

**APPROVED**

**Board of Selectmen  
7 September 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.

**Grand Opening – Safety Building** – Chairman Abbott asked if the Selectmen were in agreement that the “Grand Opening” for the safety building was to be Saturday, October 30<sup>th</sup> at 10:00 am, and it would be just coffee, cider, donuts and a cake.

There was a brief discussion of the event, but was tabled until later in the meeting.

**6:08 pm – 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.

**6:21 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.**

**Milliken – Shooting/Noise Issue** – Present were Richard and Gale Milliken, Brett Currier, Ward and Corey Peterson and an unidentified resident.

Chairman Abbott explained that the Selectmen had requested a meeting with the Millikens as a result of complaints they had received at their last meeting regarding the noise and safety of the firing of fire arms in the Milliken’s’ shooting pit. She said the

Selectmen wanted to hear, from the Millikens, what they are doing there, and what they are doing to protect the safety of the neighbors.

Mr. Milliken explained that he had been using the property since 2002 as a shooting range. He said he had written permission from the previous owner of the property allowing him to shoot there. The most recent written permission was a letter from 2009 giving him permission to shoot there before he owned the property.

Mr. Milliken said when he bought the property Brett Currier had firewood on the property. He said they had set a line above Brett's wood so no bullets would ever hit his wood; they had shot above and down a fire lane. Mr. Milliken said there might have been some over zealous shooting, which he had put an immediate stop to. When Chairman Abbott asked what he meant by over zealous shooting, he replied it would be shooting rapidly down lane, and not watching where bullets were going. He said he had walked and traced the rounds, and they had all gone into a bank.

Mr. Milliken said as soon as Brett's wood had been removed, they had moved the shooting range down, and have a banking; they are shooting down at a 15 degree angle into a seven foot bank, and the land goes up hill from there. All the shooting is done there now; there is no longer any shooting down the fire lane. Mr. Milliken said the state mandate for shooting is 300' from an occupied dwelling, and he is well past that. He said they rarely shoot for more than an hour.

Mr. Milliken said ever since he bought the property, he has been contacted to sell it, but he doesn't want to sell. He said when he first bought the property, he had told Brett that he planned on shooting there, and there was no problem; now it is a problem. Mr. Milliken said Corey Peterson doesn't like him shooting there, but he tries to be respectful and shoots when no one is there; he said he is trying to get along. He said Ward Peterson was upset because he was shooting at steel targets, so he no longer shoots those. Mr. Milliken said his property is 1,000 feet long, so he had offered to set up on the far end of the property, and shoot into Corey's bank because that was higher, but they wanted no part of that.

Mr. Milliken said he is tired of being "hammered". He said they stop by and tell him he has to sell his property because it isn't working. Mrs. Milliken said they had to call Corey, and let him know when they would be shooting.

Mr. Milliken said he had Chief O'Brien over and showed him where he is shooting, so he would be aware of it, and know that he isn't shooting in an unsafe manner. He said what he is doing is legal; he tries to be respectful and keep the shooting to a minimum. Mr. Milliken said sometimes his son gets carried away when he gets yelled at, but he has told him not to shoot spitefully, and if he shoots more than an hour, he calls him up and tells him to stop.

Chairman Abbott said none of our ordinances deals with this in a manner that they could tell him to stop what he is doing. She said if Chief O'Brien finds what Mr. Milliken is doing is dangerous, it is a matter for the police but there is nothing the Selectmen can do about it. She said they had consulted LGC, and it is their opinion that Article 3-c of the Town's ordinances that regulates obnoxious uses is not applicable in this case, because Mr. Milliken is within his legal right to shoot.

Chief O'Brien said there are two issues. One is the safety issue, and the other is the noise issue. He said Mr. Milliken is within his 300-foot restriction for safety, and he doesn't know as there is anything can be done about the noise.

Mr. Milliken said he had researched carefully before he had proceeded with anything, and made sure he was within the legal guidelines. He said he plans to modify his property by making higher banks to buffer the sound. Chairman Abbott asked how often someone is out there shooting. Mr. Milliken replied they are there once or twice a week, usually on weekends.

Mrs. Milliken stated that there is another house on the other side of them where the people shoot in their yard, also someone across the road from them shoots on their property.

Chairman Abbott thanked the Millikens for coming in, but reiterated that there is nothing the Board of Selectmen could do about the situation.

**Leak – Academy Building** – Chairman Abbott asked Selectman Guarino the status of the leak around the building. Selectman Guarino felt the soil that had been used prevented the water from getting to the perimeter drain, so he had cleared the soil to the drain, and filled it with stone to allow the water to go into the drain. There has been no water in the basement since that was done.

**Donovan Road** – Chairman Abbott asked Don about the work the Morrills had done on Donovan Road. He said he had been called and asked to meet with the Morrills, but he hasn't had the chance to get out there yet. Don will ask the Road Agent to go with him, and will define the right-hand side of the road.

**Grand Opening – Safety Building (cont'd)** – The Selectmen continued the discussion of the "Grand Opening" for the safety building. The grand opening will be on Saturday, October 30<sup>th</sup> from 10:00 am to 2:00 pm. Refreshments will be served.

Selectman Hatch informed the Selectmen that the school had a 12 or 14-foot conference table that they can no longer use because they had to petition off the room it had been in, and it no longer fits. She said they have offered the table to the town for the safety building. Rachel will meet with the fire and police chief to look at the table and measure the size of the conference room at the safety building.

**Elm Trees** – Chairman Abbott said she had notified Steve Bedard of the Year-Round Library, and Rachel Hatch of the SAU to get the appropriated people geared up to plant the two elm trees that we received for our participation in the Earth Day program; it is time to plant them. Selectman Hatch said the school board is meeting tomorrow night; she will ask them to formally accept the trees, and work in coordination with the library to plant them in unison across from each other.

**Crab Apple Trees** - Chairman Abbott said it is time to plant the crab apple trees at the safety-building site; she didn't think they should wait until October 30<sup>th</sup> for the open house. Selectman Hatch said she had promised Bob Potter that the Potter family would be notified when the Selectmen plant the crab apple trees that the Town had given to Bob Potter and Frank Bosiak at Town Meeting for their service to the Town and their many years service on the budget committee. During a brief discussion, it was agreed to plant the trees on Saturday, September 11<sup>th</sup> at 9:00 am. Rachel will notify the Potters and the Bosiaks.

**Trash in C & D Pile** – Selectman Hatch informed the board that on August 25<sup>th</sup> Recycling Manager Justin Leavitt had told her that he had noticed birds around the C & D pile. When he investigated, he found four black trash bags had been tossed into the C & D bin. One bag had a propane cylinder tank, and the other three had trash; it took three hours to clean up. She said in the process of cleaning up, Justin had found the name and address of the people who had discarded the trash. Rachel asked if there is something the Selectmen could do, such as writing a letter to the people. Rachel will draft a warning letter to the people.

**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. 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 for public input were Ralph Lavin, Lee & Mary Ann Morrill, Brenda & Brett Currier, Corey and Ward Peterson and an unidentified gentleman.

**Shooting Range** – Ward Peterson stated that prior to this spring no one had shot on the Milliken lot. After the deed had been transferred was when shooting occurred. He said the reason for the letter presented tonight was Mr. Milliken was trying to fall under protection of the RSA that protects them from noise issues if it was established prior to 2007.

Chairman Abbott stated that if Mr. Peterson has a complaint, he has to make it to the police department, and it has to be made while the shooting is going on so they can determine if there are any safety issues. She said we have no noise ordinance.

Ward Peterson asked if we were going to get one.

Chief O'Brien said they are working on one, but it would be a while before we have an ordinance.

Mr. Peterson asked if there would be one in place by Town Meeting.

Chairman Abbott said they have just started working on one, but they hope to have one for town meeting.

**Safety Committee** – Chairman Abbott asked if Tim had a safety committee report on the safety building. Selectman Hatch had a copy of the report. She said LGC had recommendations to the committee, some will be implemented, but the committee decided not to go with others at this time. Chairman Abbott said they did improve the window in the lobby to the police department. There will be three sections of glass with the middle one being lower to meet the ADA regulations, and they are also lowering the window in the area for fire permits. There will be bollards around the generator to protect it from being run into. The committee felt might some of the suggestions for a higher level of security such as more security cameras, better protection in the evidence room and a camera in the interview room might be needed in a larger city, and were things we could add at a later date if it became necessary

**Energy Rebate** – Tim asked verification from Chairman Abbott that our energy rebate for the safety building from NHEC would be \$3,100. She verified the number.

**Lighting** – Chairman Abbott stated they needed to decide what they are going to do about the lighting. She asked if they were going to go with the “Smart Start” Program that has no capital outlay, or if they were going with the other program that earns us more money in savings, but we have to put \$12,000 up front.

There was a brief discussion about the Smart Start Program. The savings on electricity will go toward paying for the new lights. It is about a three-year payback that is taken out by maintaining our expenditures each month for electricity at the current level. This will be for the Academy Building, the highway shed and the transfer station. The fire station in the Iron Works has already been done.

**MOTION** – Selectman Hatch moved to go with the Smart Start Program with no outlay of capital. Selectman Guarino seconded. Motion passed 3-0.

Chairman Abbott said she had spoken with Mr. Eden from Atlantic Energy Solutions (AES) and he would do something about the lighting upstairs before Election Day, if she calls him tomorrow. The board agreed that she should call Mr. Eden.

**Furnace** – Chairman Abbott didn't feel the program that would give us \$5,000 toward the furnace wouldn't be available next year. After a brief discussion during which it was stated that the energy committee, the capital improvement committee and the building study committee felt we don't need a new furnace at this time, the Selectmen agreed to wait on a new furnace.

**Security Camera – Back Door** - Chairman Abbott stated that in trying to find money to cover the overage for the safety building, Tim had recommended that we do not hold off on the security camera at the back door of the Academy Building. There was a brief discussion on the purchase of the camera for which money has already been budgeted.

**MOTION - Selectman Hatch moved to expend the already existing funds in this current year's budget of \$3,000 to install a camera and buzzer at the back end of the building entrance area. Selectman Guarino seconded for deliberation.**

Don was concerned if we had gotten bids for the installation of the camera. Tim said he had requested pricing, but had received only one bid. That was from Wayne Ogni.

**After deliberation, Chairman Abbott called for a vote of the motion. Motion passed 3-0.**

**Fire Pond** – Tim said that, originally, in talking with Chief Lockwood, they had been able to find the money to dredge the pond in back of the Academy in the fire department budget.

There was discussion if the project should be done now while the pond is dry; it would be easier and less expensive. Tim said he would bring hard numbers to the Selectmen next week to show where the funds would come from.

**Radio Tower** - Chief O'Brien stated that the Radio Tower had been ordered. The base is to be delivered on September 27<sup>th</sup> and the tower will go up in October.

**7:30 pm** – The regular meeting was suspended to confer with Town Counsel.

**8:10 pm** – Session with Town Counsel concluded.

**8:11 pm – Break**

**8:18 pm – Back in Session**

**8:19 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.

**8:45 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 minutes of the above non-public session. Selectman Guarino seconded. Motion passed 3-0.**

**Wages & Benefits Survey** – Tim informed the Selectmen that he had participated in a Wages & Benefits Survey Tuftonboro did. He had a copy of the report, and of the ten towns surveyed, Gilmanton is on the low end for health and dental benefits.

**Auction** – Tim said he had checked with the company that had done the auction for Gilford properties. He said the company charges 10%; they take care of all advertising and marking of the properties. If they are interested, the gentleman would come talk with the Selectmen.

**Loon Pond Road** – Tim asked Don to report on his meeting with Paul regarding the letter about the trees that had been cut on Loon Pond Road. Don said he had met with Paul at the property, and he couldn't see any indication of trees cut the number of feet off the road that had been alleged. He said there is a large tree that Paul felt needs to be removed. Don said the tree does need to be removed. It is on the edge of the road, and if not removed before paving, it would continue to grow and wreck the pavement. Don said Paul is going to hold off on cutting the tree until he goes to Concord to determine the width of the road.

**Pine Hill Road** – Tim said the Selectmen had a discussion on whether we could gate or bar Pine Hill Road. He had information that there had been a vote on March 10, 1959 to discontinue the road from David Geddes residence to the Barnstead line subject to gates and bars. This vote was done by warrant article per RSA 229-5 #7.

Discussion ensued during which it was stated that we could gate it if we wanted to. Tim said the conservation commission had discussed it, and they had no problem with the road being gated. Chairman Abbott was not in favor of the Town paying to put up a gate.

**Waste Oil Furnace** – Tim informed the Selectmen that, after further investigation, he found out the grant for the waste-oil furnace could be used to purchase a new furnace. Justin is getting prices for new ones.

**Parsonage Hill Road** – The road agent received an email from Joe Haas asking him to give permission to cut limbs along Parsonage Hill Road and fill in divots to get a logging truck in there.

The Selectmen discussed the fact that Mr. Haas had come to the Selectmen with the same request, they had visited the road and had determined that no trimming or improvement to the road was necessary for a logging truck to get in there, so had denied Mr. Haas' request. Tim will send Mr. Haas a letter reminding him of the Board's decision and to reiterate that there was to be no trimming or improvements to the road.

**Budget** – Tim asked the Selectmen if they had given any thought to what percent of an increase they would allow the departments for the 2011 budget. The Selectmen will try to have an answer for the next meeting.

**Bingham Road** – Tim stated that a request had been made to allow the bond we are holding on Bingham Road to be used to pave the topcoat on the road. It was also requested that a special town meeting be held to accept the road after it was paved. It was unanimous that a bond is used to ensure that the road has been properly paved, and is returned after the road has met with the road agent's approval. Once the road is paved, they can ask for a warrant article to accept the road, but there wouldn't be a special town meeting.

**Assessment** – Tim had a letter from Mr. Zold who is still unhappy with his assessment. He felt the assessor is uncooperative and not giving him information. He said Mr. Zold could apply to ZBTLA. Chairman Abbott reminded the board that George Hildum, Assessor, and Annette Andreozzi had gone out to the property and met with Mr. Zold and his wife, and felt everything had been resolved.

**Election Eve** – There will be no selectmen's meeting next Monday, election eve.

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

**MOTION** – Selectman Hatch moved to accept the minutes of August 23, 2010 as amended. Selectman Guarino seconded. Motion passed 3-0.

**MOTION** – Selectman Guarino moved to accept the minutes of September 1, 2010 as amended. Selectman Hatch seconded. Motion passed 3-0.

**09-07-10 BOS**

**APPROVED**

**9:31 pm -MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk