

**APPROVED**

**Board of Selectmen  
25 January 2010  
Minutes**

**5:00 pm** - Chairman Rachel Hatch called the meeting to order. Present were Chairman Hatch, Selectman Abbott, Town Administrator Tim Warren and Clerk Lois Dionne.

After attendance everyone stood for the "Pledge of Allegiance".

**5:03 pm - Enter into Non-Public Session as per RSA 91-A:3, II(e)**

Selectman Abbott moved to Enter into Non-Public Session as per RSA 91-A:3, II(e) – Discussion of pending or threatened (in writing) litigation against the Town or Town Officials, Board Members or employees. Chairman Hatch seconded. Motion passed 2-0.

**5:05 pm** – Selectman Guarino joined the meeting.

The Selectmen discussed a pending lawsuit.

**5:32 pm – Out of Non-Public Session**

Selectman Abbott moved to come Out of Non-Public Session. Selectman Guarino seconded. Motion passed 3-0.

**5:34 pm - Enter into Non-Public Session as per RSA 91-A:3, II(c)**

Selectman Abbott moved to Enter into Non-Public Session as 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 Guarino seconded. Motion passed 3-0.

The Selectmen discussed an issue with Police Chief Phil O'Brien.

**5:55 pm – Out of Non-Public Session**

Selectman Abbott moved to come Out of Non-Public Session. Selectman Guarino seconded. Motion passed 3-0.

**MOTION – Selectman Abbott moved to seal the minutes of the two above non-public sessions. Selectman Guarino seconded. Motion passed 3-0.**

**6:00 pm – The Selectmen suspended the meeting to confer with Town Counsel.**

**6:15 pm** - Chairman Hatch had to leave the meeting to attend a school board meeting, so turned the meeting over to Selectman Abbott.

**6:22 pm – Meeting with Town Counsel ended.**

**6:23 pm – Break**

**6:28 pm – Back in Session**

**HDC Issues** – HDC Chair Allen Everett and member George Carpenter were present to discuss issues relating to the Historic District Commission.

**Enforcement Costs** - Allen asked if the costs for the enforcement of HDC regulations come out of the HDC or Town budget. He said they have several cases where people have applied for a permit, start the project, but don't complete them. Allen said they have written letters, but have had no results. He cited a particular case, the Frasier property on Meetinghouse Road, where money had been put into escrow to rebuild a stonewall that wasn't in compliance. Money was put into escrow so the sale of the property could be completed. The money is still in escrow, and the wall has not been completed; it has been two years. There had been other issues of non-compliance on the property; all but the stonewall have been taken care of. It was stated that it is the responsibility of the new owner to fix the stonewall; stipulations go with a property when it is sold.

It was felt that the Town has the responsibility to back HDC regulations, and the code enforcement officer should enforce the regulations.

**Overlapping Jurisdiction** – Allen said another problem they encounter is when an applicant goes before the HDC, but then has to go before the ZBA or Planning Board to get approval for a project. He said that the applicant feels that once they have received approval from one of the other boards, they don't have to return to the HDC for their final approval. There was discussion about how to best get applicants to understand that if they live in the historic district, they have to return to the HDC to get approval from them after they have received approval from the land-use boards. This is especially important if changes have been made to the plan. There was an instance when a resident had been to the HDC, they went on his own to the planning board, and changes had been made to his plan, but the applicant never returned to the HDC for approval.

The HDC has been working on upgrading their regulations and applications, and it was suggested that they make it clear in their application that if an applicant has to go before another land-use board for approval, upon approval from those boards, they then have to return to the HDC for their approval.

Tim stated that the code enforcement officer should check code issues. Allen will arrange to meet with the code enforcement officer to discuss these matters.

**Donovan Road Culvert** – Tim reminded the Selectmen that Carl Sherblom was to have an engineer determine the correct size of the culvert to be used in the upgrading of Donovan Road. He said because of the water flow, they have determined that there should be a 30” culvert, which is larger than had been suggested before. This information has been submitted to DES. He (Mr. Sherblom) also had to notify the new owners of the Kelly property that he was going to be working within a certain number of feet of their property line; the new owners have signed off that there is no problem with his being there. This change will be included with the agreement between the Board of Selectmen and the Morrills.

**Concord Regional Co-Op** – Tim informed the Selectmen that he had received a letter and the proposed 2010 budget from the Concord Regional Solid Waste. Based on our GAT, Gilmanton’s share for 2010 is \$90,045.00. The letter also stated that our tipping fee would be \$62.10 per ton.

**Community Health & Hospice** – Tim stated that he had received a letter from Community Health & Hospice in Laconia informing us that they had voted to merge with VNA-Hospice of Southern Carroll County. They will be known as the Central New Hampshire VNA & Hospice, but each branch will continue to do business under its original name. A Board of Trustees elected from both communities will govern the new VNA.

### **7:00 pm – Public Input**

**Ballroom Dancing** – George Barton addressed the Selectmen about the use of the Academy Building to hold ballroom dancing two Saturday nights a month starting the end of February. He would also teach ballroom dancing on Friday nights. Mr. Barton also asked permission to advertise on the town website. The Selectmen will discuss the issue and get back to Mr. Barton.

**Intent to Cut – Durrell Mountain Road** – Charlie Mitchell and Steve Bedard were concerned about an intent to cut that had been applied for to log the Williams property on Durrell Mountain Road. They were concerned about possible erosion of the Class VI section of the road. Whether the trucks would use the Belmont or Gilmanton end of the road to access the property was a concern, as well as a stonewall that runs along the road. Mr. Mitchell and Mr. Bedard are abutters to the property. Both Mr. Mitchell and Mr. Bedard stated that they realize that people have the right to log their property, but were concerned that proper measures be taken to avoid erosion or damage to the road. Mr. Bedard asked if it was possible to have the logger post a high performance bond for the road. The Selectmen will take the matter under consideration.

**7:15 pm** – Chairman Hatch returned to the meeting and resumed her position as chair.

**Building Permit – Joanne Wilkens Property** –John Wilkens asked if anything had been done about the “stop-work order” on Joanne Wilkens’ barn. He asked if a building permit had been applied for. Chairman Hatch said she would find out.

Mr. Wilkens commented “for the record” that this particular issue has been being worked on since last April. He expressed his dissatisfaction with the way this issue has been handled, and felt the Selectmen have been stonewalling them. Mr. Wilkens reiterated what he had said at many previous Selectmen meetings, that he feels there are double standards in the way codes are enforced in Town.

Mr. Wilkens stated that, viewing minutes of Selectmen’s meetings, he saw that despite the fact that the Town voted for a two-day week for Bob, the Selectmen has decided to hire him back for a third day.

Mr. Wilkens, after further allegations against the Selectmen and the code enforcement officer, stated that he wouldn’t come in and bother them any more; he will go another route.

Laurie Henderson agreed with Mr. Wilkins, and also expressed her displeasure with the Board of Selectmen and the way things have been handled.

Steve Bedard stated that he understands the frustrations, but he felt there was no conspiracy against either John Wilkens or Laurie Henderson. He said he has had disagreements with the Selectmen, but doesn’t take it personally against the board or any member of any town committee. He felt there is a better way to deal with issues, and doesn’t feel it is appropriate to make personal comments about somebody. Mr. Bedard said he doesn’t remember Gilmanton ever having such contentious meetings before.

Laurie said she hadn’t said anything personal against the board; she respects them for the time they put in, but when things are being selectively enforced in town, it is their duty as citizens, to bring it to the attention of the board.

Mr. Bedard started to speak again, and Mrs. Henderson said she wasn’t talking to Mr. Bedard; she was speaking to the Selectmen, and left the meeting.

Mr. Bedard stated, for the record, that he, personally, had had three or four experiences with the building inspector, and had found him to be completely professional, and has had absolutely no problems concerning any issue as long as you follow the rules and regulations.

Paul Levesque stated that he thought the person who left (Laurie) has an issue she wants to win; she doesn’t care how, she just wants to win.

Charlie Mitchell stated that he wanted to thank Board of Selectmen for their dedication and hard work.

**Interview - John Weston – Planning Board/ZBA?** - John Weston had sent a letter of interest in September about serving on either the Planning Board or the ZBA, but wasn't sure which he would prefer. It had been suggested that he attend a meeting of each board to help him make up his mind. Mr. Weston did attend a Planning Board and a Zoning Board meeting. Planning Chair Nancy Girard and ZBA Chair Betty Hackett were present for the interview.

Mr. Weston briefly described his experience and background.

The Chairman of each board explained the functions of the boards, after which Mr. Weston felt he would like to serve on the planning board.

**MOTION – Selectman Abbott moved to appoint John Weston as an alternate on the Planning Board. Selectman Guarino seconded. Motion passed 3-0.**

**Interview – Laurie Churchill – Conservation Commission** – Laurie Churchill had sent a letter of interest to serve on the Conservation Commission. She briefly described her background and experience, and why she felt she would like to serve on the conservation commission.

**MOTION – Selectman Abbott moved to appoint Laurie Churchill as an alternate to the Conservation Commission. Selectman Guarino seconded. Motion passed 3-0.**

**Approval of Minutes**

**MOTION – Selectman Abbott moved to accept the minutes of January 11, 2010 as amended. Selectman Guarino seconded. Motion passed 3-0.**

**MOTION- Selectman Abbott moved to accept the minutes of January 19,2010 as drafted. Chairman Hatch seconded. Motion passed 2-0. Selectman Guarino did not vote, as he had not been present at the meeting.**

**MOTION – Selectman Abbott moved to accept the minutes of January 21, 2010 as drafted. Chairman Hatch seconded. Motion passed 2-0. Selectman Guarino did not vote, as he had not been present at the meeting.**

**Ball Room Dancing** - Tim informed Rachel that while she had been at her school board meeting, Mr. Barton had addressed the Board about holding ballroom dancing upstairs in the Academy Building twice a month on Saturday nights beginning the end of February. Tim said there would be no alcohol at the dances.

There was a brief discussion about the rental of the Academy Building, and the need to require anyone renting the building to provide liability insurance. Tim stated that people could get insurance for a one-time event through LGC for around \$10. It was felt the application form for the building rental should be updated, and liability insurance should be a requirement.

The Selectmen approved the request for the use of the building for the dances providing they did not interfere with any activities previously scheduled, but denied the request, as had been the practice, to allow advertisement on the town website.

**Intent to Cut** – The Selectmen discussed the intent to cut for the Williams property. After a brief discussion, it was decided that Don would do a site visit, and speak with the logger, after which the issue would be discussed.

**Code Enforcement Hours** -There was a brief discussion on Mr. Wilkins statement that the Selectmen were going against the vote at town meeting to reinstate the Code Enforcement officer to three days a week. It was stated that they adhered to the people's wishes and had kept Bob's schedule to two days a week for the 2009 budget, which was what the townspeople had voted on. The added day is for the 2010 budget. It was stated that they had tried what the residents wanted, but it did not allow enough time for Bob to do all the inspections, address code enforcement and safety issues. Selectman Guarino added that they had another request tonight for Bob to be able to assist another board (HDC) with enforcement issues, which he can't do with just two days a week.

**Co-Op Abatement** – Tim had a copy of a letter from our contract assessor George Hildum to Skip Sansoucy, who does the appraisal of NH Electric Co-op lines and poles. He said the Co-Op had applied for an abatement for 2008, which is just coming to a hearing. He said George had answered his section of the interrogatories, and is forwarding the letter to Mr. Sansoucy to answer his section, and it will then go to the Board of Tax and Land Appeals. Tim said because the co-op has applied for an abatement in every town they own property in, and they are going to ask the Board of Tax and Land Appeals to do it as a joint suit to keep the expenses down.

**Safety – Town Offices** – At previous meetings the Selectmen had discussed measures that could be taken in an attempt to provide more safety in the town offices. There had been several suggestions that had been made to the Selectmen, which included, installing safety glass on the tops of the counters, having only a half door into the office and conducting business at the door, and adding a half door at the end of the counter, extend the counter around the corner, but have the counter over the half door lift to allow access through the half door. Quotes were gotten for all three scenarios. The Selectmen agreed to start with the half door and extended, lift up counter. The price to do that was just under \$900. It was the consensus of the Selectmen to have JR Stockwell do the extended lift-up counter and half door.

**County Dispatch Services – Gilford** – Tim informed the Selectmen that he had received a copy of a letter Gilford had sent to the Belknap County Commissioners informing them that the Gilford Police Department asked be able to use the County Dispatch services from 11pm to 7am on a daily basis. Gilford was told that the Sheriff's office does not currently have sufficient resources to provide the Town with dispatch services to safely meet their needs during the 3<sup>rd</sup> shift time period. The letter noted that the County (through the Sheriff's Office) has a history of providing dispatch services on a full-time and part-time basis to several communities, it is mandated that Gilford pay for those services. They feel that is unfair as Gilford pays 16.3% of the dispatch budget. Gilford is asking for either a rebate for a portion of their payment, or that a service fee be imposed on other communities that utilize the County Dispatch services. Gilford is asking for a solution whereby each community will have an opportunity to obtain services in direct proportion to the costs related thereto.

**Proposals – Safety Building** – There was a very brief discussion about the proposals for the safety building.

**8:55 pm – MOTION – Selectman Abbott moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk

