

**APPROVED**

**Board of Selectmen  
29 March 2010  
Minutes**

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

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

Chairman Abbott stated that in an attempt to control the sort of problems the Selectmen have had during the past year with the same people coming back week after week about the same issue, or asking questions of the Selectmen that they could have gotten answers to by going through the proper channels, she had statements that she would be reading at the beginning of each meeting, and at the beginning of public input; she read “This meeting of the Selectmen of the Town of Gilmanton is now open, and the matters presented and discussed here shall be for the purpose of managing the prudential affairs of the town and to perform the duties by law prescribed.”

**FYIs & Other Business**

**Belknap County Report** – Tim informed the Selectmen that we had received a copy of the 2009 Belknap County Commissioners Report.

**Blockage – Sawyer Lake Road** – Tim reported that he had called and left a message for Mr. Milliken about the boulders that Brett Currier had put on Sawyer Lake Road. Tim said he had also informed the road agent that the road had been blocked. Selectman Abbott noted that the Town could not legally ask Mr. Currier to remove the boulders, as that section of the road has been discontinued.

**Cupola Bid** – Tim stated that Mr. Fifield, who had bid on the repair and replacement of the cupola last year, is still interested, and will review their quote to see if there would be any changes.

**Striping** - Tim said he had called Lakes Region Striping, and had left a message about the striping for the parking lot at the new public safety building, but hadn’t heard anything back from them yet. Chairman Abbott stated that she thought John Ricci was to take care of the striping.

**Lights – Iron Works** – Tim informed the Selectmen that a man from the NH Electric Co-Op (NHEC) had been in today regarding the lights in the Iron Works. A work order had been issued for the work on the same work order to remove some lights in the GYO Park, but somehow the work on the lights in the Iron Works did not get done, but the work order had been submitted as completed. NHEC is now aware of it, and the work will be done. Tim said they also plan to put shields on the lights on Route 140.

**House Bill 1335** – Tim informed the Selectmen that House Bill 1335 had passed the NH House. He said this bill would allow towns, if they wish, by a vote at town meeting, to change the interest rate charged on delinquent taxes.

**Information Pamphlets** – Tim had a pamphlet on the disposal of sharp objects that he said Justin Leavitt wanted permission to hand out at the recycling center. Justin had found a used syringe in with the mixed paper. The pamphlet explains how to dispose of these items. The Selectmen approved the distribution of the pamphlets.

**Recycling Revenue** – Justin Leavitt had submitted a report showing that he had received \$3,596 year-to-date from the disposal of construction debris, propane tanks, electronics, tires, etc.

**Floor Scale** – Tim said Justin had been looking into floor scales so he could weigh his bales to ensure a more accurate account of what is going out. He got a quote from NE Scale of \$2,400, including freight. After a brief discussion, the Selectmen said it was something they could put in the budget next year.

**Hazardous Situation** – Tim had a letter from Robert Baldwin of Pancake Hill Road who was concerned about a tree that had broken off and lodged itself over Pancake Hill Road about a half mile from Route 129. He felt this tree presents a dangerous situation to car and foot traffic on the road. Mr. Baldwin asked the selectmen to review the situation. He included pictures of the tree in question.

There was a discussion as to whether this was the responsibility of the property owner, or if the Town had a responsibility to ensure that there was no danger to residents driving or walking the road. Tim will call Mr. Baldwin, and Selectman Guarino will check the road.

**Brittany Phelps - Municipal Energy Assistance Program** – Present were Brittany Phelps from the Municipal Energy Assistance Program, and Amy Russell and Paul Callahan from the Gilmanton Energy Committee.

Ms. Phelps stated that the assistance program is made possible through NH Public Utilities and the Regional Greenhouse Gas Initiative (RGGI). She explained how the program helps municipalities, through an energy audit, determine where we are spending money, and ways to save. She said information is gathered on the utilities in the Town

buildings, the use of fuel for town vehicles, etc., for her to do a report, and then it would be determined which buildings might be eligible for an audit. Lakes Region Thermoscan has already done an audit of the Academy Building, and that audit could be combined with the Municipal Energy Assistance audit. Ms. Phelps thought there is a second round of grant money coming out, and there would probably be two more in May. The Energy Program would be able to offer assistance in applying for grants.

Chairman Abbott encouraged Ms. Phelps to work with the Energy Committee, and they could get the information to the Selectmen as necessary. Tim will be Ms. Phelps' contact person in the Selectmen's office.

**Recycling News Article** – Tim had a draft of an article Justin Leavitt would like to put in the papers regarding the acceptance of the #1 thru #7 plastics. The Selectmen reviewed, amended and approved the article for the newspaper.

There was a brief discussion of recycling in general, and whether glass and cans could be separated during the earth day clean up, which will take place in April.

**Public Input** – Chairman Abbott read the following statement that will be read at the opening of public input.

“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 in public input. The Selectmen reserve the right to end testimony during public input at their sole discretion. No vote will be taken on any matter brought in through public input unless a dire emergency requires such action. Residents with existing cases or applications shall use the channels established for appeal or submission of new information in their cases.”

**Bonding Issue** – Wayne Gray inquired about the bonding for the public safety building. Chairman Abbott said it was going forward. We received a quote of a 2.53% interest rate from Laconia Savings Bank, and we are still going forward with the application to the Municipal Bond Bank.

**Clerk of the Works - Public Safety Building** – Wayne Gray said Tim had told him that they (Selectmen & Safety Bldg. Committee) were considering not having a clerk of the works for the public safety-building project. Chairman Abbott stated that it had been agreed at the last joint meeting that they didn't need a clerk of the works. They felt they would have enough oversight on the project between, the code enforcement officer, Chief O'Brien, Chief Lockwood and the Selectmen that they didn't need to bring in another person. Mr. Gray felt there would be a conflict of interest for Bob Flanders because he would be inspecting his own opinion. Chairman Abbott stated that Bob would be working as code enforcement officer only, doing inspections.

**Concrete Pad – Recycling Center** – Mr. Gray expressed concern that the pad at the center should be covered, and wondered if the warrant article would allow the Selectmen to use money, if there is any left over from the concrete pad, to put a cover over it. Chairman Abbott asked Tim to look into it. Mr. Gray asked if Justin had heard from DES regarding the concrete pad. He was told Justin has heard nothing yet.

**Approval of Minutes** – The Selectmen reviewed the minutes of the last meeting.

**MOTION – Selectman Guarino moved to approve the minutes of March 22, 2010 as amended. Selectman Hatch seconded. Motion passed 3-0.**

**Appointment Letter** - The Selectmen signed Mr. Gray's reappointment letter as an alternate on the Zoning Board. There was a brief discussion during which the need for all the Town Boards to work together in a respectful manner was stressed.

**Flag Project** – Selectman Hatch asked if Tim had contacted Fred Buchholz about the flag project. Tim replied that he hadn't, but would.

**Budget Committee Concerns** – Chairman Abbott reported that at the last budget committee meeting of the year, Stan Bean had been reelected as chairman and Brian Forst vice-chair. She said the formats of the school warrant and the town warrant are very different, and the budget committee would like them to be the same; the committee favored the format of the town warrant because it included both the budget committee recommended amount and the Selectmen's recommendation, but the school only has the budget committee recommendation. She said they had also discussed the perception that after the Selectmen meet with the budget committee, they (Selectmen) come back and change their numbers to agree with the budget committee's recommendation; this is not the case. There was a brief discussion about the capital and non-capital reserve accounts.

**Charles Jean** – Mr. Jean stated that he had received a gift of property in 2005, and he had bought the abutting property with the intention of building a home. He said he had gotten a state-approved septic design plan, then found out he had to get a variance from the Zoning Board; he was denied the variance, so had given up and bought a house in Belmont. Mr. Jean said he has had three or four interested buyers for the property; one had signed an agreement, and called the Selectmen's Office, and spoke with the building inspector. Mr. Jean was concerned because the prospective buyer had been told the land wasn't buildable. He felt that and other comments the building inspector had made caused him to lose the sale. He said he had an affidavit from the gentleman about the conversation.

After further discussion, during which Mr. Jean was told that the tax card and information about the ZBA decision is all public information, the Selectmen told Mr. Jean that upon

their receipt of the affidavit, they would speak with the building inspector about the incident. Tim will send Mr. Jean a copy of the ZBA ordinances.

Mr. Jean suggested that rather than build a roof over the concrete slab at the recycling center, they consider installing a galvanized containment system; it is cheaper than a roof. He briefly explained the system. The Selectmen asked Mr. Jean to speak with Justin about the system.

**Chimney** – Tim reported that the work on the chimney had been done last week.

**Meeting** – Chairman Abbott stated that the meeting with herself, the fire and police chiefs and John Ricci had been rescheduled for Wednesday at 9:00 am.

**Power – Safety Bldg. Site** – Don asked the procedure for getting electrical power to the safety-building site. Tim replied that he had been in contact with NHEC, and had gotten a work order number. Chairman Abbott stated that Paul Darbyshire would stake the driveway and corners of the building, and where the pole goes; he will meet with the Co-Op person on site. Tim said he was asked if we wanted temporary power; he told them we did. Selectman Guarino stated that the contractor usually provides the temporary panel for the power. Weather permitting, construction is expected to begin the second or third week of April.

**Bond Application** – Chairman Abbott asked Tim how he was doing on the bond application. He replied that things were going good; he and Jen have been working on it, and they are waiting for information from the school before they can complete it.

**Communication** – Chairman Abbott suggested ways, with the Selectmen's office the hub of communication, to maintain good communication with staff and other boards and committees. Selectman Guarino's participation in the Public Safety Building Project was also discussed emphasizing the importance of communication, and how the selectmen can communicate, given the Right-to-Know rules and regulations. It was suggested that Tim and Lois could help disseminate information amongst the board members, without an inappropriate back and forth discussion or decision taking place. Selectman Hatch reminded the Board that, in the case of a true emergency, the usual posting requirements for a meeting are reduced to 12 hours or suspended altogether, depending upon the severity of the situation.

**Weekly Meetings** – Chairman Abbott stated that there would be weekly meetings on Wednesdays, once ground has been broken for the Safety Building to discuss the progress of the building. She requested that Don be at those meetings.

**Cupola** – Selectman Hatch mentioned that last week the storage of the cupola had been discussed; there was concern about securing it from vandalism, and she asked if they should pursue it further. Don said he would talk with Paul Perkins about the possibility of storing it in the old salt sand shed and locking it up.

**Current Use Applications** – Selectman Guarino asked who makes decisions on the current use applications. Tim said Cindy Bedford reviews all the applications.

**Top Coat Paving – New Public Safety Building** – Selectman Hatch wanted to be sure that the residents remembered that the Selectmen would be coming back to them for money for the topcoat of paving at the new public safety building. Tim had a copy of the minutes of Town meeting, and it is stated on page 4 under Article #6 in the minutes.

**Conservation Easements** – Tim reported that he had received two emails and a phone call from Pete Pinckney this afternoon. Tim gave the Selectmen a copy of a letter from Mr. Pinckney along with information, from a well-known authority in land use, concerning conservation easements. Chairman Abbott felt there are some issues that need to be addressed concerning easements, but they needed to be addressed at a federal rather than a local level.

**Planning Board Agenda** – Tim said he had spoken with Planning Board Clerk Desiree Tumas, and the Safety Building is on the agenda for discussion and review at the April 8th planning board meeting. The hearing to approve the plan will take place in May.

**8:45 pm - Enter into Non-Public Session as per RSA 91-A:3, II(e)**

Selectman Guarino 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. Selectman Hatch seconded. Motion passed 3-0.

The Selectmen discussed a legal issue.

**8:46 pm – Out of Non-Public Session**

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

**8:48 pm - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectman Guarino 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 Hatch seconded. Motion passed 3-0.

The Selectmen discussed a personnel issue.

**9:15 pm – Out of Non-Public Session**

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

**9:16 pm - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectmen Guarino 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 Hatch seconded. Motion passed 3-0.

The Selectmen discussed a personnel issue.

**9:21 pm – Out of Non-Public Session**

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

**9:22 pm - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectman Guarino 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 Hatch seconded. Motion passed 3-0.

The Selectman discussed a personnel issue.

**9:24 pm – Out of Non-Public Session**

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

**9:25 pm – MOTION – Selectman Guarino moved to adjourn the meeting.  
Selectman Hatch seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk

