entire community. Thank you so much for having this kind of police chief in our small beautiful town!


Sincerely yours,

A handwritten signature in blue ink that reads "Barbara C. Gray". The signature is written in a cursive style with a long, sweeping tail on the "y".

Barbara C. Gray

MEMORANDUM

To: Board of Selectmen

From: George Hildum, Assessor 

Date: December 7, 2011

Subject: October 24, 2011 Board of Selectmen Minutes re: REVAL UPDATE  
and HOUSE BILL 514

REVAL UPDATE

After a review of the October 24, 2011 Board of Selectmen's minutes I wanted to clarify that the town is required to value anew at least once every five years as required by RSA 75:8-a and the New Hampshire constitution. The minutes read that we are required to do a full measure and list every ten years. There is no legal mandate in either the statutes or the constitution that we perform a complete measure and list every ten years. However, general assessing standards suggests that you should go no longer than every ten years.

The failure to maintain accurate assessment data will more than likely be discovered by the Department of Revenue Administration in the five year assessment review year and they will advise us to take action to correct it. If we fail to take action to correct it, they will petition the BTLA and the BTLA will order the town to measure and inspect all properties. It was not my intention to give you the impression that a ten year measure and list is mandatory. My intention was to advise that is wise and prudent to do a full measure and list at least once every ten years.

HB 514

This bill has just come out of committee and will go to the house next month. This is very scary legislation regarding entry of government officials on to private property. It requires that many government officials such as DES and local government officials notify property owners and receive written permission from the property owner to enter upon property. Assessing officials are exempt from the written requirement but must receive verbal permission from the property owner.

This bill, if passed as written, will drive up assessing costs and make it difficult to maintain accurate assessment data. How can this not be an unfunded mandate as well as totally contradictory to sound assessing practices? This bill needs to be vigorously opposed by every municipality. It can only lead to poorer assessments and increased costs to attain and maintain accurate assessing data.

I encourage you, as the Board of Selectmen to familiarize yourself with this bill and contact your legislative delegation.