

**Board of Selectmen
23 February 2009
Minutes**

6:00 p.m. - Chairman Don Guarino called the meeting to order. Present were Chairman Don Guarino, Selectmen Rachel Hatch and Betty Ann Abbott and Recording Clerk Lois Dionne. Town Administrator Tim Warren was on vacation. Also in attendance was Town Clerk Deb Cornett.

After attendance, everyone stood for the Pledge of Allegiance.

Chief Phil O'Brien was scheduled to meet with the Selectmen to discuss budget issues, but had to cancel.

Election Laws – Town Clerk Deb Cornett asked to speak with the Selectmen regarding election laws. Deb told the Selectmen that at one of her executive board meetings, it had been brought to her attention, and she has been following up on it since her last executive meeting last month, that the town and school elections should not be done on the same ballot. Deb said we are one of thirty towns in the state that are doing it incorrectly. She said the Attorney General's office said that the RSAs are very clear on this. Deb said she had gone through the RSAs and the school clerk is supposed to do the filing for the school; Deb is only supposed to do the filing for the Town. The ballot for the school is supposed to be a separate ballot according to RSA 671-22 – II, and is supposed to be a separate color. The balloting can be done at the same place and time, but the count at the end of the night is supposed to be separate, and the school board is supposed to be present for the counting of the school ballot.

Deb stated that we have been doing this incorrectly for years, and we are too far into the process to change it this year, but we would have to correct it next year. Rachel said she would talk with the Superintendent. It was felt it would be a good idea for Deb and Rachel to attend a school board meeting during this year to explain the laws. The possibility of a joint Board of Selectmen/School Board meeting was also discussed.

The articles pertaining to the preparation of the ballots and elections for school and town were reviewed and discussed. There were a few questions about the wording of the RSAs that the Board of Selectmen felt were unclear. Deb will call the Attorney General's office on Tuesday for clarification, and will get back to the Selectmen.

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Approval of Minutes – The Selectmen reviewed the minutes of their last meeting.

MOTION – Selectman Hatch moved to accept the minutes of February 9, 2009 as amended. Selectman Abbott seconded. Motion passed 3-0.

Clarification of Minutes of 2-9-09 – Lois said she had received a phone call and an email from Nanci Mitchell regarding the February 9th minutes in regards to the ground water ordinance. Nanci said the minutes had been forwarded to Ellen Hayes and Gale Darrell, who had addressed Barnstead's Ground Water Withdrawal Ordinance. Nanci said she had read the minutes, and felt they had reflected what had been said, but she had received an email from Ellen Hayes wanting to clarify what had been said or intended.

The minutes reflected the following:

Selectman Hatch asked if the existing ordinance in Barnstead affected the individual property owner; if someone makes soda, would they have to get a groundwater withdrawal permit. Gale said it affects everyone, but not in a negative way. Ellen Hayes said it affects everyone, but the only time the ordinance kicks in, is when you violate it, i.e. if you withdraw more than the allowed gallons per day. She said if you have a contract agreement with the town to make soda, then it is allowed. Ellen said people have begun to realize that water is the new oil, and the ordinances are designed to stop corporations coming in and lowering aquifers, and contaminating wells, etc. She added that the ordinance only prohibits what you want to protect.

Ellen Hayes wanted the minutes to reflect the following:

She said she and Gail did not say the ordinance affects everyone as it is written in the minutes. The Barnstead, Nottingham and Atkinson ordinances prohibit corporate water withdrawal. It does not prohibit water withdrawals by individuals. She added that what they may have said that was misunderstood was that the stripping of corporate rights in support of the ban on corporate water withdrawal affects all corporations in town, not just water withdrawal corporations.

Election Day Coverage – Selectman Hatch informed Chairman Guarino that Frank Bosiak had offered to fill in for Don on Election Day at the polls. She said that since Don is on the Ballot, he couldn't be working at the polls. Mr. Bosiak has filled in for Selectmen in the past. The Selectmen agreed that Mr. Bosiak should fill in for Don; Rachel will contact Mr. Bosiak.

Expanded Gambling in NH – Lois read a letter from the Town of Belmont Board of Selectmen in which it was stated that the NH House and Senate would be considering several gambling bills during the 2009 session of the Legislature, and that Belmont feels the Lakes Region and NH economy could benefit from the expansion of gambling. The letter said that there is a meeting of NHMS on March 2, 2009 at the Local Government Center, and Belmont's designee would vote in favor of supporting legislation to further

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discuss and/or implement expanded gambling in NH. They requested that the Selectmen respond, either in the positive or negative to the Belmont Town Administrator.

After a brief discussion, the Selectmen asked Lois to send an email to the Belmont Town Administrator stating that they are not in favor of expanded gambling in the State.

6:55 p.m. – Break

7:00 p.m. – Back in Session

7:00 p.m. – Public Input – No one was present for public input.

Economic Stimulus – Selectman Abbott said she had sent an email to Chief Lockwood asking him what had been done on applying for the stimulus package for the funds to build our safety building; she also commended him for taking the initiative on this. Chief Lockwood said he had started the process, and is waiting to hear back from Don with the cost per square foot; Don has the plan and is to get back to the Chief. She said that when Chief Lockwood has this information, he could finish the application. Betty Ann added that the Chief was also applying for a separate application for the project; there is a second set of money set aside just for the fire service, so he is applying for them both.

Don said he and Chief Lockwood have been working together on this on a weekly basis ever since Don had seen an article in USA Today about the stimulus package a few weeks ago. He said Chief Lockwood found the office in NH that was set up to receive the funds, and then he found the plans for the last life station building that had been considered. He said this plan had been a duplicate of the Salisbury, NH fire station. Don said that gentleman who built the Salisbury station is at a conference, and won't be back until Friday, but the Town Administrator was pleasant, and had looked and found a foundation plan, and some other sheets, but is looking for the complete set of plans. Don felt if we had the complete set, we could get some general contractors to look at them, and could get some numbers. He said the chief is going to call to be sure that we haven't affected ourselves on the application process; no money has come to the State yet. Don said he plans to speak to the gentleman from Salisbury on Friday, and he is going to talk to the Town Administrator in Salisbury and ask her to see if the building inspector can find the original prints. Don said our building inspector Bob Flanders said that although the plans are three years old, they should be fine; there will be some updates that would have to be done to meet today's codes. Bob had indicated that he would be willing to look at the plans, to determine what would need to be done. Don said Bob was concerned whether the Town could accept the grant without having it listed as a warrant article. It was stated that there would probably have to be a special town meeting. Don said he had called the LGC, and spoke with Attorney Christine Fillmore. Don said because the State knows this money is going to become available, there is a Senate Bill 39, which has passed the Senate and has "fast tracking" to the house, and would get rid

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of, what would normally be road blocks that would stop a town from accepting a grant. He felt everything is in place, and it might be as simple as having a public hearing.

Don stated that previously we had been going to try to make the Salisbury building work as a life safety building, but it would work really well as just a fire station, because that is what it is. Don stated that he and Chief Lockwood thought that if we receive the grant for the building as a fire station, Gilmanton would, basically, be getting a fire station built for free, so the money that has been appropriated for a life-safety building should be dedicated to a new police station. Don felt that since the square footage of the building has been reduced since the original plans for a safety building had been drawn up, it would be best, if it gets approved, that we don't try to get a dual-purpose building. Don said we might have the grant before we go to Town Meeting. Selectman Abbott thought the plan was adapted for a dual-purpose building. Selectman Hatch said she would rather use the money for a dual-purpose building. Don said he had looked at the plan, and it isn't that accurate; it has been three years since the plan was worked on. He said the plans don't show room for an evidence storage locker for the police department, and some other things that we now know are needed for a police station. Don had the plans in his truck, so brought them in for the Selectmen to review.

The Selectmen reviewed the plans, and there was considerable discussion about whether the building would accommodate both a fire and police department, and give them each the space they require. Don stated that the plans for this building are not for a life-safety building; it is a fire station; these plans have never been presented at Town Meeting; it was the last option that had been considered before the building committee decided to ask the town to save for a life-safety building. Don felt we should take the Feasibility Study information, and send the plans to a general contractor for an estimate, and we could work on the plans as we move forward. In the meantime we could be working on the groundwork and structure. Don will work with Chief Lockwood, and find out how many square feet he feels is necessary for a fire station. Don said he also wants Police Chief O'Brien to be involved in this.

7:30 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.

7:53 p.m. - Out of Non-Public Session

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

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

Personnel Policy Changes – Selectman Abbott asked Lois to have Tim draft a change to the personnel policy that would require a background check on all new hires, and have the draft ready in a couple of weeks for their approval.

7:55 p.m. – MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Abbott seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk