

APPROVED

**Board of Selectmen
29 November 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 Betty Ann Abbott, Selectmen Don Guarino and Rachel Hatch, Town Administrator Tim Warren and Clerk Lois Dionne.

Also in attendance were Stephen and Kristie Owens, Town Counsel Walter Mitchell and Harrison Hass of the Citizen.

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

Corners Fire Station – Chairman Abbott stated that the general feeling in the Town was that as soon as the Town stopped using the Corners Fire Station as a fire station it would revert to the original owners, and because the Owens now own the property, it would revert to them. She said there had been confusion interpreting the documents, so Town Counsel had been asked to review them.

Attorney Mitchell stated that the theory in law, incorporated into New Hampshire law, is that when a gift is given to a town it forms a charitable trust, and the charitable trust statute (RSA 564-D) puts a restriction on the rights to reverter, which says they are only good during the lifetime of the grantor or for twenty-one years from date of gift, whichever is longer; we are beyond that. He said, although he has not spoken with the Selectmen about it, he has the sense that they were inclined to facilitate having the property go as indicated in the deed. The deed says Mrs. DeWare (the original grantor) and her heirs or her assigns would have the right to purchase the land back for \$75 if it stops being used as a fire station. This doesn't apply to the building. If the option of the purchase of the land for \$75 is exercised, there is the question of what happens to the building, which would still be owned by the Town.

Also in consideration is a 20' piece of land abutting that property that was owned by the Town and was merged with the parcel that the fire station is on, which if the land is

reverted to the Owens would separate from that parcel. We would need permission to deed that 20' parcel to the Owens.

The Owens were asked if they were interested in having the land come back to them. They said they are interested in the land and building if it can be done legally. When they purchased the property, it had been the assumption that the land and building would revert to them if it were no longer used as a fire station. Selling the land and building back to the Owens would put the property back on the tax roll, and generate income for the Town. The Owens were advised that they might also want to contact their attorney.

Attorney Mitchell said the Selectmen would need to get the authority at town meeting before any deeds could be executed, and because it is in a charitable trust, the cooperation of the Division of Charitable Trusts and the Attorney General's office would also have to be gained.

There was considerable discussion on options available and the legalities involved in the disposition of the property.

The Selectmen will discuss the options, and how they feel this should be handled.

Snow Plowing Bids – Safety Building – Three bids were received to plow the driveway and parking lot at the safety building for the 2010-2011 winter season. They were as follows:

Four Corners Excavation	\$2,250 – Sanding - \$75 per application
Bryon McSharry	4,600 – Sanding - Additional Unspecified Amount
Brian Forst Transportation	4,375 – Sanding - \$195 per application

MOTION – Selectman Guarino moved to award the bid for the snow plowing of the Safety Building to Four Corners per Town bid specifications for their bid price of \$2,250 for the 2010-2011 winter season upon receipt of a certificate of insurance. Selectman Hatch seconded. Motion passed 3-0.

Tim was asked to get estimates for the shoveling of the walks and doorways at the safety building.

Public Input – No one was present for public input.

Recycling News

Income – Revenues at the recycling center for non-recyclable items (refrigerators, computers, etc) for November was \$1,548.

Test Wells – The test wells at the recycling center will be counter-sunk on December 6th.

Waste Oil Furnace – The new waste-oil furnace is set in place, and just needs to be wired.

Recycling Revenue & Savings - Recycling Manager Justin Leavitt will start putting information showing tonnage for each product recycled, income for each product and savings by not putting the items into the waste stream on a dry-erase board at the center so residents can see the benefits of recycling.

Facility Closing – The Recycling Center will be closed on Saturday, December 25th, (Christmas) and Saturday, January 1st (New Year's Day). The center will be open an extra hour on Sunday, December 26th and Sunday, January 2nd. Hours for both these days will be 11:00 am to 5:00 pm.

FYI's & Other Business

Open Well – Thompson Town Forest – A resident found an open well while walking in the Thompson Town Forest. Conservation Commission Member Nanci Mitchell provided pictures of the well, and a map showing its location. The consensus was that the well is dangerous, and needs to be covered. Don will contact Nanci.

Cable Rate Increase – MetroCast Cable will be raising their rates effective January 1, 2011. Ten new HD channels will be added to their line up.

Cell Tower – A & D Klumb Environmental, LLC will be doing a cell-tower test on Copp Road. They are considering proposing a 140-foot monopole disguised as a pine tree.

Belknap County Budget – Tim presented the Selectmen with a copy of the proposed 2011 Belknap County Budget for their review.

Police Vehicle Accident – The Police Department's expedition was in an accident; an individual stole a police cruiser in Laconia, dumped that, stole a truck and headed down Rte 107. A part-time Gilmanton Police Officer followed the truck down 107 to Pittsfield and turned into a parking lot, at which time the driver of the truck jumped the curb and rammed the police car. Pittsfield police did apprehend the driver of the truck. The car is in for repair; damage estimate is about \$4,000.

Computer – Town Clerk's Office – The computer in the Town Clerk's Office will be replaced.

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Planning Board Approval – Lynch – At their last meeting, the Planning Board revoked the conditional approval that had been granted to Mr. Lynch on Rte 106.

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

MOTION – Selectman Hatch moved to approve the minutes of November 22, 2010 as amended. Selectman Guarino seconded. Motion passed 3-0.

Energy Committee - Energy Committee Chair Amy Russell, member Nate Abbott and Brian Pilcher of NH Community Development Finance Authority (CDFA) met with the Selectmen to further clarify what information is needed to apply for the low interest loan that Amy and Nate had requested, and received permission, to apply for last week.

Mr. Pilcher stated that CDFA focus on community development and energy programs; they work primarily with non-profits and municipalities. It is not a state program but was created by state legislature.

There was discussion of the interest rate that last week had been quoted as 1.25%. Mr. Pilcher stated that if the application is in by Friday, and approved, the interest rate would be 1.25% for the first year and 2.5% for the remaining years, up to seven years.

Mr. Pilcher was asked how specific the information had to be for the projects when the application was submitted. He replied that the more information, the better, but he had seen the information we have, and he felt that, along with a couple of documents that Tim will get for Amy before Friday, would be sufficient to go ahead with the application. It was reiterated that borrowing the money hinged on approval at Town Meeting, and that applying for the loan to get the low interest rate didn’t obligate the Town to anything. The estimated amount for the improvements they would seek approval for at Town Meeting is \$56,000. This would cover the “envelope” of the building that includes repairing the windows, storm windows, insulation and getting gutters for the Academy Building.

The Energy Committee will prepare RFPs for the projects involved, so they could be included in a warrant article.

8:10 – Break

8:13 – Back in Session

Corners Fire Station Property – The Selectmen discussed how to proceed with the disposition of the Corners Fire Station property and building. There was a consensus among the Selectmen that they would like to follow the intent of the original trust and deed. The Selectmen were in favor of combining the land and building in the deal.

Tim was asked to draft a warrant article to see if the Town will vote to transfer the property known as the Corners Fire Station, land and building, to Stephen and Kristie Owens for the sum of \$75 as stated in the original deed.

Building Capital Improvement Study Committee Report – Last week the Selectmen had reviewed the report the building study committee had submitted for repairs and maintenance of Town-owned buildings.

The Selectmen had questions about some of the recommendations, and had gotten clarification and more information.

One of the recommendations was to form a permanent town buildings committee. The Selectmen were unsure of what the purpose of the committee would be. Selectman Hatch stated that she had spoken with John Dickey, and he had indicated that a permanent committee would, once a year, assess all the buildings and make recommendations for repairs, help with specs for projects and solicit volunteers for minor repairs to the buildings. The consensus was a permanent Town Buildings Committee should be formed.

All the recommendations on the list were discussed; many recommendations on the list have been taken care of, or are being addressed.

It was brought to the Selectmen's attention that there is a storm window on one of the upstairs windows in the Academy Building that might not be attached safely. Selectman Guarino will check on it.

MPG Grant Application – Chairman Abbott told Tim that she needs figures, quotes or cut sheets, for the computer service and wireless router for the police station before she can submit the grant application for the equipment at the public safety building. Tim will try to get the information from the police department.

9:25 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. Motion passed 3-0.

The Selectmen discussed a matter that could affect an individual's reputation.

9:28 pm – Selectman Hatch moved to come Out of Non-Public Session. Selectman Guarino seconded. Motion passed 3-0.

9:29 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

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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.

9:32 pm – Selectman Hatch moved to come Out of Non-Public Session. Selectman Guarino seconded. Motion passed 3-0.

9:33 pm – MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk