

**Board of Selectmen  
26 January 2009  
Minutes**

**6:00 p.m.** - Chairman Don Guarino called the meeting to order. Present were Chairman Guarino, Selectmen Rachel Hatch and Betty Ann Abbott, Town Administrator Tim Warren and Clerk Lois Dionne. Also present were Town Clerk Deb Cornett, Police Chief Phil O'Brien and Wayne Gray.

After attendance, everyone stood for the Pledge of Allegiance.

**Deb Cornett - Budget** - Deb read a memo she had written to the Selectmen regarding the 2009 budget request into the record. (Copy attached). The main points of the memo are as follows:

Deb said she had returned from vacation to find that the Selectmen had decided it wasn't fair that her department would be the only department not receiving a 4% COLA increase, and that the Selectmen had gone into her budget and altered budget line items to accommodate a 4% COLA raise for herself and her employees. Deb felt the Selectmen's intentions had been good, but she found it to be undermining and showed mistrust in her ability as a department manager.

Deb said in October, the Selectmen had sent a memo to all department heads requesting them to level fund their budgets for 2009; this doesn't mean you can't budget raises for your employees, but keep the bottom line level funded.

In December Deb presented her budget, at which time she questioned a proposed 4% COLA by the Board of Selectmen. She said she kept her budget in line with the level funding, and didn't include the COLA as it wasn't clear if this increase was to have been included in the level funding (which in effect is a 4% decrease in the operating budget). She said the Selectmen had not decided the intent of the COLA, and would discuss it further. Deb said in the minutes of 12-1-08, after she had met with the Selectmen, they had decided the department heads should level fund their operational budgets, and they would decide on the COLA later.

Deb said when she presented her budget to the Budget Committee in December, it was under the Selectmen's recommendation, so caused some confusion. She said when Budget Chairman Stan Bean asked Selectman Abbott for clarification of the COLA in regard to the bottom line she stated "...that they decided to ask the department heads to level fund their budgets and find the 4% salary increases within their level funded budget...Ms. Cornett stated that she could not find 4% salary increases within her level funded budget..."

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Deb said that on December 29, 2008 the Selectmen decided to find the salary increases in the Town Clerk/Tax Collector's budget by reducing line items, which is actually a 4% reduction in her operating budget, which has the potential of affecting services to the taxpayers to stay within that bottom line. She was concerned that if, at Town Meeting, taxpayers made a motion to vote out a 4% COLA or any other salary increase, the operating budget would be being reduced by 8%, which would jeopardize her full-time Deputy's employee benefits and retirement if she weren't able to work her weekly 35 hours.

Deb said she had put a lot of thought into her budget with public service and her two employees as a priority and kept to what the Selectmen had tasked the department managers. She said it had been a difficult decision for her not to budget salary increases, has readdressed her budget several times, and remains confident with the budget that she presented to the Budget Committee as being one that will get her department through 2009 and meet the needs of the public and the employees.

Deb said she and her deputies are thankful to be employed, and they enjoy their jobs. She asked the Board to reconsider their actions and to make better efforts to communicate with her as a department manager should they have questions which decisions impact the taxpayers and her employees.

After Deb read the memo, there was a discussion.

Deb said she had been upset when she got back from vacation to find out what had been done. She said although the Selectmen's intentions were good, they didn't want to see anybody slighted, they didn't get the ramifications of what was happening. Deb said she is looking out for the public's interest; she doesn't want to have to cut services, and she doesn't want to jeopardize her employees.

Selectman Hatch asked Deb what had happened. She said that the Selectmen, as a board, had initially decided to level fund, then add on the 4% COLA, but later they had asked decided to level fund and asked the Department Heads to find the 4% within their bottom line. She asked if this hadn't been communicated to Deb. Deb replied that she was told, "if they could" (which she felt were the key words) find it in their budget to do it. Selectman Abbott told Deb that when she had met with the Selectmen, she (Deb) had indicated to the Selectmen some areas where she would cut if she had to. Deb said she had later gone through her budget, and decided she couldn't do it because she was already close on expenditures, and things are not going to get better, and this is what she has to think about. The Selectmen replied that is what they also have to think about. Deb said she has a printer that she had to replace that she hadn't planned to replace until after Town Meeting. She said she has two systems, one of which is scheduled to be replaced because the whole system is bogged down.

Deb said she doesn't want to jeopardize hours they are available to the public or cut hours for her employees. Deb said that she had discussed the situation before hand with her employees, and

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they were totally supportive of what she was doing; they are grateful to have jobs. Deb added that she doesn't begrudge any department who can find room in their budgets to include the 4% COLA, but she couldn't do it.

Chairman Guarino stated that the Selectmen hadn't just taken indiscriminate numbers; they had looked at certain line items they felt might be able to be adjusted. The lines the Selectmen had suggested cuts in were the items Deb had mentioned when she had last met with them. The items were document restoration, dues and subscriptions and capital outlay office machinery and equipment.

Tim Warren said they were going to take the difference out of the non-capital reserve for office equipment. Don stated that when they had used the money in the capital outlay for office machinery and equipment they would go to the non-capital reserve money to pay for it so Deb's printer could be purchased this way. Tim said that could be done because the money is for Town Offices.

Deb said documentation is very important; they are way behind because they have years of it to do. She said she had cut back as much as she could in that line item; most of the money there is for supplies to store the documents correctly (acid-free paper, stainless steel staples, etc).

Selectman Abbott wanted to correct a statement Deb had made. She said that Deb had suggested the Selectmen had gone into her budget, and had changed numbers; they did not do that, they made a different recommendation from Deb, but the department request is there.

Deb said she was upset because it had been done while she was on vacation without ever having discussed it with her. Deb said she feels people are going to say "no" to salary increases this year, and by doing this, the budgets won't be level funded, they will be reduced. Deb said she would feel more comfortable if the Selectmen had said they would present the 4% COLA as a separate warrant article for the residents to vote on.

There was debate back and fourth that the town employees deserve an increase; they are the Town's most valuable assets, and that the Selectmen felt Deb's department should also get an increase. It was stated that to give the raises would look like there was extra in the budgets, but it was countered that other departments had given up things to support the raises, i.e. the highway department would cut back on some paving to allow for this.

After much discussion back and forth, it was decided that Deb would present her budget as it is, and the Selectmen would make their recommendations on what they felt. Deb said she appreciated the Selectmen's thought process, but hoped they could understand what she was talking about. Deb was also told that the Selectmen had not done this while she was on vacation deliberately, and they would try to have better communication in the future.

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**Economic Downturn - Effect on Revenues** - Selectman Abbott said she had asked Deb to apprise the Selectmen on how Deb saw revenues being affected by the drastic downturn in the economy. Deb said she was surprised to see that she was only down \$2200 in collections for the year on the Town Clerk side, but feels there will be a bigger decrease this year with automobiles. She feels fewer people will be buying new automobiles, but there will probably be an increase in the income from the decals they can now issue.

Selectman Abbott asked about property taxes. Deb replied that we now have \$892,000 uncollected taxes for 2008; delinquent notices will go out this week. She said she had received two foreclosure notices today. Selectman Abbott asked Deb to explain what happens with foreclosures, because she said it is her understanding that when a property is foreclosed on, the bank, when they take over the mortgages, pays the taxes. Deb said this doesn't always happen because she has had banks and mortgage companies that are bankrupt and have gone to tax lien, so taxes are not paid on these properties.

Selectman Abbott stated that unemployment is going to be a problem, but it is being projected that it won't be as bad in New Hampshire as in many other places, but that still means the welfare will be heavy again. She said most of our surrounding towns have been experiencing a 10% to 15% decrease in revenues in 2008, and apparently Gilmanton did not; we were down about 5%. She felt this could possibly be because we do not have many businesses.

Tim said he is underestimating the revenues for 2009 from 2008, and if we should get more, then it would go into the general fund. Deb said last year the tax liens were up \$95,000 from the previous year, and she feels there will be more this year.

## **6:35 - Break**

## **6:40 - Back in Session**

**Chief O'Brien - New Cruiser** - Chief O'Brien said it had been brought to his attention that the Selectmen were discussing possibly doing away with the purchase of a new cruiser this year, but to continue funding the capital reserve for cruisers so they could buy a new cruiser next year and then by continuing to fund the capital reserve cruiser account there would be money for future cruisers when they are needed. The chief said if it came to funding the capital reserve cruiser account this year or getting a new cruiser, he would opt for the cruiser. He presented the Selectmen with a list of the cruisers we own, their mileage, the year it should be rotated out of service, and the projected mileage when it is turned in. He said patrol cruisers average 25,000 a year.

Chief O'Brien said he could also do away with his request to change from IMC to "Crime Star" this year. He said the reason for this is that Verizon has presented a package to the Police Chief's Association and the Sheriffs Department where they would have a main computer at the Sheriff's Department, and the police would have laptop computers feeding into that. He said if

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Gilmanton wanted to participate in that, they would have to remain with IMC; everything would be done over the cell phone system.

Chief O'Brien said if he could get a new cruiser this year, then he could skip the one that would have been requested in 2010 and put the money in the capital reserve for cruisers, they could get back into the rotation system that way.

It was decided to put in an article for a new cruiser, and to remove the article for "Crime Star". The need to update the phone system at the police department and to get LED lights for at least one cruiser was also discussed.

**Feasibility Study Report** - Chief O'Brien asked if the feasibility study committee was doing anything to present the results of their study for the Old Town Hall. Selectman Abbott felt something should be done, and Israel Willard should be asked to make the presentation at Town Meeting, as he had been chairman of the committee.

**Parking Academy Drive** - Tim Warren asked to address the way parents park their vehicles in the drive in front of the Academy Building while waiting for the school bus to pick up their children. There have been complaints that vehicles park on both sides of the drive obstructing passage, and are not cooperative when asked to allow cars through. Phil said they had checked a couple of times; there weren't many vehicles when they checked, and they did move to allow vehicles through. It was questioned whether they would have, had it not been a police vehicle. Tim Warren said he didn't understand why the bus stop was at the entrance where they block traffic instead of at the exit where there is more room to park and to pass. After a brief discussion, it was decided this was an issue that should be addressed with the school department and the bus company. Selectman Hatch will contact the bus company. Chief O'Brien said the police would continue to do drive thrus.

**Chief Lockwood - Donation** - Fire Chief K G Lockwood requested permission from the Selectmen to accept the donation of a 1996 Polaris Indy 500 snowmobile from the Gilmanton Snowmobile Association.

Chief Lockwood said the snowmobile would be used to reach people involved in snowmobile accidents and for remote medical emergencies. He said we already own a rescue sled and wilderness rescue equipment, which would be utilized in conjunction with this machine. He said they already have all the equipment needed except for two helmets.

Chief Lockwood said they had asked the snowmobile association to borrow a machine, and they had offered to give them one.

There was a brief discussion whether there was the need for a snowmobile and who would operate it. Chief Lockwood assured the Selectmen that they already had use for the machine when a snowmobiler had been injured in the woods. He added that anyone who operates the

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machine would first have to pass a safety course. The machine could be insured on the town's liability insurance with other vehicles. It was decided that rather than accept an outright gift, it would be better to buy the snowmobile for \$1 in order to have a paper trail.

**MOTION - Selectman Abbott moved to purchase a 1996 Polaris Indy 500 Snowmobile from the Gilmanton Snowmobile Association for \$1. Selectman Hatch seconded. Motion passed 3-0.**

**Regional Grant** - Chief Lockwood said he had received a couple of emails from the Laconia Fire Chief. They are doing a regional grant for a mobile air compressor refilling station for which Laconia would be responsible for the upkeep. They wanted all the area towns to sign the application for the grant. Chief Lockwood, after reading the draft for the grant didn't feel that Gilmanton would benefit from it, so informed the Selectmen that he didn't feel they should sign it.

After a brief discussion and review of the grant, it was decided that Gilmanton would not sign the application for the grant.

**EMS Coordinator** - The Selectmen were informed that Andrea Kingston had resigned as EMS Coordinator for the fire department, but would remain as a call medic.

## **Public Input**

**COLA Increase** - Wayne Gray, who had been present during the discussion of Deb Cornett's budget, asked if the Selectmen were comfortable, as a town board, with a 4% decrease across the board in the Town budget, and if they felt they could sustain that. Mr. Gray said if they level fund, and include the COLA they would lose 4% in the budget. He said, as Deb was saying, if they include the increase in the budget having it level funded, it would mean a decrease of 4% in the operating budget. The Selectmen indicated that they were aware of what they were doing and asked that Mr. Gray express his feelings as a statement rather than questioning the Selectmen. Mr. Gray said he felt the Selectmen should present the budget as they put it because that would mean his taxes would go down. He said he just wanted to make sure the Selectmen were comfortable with what they were doing. Mr. Gray said the question was if they were comfortable with a 4% decrease in the capital budget for the whole town, and Selectman Abbot had said "yes". He felt the way it was being presented, the budget would be reduced by 4%.

Chairman Guarino said the departments had been asked to try to find a 4% COLA while level funding their budgets. Selectman Hatch asked if Mr. Gray felt the services to the Town would be compromised by their actions. Mr. Gray said he didn't feel they would be, and he disagreed with the Town Clerk when she said that they would be. Selectman Abbott agreed. Chairman Guarino stated that the Selectmen feel that the greatest assets in the departments are the employees, so if, for example, Paul Perkins says he would spend less on paving in order to give

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his employees a raise, that is a decision they made. Mr. Gray agreed that employees are the assets of the town.

Selectman Abbott wanted to correct the misconception that by offering a 4% increase to our employees, we are affecting the whole budget by 4%. She said this is not the case at all. Mr. Gray stated that in Deb's case, the 4% is a 4% decrease of her overall budget. There was a discussion, and it was figured out that in Deb's case, it did represent 4% of her budget, but that was because salaries are the major part of her budget, but that was not the case in other departments. It was figured that the 4% increase amounts to 1.1% of the overall Town budget.

Selectman Hatch asked Mr. Gray what he felt the overall climate of the town is at the present time. He felt it is healthy right now, but people are worried about tax bills, and cost of living increases and raises.

**Recycling Facility** - Justin Leavitt asked if the Selectmen had ever given any thought to what would happen in the next couple years as far as the Town outgrowing the recycling facility. Chairman Guarino said he didn't feel we are going to outgrow the facility in a couple of years. Justin said we need to start thinking in terms of storage because he has almost a half trailer of paper. Don said that means people are recycling more. Justin responded that it is costing us money to get rid of paper right now, and he has no place to store it. Chairman Guarino asked if Justin had talked with NRRA about utilizing their facility. Justin said he had, but it is going to cost money to store it until we dispose of it. Don asked him to find out the storage cost, because it would still be cheaper than having it disposed of in the compactor, and having to pay hauling and tipping fees. Don asked Justin to compare the cost of disposing of the paper to the cost of disposing of it in the compactor. It was determined that if the paper is costing us \$5 a ton to dispose of compared to \$45 a ton to dispose of in the compactor, there is still a considerable savings. Justin was also told that if he had concerns about the growth of the facility, he should address it with the Recycling Committee.

**Free Room** - Justin asked if the Selectmen had come up with a solution for the "free room". Chairman Guarino stated that he thought Justin was going to reopen the room after two weeks. Justin said he was supposed to come up with a solution to regulate the room, and then come back to the Selectmen with his solution. He said he had come up with a solution, and the Selectmen told him they would think more about it. Chairman Guarino said Justin's solution of having regulated hours for the "free room" was not something that the Selectmen wanted to have implemented.

Justin said he has no way of regulating the room all the time. Selectman Abbott said she didn't feel the Selectmen had ever intended that he regulate the room all the time. She said the Selectmen had supported Justin closing the room to make residents aware that they have to be more responsible, because the room is a privilege, or the room would be closed. Selectman Abbott said someone has to go in the room every now and then to check on it, and take out items

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that don't belong there. She felt this could be done at the end of every day. Justin was concerned about the liability issues should anyone get hurt in there.

Tim said an individual had called today concerned about the sign Justin had put up when he closed the room. The individual felt the language used on the sign was offensive.

After discussion, it was decided that Justin would reopen the "free room" the regular hours, and post rules for the room, including what items are and are not allowed to be dropped off there. He was told if there continues to be problems, to come back to see the Selectmen and they would readdress the situation.

**Waste Disposal** - Justin informed the Selectmen that he is in talks with Cassella Waste Disposal as opposed to Waste Management for disposal of our trash. He said he has spoken with Best Way, but they couldn't compete with Waste Management's price. When asked why he wanted to switch companies, Justin replied that he is having problems with Waste Management listening to what we need at the facility, such as extra containers.

**Petition Warrant Article - Groundwater Withdrawal** - Conservation Chair Nanci Mitchell and Sue Hale-deSeve were present to discuss the ground water withdrawal ordinance. Nanci said they had taken Barnstead's ordinance and changed it to Gilmanton's, and had gotten 30 signatures on their petition. She presented the petition and the ordinance to the Selectmen. Nanci asked if the Selectmen intended to actively support the article at Town Meeting. The Selectmen all agreed that they are in support of the article.

Nanci suggested that it might be a good idea if Gail Darrell and Ellen Hayes from Barnstead met with the Selectmen to explain the ordinance more fully before Town Meeting. The Selectmen felt it would be good to have a half hour informational meeting, open to the public, before Town Meeting. Nanci will ask Dick deSeve to contact Gail and Ellen to try to arrange a meeting.

**Warrant Article - Halls Hill Swamp Lot** - Nanci presented the Selectmen with a draft of a warrant article to see if the Town will vote to retain Tax Map 416 Lot 21 of 28 acres on NH Rte 140 for conservation purposes. The article states that the property has many wetlands, portions of which are mapped by NH Fish & Game Dept as Tier I habitat, the highest-ranking habitats by ecological conditions in the state.

**Wood Grinding Operation** - Tim had an email from Sean Donahue who is putting together a business plan for a wood grinding operation, and was wondering if the Town would allow him to collect the brush pile at the recycling center on a weekly or bi-weekly basis, take the brush to their cite where it would be processed and hauled to the power plant to help provide energy to the area; the service would be at no cost to the town, and would eliminate the need for the Town to burn the brush.



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There was a question as to whether we could separate just the brush from the wood, and it was decided to invite Mr. Donahue and Justin in to discuss it.

**Maps on Line** - Tim wanted to confirm that the Selectmen had decided to have the Town maps put on line this year (they would be free for one year). He said George Hildum said it could be an asset, but it could also bring more questions into the office. Tim said the only problem he sees is that people would get used to it being available, and then we might decide not to fund it in the future. The Selectmen decided to have the free year, and let the voters decide if they wished to fund it after that.

**Miscellaneous Budget Requests** - Tim asked the Selectmen to confirm that what he had in his budget regarding, milfoil treatment, snowmobile request, electric up grade at Crystal Lake Park were what the Selectmen had decided. There was a brief discussion on each item.

**Fish & Game Map** - Tim had a letter from the Fish & Game stating that the Fish & Game Department had a map of all public access boat ramps to waters in the State. He said if we wish to have the boat ramp at Crystal Lake Park included on the map, we had to fill out a form and send it in. It was decided because of the problems some lakes and ponds have had with milfoil being brought in, we did not wish to be included on the map.

**Cell Tower** - Tim informed the Selectmen that he had received a letter from Tower Resource Management, a company that develops cell phone towers in an effort to enhance cellular communication statewide. They try to work with towns to place the towers inconspicuously as possible, such as landfill locations, municipal lots, etc. The letter expressed hope that the Town would consider leasing a portion of its land for the erection of a tower.

There was a brief discussion of the issue, and it was felt this was something that should go to the planning board, as they have regulations regarding cell towers.

**Approval of Minutes** - The Selectmen reviewed the minutes of last week's minutes.

**MOTION - Selectman Hatch moved to approve the minutes of January 19, 2008 as amended. Selectman Abbott seconded. Motion passed 3-0.**

### **8:12 p.m. - 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 Abbott seconded. Motion passed 3-0.

The Selectmen discussed a personnel issue.

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**8:14 p.m. – Out of Non-Public Session**

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

**8:15 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectman Abbott 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.

**8:17 p.m. – Out of Non-Public Session**

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

**8:15 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(e)**

Selectman Hatch moved to Enter into Non-Public Session as per RSA 91-A:3, II(e) - Discussion of pending or threatened (in writing) litigation against the Town or Town Officials, Board Members or Employees. Selectman Abbott seconded. Motion passed 3-0.

The Selectmen discussed a legal case.

**8:29 p.m. – Out of Non-Public Session**

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

**MOTION – Selectman Abbott moved to seal the minutes of the last two non-public sessions. Selectman Hatch seconded. Motion passed 3-0.**

Selectman Abbott stated that she, Don Guarino and Walter Mitchell had attended a court-ordered mediation with the Morrills and she was pleased to announce that they did successfully mediate the case regarding the Morrill's property on Donovan Road. She said they have an agreement that all parties had agreed to on Friday at the end of that session; they agreed to it in principal, and the attorneys had signed it at that time indicating the Town's intention to formalize the document.

**MOTION – Selectman Abbott moved that the Town accept the permanent stipulation, Docket # 08E0077 as agreed to by Lee and Mary Ann Morrill and the Town of Gilmanton as represented by Don Guarino, Betty Ann Abbott and Walter Mitchell on Friday, January 23, 2009. Selectman Hatch seconded. Motion passed 3-0.**

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Selectman Abbott stated that this agreement does not negate the necessity for getting any other State or County permits, and she recommends that the Morrills move as quickly as possible on their dredge and fill permit because that takes quite a while to obtain. Don said they might not need a dredge and fill permit, depending on the option they chose. Betty Ann agreed, but felt they should move quickly to decide which option they were going to elect.

### **8:32 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(d)**

Selectman Abbott moved to Enter into Non-Public Session as per RSA 91-A:3, II(d) - Consideration of the purchase, sale or lease of real or personal property which if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. Selectman Hatch seconded. Motion passed 3-0.

The Selectmen discussed the possible purchase of a piece of property.

### **8:40 p.m. – Out of Non-Public Session**

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

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

**Year Round Library – Safety Concerns** – Chairman Guarino read a letter into the minutes (copy attached) from Alan Blake. Mr. Blake had written to the Selectmen previously expressing his concern that the Year –Round Library had been issued a Certificate of Occupancy without having an engineer’s stamp on a set of plans for the building. He felt there were liability issues for the Town. He had also questioned whether the Town could fund the operations of a privately owned library.

Don said when he had received the previous letter from Mr. Blake he had faxed it to the office, and had a copy put on Building Inspector Bob Flanders’ desk. He also passed the letter on to LGC.

Tonight’s letter stated that Mr. Blake had not received a reply to his previous letter, so he had called Chairman Guarino to discuss the matter. He said Don had informed him that after passing his letter of concern to the LGC, the following were its dispositions:

- A. In regards to the Gilmanston Year-Round Library being initially noncompliant with IBC regulations: The Town has no cause for concern as to issues of liability because the library, being privately owned, was also privately insured. All liability would then fall on the Year-Round Library’s insurance carrier.

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- B. In regards to the private enterprise/public monies issues: The LGC has informed the Board that RSA Section 202-a-4-b allows for contracted private library services financed with public monies.

Chairman Guarino said he had called Stan Bean, before Mr. Blake had called him (Don), and talked to him about the fact that the Year-Round Library Committee needed to know that there were issues “hanging out there”, and they should be addressed; one of the issues being the need for an engineer’s stamp on the set of plans, and the other that the LGC had decided that the arrangement between the library and the Town of Gilmanton would be a contracted service. Don said Mr. Blake does not feel this is a good decision. Don added that the LGC said that, prior to expending public money on the library, the Town could require the library to have an as-built plan with an engineer’s stamp; he passed this information on to Stan Bean. Don said LGC hadn’t seemed concerned, and when he had spoken with Stan, Stan felt it could be as simple as having the Town of Gilmanton being listed as the additional insured.

Don read from Mr. Blake’s letter, “All Group A3 structures need stamped plans, but, as this points out, not only because the IBC requires it, but because insurance underwriters also require it. “ Mr. Blake suggested that the Insurance Underwriter for the Gilmanton Year-Round Library be contacted by the LGC by certified letter, informing it of the current issue/controversy regarding initial non-compliance, and asking the insurance company to provide a waiver of subrogation clause in this contract with the library stating that it will agree to waive all right of recovery against the Town of Gilmanton.

Don reiterated that the question concerning the building is that it doesn’t have an engineer’s stamp on a set of plans for the building.

Don said he had told Mr. Blake that as far as contracted private services, we have had contracted private services when we got rid of the bats at the Old Town Hall, and when we had the new perimeter drain installed outside the Academy Building. He said Mr. Blake said that with the library, it isn’t so simple because library services are multifaceted. When we walk into a library we are unaware, but the systems which the library’s services have developed and have built on are running silently in the background. Mr. Blake included a partial list of library services to underscore the complexity and depth of library services copied from a recent MIT survey.

Mr. Blake’s letter stated that the RSA clearly directs that the town may vote on a contract for library services...but the contract should be much more complex than one for getting rid of bats, etc. Don said he had told Stan Bean that he felt the warrant article should read more like a contract for services, which it doesn’t.

Don said that Mr. Blake’s final concern was public monies being given to a library with no library trustees. Don said there is an RSA Section 202-A-7 that says it is required that one trustee be voted in by the Town at a Town Meeting, even in this situation.

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Don said this leaves three questions that need to be addressed; no plan with an engineer's stamp, no contract and no library trustee. Selectman Abbott suggested that if there was no trustee voted in, the Selectmen could appoint a trustee until the next election. Don will fax a copy of the letter to the LGC and ask them to handle it.

Selectman Hatch felt these are all "in house" issues and is something the Trustees of the Library need to deal with, not the Selectmen. Selectman Abbott said there is a warrant article asking for \$75,000. Rachel said it is a petition warrant article, and is not within the Selectmen's purview. Tim added that the Library trustees have specific libraries they are responsible for. Rachel felt the Selectmen are spending too much time on this issue; it is a privately funded organization that submitted a petition warrant article not under the Selectmen's purview, and they aren't recommending it. She felt Mr. Blake should be addressing the Year-Round Library with his concerns, not the Selectmen. Selectman Abbott said the original issue was a Certificate of Occupancy issued without a set of plans with an engineer's stamp, and we had to address that. Don will forward the letter to the LGC.

Justin Leavitt said he was puzzled because it was his understanding, from the beginning, the library was supposed to be privately funded, and asked why the Town is getting involved now. He was told it was because the Year-Round Library had submitted a petition warrant article. Selectman added that, as a point of information, the Library Committee absolutely denies that they ever pledged that they would not come to the town, and they say they have made every effort to form an endowment that would pay for operational costs; they have not been able to do that, so they have to come to the town to ask for the funds.

### **9:00 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectman Abbott 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.

### **9:14 p.m. - Out of Non-Public Session**

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

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

**1-26-09 BOS**

**9:15 – MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Abbott seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk