

APPROVED

**Board of Selectmen
26 July 2010
Minutes**

6:00 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.

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

Awards - Police Chief Phil O’Brien stated that he had three awards he wanted to present tonight.

Chief O’Brien presented the first award to Officer Stacie Fiske in recognition of the work she has put into the DARE program.

The second award was presented to Officer Cory Krochmal, who when responding to a medical call on Cogswell Road saved a resident’s life by performing CPR until the fire department arrived on the scene.

Sgt. Rector presented the third award to Arianne Beaulieu, who had saved a man from drowning in Crystal Lake.

Underage-Drinking Grant – Chief O’Brien asked and received the Selectmen’s permission to accept a \$3,000 underage-drinking grant from the Department of Justice. He explained that the AG’s office gives money so the police can have officers set up watches to observe who stores are selling alcohol to, and also to check areas where there might be underage drinking parties.

Speed Crystal Lake Road – Chief O’Brien stated that the police are getting complaints about speeding on Crystal Lake Road. He said they couldn’t write tickets on the 25mph speed limit because it is not official through the State. The Commissioner or Department of Transportation has to do a survey investigation to legally post it at 25 mph; the Selectmen will write a letter to the Commissioner requesting that this be done.

Having a detail patrol on weekends was discussed as a possible way of curbing speeding.

Drinking – Crystal Lake Park – Chief O’Brien addressed the drinking that goes on at Crystal Lake Park on a regular basis. He said the Town ordinance covers drinking in Town Buildings, but not at the park. To have alcoholic beverages at events in Town buildings, you have to have a police officer present. There are many parties and activities at Crystal Lake Park where there is drinking, but they are not required to have police presence.

There was discussion whether the Town ordinance should add Crystal Lake Park to the list of places a police officer should be present when there is alcohol.

Drinking in Public – Chief O’Brien stated that Gilmanton is one of three towns in the State where there is no ordinance against drinking in public or on public roads. He would like to see Gilmanton establish such an ordinance.

Noise Ordinance – There have been many complaints about noisy parties, gunshots, fireworks and other noises in Gilmanton that the police have no control over because Gilmanton doesn’t have a noise ordinance. Chief O’Brien had a sample of a noise ordinance from Gilford.

Recycling Center Fines Tim Warren stated that the ordinance for the recycling center allows for up to a \$3,000 fine for illegal dumping. He said it has been suggested that we initiate a gradual fine depending on if it is the 1st offence or not. He asked how the Selectmen wanted to handle it; last week someone put hazardous waste in the compactor. Chairman Abbott felt there is much discussion on who and how we enforce the fine.

There was a brief discussion, and the Selectmen will check into all the above issues, and discuss them at a workshop with Chief O’Brien on Monday, August 2nd at 6:00 pm.

Trees – GYO Property -Tim stated that Jerry Austin had called about some trees on the GYO property that have dead limbs hanging over his property. Mr. Austin said a section of a tree had fallen into his yard, and asked for Don to go look at it. Tim asked if Don had been able to talk to Mr. Austin. Don replied that he hadn’t been able to talk to Mr. Austin yet, but had been to his property, and had seen the tree. He said it is our tree and Mr. Austin couldn’t mow his lawn because of the fallen tree. Don will continue to try to contact Mr. Austin.

Waste-Oil Furnace Grant – Tim informed the Selectmen that we had received a \$2,500 grant for a used waste-oil furnace. The furnace we had in mind when we applied for the grant is still available, and Justin Leavitt is talking with the individual. Don said Justin had said that for an additional \$1,500 we could get a new furnace; Justin is checking the prices. Tim felt the grant specified a “used furnace”. He will check the wording on the

grant. Tim was asked to have Justin speak with Chief Lockwood and to talk with the Selectmen before purchasing a furnace.

Code Enforcement Issues – Tim informed the Selectmen that Town Counsel had sent letters to a couple of residents regarding code enforcement issues. One of the residents has responded, and hopes to have his issue cleared up by mid-August. The other resident hasn't responded to Town Counsel's letters.

Capital Improvement Plan (CIP) Numbers – Tim said the Selectmen needed to approve the numbers for the capital improvement plan; the numbers had been presented at the planning board meeting, but the Selectmen hadn't approved them.

There was a brief discussion about the numbers on the CIP.

MOTION – Selectman Guarino moved to accept the preliminary numbers for the Capital Improvement Plan. Selectman Hatch seconded. Motion passed 3-0.

CPR Courses – Tim said had called LGC, and they don't give CPR courses. He said he had talked with Chief Lockwood, and learned that Lt. Beaudoin is certified to teach the courses. Something will be arranged for Lt. Beaudoin to give classes to Town employees.

Safety Building – Tim informed the Board that the plan is to pave the parking lot at the safety building on Friday.

Corners Fire Station – Tim informed the Selectmen that when we vacate the Corners Fire Station it does not automatically go back to the Owens, as has been thought. Based on a recent court case, the Town would have to vote to have the land revert to the owners, and there would be a \$75 charge to get the land returned; this applies to the land only.

There was discussion as to who actually owns the building on the property, the Town, the Fireman's Association or someone else. Tim said a copy of the deed has been forwarded to Town Counsel because this is something that needs to be sorted out.

7:00 p.m. – 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."

Spreading of Sludge – Bill Heath addressed the Selectmen about the hearing that DES had held regarding the spreading of Class B sludge in Gilmanton. He said a permit to spread sludge is about to be issued, and there is an application for another permit.

Mr. Heath was concerned about the process that DES goes through to approve a permit to spread sludge. He said they do soil tests; make a site map to check setbacks from houses and wells. Mr. Heath said RSA requires that they hold a public hearing in the town where the sludge is to be applied. He said there was a hearing on May 25th that was moderated by Mr. Rastorguyeff of DES with material presented by Resource Management Inc. (RMI). Mr. Heath felt this wasn't a hearing because residents weren't given the opportunity to express their concerns or give opinions. He said RMI had given a presentation "pro sludge". Residents were allowed to ask questions, but not allowed to express their opinions or criticize anything about bio-solids. Mr. Heath said people had left because they didn't feel it was a hearing.

Mr. Heath had a petition from "Gilmanton Residents against Sludge" who want the Selectmen to call a special meeting to vote on imposing a moratorium on spreading sludge until a committee can be formed to gather information, make a decision and perhaps put an ordinance in place that would be more protective of human health and the environment.

Selectman Hatch, Planning Board representative said the planning board, because of information they had discovered, and the lack of an ordinance, had wanted to have a "Pro-sludge" and a "Con-sludge" presentation. The pro-sludge was held first, and a member of RMI was present. Selectman Hatch stated that the public hearing was not a public hearing as we know a public hearing, and the response was that a DES public hearing is an informative public hearing. She said two members of the Conservation Commission were there, and as a result of that meeting the Planning Board decided to have an informational session on the cons of spreading sludge. The Planning Board and Conservation Commission are holding a joint work session on August 12th to discuss spreading of Class A and Class B sludge. The Planning Board hopes to have someone make a presentation on the cons of sludge spreading at their September meeting. Selectman Hatch said until we have something in place, the planning board does not have the power to deny an application.

Mr. Heath wanted the Selectmen to question the hearing, and ask to have a real hearing where residents could solicit comments. The Selectmen will take it under consideration.

Jim Forsythe, a candidate for US Senate introduced himself to the Selectmen.

Sludge - David Cheney, who had attended the hearing on the spreading of sludge, also felt that the meeting had not been a true hearing, it wasn't an open meeting and had not been held in good faith. Selectman Hatch stated that residents at the planning board

meeting had felt the same; they felt their rights had been violated. Mr. Cheney stated that residents were concerned about possible well contamination.

Public Input was closed.

Atlantic Energy Solutions Report – Tim had a copy of the report from Atlantic Energy Solutions for lighting retrofit for all Town buildings. The cost to retrofit the lighting in the Academy Building, which is the main focus at this time, after rebate is \$2,080. Tim said they felt we could use the same fixtures, but put higher-powered fluorescent bulbs. Tim said they are to forward a copy of this report to NH Electric Co-Op to see if it qualified for the “Smart Start Program” where there would be no initial cost to the Town; it would be paid for through the savings we receive.

There was a brief review and discussion of the report.

Chairman Abbott will call to see if the Co-Op has received a copy of the report.

Furnace - Chairman Abbott said she had talked with Mr. Snow about the furnace. She said she had forwarded Paul Callahan’s assessment of the furnace and the energy committee’s belief that it would not be cost-effective to replace; the building committee agreed with that assessment. Chairman Abbott said she had asked Mr. Snow how he felt about it. He said we might be eligible for \$5,000 off the price of a new furnace, which would bring the cost of a new furnace to about \$9,000. She said she had forwarded this information to the energy committee to get their opinion.

Joe Haas – Census Concerns – Joseph Haas had sent several emails to the Selectmen regarding the census takers who had been in Gilmanton this year. He felt that they hadn’t filed the proper paperwork with the State, and had come on his property after he had given one of them a written “No Trespassing” notice. He asked to meet with the Selectmen tonight to discuss the issue.

Mr. Haas reiterated that he felt the government had failed to file the necessary paperwork with the State that would allow them to go on his property. He asked that Chief O’Brien prosecute them, and asked that the Selectmen enact a policy to make it mandatory in the future for the “Feds” to register with the Police Department when they are in Town. Chief O’Brien informed Mr. Haas that anytime the “Feds” come into Town they notify the police department and let them know what is going on. He said they were aware that the census takers were in Town, and had a list of people, their cars and their plate numbers. He told Mr. Haas that he would not charge the census workers. Chairman Abbott said the Selectmen would not micromanage the police department, and would not ask the chief to charge anyone, nor would they, as he asked, endorse the criminal complaint he (Mr. Haas) plans to make in the Laconia District Court.

Mr. Haas stated that he is paying for protection, and doesn’t feel he received it.

8:02 – Break

8:07 – Back in Session

Police Consolidation - Selectman Hatch asked Chief O'Brien if a selectman from Barnstead had gotten in touch with him about consolidating the police services of Barnstead and Gilmanston. The Chief replied that he hadn't. Selectman Hatch said she had been approached about holding a joint Gilmanston/Barnstead selectman meeting to discuss the possibility of consolidating the two police departments.

Chief O'Brien felt he would like to speak with the Barnstead selectman before going any further.

Public Safety Building – Chief Lockwood said they were working on a grant to recoup some of the cost for the new safety building. He said that while going through the application he found that part of it states that local municipalities must report NIMS (National Incident Management System) compliance, and to be eligible for funding a copy of the summary assessment report is required to be included with the application. This was supposed to be done in 2005 when the plan was supposed to be updated, but somehow hadn't been done. One of the things asked was if the local government had formally adopted NIMS as all-hazards instant management system. The Selectmen need to do this before we can proceed with the application for the grant.

Chief Lockwood explained that this is a system that is used to handle emergencies and establishes a chain of command, and dictates how we set up operating policies. The adoption of NIMS is required in order to receive any special funding for fire or police starting in 2010. Chief Lockwood asked the Selectmen to formally adopt NIMS.

There was discussion of what adopting NIMS would require, and if there would be stipulations that would incur an expense on the part of the Town.

Chairman Abbott stated that if we don't get the grant money, the safety building would go significantly over budget by \$30,000 to \$40,000. She said we are applying for the grant because the building will be an emergency response center, therefore, we are eligible for reimbursement grant funds towards things such as the generator, radio tower, space used for the response center, etc. Chairman Abbott stated that over a month ago Chief Lockwood stated that he had met with Cindy Richards of the Department of Safety, Homeland Security and Emergency Management and talked about this grant, and what we might be eligible for. She said that the chief had stated we had a pretty firm indication that we could be getting as much as \$100,000 back, and based on that information they had made decisions about spending extra funds for energy saving measures, which all add up to about \$37,000.

Chairman Abbott stated that she had been told the building is expected to be completed by the middle of September.

Because of some unanswered questions about NIMS, Chief Lockwood will get information and will meet with the Selectmen on Thursday, July 29th at 5:00 pm to discuss the adoption of NIMS.

Protective Clothing – Chief Lockwood asked and received permission to expend \$4,070.51 on protective clothing. He has been approved for a grant that will reimburse \$1,995.95 toward the clothing.

Sewer Pump – Chief Lockwood informed the Selectmen that he had spent \$1,800 to fix the sewer at the Iron Works fire station last week; they had to pump the tanks and get a new pump.

Forest Fire Bills - Chief Lockwood presented bills for the Selectmen to sign so we could get reimbursed from Alton for fighting the forest fire on Mt. Major in Alton.

Firefighter Fighter Position – Chief Lockwood asked and received permission to post a position for a full-time firefighter.

Seasonal Fire Permits – Chief Lockwood said he has initiated a policy that requires inspection for seasonal fire permits. He said the State cost shares 50% to have personnel do the inspections.

Approval of Minutes – The Selectmen reviewed the minutes of the July 12th meeting.

MOTION – Selectman Hatch moved to accept the minutes of July 12, 2010 as amended. Selectman Guarino seconded. Motion passed 3-0.

9:11 pm – 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.

9:20 pm – Selectman Hatch moved to come Out of Non-Public Session. Selectman Guarino seconded. Motion passed 3-0.

9:21 pm – 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 – Selectman Hatch moved to come Out of Non-Public Session. - Selectman Guarino seconded. Motion passed 3-0.

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

Training Program – Chief Lockwood said he had held the first session of the training program he initiated after recent incidents with fire vehicles. He said the training had gone well, they had learned things, and have to rethink the way they do things, most importantly not to drive aggressively. He said they had come up with suggestions that would make for safer driving. Chief Lockwood said Brett Currier told him that this was the best driver training class he had ever taken.

There was a discussion of implementing a policy for random drug testing for any employee who drives a town vehicle.

Building Capacity – Year-Round Library – Chief Lockwood said he had been asked about the capacity for the year-round library. He said he is not sure how to give a number for the capacity because of the loft, so had asked the State Fire Marshall to come look at it, and have them give a number.

Town Driving Policy – Tim said Town Counsel had reviewed the new driving policy for the fire department and had recommended a couple of minor changes.

Phone Bill – Corner Library – Chairman Abbott asked Tim if the phone bill for the phone installation at the Corner Library had been paid. He replied that it had.

Tables – Chairman Abbott asked if Tim had ordered new tables for upstairs in the Academy Building. The tables were ordered and have been delivered.

Morrill Agreement – Chairman Abbott asked if the Morrills had signed the agreement amendment. Tim said it hasn't been sent to them yet.

DES Public Hearing – Don was concerned about the notice for the Public Hearing that DES had on Bio-solids. He said it was held pursuant to DES Administrative Rules, but there is no question that there was confusion over the meeting. He said he would like to find out what the administrative rules are, and if DES didn't follow the rules, then we should have a meeting with DES. Selectman Hatch stated that once DES has approved an application, it is good for five years.

07-26-10 BOS

APPROVED

After a brief discussion, it was decided that Don would contact DES and see if they will postpone approval of any application until the planning board completes their investigation, and determines if they want to enact an ordinance on spreading of sludge.

10:27 pm – MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk