

APPROVED

**Board of Selectmen
17 May 2010
Minutes**

6:00 pm - Chairman Abbott 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.”

Present were Chairman Abbott, Selectman Rachel Hatch, Town Administrator Tim Warren and Clerk Lois Dionne. Selectman Guarino arrived at 7:15 pm.

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

6:02 pm - Enter into Non-Public Session as per RSA 91-A:3, II(c)

Selectman Hatch 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. Chairman Abbott seconded. Motion passed 2-0.

The Selectmen discussed a tax agreement with a resident.

6:15 pm – Out of Non-Public Session

Selectman Hatch moved to come Out of Non-Public Session. Chairman Abbott seconded. Motion passed 2-0.

6:17 pm - Enter into Non-Public Session as per RSA 91-A:3, II(c)

Selectman Hatch 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. Chairman Abbott seconded. Motion passed 2-0.

The Selectmen briefly discussed the properties that had been visited on Saturday that are scheduled to go to tax if taxes are not paid before the deadline.

6:26 pm – Out of Non-Public Session

Selectman Hatch moved to come Out of Non-Public Session. Chairman Abbott seconded. Motion passed 2-0.

6:27 pm - Enter into Non-Public Session as per RSA 91-A:3, II(c)

Selectman Hatch 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.

Chairman Abbott seconded. Motion passed 2-0.

The Selectmen discussed a tax agreement with a resident.

6:50 pm – Out of Non-Public Session

Selectman Hatch moved to come Out of Non-Public Session. Chairman Abbott seconded. Motion passed 2-0.

6:51 pm - Enter into Non-Public Session as per RSA 91-A:3, II(c)

Selectman Hatch 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.

Chairman Abbott seconded. Motion passed 2-0.

The Selectmen discussed a zoning issue.

6:52 pm – Out of Non-Public Session

Selectman Hatch moved to come Out of Non-Public Session. Chairman Abbott seconded. Motion passed 2-0.

FYIs

Flags – Selectman Hatch stated that she had spoken with Fred Buchholz regarding the flags. The flags are up in the Corners, and they will be working on the ones in the Iron Works.

Trustees of Trust Funds – Selectman Hatch stated that the trustees had withdrawn the Town monies from the New Hampshire Public Deposit Investment Pool, and had converted the capital reserve funds into CDs, which are bringing in more money.

Recycling Committee – Selectman Hatch said she had not attended the recycling committee meeting, but had spoken with Andrew Stockwell. Andrew was elected chairman of the committee, and he had told her that he felt they had accomplished a lot at that initial meeting. Tim informed the Board that there are three members of the

Recycling Committee, Israel Willard, Andrew Stockwell and Lori Baldwin, who plan to attend the NRRA conference in Manchester.

7:00 pm - Public Input – Chairman Abbott 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 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.”

Present for public input were Brett & Brenda Currier, Steve Bedard, Phyllis Buchanan, Tom Scribner, Mickey Daigle, Israel Willard, Police Chief O’Brien, Andrew Stockwell, Justin Leavitt and Michael Gordon.

Building Review Committee – Steve Bedard stated that he and Tom Scribner were here because at one point there had been talk about forming a committee to review all the town buildings, and they wondered if that would still be possible. He said that he, Tom Scribner, Israel Willard and John Dickey would be willing to serve on the committee. He felt if it were advertised, we could get more interested people to serve. The purpose of the committee would be to review all the buildings, and make recommendations and develop a plan for repairs. Chairman Abbott asked if that would be in line with the Capital Improvement Plan. Steve replied that it would be. Chairman Abbott said one of the top priorities is energy efficiency. She said the Selectmen would take it under serious consideration and get back to Mr. Bedard.

Flag – Academy Building – Israel Willard stated that on Election Day in March he had noticed the flag was not on the flagpole in front of the Academy Building. He noted that the flag was still not up; it is a simple fix, and asked why the Selectmen haven’t addressed it.

Tim said we were aware of it, but hadn’t been able to get hold of someone with a bucket truck to get up there to fix the flag. He said he had been given the name of Scott Hebert, who had fixed it the last time, but that Tim hadn’t gotten hold of him yet.

Israel said it is inexcusable to have it down for two months. Chairman Abbott asked that Tim make it a priority item.

Black Bags – Recycling Center - Israel Willard expressed concern about the discontinued use of black bags at the recycling center that is supposed to go into effect on June 1st. He stated that he, personally, felt it to be a “slap in the face” to the recycling committee before they even get started, not giving them a chance to get people to recycle more. Mr. Willard stated that the discontinued use of black bags is ridiculous because

commercial white bags are just as strong as the black bags, and you can't see through them either.

Chairman Abbott stated that the reason for the ban was that illegal materials, computers, hazardous waste, construction materials and other items were being disposed of in black bags. She said it is illegal according to the State RSA, the Town bylaws and against our contract with the Co-Op, and we need to put a stop to the illegal dumping. Chairman Abbott said we had to put an extra person at the compactor to open and check the black bags. Israel stated that it is illegal to open the bags, and we should check with town counsel. Chairman Abbott said they would check into it.

Chairman Abbott stated that the decision had been to assure what was going into the compactor, and had not been a "slap in the face" to the recycling committee. She said they have the right to prevent illegal materials being put into the compactor.

Brenda Currier expressed concern about the safety of the employees jumping into the compactor to retrieve the bags. Recycling manager Justin Leavitt said they have a hook they use to pull the bags out. Brenda agreed with Israel about the black bags, she said she uses a white compactor bag, and you can't see through it. Brenda stated that she didn't think people were given enough time, and asked what people are supposed to do with all the bags they have. She said we should wait until at least the end of the summer.

Chairman Abbott said the Selectmen are looking for a solution to the problem, and were happy to hear suggestions.

Brenda asked about the frequency of illegal items being put into the compactor. Justin said they have a minimum of five bags a day with illegal items.

Brett Currier felt that it hurts when the Town "hammers" people, which he felt was being done, by the exorbitant fees that are being charged to dispose of items.

Brett was told that the fee schedule had been changed to reflect what it costs the town to dispose of the items. Brett expressed his dissatisfaction with the fees being charged for bulky waste items; he felt there was no "rhyme or reason" for the way they are charged.

There was discussion about the need to have an employee at the compactor, and if something looked suspicious opening the bag, fines for illegal use; the ordinance states that illegal dumping is punishable by a fine of up to \$3,000.00.

Justin stated that Goodwill takes computers free of charge. He said they have been handing out fliers informing residents of that.

Mr. Bedard agreed with Brenda about the bags. He said it wasn't economical putting things such as insulation into the little white bags, and asked if they could put it loose into

the compactor from buckets like they used to. He was told there could be no loose trash in the compactor because it flies back out. He asked about the possibility of putting a cover over the compactor to prevent this.

Complaint Forms – Israel Willard was concerned about the complaint forms that the Town uses for residents to issue a complaint. He didn't feel a complainant should have to sign the form; it prevents complaints from being filed. Mr. Willard felt the building inspector could check out the violation, and if it is something that has to be prosecuted, then ask for a signed complaint.

Black Bags - Mickey Daigle asked about the procedure for enforcing the fine against illegal dumping. He said he usually goes to the transfer station on Wednesdays, and two out of the last four times he had been there, nobody was at the compactor, so it wouldn't matter what kind of bags you were using. Justin said he has addressed that problem, and there is always someone stationed at the compactor.

Mr. Scribner felt it is too soon to implement the no black bag policy, and the employees shouldn't be opening the bags. He said they could ask people to open the bags, and if they refuse, then we could refuse to let them dump them. He felt many people are unaware, and they need to be educated; the employees should be vigilant, and violators should be fined.

Complaint Forms -Mr. Scribner agreed with Mr. Willard that there is no reason a citizen should have to sign a complaint form if there is a violation.

Brett Currier felt it is a good idea to have people sign complaint forms to avoid having frivolous complaints. Chairman Abbott felt that was why the policy was instituted.

Black Bags - There was considerable more discussion about the use of black bags, how to control the illegal dumping, fines and charges for bulky waste, and the use of volunteers at the center. There was also discussion of members of the recycling committee getting involved at the center to promote recycling, and having to take trash back home because the compactor was full.

7:40 pm – Chairman Abbott closed Public Input.

Library Trustees – Thomas Scribner and Phyllis Buchanan met with the Selectmen. Mr. Scribner stated that the library trustees are trying to get their “financial house” in order, and set up policies and procedures. He said they are going to the meeting the State is to hold on June 3rd for trustees. Mr. Scribner asked if the Town could receive, and pay the utility bills for the library, and the library reimburse them on a quarterly basis.

There was a brief discussion during which it was stated that we have never done this for any other group or trustees. It was also stated that the library bills have always been paid

on time. Mr. Scribner said isn't a matter of paying the bills on time, but rather a matter of setting up policies and procedures. The decision was that it is the trustees' responsibility to pay the bills.

7:42 pm – Break

7:52 pm – Back in Session

7:53 pm - Enter into Non-Public Session as per RSA 91-A:3, II(a)

Selectman Hatch 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.

8:30 pm – Out of Non-Public Session

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

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

Recycling Committee – Due to conflicting schedules, Selectman Hatch cannot attend the recycling committee meetings, so Don Guarino will be the Selectmen's representative on the committee.

Planning Board Fee Increases – Tim presented the Selectmen with a list of proposed increases from the planning board for their approval (copy attached). The increase in fees is to cover the cost that the town incurs to process the applications.

Buildings Committee – Selectman Hatch informed Selectman Guarino that before Don had arrived at the meeting, Steve Bedard has asked about instituting a building committee to review town buildings; she thought it was a good idea especially since the Selectmen are working on the Capital Improvement Plan update. Mr. Bedard, Israel Willard, Tom Scribner and John Dickey have already expressed an interest to serve on the committee. There was a brief discussion on establishing the committee.

MOTION – Selectman Hatch moved to implement a Building Capital Improvement Study Committee to review Town Buildings. Selectman Guarino seconded. Motion passed 3-0.

We will advertise for members for the committee.

Recycling Ordinance – There was a review and brief discussion of the Recycling Ordinance. It was stated that it is basically the same one we have in place now, with just a couple of wording changes. An updated fee schedule will also be attached to the ordinance.

There was a discussion on the use of black bags at the recycling facility. It was felt that the compactor couldn't be sufficiently enclosed to allow material to be dumped loose from barrels. The necessity of cracking down on illegal dumping was stressed. Fines and maybe having a couple of people at the compactor were some suggestions that were discussed. Tim Warren suggested the possibility of having a volunteer at the compactor. There was no decision made on having a volunteer at the compactor. It will be discussed at another time. The Selectmen unanimously agreed to postpone the implementation of banning black bags in the compactor until further notice.

Selectman Guarino stated that on Sunday, May 23rd the recycling committee is going to be giving handouts informing residents that they can get rid of computer monitors for free at Good Will. They are also going to be doing a survey on recycling.

Selectman Hatch suggested that the members of the recycling committee solicit volunteers to assist in educating residents against illegal dumping. She suggested that the recycling committee put out an ad asking for volunteers to assist in educating the public at the facility.

MOTION - Selectman Hatch moved to approve the proposed changes to the recycling ordinance. Selectman Guarino seconded. Motion passed 3-0.

9:15 PM - Enter into Non-Public Session as per RSA 91-A:3, II(A)

Selectman Hatch 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.

9:45 pm – Out of Non-Public Session

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

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

9:46 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.

10:05 pm – Out of Non-Public Session

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

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

Planning Board Fees – Chairman Abbott noted that they had agreed to the changes to the planning board fees, and asked for a motion to accept the change.

MOTION – Selectman Hatch moved to accept the proposed application fees changes for the planning board. Selectman Guarino seconded. Motion passed 3-0.

RSA Wording - Chairman Abbott said she had done some research on RSAs and the meaning when they refer to the Town, legislative body and governing body. She stated that when an RSA refers to either the Town or the Legislative Body, they are talking about the voters; the only time they are talking about the Board of Selectmen is when they are talking about the Governing Body.

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

MOTION – Selectman Hatch moved to accept the minutes of May 10, 2010 as presented. Selectman Guarino seconded. Motion passed 3-0.

Safety Building Site

Top Soil – Chairman Abbott said it had been brought to Tim's attention that the contractor was selling the topsoil from the safety-building site for \$2.00 per cu. yd. on Craig's List. She said she had forwarded Tim's email to John Ricci asking him to comment. Mr. Ricci's reply was that it is common practice for a contractor to sell the extra topsoil that they wouldn't need at the site at a low cost to cover his trucking costs. Chairman Abbott said she had asked Don, and he had agreed that it was common practice; they do the same with fill.

Trees – Chairman Abbot said they had gotten an estimate of \$2,400 from an individual in town to cut down the three big pine trees at the entrance to the construction site. She said she and Tim Warren had agreed that the \$400 savings was not significant enough to warrant having someone else do it. She said she would rather have Ricci responsible for the site; Ricci had someone who would charge \$2,800, which would also include removing the stumps. Chairman Abbott stated that with the changes for the additional gravel, the trees, changes that had to be made to the inside of the building, extra exterior lighting, LED lighting, if everything else stays the same, our cushion is down to around \$6,000.

Don felt that we should run a conduit and do the pad, but not purchase the lights yet. Chairman Abbott said we currently have about \$14,000 in emergency center grant payback. She said Chief Lockwood felt this is very low; the woman in charge of the grant program told them of many things that could be included in the emergency grant program, so we could get much more back on the grant.

Site Plan – Selectman Hatch stated that the planning board had approved the final site plan for the safety building. She said they would like to see the landscaping plan. Rachel said she had explained that we don't have it yet, but would share it with them when we get it.

10:28 pm – MOTION – Selectman Guarino moved to adjourn the meeting. Selectman Hatch seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk

