

**APPROVED**

**Board of Selectmen  
23 August 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. Also in attendance was Road Agent Paul Perkins.

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

**Highway Dept. Update** – Road Agent Paul Perkins addressed an email he had received from Mr. & Mrs. Ferrari on Loon Pond Road stating that the highway department had cut trees on their property when working on Loon Pond Road. Paul said he had talked with both Mr. & Mrs. Ferrari and told them he would be cutting the trees to widen the road in places. Paul felt the trees that had been cut had been within his boundaries. There was a brief discussion of the cutting; Paul and Selectman Guarino will meet with the Ferraris.

Paul said he has been doing ditching and roadside cutting. A culvert was installed on Loon Pond Road, and he will be paving the road once the prep work is complete. He is continuing regular routine maintenance, and will be crack-sealing on several roads.

Chairman Abbott asked if the problem with the sand washing into Mr. Wilson’s field had been addressed. Paul said he had put riprap and erosion stone on the side of Stockwell Hill Road to prevent sand from washing into Mr. Wilson’s field; Mr. Wilson was pleased.

Paul said he has 48% of his budget left.

Selectman Hatch said she had been asked if the crushed glass at the recycling center was being used for our roads. Paul said he hasn’t been using it because glass holds water and also works its way up to the top. He was asked if he would use it if the glass was crushed finer. Paul didn’t think it could be crushed fine enough, and that he would need to use extra gravel.

After a brief discussion, it was the consensus of the Selectman and Road Agent that it wouldn't be feasible to use the glass in roadwork.

**Sludge Petition** – Tim said he had an email from Town Counsel and was told that the petition submitted on July 26<sup>th</sup> by Gilmanton Residents against Sludge was not legal. Tim said Walter said we should pass the petition on to the planning board for their consideration; it could only be addressed at an annual town meeting, not a special town meeting. Tim was asked to pass this information on to Mr. Cheney, who had submitted the petition.

### **Recycling Dept. Update**

**New Employees** – Recycling Manager Justin Leavitt reported that two new employees had been hired for the recycling center. One is a regular part-time employee, and the other is a part-time fill-in employee who will work as needed until he goes into the service in the fall.

**Glass Crusher** - Justin said the glass crusher had been fixed. Chairman Abbott informed Justin of the discussion with Paul, and that he hadn't wanted to use the glass for roadwork. Justin was asked to see if he could find a place to take the glass. There was a brief discussion on the feasibility of crushing the glass.

**Waste-Oil Furnace** – Chairman Abbott asked Justin about the waste-oil furnace. Justin replied that the original one he had looked at is still available, but he is checking to see if there are other used ones around.

**Driveway Recycling Center** – Chairman Abbott stated that there had been some discussion about the second entrance planned for the recycling center; is it a good way to go because of the winter concern? Justin said we have State approval, but he found out from DES that because we are making changes, we might need to get a Type 3 Modification Permit. He is waiting to hear from DES to see if the driveway would need the permit.

Selectman Hatch asked if we need planning board approval because changing the driveway might mean we would have to submit an amended site plan. She said there was a concern about whether it would be a hazard making a turn from Route 107 on a hill.

Selectman Guarino stated that DOT has already addressed the driveway, and if they had felt it would be a hazard, they wouldn't allow us to put an entrance there.

There was a brief discussion on the cost that would be involved to pave the entrance and to restripe the parking lot.

**Compactor** – Selectman Hatch said she had been asked if the compactor is “on the blink”. Justin replied that it has been acting up, but it is mostly sensors and electrical; the motor is fine and it has a new pump.

**6:55 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.

**7:00 pm – Selectman Hatch moved to come Out of Non-Public Session.** Selectman Guarino seconded. Motion passed 3-0.

**7:01 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. 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.”

Present were Ward and Cynthia Peterson, Corey and Britney Peterson, Brett and Brenda Currier, Claire Wilkens, Wayne Gray and Police Chief Phil O’Brien.

**Noise & Safety Concerns – Target Practice** – Mr. Peterson explained that he and his wife, his son and daughter-in-law and the Curriers were here to express their concerns about the noise and danger from shooting of firearms on the Milliken property. He said he had spoken with his abutters, and they had written complaints. Tim said we had received nine written complaints.

Mr. Peterson said that Mr. Milliken’s son shoots on the property; he and his friends shoot assault rifles, and the neighbors are concerned for their safety. He said bullets from assault rifles could travel five miles. Mr. Peterson had pictures of the area where the shooting has been taking place and of trees that have been shot.

Chairman Abbott stated that the Selectmen have no control over shooting; the State regulates the sale and use of firearms.

There was considerable discussion with residents expressing their concern for the safety of their families and others who might be walking trails in the area, and what could legally be done to stop the shooting. Chief O’Brien said he had spoken with the County Attorney, and what is being done doesn’t come under the level of reckless conduct, as

had been said. Mr. Peterson felt it is a noxious use, and not permitted by the zoning ordinance. It was also stated that the residents here tonight and the ones who sent complaints are not anti-gun people; most of them are hunters. The Selectmen will deliberate the matter and get back to Mr. Peterson.

**7:27 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.

**8:08 pm – Selectman Hatch moved to come Out of Non-Public Session.** Selectman Guarino seconded. Motion passed 3-0.

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

**Shooting** – Selectman Guarino got the RSA pertaining to shooting and shooting ranges to review. Chairman Abbott asked Chief O'Brien what could be done about the shooting situation. She said we do have an ordinance against noxious use. Tim said that had been used against dog complaints when there was continuous barking, but it had taken a couple of years to get that issue into court.

Tim said that LGC said there was very little towns could do to govern shooting ranges and practice areas because it is covered by State regulations. The only thing we can do is to have the police department issue citations for disturbing the peace or negligence, but the town could not adopt an ordinance. Chief O'Brien said you are looking at private property, and he is shooting into a dirt bank. Phil said he felt the banking was safe. He said he is concerned about the direction of the shooting, but it doesn't come up to the level of recklessness because a bullet hit a tree, and you also have to prove that he was the one who shot the round that hit the tree. Chief O'Brien said he had spoken with the prosecutor, and was told that even the noise issue is pretty weak because of the time of day he is shooting. Chief O'Brien said the police department hadn't received an official complaint while the shooting is going on.

After further discussion of whether the resident is violating planning or zoning ordinances, it was agreed that Tim should contact Mr. Milliken, and ask if he would meet with the Selectmen to discuss the issue. This would be a meeting with Mr. Milliken, and public input would not be allowed.

**Fire Dept. Update**

**Driving Schools** – Chief Lockwood updated the Selectmen on the driving schools that firefighters have attended. Some of the classes completed were the emergency vehicle driving school from the State, the LGC Emergency Liability Class, Stevens Advance Driving School, and Coaching Emergency Vehicle Class.

Selectman Hatch asked how employees had reacted to having to take the classes. Chief Lockwood said they had felt it was good training.

**New Hire Posting** – Chief Lockwood said that he would like to post the firefighter position through the NH Fire Academy rather than the newspaper. He said the Fire Academy has a statewide mailing list of all the fire departments and a list of all the people on the state list. He said if you are on the state list, it means you are qualified to apply for the job. Anyone on the list gets an email of the posting. Chief Lockwood felt this would mean you had more qualified people. Chairman Abbott asked how the chief interviews candidates. Chief Lockwood replied that he puts together a committee comprised of the Assistant Chief, one officer, and one of the career firefighters, who give him a list of three candidates that they approve.

**Foam** – Chief Lockwood asked permission to buy new foam. He said we had used two buckets of our foam, and Belmont had used six buckets of their foam at a Gilmanton fire. Chief Lockwood stated that when other towns use foam fighting, the town the fire is in replenishes the foam. He has the money in the budget to buy the foam.

**Pagers** – Chief Lockwood stated that eleven out of 35 pagers are out for repair; ten of them are under warranty. He asked permission to purchase two new ones; they cost just under \$600 and come with a five-year warranty.

**Compressor** – Chief Lockwood stated that we need a new compressor for the safety building; the old one is not big enough for the new building.

There was a brief discussion during which it was determined that Chief Lockwood does not have enough money in his budget to buy the pagers and the compressor. He will buy the compressor and wait to buy the pagers until after the first of the year.

**Year-Round Library Inspection** – Chief Lockwood informed the Selectmen that he has an appointment scheduled with the State Fire Marshall's office for an inspection to determine the occupancy capacity of the Year-Round Library.

**School Fire Drills** – Chief Lockwood will meet with the school tomorrow to schedule fire drills for the coming school year.

**Accident** - Chief Lockwood said there had been an incident on August 14<sup>th</sup> where Ambulance 2 backed into the overhead doors at the Iron Works fire station. The damage was only cosmetic. Chairman Abbott asked if there had been a backer per department policy. Chief Lockwood stated that there had not. Chairman Abbott asked how this could happen. Chief Lockwood stated that he did not know.

**Fire Students** – Chief Lockwood said there would be two new students at the station this year and one senior from last year. He said Lt. Beaudoin would be in charge of the students; the association will no longer be in charge of the program. Chairman Abbott asked the chief why there were so few students this year. Chief Lockwood responded three were enough students; years before there were up to seven or eight, but that is too many. People who ran it in the past had gotten overwhelmed with that many students. He felt with fewer students they could be better screened.

**Commendation Letters** – Chief Lockwood had two letters of commendation for his department's response to emergency calls. One letter was from the Stratham Police Chief, the other from Concord Hospital.

**Signal Tower** – Chairman Abbott asked why Chief Lockwood had not informed the Selectmen that the Boy Scout Camp had told the chief six months ago that they had a single-pole tower that they would give to the town for free. Chief Lockwood replied that he had forgotten. He said he had looked at the tower, didn't think it was single-pole and wouldn't support three antennas. Chairman Abbott said it is single pole, and requires guide wires; they have looked at it pretty carefully, and felt that it may not be the best way to go, but was concerned that Chief Lockwood had not mentioned it to them.

There was a brief discussion of the antenna.

**Course Reimbursement** – Chairman Abbott asked what the policy was regarding course reimbursement. Chief Lockwood responded that everyone who takes required department courses is reimbursed if they submit for it. He said, technically, the courses are paid for up front, so they don't have to be reimbursed. Tim asked if the employees are aware of this. Chief Lockwood was asked to provide Tim with a list of required courses.

**Corners Fire Station** – Chairman Abbott asked if we had gotten the bottom line on how to go about passing the corners fire station back to the Owens. Tim said the first step is to go before Town Meeting, and it has to be voted to give it back. Step two is, because the town is considered a charitable organization, after we get approval at town meeting, we need approval from the NH Charitable Association. Tim was asked to forward this information to the Owens.

**Employee Attitude** - Chairman Abbott asked Chief Lockwood how he perceived the general attitude of the personnel at the fire station. He replied that it was good. He felt they were very positive and moving forward.

**Working Chief** – Chairman Abbott asked the chief if he was a working chief, meaning was he counted as one of the working people on a shift. Chief Lockwood replied that he wasn't. When asked why not, he replied that it freed him up to do other things, but he could be if that is what the Selectmen wanted. Selectman Abbott said if he stays within his budget, it isn't an issue, but it is her understanding that other fire chiefs had been one of duty officers.

**County Budget** – Selectman Guarino stated that when the County Commissioners were at the Selectmen's meeting a couple of weeks ago, they (Selectmen) had been told that when the dispatch budget goes to the commissioners, they (Commissioners) have no control over it, but the fire chief becomes our town representative who can vote on the budget. As our representative, it is the chief's job to bring it to the Selectmen to review; so far this has not been done.

**Fire Pond** -Tim said he had spoken with Chief Lockwood about the pond in back of the Academy Building. He said that since the pond is dry, now would be a good time to dredge it. Tim said there is a least five feet of "muck", that is like quicksand. He and Chief Lockwood felt it is a dangerous situation. Tim said we don't need permits to dredge it because it is a fire pond, but it is expensive to do. They have gotten one price.

There was a brief discussion about the need to dredge the pond, as it is a life-safety issue, and where we would get the money. Chairman Abbott wants the job put out to bid. Chief Lockwood will tape off the area in the meantime.

**9:17 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.

**9:25 pm – Selectman Hatch moved to come Out of Non-Public Session.** Selectman Guarino seconded. Motion passed 3-0.

**Milfoil Treatment** – Tim stated that \$1,000 was appropriated at Town Meeting to treat milfoil in water bodies in town. He had a letter from David Boles from Rocky Pond Association requesting the full amount of the appropriation.

Tim was asked to check with the Conservation Commission to see if any other water body needs money to treat milfoil, if not, then the money can be given to the Rocky Pond Association.

**Funding Outside Agencies** – Tim had an email from the Belknap County Commissioners asking if the Town wanted to continue funding outside agencies through the Town, or if they wanted to give money to the county and have them funded through the county. During a brief discussion it was decided that the Town would like to continue to fund the agencies so we could maintain local control, and decide to whom and how much money we fund.

**Mailing Machine** - Tim informed the Selectmen that a company had been in and demonstrated a new mailing machine. We still have a year left on the current lease of our mailing machine, but the company would be willing to buy out our lease, and a lease for the new machine would be less money per month.

After a brief discussion, Tim was told he could lease the new machine.

**Seminar** – Tim made the Selectmen aware of a seminar that Primex is offering on dealing with difficult customers on September 8<sup>th</sup> at Gunstock. It is a highly recommended seminar. Chairman Abbott will attend.

**Sludge Permit** – Tim informed the Selectmen that DES had approved the sludge permit, which had been very controversial, on the Downs property.

**Legislative Policy Conference** – Tim said the LGC 2011-12 Legislative Policy Conference would be held on Friday, September 17<sup>th</sup>. If one of the Selectmen attends, they would need to be appointed as a designee to vote. It was suggested that one of the Selectmen attend. The Selectmen were given information to review to see if they would like to attend.

**Auditor** – Tim informed the Selectmen that we had a proposal from the auditor for a three-year contract. After a brief discussion, it was decided to put the auditing services out to bid.

**Website Link** – Chairman Abbott stated that the Belmont Dog Park asked her if the Town would be willing to link their website onto the recreation page of Gilmanton's website.

There was a brief discussion during which it was stated that we had denied such requests in the past. It was the consensus of the Selectmen that we didn't want anybody to have a link to the Town website.



**Gating Road** – Don said he had spoken with the LGC regarding a resident’s request to gate a Class VI Town Road. He said they had told him that a Class VI road is a public road, and could not be gated. Tim said this particular road was discontinued subject to gates and bars.

There was considerable discussion of what it meant to be discontinued subject to gates and bars. Don said he had been told that everything we need is in the book “Hard Road to Travel”, and we should use that as a reference. Chairman Abbott stated that the first step is to determine if it was discontinued subject to gates and bars, and if that makes a difference. Tim will research what was voted on regarding that particular road.

**Approval of Minutes** – The Selectmen reviewed the minutes of August 9<sup>th</sup>.

**MOTION – Selectman Guarino moved to accept the minutes of August 9, 2010 as presented. Selectman Hatch seconded. Motion passed 3-0.**

**LCHIP Grant** – Selectman Hatch reported that the LCHIP Grant application had been submitted, they reviewed it, and now we just have to wait to hear if we have been approved.

**Lighting Municipal Buildings** – Chairman Abbott asked where we were with the lighting for the municipal buildings. Tim said he would have to call to find out what is going on.

**9:55 pm – 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.

The Selectmen discussed a code enforcement issue.

**10:14 pm – Selectman Hatch moved to come Out of Non-Public Session.** Selectman Guarino seconded. Motion passed 3-0.

**10:15 pm – 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.

The Selectmen discussed a code enforcement issue.

**08-23-10 BOS**

**APPROVED**

**10:36 pm – Selectman Hatch moved to come Out of Non-Public Session.** Selectman Guarino seconded. Motion passed 3-0.

**10:37 pm – MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk