

**APPROVED**

**Board of Selectmen  
1 February 2010  
Minutes**

**6:00 pm** - Chairman Rachel Hatch called the meeting to order. Present were Chairman Hatch, Selectmen Betty Ann Abbott, Don Guarino, Town Administrator Tim Warren and Clerk Lois Dionne.

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

**6:03 pm - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

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

The Selectmen discussed a personnel issue with Police Chief Phil O'Brien and Fire Chief KG Lockwood.

**6:40 pm – Out of Non-Public Session**

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

**Roof Repairs – Recycling Building & IW Fire Station**

Chief Lockwood had been asked to get estimates to repair the metal roofs at the recycling center and the Iron Works fire station. Chief Lockwood had an estimate for the repairs. After a brief discussion about what the job would involve, it was decided that we should try to get at least two more estimates. Selectman Guarino will call two other companies who specialize in metal roofs to get estimates.

**Canterbury Perambulation** – Tim had a draft copy of the 2009 Gilmanton-Canterbury Perambulation Dave Nagel had dropped off for the Selectmen's review. He said Dave would get the Belmont-Gilmanton perambulation done when the snow melts, and hopes to have the Barnstead-Gilmanton perambulation done by next fall.

**Cable Service** – Tim informed the Selectmen that a resident on Dow Road had been trying to get MetroCast to run cable service to their home, but MetroCast wouldn't run

the wire because there aren't enough dwellings on the road. He said the resident had spoken with ComCast, who provides cable service for Loudon, and they are willing to run their wire 1600' to their house. The only problem is that Gilmanton has a contract with MetroCast. Tim said he had called MetroCast, and they will send a map that will indicate the areas of the town to which they provide service. He said the gentleman he had spoken with at Metrocast had faxed him a copy of a letter that they (MetroCast) sent out to the resident on Dow Road authorizing ComCast to provide service to them. The letter stated that MetroCast had done a survey of the residence, and due to the distance from existing MetroCast Cable facilities, they are unable to offer service to the resident, and didn't object to ComCast providing the service, but ComCast has to obtain all the approvals from the Town before offering the services. Tim was asked to send a letter to ComCast authorizing them to provide service to the resident.

**Warrants** – Tim distributed draft copies of the warrant for the Selectmen to review. There were five petition articles. Tim informed the Selectmen that he had received a petition warrant article Friday asking the Selectmen to vacate the position of code enforcement officer, health officer, and building inspector held by Bob Flanders, and to secure a new position to be held by Fire Chief KG Lockwood, which would allow Chief Lockwood to work in conjunction with his current schedule to necessitate the duties as CEO, building inspector and health officer into his five-day workweek for an additional stipend of \$12,000 per year. Tim said he had spoken with Town Counsel, and because it is a petition warrant, it has to be put on the warrant, but it is not a legally binding article because Town Meeting cannot designate what the Selectmen do with personnel.

**7:00 pm -Public Input** - Chairman Hatch opened public input. Before anyone spoke, she stated that she felt it was inappropriate that, at last week's meeting, members of the public had verbally attacked the Board of Selectmen, and she would not allow it any more. She said members of the public could say anything they wanted to the Board, but she wanted it done in a respectful manner.

**Building Permit** – John Wilkens asked if there was an answer to the question he had asked last week about a building permit. Chairman Hatch replied that she had spoken with the building inspector, and he had told her that a stop-work order had been issued, but a building permit had not been applied for at this time. Mr. Wilkens asked if anything else had been done. He was told nothing had been done. Mr. Wilkens asked if the Town planned to do anything, and was told he would have to speak with the building inspector.

**Building Inspector's Hours** – Claire Wilkens asked why, when the town had voted Bob down to two days a week at town meeting last year, he was put back to three days a week. Chairman Hatch said the 2009 budget had been cut in that line item, but having sought legal counsel after Town Meeting, the Selectmen had been told they didn't have to cut that line item, but did have to cut that amount out of the budget. She said that out of

respect to the wishes of the 2009 budget and Town Meeting, the Board had decided to cut that position back to two days. Rachel added that the Selectmen saw how that decision had wreaked havoc throughout the year for residents and contractors and other town boards who were not able to access the building inspector because of his reduced hours. She said this a new budget year, 2010, and the Selectmen, when drafting their budget, had unanimously decided to reinstate the position to three days a week, to deal not only with building inspections, but to deal with code enforcement and health issues. Claire Wilkens asked if there were that many new building permits that he needs that much time. Rachel responded that it is not just new building permits, which is what people don't seem to realize. She suggested that if someone wished to know what Bob does for three days a week, they call him, set up an appointment and discuss what he does.

Brett Currier asked if Bob got paid holidays. He was told Bob does if they fall on his regularly scheduled workday. Brett asked why the Selectman would allow Bob to choose Monday as one of his workdays when most all the holidays fall on a Monday; he felt that should be changed. Rachel explained that the current Board had not hired him, so she wasn't aware of what arrangements were made with Bob. Tim said one of the reasons he worked Monday was to be able to inspect any work that had been done over the weekend, and he worked Thursday to be able to inspect work that had been done before the weekend.

Brenda Currier stated that made sense to her, but questioned whey some part-time employees get paid for holidays and others didn't. Tim explained that all regular part-time employees of the town get paid for holidays if the holiday falls on their regularly scheduled workday.

**Intent to Cut** – Brett stated that the reason for his presence at the meeting was to ask the Board if he could get an intent to cut that he submitted today signed so his logger could start work tomorrow. Rachel and Betty Ann had already signed the intent, and Don signed it while Brett was here.

**Conservation Easements** – Pete Pinckney had questions and concerns about the process behind the Selectmen signing conservation easements. He said the Selectmen were scheduled to sign an easement tonight, but when he had come into the Selectmen's office today to look at the easement, the Selectmen didn't have a copy. Pete was concerned that there are no public hearings held and nobody, not even the Selectmen, see these easements before they are accepted. He was concerned about the liability issue of these easements, and that people can put virtually any restrictions they want into these easements. He was especially concerned with the banning of hunting in many of these easements. Tim Warren explained that the easement is usually worked out with the property owner, the conservation commission and whatever other company might be holding the easement. This is then reviewed by Town Counsel, and after his approval is then brought to the Selectmen to be signed. Pete was invited to stay to the meeting with Nanci Mitchell.

**Pay-per-Throw** - Bob Henderson noted that he had seen in the Selectmen's minutes that they are going to propose a pay-per-throw system, and asked if there were to be any public hearings for this. Tim said there would be a public hearing at the Selectmen's meeting on Monday, February 22<sup>nd</sup> at 7:30 pm. This will follow a public hearing for the bond issue for the proposed public safety building that is to be held at 7:00 pm. Mr. Henderson was informed that there would be two warrant articles presented at town meeting for the recycling center. One would be to establish a special revenue fund for all proceeds from the recycling center to go back into that fund to support the facility; the other article is to institute a pay-per-throw program. There was a brief discussion about the articles and that the purpose for the articles is to get the recycling center to be self supporting.

**Warrant Article** – Laurie Henderson asked if the warrant article that John Wilkens had brought in had been addressed, and asked if the Board could review the details of it. Tim Warren read the warrant article (the one relating to the position of the code enforcement officer), and explained that it would be put on the warrant, but Town counsel had advised that it is not a legally binding article because town meeting cannot designate personnel issues.

**Conservation Easement** - Conservation Chair Nanci Mitchell arrived at the meeting with the Perkins easement for the Selectmen to accept. Pete voiced his concerns to Nanci. It was explained to Pete that the resident still owns the land, which is why there are no public hearings. Nanci stated that when money is spent to acquire the land, a public hearing is held; it is usually a joint board hearing.

Nanci explained that the easement she was presenting to the Selectmen tonight was an easement that had previously been held by the land trust who is trying to divest themselves of any interest in land. When the trust acquired the easement, it was done with the intention that they wouldn't hold the easement forever. Five Rivers conserved part of the easement, so they got that portion and the rest is going to the Town; that has been the understanding for many years. Nanci explained how the easement had come about. She explained that before any easement is accepted the land is inspected to be sure there is no hazardous waste, a title research is done, etc. A lot of work goes into it before the easement is accepted. An easement is reviewed by someone from the forest society, who works with an attorney from the forest society, and in terms of ethics, the commission abides by the Land Trust Alliance guidelines. No easement is ever accepted before Town Counsel reviews it. Pete still felt there should be public review before an easement is accepted.

There was considerable more discussion about easements including restrictions and liabilities associated with holding an easement, also the value to the Town to be able to preserve land for perpetuity. Nanci said she would make copies of the easement for the Selectmen to review. Mr. Pinckney left the meeting.

**8:07 pm** - The Selectmen recessed while Nanci made copies.

**8:11 pm** – Back in Session

Discussion of easements continued.

**MOTION – Selectman Abbott moved that the Gilmanton Board of Selectmen accept the Assignment of Conservation Easement Deed under the provisions of NH RSA 36-A:4, for approximately 15.408 acres of land situated off of Perkins Road as depicted on a plan entitled “A Portion of Tax Map 409, Lot 88, Conservation Easement Area for Gilmanton Land Trust, Off Perkins Road, Gilmanton, I.W., New Hampshire, Belknap County,” by Jeffrey L. Green, LLS, dated June 26, 2009.**

**Selectman Guarino seconded the motion for discussion.**

Discussion ensued. Don felt because a resident had asked, they should read the easement, approximately 15 pages, before signing. Selectman Abbott felt the conservation commission, the land trust and town counsel had reviewed and discussed the easement, and she trusts that they would have made the Selectmen aware of anything unusual about the agreement. She didn't feel she had to read the easement. Rachel said she hadn't understood what the liability could be to the town. The only liability that could be thought of would be if a new owner decided to log the property. Nanci said the conservation fund could be used to help enforce terms of the easement.

**Chairman Hatch called for a vote on the motion. Motion passed 3-0.**

**Intent to Cut – Durrell Mt. Road** – Tim asked Don to report on his meeting with the logger regarding the intent to cut on Durrell Mt. Road. The Selectmen were waiting to sign the intent until Don had met with the logger.

Don reported that he had met with the logger. He called Steve Bedard, and he (Steve) joined Don and the logger when they walked the area of the road involved. He felt they had a very good meeting, and Mr. Bedard felt comfortable that the logger would respect the road. The logger is to talk with the Mitchells regarding a couple of trees on the Mitchell's side of the road that might interfere with a trailer or logging truck entering. The logger spoke with the road agent and agreed to abide by the road agent's posting of the road; he would stop during mud season, and then start up again when it had dried out. Don said the forester said he would be willing to leave a check for a couple thousand dollars with the town guaranteeing he would leave the road in good condition. Since Don could see no reason not to sign, the Selectmen signed the intent to cut for the Durrell Mt. Road property.

There was a brief discussion on the idea of requiring a refundable deposit to guarantee the condition of the road by any logger. It was unanimously agreed that effective

February 1, 2010 the Town would start requiring a “refundable” road deposit from a logger before they are allowed to log off any Town road in Gilmanton. Deposit would be refunded only if there is no damage done to the Town road.

Selectman Guarino phoned Brett Currier to inform him of their decision, as it affected the intent to cut they had signed for Brett tonight. Brett’s logger would have to leave a deposit with the Selectmen before he could begin the logging operation.

**Warrant Articles** – There was a brief discussion of warrant articles.

**Agreement Amendment** – Tim presented the Selectmen with a draft of the amendment to the Morrill agreement regarding the size of the culvert needed in the upgrade of Donovan Road for their review.

There was a brief discussion on the changes to the amendment. Chairman Hatch asked if this impacted the Donovans in any way, and was told it wouldn’t. Selectman Abbott stated that the new owners of the Kelly property had signed a letter of agreement, and asked why that had to do that when the Donovans didn’t. Tim said it because the Donovans had said they would not give permission for any work to be done on their property. He felt there might be work being done on the former Kelly property. Selectman Guarino stated that there would be no work being done on either property. All the work that is to be done would be done in the Town right-of-way. The Donovan’s had said they wouldn’t give permission to have any work done on their property, whereas, the Kelleys had said they would.

Selectman Abbott wanted it stated in the amendment that these represent the only amendments to the original and there are to be no other changes without further consultation. Chairman Hatch asked Tim to have Town Counsel review the changes.

**Blue Bags – Earth Day** – Tim said Betty Ann had asked him when we had to order the blue bags for the earth day clean up. He said he had received the letter today with the information to participate in this year’s program. Tim said this year we have the choice of 400 daffodil bulbs, 50 lilac plants or two elm trees for participating in the program. After a brief discussion, it was decided to ask for the elm trees.

**Ball Room Dancing-** Tim was asked if he had informed Mr. Barton of the Board’s decision on his request to use the Academy Building for ball room dancing and to advertise on the town website. He replied that he has not done it yet.

**9:10 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.

The Selectmen discussed an issue that could be harmful to a resident's reputation.

**9:25 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 above non-public session. Selectman Guarino seconded. Motion passed 3-0.**

**Bond-Bank Questions** – Selectman Abbott said she had called Tim and he was supposed to get some answers to some questions she had regarding the bond bank. She asked if he had gotten those answers. Tim replied that he had not gotten them yet, but would.

**Lawn Mower** – Selectman Abbott asked if the board felt they should budget for a lawn mower in this year's budget to mow the lawn if the safety building passes. After a brief discussion, it was decided that a mower was not necessary.

**Vacuum Cleaner** – Tim felt we needed a vacuum cleaner for the Academy Building. After a brief discussion, Selectman Abbott said she had a small vacuum that she would be glad to donate.

**Frozen Pipes – Academy Building** – The workers who are doing the mold remediation in the Academy Building accidentally hit the shut off switch to the boiler when they left on Friday. As a result we had frozen pipes, and one of them burst. The cleaners discovered this when they came in to clean on Saturday. Tim, Rachel and KG Lockwood were all notified. We had a lot of water, and had to have the oil company (Dutile) come out on Saturday. Chairman Hatch stated that Mr. Dutile had suggested that we hook up an alarm system for the boiler that hooks up to the fire alarm so if it shuts off we would know. She said he had said we should also consider a dual shut off valve.

After a brief discussion, Tim was asked to call our alarm company to get a price to do this.

**Waste-Oil Furnace** – Selectman Abbott asked where we stood in regards to getting a waste-oil furnace for the recycling center. Tim responded that we are working on a grant for the furnace.

**Heat Waste around Chimney** – Selectman Abbott asked if Chief Lockwood had followed up with Paul Callahan about the heat we are losing in the Academy Building due to the space by the chimney. Tim will follow up with Mr. Callahan.

**Grant – Cupola** - Selectman Abbott stated that she had been reminded that the moose-plate grants are open again, and it was suggested that we might want to apply for a grant

for the cupola repair again. Betty Ann said at first she had felt we should, but then talked with Becky Rondstadt, an experienced grant writer, and after the questions Becky had asked her, she (Betty Ann) decided it was futile to apply. The reasons being we had been turned down once on the basis of not being able to demonstrate Town support. The Selectmen had turned it down on the warrant, and the Town voted it down at Town Meeting. When Becky asked what Betty Ann had that was new and compelling that would make a better case, Betty Ann had said she had nothing. She said if we apply for the grant, people would know we applied for the grant, so would vote the cupola repair down at Town Meeting.

There was a brief discussion, and it was agreed that we have no basis to anticipate that we would receive the grant, so we should not apply.

**Ordinances** – Selectman Guarino stated that the planning board had been looking at ordinances that we would be voting on. He said they had talked about the seasonal trailer coach permits, and they thought the ordinance was not being interpreted properly. He said they felt town counsel should look at it because it is too open for interpretation. There is a difference in how the Sawyer Lake Association interprets the ordinance and how code enforcement interprets it.

**Technical Review Board** - Selectman Guarino was also concerned because nothing has been done about setting up a technical review board for Gilmanton. He said we have another situation that was discussed last week, where we should go to a third party for a review. There was a brief discussion about the current situation, and if we need a technical review board. Don wants to advertise for members for a technical review board. He will write up a notice for the papers.

**9:50 pm - MOTION – Selectman Abbott moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk



