

APPROVED

**Board of Selectmen
8 February 2010
Minutes**

5:30 pm - Chairman Rachel Hatch called the meeting to order. Present were Chairman Hatch, Selectman Abbott, Town Administrator Tim Warren and Clerk Lois Dionne. Also present were Police Chief Phil O'Brien, Fire Chief KG Lockwood, Stan Bean, Bill and Jim Hurst. Selectman Guarino arrived around 5:45.

5:32 pm - Enter into Non-Public Session as per RSA 91-A:3, II(d)

Selectman Abbott moved to Enter into Non-Public Session as per RSA 91-A:3, II(d) – Consideration of the purchase, sale or lease of real or personal property which if discussed in public, would likely benefit a party or parties whose interest are adverse to those of the general community. Chairman Hatch seconded. Motion passed 2-0.

The Selectmen, Police Chief, Fire Chief, Town Administrator and Stan Bean, along with Bill and Jim Hurst discussed the bids for the proposed safety building.

6:45 pm – Out of Non-Public Session

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

The committee unanimously voted to have Ricci Construction design/construct the proposed safety building if it is approved at Town Meeting in March.

6:46 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 a code enforcement issue.

6:50 pm – Out of Non-Public Session

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

6:51 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.

7:02 pm – Out of Non-Public Session

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

7:02 pm – Public Input

Roofs Leaks – Selectman Guarino informed the board that he had called two contractors and we should have two more estimates this week to fix the leaks in the tin roofs at the Iron Works Fire Station and the building at the recycling center.

Land Posting – Brett Currier was concerned about land that is in full current use and gets a recreational credit being posted. He stated that the Wilson's property on Meadow Pond Road has been posted, and that is in violation of the current use status if they are getting a recreational credit on the property. Brett said he had checked with the Town Clerk, and it is in full current use. Brett felt this is probably not the only property in town where this is being done, but this is one he knows of.

There was discussion about what happens if people post the land when it has a recreational credit. Tim said that when we are aware of such posting, Cindy removes the credit. Brett felt the public should be made aware that if they get the recreational credit, the land couldn't be posted. Tim said Cindy explains all that to a resident when they come in to apply for the credit. There was a question as to whether or not the Wilsons are aware of the law, as the land had been put into current use when the Funks owned it. Tim will have Cindy check into it.

Pay-Per-Throw – Justin had a price from one company for bags if we vote in a pay-per-throw program. There was a brief discussion on the bags, and the purpose of the program being to offset the cost of tipping fees, shipping, etc, and help the facility to become self sufficient.

Brett Currier asked why the money would not go into the general fund, as it does for ambulance fees, speeding tickets, etc. He was told that we could not establish a pay-per-throw program unless we set up a special account to handle the recycling center income; ambulance fees go into the general fund, but the monies for speeding tickets, etc. go to the State. The Town doesn't get any of that money.

Charge for White Goods – Brett was concerned that the Town charges residents to dispose of white goods (stoves, washers, dryers etc.) because we get paid for those items. He said we should not be charging for items on which we are making a profit.

Justin said we started charging a fee in the late 1990's when we were being charged to dispose of scrap metal. Brett asked since we no longer get charged, why we are still charging the residents? Tim said there is a cost to haul the items, but we do make a profit on them. Justin said he had been discussing dropping the fee for these items, but there was concern that we might get charged again, and would have to reinstate the fee.

There was a brief discussion during which it was agreed that this issue needs to be addressed; we could do away with the charge with the understanding that if/when the Town gets charged, we could reinstate the fee. Justin will work on a new fee schedule for the Selectmen's approval.

ZBA Issues

State Septic Design – Brett stated that he is still baffled that the ZBA requires a state-approved septic design before you meet with them for a variance or special exception. Chairman Hatch stated that the Selectmen had received a letter from the ZBA that she read into the record when she received it. Tim felt the ZBA would be readdressing the issue.

Information – ZBA Packets – Selectman Guarino stated that Mr. Gray had sent a letter supporting Brett's ZBA case, but the letter, which came in Monday's mail, wasn't in the packet to be used as evidence because it was in Chairman Hackett's packet, and she wasn't at the meeting that night.

Brett said he was unhappy because he knew Mr. Gray's letter was coming; it was sent by certified mail in time to make the meeting. The Town received the letter on Monday, and the meeting was on Thursday. He said he had been told the letter hadn't been received, but Brett had the signed receipt.

Don said Mr. Gray had asked him to follow up on the issue. He said he called some of the ZBA members to see if they had seen the letter. Don said it was explained that, procedurally, if a letter doesn't come in a week prior to a ZBA meeting, it doesn't go into the packets, because the members either pick up the packets or they are mailed out a week before the meeting to allow the members time to do a site visit, etc. Because this particular letter hadn't come in until the week of the meeting, it had been put into only the Chair's packet, and the chair wasn't present at this particular meeting. Don felt the ZBA has changed their procedure. Tim Warren stated that the ZBA has discussed their procedure, and the procedure has been changed going forward.

Septic System Fee – Brett was also concerned about the \$50.00 septic system fee. He felt it puts an unnecessary burden on residents. Brett said he heard the reason it had been changed; because Gilmanton has stricter rules for set backs from water bodies than the State. He felt the fee should be applicable only when the lots would be affected by the shoreline protection act. Brett felt the code enforcement officer should be able to look at the blueprint to see if things are right on other lots not affected by the shoreline protection act; he shouldn't have to actually go to the property.

The Selectmen will discuss the matter with Bob.

Lights – Iron Works – Selectman Guarino stated that he had called NH Elec. Coop about the lights in the Iron Works. He said he had spoken with Mr. LeMay, and he (Mr. LeMay) would be in communication with the line people. Tim is also to call Mr. Horton, the contact that we had been given to get the work order.

Belknap County Delegation Meeting – Tim informed the Selectmen that the Belknap County Delegation would be holding a public hearing on Tuesday, February 16th at 6:00 pm to receive input on their 2010 budget.

Request to Waive Interest – Tim informed the Selectmen that we had received a letter from Peter Pflanz who had received a delinquent tax notice for Belknap Builders, LLC for 2008 and 2009 taxes for 22 Buck Lane. The property was deeded to Mr. Pflanz on January 21, 2010. The property had originally been deeded to Mr. Pflanz in 2006, and he paid the 2006 and 2007 taxes, but because of a court case, the court ordered the house be deeded back to Belknap Builders until the case was settled.

Mr. Halloran of Belknap Builders never officially finished the house and didn't receive a certificate of occupancy, nor did he pay taxes on the property. The interest has been accruing at 18%. Mr. Pflanz asked if the Town would be willing to waive the interest so he could bring the account up to date.

The Selectmen discussed the issue, and while they sympathized with Mr. Pflanz, they felt this is an issue that should be settled between Mr. Pflanz and Belmont Builders.

Town Report Information – The Selectmen briefly discussed the dedication for the town report, and a picture for the cover.

Water Damage – Don noted that there were checks for the plumber and the furnace company to come out because of the damage done when the mold remediation company accidentally shut off the switch to the boiler. Tim said it was agreed that we would pay the bills, and deduct the amount from the check we pay the remediation company.

Chimney – Selectman Abbott asked if we had gotten anyone to repair the chimney. Tim said that Bill Booth had come in today to look at it with members of the fire department and Bob Flanders, and we would be getting an estimate to do the repair.

Approval of Minutes – The Selectmen reviewed the minutes of the last couple of meetings.

MOTION – Selectman Abbott moved to approve the minutes of January 25, 2010 as amended. Selectman Guarino seconded. Motion passed 3-0.

MOTION – Selectman Abbott moved to approve the minutes of February 1, 2010 as amended. Selectman Guarino seconded. Motion passed 3-0.

Request Form – There was a brief discussion about residents requesting information at the Selectmen's meetings. Chairman Hatch said she wants, going forward, to have any requests for information put in writing. She said she had sent Tim a copy of an information request form and she wants us to start utilizing that form, so we will have a record of what is requested and by whom.

Agreement Amendment – Selectman Abbott asked if Tim had sent the draft of the Agreement Amendment with the Morrills to Town Counsel for review. Tim replied that he has not sent it yet.

Blue Bags – Earth Day – Selectman Abbott asked Tim if he had sent in the application for the blue bags for Earth Day. Tim said the form would be sent in tomorrow.

Technical Review Board – Selectman Abbott asked if Don had written up a notice for the proposed technical review board. There was a brief discussion about setting up the review board. Don will write the notice.

Email – Terri Donovan – The Selectmen received an email from Terri Donovan regarding statements in the minutes about work that is to be done to expand the culvert the Morrills need to have installed on Donovan Road in conjunction with the upgrade of Donovan Road. There was concern about work to be done near a stone wall. Mrs. Donovan sent pictures of the wall and the pin indicating her property line. Mrs. Donovan also sent an article from the 21st annual Municipal Law Lecture Series, Fall 1996 that specifically deals with stone walls.

The Selectmen discussed the email and article, and reviewed the pictures, after which Selectman Guarino reiterated that there is to be no work done near the stone wall; it will all take place within the Town's right-of-way.

Selectmen's Minutes – Chairman Hatch addressed an email that had been received from Pete Pinckney in which he asked to meet with the Selectmen at their next meeting to

be allowed the opportunity to offer review and input on the February 1, 2010 minutes prior to the Selectmen approving them. Chairman Hatch said the meeting minutes are the body's minutes, and it is the body (the selectmen) that decides what goes into them, as long as the minutes meet the very basic requirements which is the date, time, place, names of persons in attendance, a brief description of the subject matter discussed and final decisions made. No citizen has the right to dictate that anything go into a body's minutes.

Selectman Abbott suggested that this information be forwarded to Mr. Pinckney.

8:35 pm – Break

8:40 pm – Back in Session

Warrant Articles – The Selectmen discussed the “Super Saturday” Budget meeting that had been held on Saturday. The warrant articles that are to be presented at Town Meeting were reviewed, and a couple of wording changes that had been suggested on Saturday were made to the articles.

9:20 pm – MOTION – Selectman Abbott moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk