

**Board of Selectmen
24 May 2010
Minutes**

6:02 pm - Chairman Betty Ann 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, Selectmen Don Guarino and Rachel Hatch, Town Administrator Tim Warren and Clerk Lois Dionne. Also in attendance was Fire Chief Lockwood.

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

6:04 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 with Chief Lockwood.

6:40 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.

Drainage Issues on Rte 140 – Chairman Abbott stated that Dot Willard and Frank Joyce had a discussion before the planning board about the drainage, the culvert that goes across the road and the pitch of the road in front of Mrs. Willard’s property on Rte 140, a state road. She said Mrs. Willard and the Pelletiers, who live directly across the road from Mrs. Willard) have a lot of water issues. Chairman Abbott said they had convinced Mrs. Willard, Mr. Joyce and the Pelletiers that the issue had nothing to do with the public safety building because the drainage from that land goes into a retention pond, and then

into a culvert. Mrs. Willard, Mr. Joyce and the Pelletiers had been asked to come in and share the information Mr. Joyce had gotten and his experiences trying to get the attention of the Department of Transportation (DOT) with the Selectmen.

Mr. Joyce said he had gone to the DOT, and an engineer from Gilford had come down and looked at the problem; she made a report to DOT, and her boss came down and looked at it. She basically said the State wasn't going to do anything about it. Selectman Hatch asked why they weren't going to address the issue. Mr. Joyce said it was basically about money. Mr. Joyce said he wasn't satisfied with that answer, so he asked for her boss to come down, which he did. Mr. Joyce said he agreed there was a problem, but they weren't going to do anything about it.

Mr. Joyce said he called the Governor's office, and they sent a Mr. Campbell to look at the situation. After explanation, Mr. Joyce said Mr. Campbell agreed that there was a problem, but the state wasn't spending money. Mr. Joyce said he wasn't satisfied with that answer, and asked what they could do. Mr. Campbell told him he would see what he could do; this was in the fall before Mr. Joyce was leaving for Florida. As of now nothing has been done.

Mr. Joyce informed the Selectmen that he felt the core readings that had been done on the safety building site in 2003 and 2005 were wrong. He also felt the retention pond is too small to retain the water, and we would be having water problems.

Mr. Joyce felt there is a simple solution to the problem by dealing with the culvert. He said there is a gully running down the road and is undercutting the road. Mr. Joyce is aware that it is state land, and they are responsible for the drainage. Mr. Joyce felt if the Selectmen talk with or send a letter to Mr. Campbell, they might get something accomplished.

There was considerable discussion of the problem. Rachel will look at it, and the Selectmen will see if they can do anything about it.

7:00 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. Residents with existing cases or applications shall use the channels established for appeal or submission of new information in their cases. The Selectmen reserve the right to place time limits on public input. No vote will be taken on any matter brought in through public input unless a dire emergency requires such action.

No one was present for public input at this time.

Restricting Public Input – Chairman Abbott stated that she and Tim had both had conversations with the chief investigator from the Attorney General's Office regarding a

number of letters submitted by John & Claire Wilkens. The letters started in January and they made quite a few serious allegations against the Board of Selectmen. Chairman Abbott had copies of the correspondence between the Wilkens and the Attorney General's office.

Chairman Abbott said one of the letters alleged that they (Wilkens) had not been allowed to speak at public input. Chairman Abbott told the AG's office that she had stopped them from speaking when it was clear that they kept bringing forth the same information. She said she has since been reading a statement at the beginning of public input, and had read the statement to the investigator from the Attorney General's Office, and he had said it didn't seem out of line, but she should ask Town Counsel. Chairman Abbott said that Attorney Mitchell had said it was definitely legal. The Selectmen have the right to set rules and regulations for the meetings; there needs to be order in meetings so the board can conduct their business efficiently. She said Walter had suggested changing the wording from ...the Selectmen could end testimony at their sole discretion...to ...the board reserves the right to place time limits on public input. Chairman Abbott said she had made that change to her statement.

Tim stated that Mr. Brodeur, from the Attorney General's Office was trying to clarify if the information submitted to them was the way things had gone, and asked if information had been withheld from these individuals when requested. Tim said he had told them it hadn't been, and the chairman, at the time, had taken time to have special meetings with these individuals to see what their concerns were, and get the information they requested and get it back to them.

Chairman Abbott said in the letter that Mr. Brodeur had sent to the Wilkens addressing their issues, he told them that he had consulted with the Civil Bureau of their office to see if there were issues for their consideration. The Chief of the Bureau had advised him that all of their (Wilkens) issues were of local concern and there are no criminal or civil issues that their office would have enforcement power to address.

Chairman Abbott stated that these issues have been a waste of time for the Selectmen and the Town, and to have these kinds of lies submitted to the Attorney General's Office is outrageous and insulting.

Recycling Ordinance – Tim stated that the corrections had been made to the rules and regulations for the recycling center. The regulations and changes were briefly discussed. The statement had been made at one Selectmen's meeting that it was illegal for recycling employees to open the black bags brought to the recycling center. Tim said Town Counsel's legal opinion was that once the bags are at the center, we could do anything with them that we want.

MOTION – Selectman Hatch moved to approve the Rules, Regulations and Information of the Gilmanton, NH Transfer Recycling Facility inclusive of amendments. Selectman Guarino seconded. Motion passed 3-0.

There was a brief discussion on the issuance of fines for dumping violations. Chairman Abbott stated that we have to come up with a clear understanding of a procedure for the fines, and how they would be enforced.

Public Input – Mickey Daigle asked about the new price list at the recycling center, and why a computer is \$15, but a tower is \$5. Tim stated that a computer includes a monitor, keyboard and tower.

Mr. Daigle asked about charging \$5 for small pieces of wood. He stated that Wheelabrator doesn't accept wood greater than 6' long and 1' in diameter in the compactor. He said he wasn't saying wood should be put into the compactor, but he didn't feel the attendant should charge \$5 for small slats in C & D. The Selectmen said they would speak with Justin about it.

Committee Reports

Cupola Committee – Selectman Hatch had a copy of the revised estimate from Fifield Building Restoration & Relocation, LLC to repair and replace the cupola. Mr. Fifield broke the estimate into two sections as requested. He recommended doing the cupola repair first and the structure second. Mr. Fifield would repair and keep the cupola at his place of business until it is time for it to be installed.

Selectman Hatch said the committee would like to follow Mr. Fifield's recommendations, and were seeking the Selectmen's approval to proceed.

Selectman Guarino was concerned that the committee understand exactly how the cupola would be attached to the roof because it is part of the structure. He wants it attached the identical way it had been previously attached.

Rachel stated that the committee would be making an application to the HDC.

MOTION – Selectman Hatch moved to direct the Cupola Committee to continue working on the project, and give permission for the committee to begin with Phase I of the repair and restoration of the cupola with Fifield Building Restoration & Relocation, LLC. Selectman Guarino seconded. Motion passed 3-0.

Variance – Selectman Hatch stated that the variance that the ZBA had granted to make one conforming lot into one conforming lot and one nonconforming lot in the conservation district had become legal; the time for appeal of the decision has passed.

She said the planning board would decide whether or not to grant an after-the-fact waiver at their June 10th meeting.

Safety Building Landscaping – Selectman Hatch stated that the planning board had asked to see a landscaping design plan for the safety building. She informed them that we don't have a plan yet. There was a brief discussion of the landscaping at the site, and the fact that there wouldn't be much actual landscaping, so we shouldn't spend a lot of money having someone come up with a professional plan.

Recycling Center Issues

Traffic Pattern – Selectman Guarino said he had been watching the traffic pattern at the recycling center, and that the extra container is in the wrong spot. He said Justin has a great idea of where the container should go. There was a brief discussion of the traffic pattern at the center.

Recycling – Chairman Abbott said she had volunteered to help the recycling committee Sunday at the recycling center. She said one volunteer was counting vehicles going to the recycling bin and the cars going directly to the compactor. She said they don't have the results yet, but it looked as if 20% to 30% weren't recycling, but the rest were. Betty Ann stated that one volunteer was at the exit asking residents if they recycled, if not why, and if there is something that could be done to make it easier for them to recycle.

Public Safety Building Committee – Chairman Abbott reported that core samples had been done testing for compaction on the driveway and parking areas. She said the results were excellent. She said the footings had been done, and they were planning on pouring the foundations on Thursday.

Selectman Guarino asked if Bob had been out yet to inspect. He was told that Bob stops by the site every day that he works, and has been very pleased with everything so far; they have been doing a top-notch job.

Chairman Abbott stated that they are going to be doing the well, underground plumbing and electric next week. They are still on schedule and will begin framing on the 14th of June. The frame should be substantially up and the ty-vek would be put up within three days, but it would not be completely sealed so they can begin working in any kind of weather for about fifteen days after they start.

7:53 pm – Break

7:57 pm – Back in Session

Sign – Old Town Hall - Tim stated that the sign at the Old Town Hall was gone. It was asked if it should be replaced because the police department would be gone, and there is a

big sign on the building. During a brief discussion, the consensus was the police department sign should be put back while the police department is still in the building.

Fire Department Secretary – Fire Chief KG Lockwood met with the Selectmen to request permission to hire a part-time secretary to work approximately 20-hours a week. He said he would have the money to pay her out of the part-time budget. He stated that he needs help with the paperwork for the department; firefighter Johnson spends between ten and twelve hours a week doing paperwork, and call people have been helping with the paperwork. He explained the amount of paperwork that is generated in the department. They have to do fire reporting in order to maintain their grant status, they also have to track their calls, and there is paperwork for EMS things and for ambulance billing.

Selectman Hatch stated that she knows how much paperwork there is; she used to work there. She said she has been asking Chief Lockwood to get a secretary for two years.

There was considerable discussion of the amount of paperwork, and the possibility of getting a person who, like in Alton and in Belmont, is also an EMT who could go out on the ambulance on second calls. The ability to pay for a secretary without increasing the budget was also discussed.

MOTION - Selectman Hatch moved to approve the hiring of a fire chief administrative assistant for approximately 20 hours a week effective immediately. Selectman Guarino seconded. Motion passed 3-0.

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

MOTION – Selectman Hatch moved to accept the minutes of May 17, 2010 as amended. Selectman Guarino seconded. Motion passed 3-0.

Capital Improvement Plan – Tim distributed copies of the Capital Improvement Plan Twenty Year Outlook that had been prepared by Stan Bean for review and update.

The Selectman began review of the plan.

A major item to be included is the repair of bridges. Tim had a copy of the recommended bridge replacement schedule and the expense that he had received from the State. Three bridges have to be replaced, one in 2018, one in 2019, and one in 2010.

The Selectmen postponed their discussion to meet with tax collector Deb Cornett.

8:35 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.
Selectman Guarino seconded. Motion passed 3-0.

The Selectmen discussed and signed waivers and tax deeds for tax collector Deb Cornett.

9:04 pm – Out of Non-Public Session

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

Capital Improvement Plan – The Selectmen continued their review of the capital improvement plan.

New fire and police vehicles were discussed. Repairs and upkeep of the Academy Building were also major items of consideration. Items considered to be of top priority were the sprinkler system, furnace and lighting.

Drainage on Rte 140 – The Selectmen discussed the drainage problem on Rte 140 and the retention pond at the safety site that Mr. Joyce and Mrs. Willard had brought to their attention.

It was felt that the retention pond is adequate for what it is supposed to do, and water from the parking areas would drain onto the grass. It was stated that the work at the safety building had not affected the drainage. Chairman Abbott will send a letter to the commissioner or to DOT requesting that they address the drainage problem; it currently is affecting three properties.

9:33 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.

9:40 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.

Flag – Academy Building - Selectman Guarino felt Bobby Potter, Jr. should be thanked for fixing the flagpole at no charge to the Town so we could raise the flag in front of the Academy Building.

Safety Building - Chairman Abbott stated that Chief Lockwood had a discussion with the lady in charge of the emergency center reimbursement grant, and she had recommended many things that should be included in the request that we hadn't thought of, including the cost of the meeting room, a public bathroom, the cement pad for the tower, the propane tank and the generator and generator pad. She said we would get all that money back, so would increase our remainder, so there shouldn't be a question of postponing the lighting. Selectman Hatch asked if the chief was still pursuing getting a cell tower installation. Chairman Abbott said there is to be a radio tower. There was discussion of whether Rachel should pursue getting permission to put a repeater in the cupola. The consensus was that she should pursue it.

9:40 pm – MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk