

**Board of Selectmen
11 May 2009
Minutes**

6:00 p.m. - Chairman Rachel Hatch called the meeting to order. Present were Chairman Hatch, Selectmen Betty Ann Abbott and Don Guarino, Town Administrator Tim Warren and Clerk Lois Dionne. Others present included Israel and Candace Willard, Steven and Veronica Lende, John and Betty Hughes, Graham Wilson, Fire Chief KG Lockwood, and Mike Kelleher and Tim Scott from NH 911.

After attendance, everyone stood for the Pledge of Allegiance.

Public Hearing – Renaming & Renumbering Bean Road - A prior public hearing had been held to address the renaming and renumbering a section of Bean Road. Fire Chief Lockwood had been concerned because Bean Road was cut off in the middle by a beaver pond prohibiting through travel from one end of the road to the other. At that time none of the residents of the road wanted their end of the road to be renamed, and had suggested using upper and lower Bean Road, or Loon Pond End and 107 End. Not being able to come to a decision, the Selectmen tabled the matter until Chief Lockwood could speak with the NH 911 system, which is involved with road names and numbering of roads. Mr. Kelleher and Mr. Scott were here tonight to address the situation and answer questions.

Before starting the hearing, Mr. Willard asked, and was given permission, to have an email (copy attached) he had received from Thomas and Judith Wagner, who could not be present tonight, read into the minutes. The email supported retaining the name of Bean Road for historical and practical reasons.

Chairman Hatch asked if the gentlemen from 911 would give a brief overview of the reasons to consider renaming Bean Road. Mr. Scott reviewed a couple of maps of the area showing that there was a section of the road that is impassable, and there are addresses on both ends of the road, but have to be accessed from separate areas of town. He said they call this two segments of a road that are disjointed and not connected, and it is their recommendation to rename one section. Mr. Scott stated that the numbers on the high end of the road (the end from Loon Pond Road) would have to be renumbered no matter which end changed names. The other end would be able to keep their current numbers. Mr. Kelleher said from their perspective, it didn't matter which end changed their name, but felt it is a dangerous situation the way it is now. If there is an emergency

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situation, and you are coming in from the wrong end, it would take a half an hour to go back out and around, which would be a significant impact in response time. He said he had read in the minutes of the last public hearing that someone asked if 911 had come in and helped do the renumbering in the past. Mr. Kelleher said that is probably true, and what they had done in the past, but don't do any more, is the town would say the road used to go through, and might again someday, so they would leave the option open. He said they had gone along with that, but in the past ten years they found almost none of the roads had ever opened up again. Mr. Kelleher added that in the case of Bean Road, there is an impassable swamp in the middle of it, and they consider it a serious safety issue. He said from a "housekeeping sense", it would make a little more sense to change the name from the Loon Pond Road end, because they would have to be renumbered in any case, but they could do it either way.

Mr. Hughes suggested that Bean Road from the Loon Pond Road end stay as it is because it is more historical because of the mill sites. He suggested the other end be called Willard Road.

Chairman Hatch asked Mr. Hughes to clarify what he meant by more historical. He said if you cross over from Bean Road there is a road, which now has a chain across it, which goes down to where there used to be mills. He said you could see the stones from the mills.

Mr. Wilson said there are the remains of a mill, but it isn't really a road, but part of town property. He asked what the reaction of the 911 gentlemen is about having Upper and Lower Bean Road. Mr. Scott replied that the Board of Selectmen are tied by RSA 231:133 and 133-A that says you cannot create duplicate or similar sounding road names in the Town.

Mr. Lende stated that also of historical significance, as he stated at the last meeting, is that his house is an old cape that has been there on an old road (Bean Road) since 1740. He said he understood that Mr. Willard's property has an old cellar hole that his grandfather had, but he felt that the houses on the Rte 107 end are newer houses.

Mr. Willard stated that Bean Road ends at Loon Pond Road, and any mills are not on Bean road, so the historical factor doesn't enter into that. He said the historical fact is that Bean Road is on an historical map since 1966, and to say that because Mr. Lende's house was built in the 1700's and is still standing, doesn't mean the house built by Mr. Willard's great grandfather has no significance because there is only a cellar hole there. He added that the notice he had received said tonight's meeting was to discuss the renumbering of Bean Road; it didn't say rename. Selectman Abbott said the agenda says renaming of Bean Road. Mr. Lende said Mr. Willard was right; he thought the first notice said the same thing. Chairman Hatch said that Mr. Willard and Mr. Lende had both been at the last public hearing, and they had clarified that the Selectmen were looking at not only renumbering, but also renaming a portion of Bean Road. She said she

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hadn't seen the notice. Lois said they might be right; she didn't have a copy of the notice with her, but felt she may have omitted to say renaming.

Selectman Guarino asked the residents to try to understand the 911 System. He asked if there were any other roads in New Hampshire that were as long as Bean Road that has that large a separation in the numbers. Mr. Kelleher said they are out there, and someone had died in a situation such as this. He said there was a mutual aid call, and assistance from out of town came from the wrong end; it took forty-five minutes to respond to the medical emergency. Mr. Kelleher said the issue isn't usually in the daytime when all the people who know the area are responding; it is when someone new or unfamiliar with the area is responding at night, they go to the wrong spot. He said there are situations like this across the state, and they are working with towns to try to change them.

Chairman Hatch asked how many residents have their mail delivered to a post office box versus their physical address. The residents on the Loon Pond Road end have mailboxes on Loon Pond Road. Mr. Willard's mailbox is on Rte 107.

Selectman Abbott said she understood that none of the residents want to have the name of their portion of the road changed, but said the Selectmen have to make a decision, and asked if any of them had thought about an alternate name for the road.

Candace Willard said that Bean Road is not a road; it is part of their driveway. Chairman Hatch said they meant their end of Bean Road. Israel Willard replied that it was all of Bean Road; Bean Road does not exist. Mrs. Willard said it was discontinued in the 1920's, and what they are dealing with is only for 911.

Selectman Abbott asked, if they were asked to rename their driveway, what they would want to call it. Mrs. Willard replied that they would like them to ask the people on the other end to rename their driveways. Selectman Abbott stated that, as the Willards were unwilling to give her a suggestion for that end of the road, she would ask the other residents. Mr. Lende said they hadn't gotten together to discuss it, but they would if necessary. Selectman Abbott said if they wouldn't the Selectmen would come up with a name.

Chairman Hatch stated that understanding the sentiment expressed tonight about the road, the residents had to understand that the Selectmen's primary directive is safety first. She said the Selectmen would be talking extensively about it. She asked Chief Lockwood if he had any input. Chief Lockwood replied that he had nothing other than what the 911 people had said. He said that people look at him funny when he says it isn't the firefighters; they should know where people live. He said they do, but at ten o'clock this morning they had a working code at Lou Lane and were tied up three hours, so anything else that might have come in would have had to be handled by someone out of town. Chief Lockwood said you couldn't expect them to know the town the way the Gilmanton firefighters do.

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Mr. Willard asked if they received a 911 call for 50 Loon Pond Road, how they would go there. Mr. Scott said those directions were typically left up to the local dispatch center. Mr. Willard replied that if he called in a fire at 8 Bean Road they would ask where that was, and he would tell them to go down 107 to Bean Road, and if someone from the other end of Bean Road called in a fire, they would tell them to go down Meadow Pond Road to Loon Pond Road. He said the 911 people are making something out of nothing. Mr. Scott said he had heard those arguments before, and if it is a fire, and you can see smoke they would know where to go, but the majority of calls to 911 are medical, and if you can't talk you can't tell them where to go.

Betty Hughes asked if they used GPS at all. Mr. Scott said they do, but you have to relay by voice. Many calls come in from cell phones, and you can't get an address from a cell phone. He said you would have to have a GPS in the vehicles, which most don't because it would be very expensive. Mr. Kelleher felt that is the future, but would be very expensive.

Mr. Lende asked how renumbering or renaming the road would affect the resident's deeds. He asked if they would be required to go to the expense of having new deeds drawn up. Chairman Hatch didn't feel anything would have to be done.

Mr. Scott said addresses change on the deeds when the property is transferred.

There was considerable discussion about calls being brought up on a computer, and that they should be able to be located that way. Mr. Willard felt that Loon Pond Road is a bigger hazard than Bean Road would ever be, and didn't understand why the concern is with Bean Road, and not Loon Pond Road. Chief Lockwood said the concern is that on Bean Road, if a responder should go in from the wrong end, they couldn't continue through to the other end, but would have to go back out, and go around whereas, Loon Pond Road continues through from one end to the other. Chief Lockwood said it isn't just Bean Road that has been renamed or renumbered, but Bean road is the only one that has been controversial. Residents on the other roads had come in and talked with the Board, and the names have been changed.

Mr. Hughes asked if since the Willards say it is not a road, and hasn't been since the 1920's, doesn't that take care of itself. It would just be their driveway, and their address would be Province Road or NH Rte 107.

Mr. Scott said if it were the case that end of Bean Road would not be named, and those addresses would have to go away, and be renumbered accordingly for the way they fall on Province Road. He said the other end would have to get a name; anything that has three or more homes has to have a name. It was stated that there are two year-round houses on the Loon Pond Road end. The houses on that end would have to be renumbered whatever is done. Mr. Willard stated that if Bean Road is their driveway, it is also the driveway for residents on the other end of the road.

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Mr. Scott stated that when the residents are suggesting road names, they should present the Selectmen with two or three names, prioritizing their choices. He said the names have to be checked against the current list of road names to be sure they would be acceptable, and there would be no duplications.

Mr. Willard asked if the Selectmen should decide to change the name on his end of the road, that he has the opportunity of picking the name.

Chairman Hatch stated that the Selectmen do not take this lightly, they know it has an impact on the residents, and they will discuss it at length before they make a decision. She thanked Mr. Kelleher and Mr. Scott for coming tonight and the residents for their input.

6:38 p.m. – Chairman Hatch closed the Public Hearing.

Meadow Pond Road Issue – Mr. And Mrs. Place and Road Agent Paul Perkins were present to discuss an issue with the Places' property on Meadow Pond Road.

Paul Perkins said there is an issue with a culvert that runs from the Town road and onto the Place's property; the culvert has been there for years. He said he had offered to give the Places an old pipe that he had at the garage to put in the entrance of the driveway. Mr. Place said something has to be done because both driveways are washing out. Paul said he had put a swale on both of them with the grader. Mr. Place said that didn't work, and the whole land is water. Paul said the drainage comes down off the hill. Chairman Hatch asked Paul what he felt was a viable solution. Paul replied that he was going to ditch side of the road, and then it would run even more. He said the culvert has been there for years, before the house was ever built. Mrs. Place said that their house is there now, and she wants Paul to turn the culvert the other way. He said if he turned the culvert, the road would wash out even more. Paul said he had offered the Places' a used pipe he had that they could put in there. Mr. Place said it would take more than one pipe. Paul replied that he is not going to supply the pipe.

Chairman Hatch asked what they were looking for as a solution. Mr. Place said they want some kind of drainage that doesn't go onto the property. Paul said if he blocked the culvert off, the water would go all the way to the bottom of the road, and wash the road out. They discussed the Place's buying the pipe and having Paul put it in.

Selectman Guarino stated that all the water from Parsonage Hill comes down from two big culverts onto his land, and most everybody who lives on town roads has water diverted onto their property through ditch lines and/or culverts. He didn't feel it is the town's responsibility to try to figure out what happens to the water once it goes onto a resident's property. He asked what Tim Warren felt.

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Tim said if the culvert has been there for years, it is a known fact that the water is going to drain there. He said if it were a newer road you would have to get an easement to let the water drain there, but since the culvert had been there before the house, it is a matter of fact that the water would drain there. Tim said that in the past, the town has ordered culverts for people for the end of their driveways, but the people had to pay for them.

Paul said he has installed the culverts for people at the end of their driveways, but in this case he would be going on people's property, so he would need written permission to work on their property. Selectman Guarino asked where the Town's responsibility ends. He said in rainy situations, depending where you live in Gilmanton, you have problems with water on your property. The Places were asked if they would be willing to purchase the culverts, and allow Mr. Perkins on their property to rectify the situation. The Places said as long as it was done right they would. Paul reiterated that he would need something in writing from the Places to allow him to work on their property. He said they were looking at forty feet of pipe to divert the water to where they wanted it. Mrs. Place said they wanted it done before the end of summer. It was stated that if work were to be done, it would mess up the lawn. Mrs. Place said she wasn't worried about that.

After further discussion, the Selectmen said they would discuss the matter among themselves as to allowing Mr. Perkins to work on the Places' property and get back to the road agent and Mr. & Mrs. Place with their decision.

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

Meadow Pond Road - Since no one was present for public input, and the road agent was still present, the Selectmen proceeded to address the situation with the Places' property on Meadow Pond Road.

Selectman Guarino wanted clarification as to where the culvert went on the property, if it is an extension of the culvert so that it runs further down the property or a repair at the end of the driveway. The Road Agent drew a diagram of the property and explained where the pipe would be placed, and how he would maintain the ditch line. He said there used to be a pipe there (not a town pipe). Paul said the length of pipe that the Places' are requesting would bring the pipe almost beyond their house. He explained that usually the town's boundary and responsibility ends at a stonewall on a property; if there is no stonewall, it is a one, two or three rod road.

After the explanation and a brief discussion, the Selectmen felt the Places' need to hire someone to get equipment in there to get it repaired. Don said the cutting of trees on an adjoining property caused more water run off. He added that the gentleman had gotten an intent to cut to clear the property because he plans to put in a vineyard. The Selectmen agreed that it is not the Town's responsibility to correct the problem on the Places' property.

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MOTION – Selectman Abbott moved that the Board of Selectmen find that the Places’ problem with runoff is one that is outside the responsibility of the Town. The Town Road Agent has graciously offered some used, but usable pipe, to them at no cost, but the work has to be their responsibility. Selectman Guarino seconded. Motion passed 3-0.

Recycling Center

Acting Manager -Issues– Last week Acting Recycling Manager Justin Leavitt informed the Selectmen that he would probably have to have surgery because of a neck injury, and could be out for an extended period of a couple of months or more. He had an appointment with a specialist this week to determine the best procedure for his problem.

Tonight he reported that he had seen the specialist, and things looked better than he had been previously told. He said he could, technically, return to work the next day with limitations. Justin said he has some vacation and sick time available, and barring complications, he should be almost 100% in six weeks time. He is uncertain about the date of his surgery, but is hoping for either the 10th or 12th of June.

Extra Container – Selectman Guarino asked if Justin would be having an extra container at the facility for the Memorial Day weekend. Justin replied that they keep an extra container there now.

Holiday Closure - Tim Warren felt the recycling facility should be closed on July 4th because it falls on a Saturday. The Selectmen were in total agreement. There will be a posting to make residents aware of the closing.

Barrels – 4th of July – Justin stated that usually the recycling manager helped out with putting out and emptying the barrels at the Academy Building for the 4th of July. Justin said he would be unable to do that because it would be too soon after his surgery. Chairman Guarino, who is a member of the 4th of July Committee, told Justin that the Committee would take care of the barrels this year.

Glass Crusher – Justin informed the Selectmen that the motor on the glass crusher had caught fire last Saturday; the starter didn’t disengage. Justin said the starter has to be replaced, but the company we purchased the motor from said only the motor, not the starter, is under warranty. He felt the starter is part of the motor. Justin said he had called and left messages, but they haven’t got back to him; he is going to call them back tomorrow.

7:31 p.m. - Recess

7:39 p.m. – Back in Session

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Tax Deeds – Tax Collector Deb Cornett met with the Selectmen to discuss the properties they had reviewed that are scheduled to go to tax deed. The taxes had been paid on several of the properties since they were viewed.

After discussion, it was decided to take three of the properties and to waive three of the properties. There was one property that couldn't be taken because the owners had filed bankruptcy. Of the three properties that received waivers, the owners of one property made arrangements with the Selectmen to make payments on their taxes. Another property was considered too much of a liability to the Town to take at this time. The owner of the third property had not been able to be located; the tax deed notification had been returned. The Selectmen agreed to make another attempt to try to locate the property owner because the Tax Collector said they could always do a tax deed at a later date.

The property that is considered a liability has a house that is collapsing, and it was felt that Bob Flanders should be sent to secure that property.

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

MOTION – Selectman Abbott moved to accept the minutes of May 4, 2009 as amended. Selectman Guarino seconded. Motion passed 3-0.

FYIs & Other Business

Town-Wide Yard Sale – Tim had a letter from Judith Price asking permission for the Gilmanton Community Church Scholarship Committee to use the front of the Academy to set up tables. The yard sale is to be held on June 27, 2009 from 7:00 a.m. to 3:00 p.m. The Committee will coordinate with the Police Department.

The Selectmen had approved the use of the front of the Academy last year for the yard sale, and approved the request for 2009. A letter will be send notifying Ms. Price of their decision.

Tonnage – Tim reported that the tonnage sent to Penacook for April was up from last year. Last year it was 83.12 tons and this year it was 102.69. The overall tonnage for the year is below that of last year.

Selectman Guarino had the draft of a letter that he wants to put in the Suncook Sun. The letter requests residents to recycle and to use the facility more on Wednesdays when possible to alleviate the overflow that sometimes occurs on the weekend. The Selectmen approved the letter; Don will send it to the Sun.

Crystal Lake News Letter – Tim informed the Selectmen that we had received the annual newsletter from the Crystal Lake Association. He will put it in their reading file.

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Pest Management – Tim had a letter from Municipal Pest Management Services explaining their mosquito and tick control services. They also offer vegetation control.

Chairman Hatch stated that there was no money in the budget for that.

Septic Systems - Tim stated that when someone builds a new home or replaces a septic system the plan has to be stamped by the Code Enforcement Officer before it is sent to the State. He said that in order for Bob to stamp the plan, he has to go inspect that it is staked out and isn't in a wetland. Tim said he understands that most other towns in the State charge for that service, but Gilmanton does not. The Selectmen were surprised that we were not charging for that service and agreed we should institute a fee for that service.

MOTION – Selectman Abbott moved that Gilmanton institute a fee of \$50.00, effective immediately, for septic system inspections. Selectman Guarino seconded. Motion passed 3-0.

Hauling Fees – Selectman Guarino informed the Board that he had tried to call Casella to discuss their hauling fees. He said the gentleman had not yet returned his call.

Fuel Bids - Tim reported that we had received the fuel bids for next season. Chairman Hatch asked if we could hold off on awarding the bid for a while. She said the consortium meeting was postponed, and she wanted to hear what they could get for fuel prices; the consortium meets once a month. The consortium includes Barnstead, Pittsfield, Chichester and Epsom and Pembroke. Rachel said she would call the consortium tomorrow.

BOS Summer Schedule – Tim asked if the Selectmen would be starting their summer schedule of meeting every other week. It was agreed that they would start meeting every other week starting Memorial Day weekend.

Conservation Commission Appointment – Tim said there are two individuals who are alternates on the Conservation Commission, and Sue Hale-deSeve had requested to be moved to a full member to fill the vacant position on the board. He said we had received a letter of interest from a resident to serve as a full member. Tim said he had spoken with Nanci Mitchell today. He said the Conservation Commission is meeting tomorrow night, and Nanci said there would be two other residents coming to the meeting that will be submitting letters of interest to become members. Tim said Nanci is fearful that if there were not an opening as a full member, they wouldn't pursue it.

Tim said they had discussed that we don't normally have a husband and wife as full members on the same board, and Nanci was hoping someone could speak with Sue about saying on as an alternate before the meeting tomorrow night.

After a brief discussion, Chairman Hatch said she would call Sue tomorrow.

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Outdoor Fitness Bootcamp - Tim informed the Board that Sharon Palisi would be holding an outdoor fitness bootcamp on Tuesdays & Thursdays starting May 19th in the Academy Building/Church Parking Lot. The program includes stretch, cardio, running, hiking, climbing, biking, strength, endurance, obstacle courses, boot camp style calisthenics, plyometrics and nutritional tips. For more information Sharon can be reached at getalifenh.com or at Telephone 520-6160.

Average Income – Selectman Abbott asked if Tim had been successful in finding out where the State had gotten the numbers for the average income in Gilmanton. Tim replied that he hadn't done it yet.

Bids – Selectman Abbott reminded Selectman Guarino that he was to have done the specs for the painting of the Academy Building and the mowing at the Old Town Hall. Don had the specs for both projects. The projects will be put out to bid.

Sprinkler System – Selectman Abbott asked what the status was on the sprinkler system. Tim replied that they are scheduled to come replace the sprinkler heads on the 14th. He said while they are here, Chief Lockwood would come over with the fire truck and flush the system with clean water.

Criminal Record Checks Volunteers - Selectman Abbott read from the RSA governing criminal history record checks. It said that the governing body “**may**” require a background investigation and a criminal records check on any candidate for employment or a position in town that requires the employee to work with or around children or elderly persons, enter the homes of citizens, or collect or handle money.

After a brief discussion, the Selectman agreed that this background check need not be done on most volunteers or boards and committee members other than the Parks & Rec or GYO. Checks are currently done on all police and firemen. It will also be incorporated into the personnel policy that these checks be done for any future town employees.

Donovan Road Issue – Selectman Abbott said she had received an email from Terri Donovan regarding the Morrills request to cut down trees on the Donovan's side of Donovan Road. Mrs. Morrill had requested permission to remove a couple of trees on the Donovan's side of the road so they would not have to have a utility pole moved. The Selectmen had informed Mrs. Morrill that they did not have the authority to grant her request, and she should speak with the Donovans.

Mrs. Donovan said Mrs. Morrill had called her and asked permission to cut down a birch tree that hung over the road. She said they had agreed to that request. Mrs. Morrill also asked permission to cut down other trees. Mrs. Donovan said they had not agreed to that and did not want any other trees removed. She also asked that any future communication between her and the Morrills regarding the road be in writing. Mrs. Donovan also asked

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that if travel in and out of their house would be impeded in any way that they be given advance and reasonable written notice.

Mrs. Donovan encouraged the town to provide clear guidelines in advance for this project as it is done, and to be sure that the work is done correctly.

Selectman Abbott said she had told Mrs. Donovan that Selectman Guarino had met with the Morrills to review the specs that had been given them. Betty Ann felt it is important that the Selectmen stay on top of the progress of the project.

8:54 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 Guarino seconded. Motion passed 3-0.

The Selectmen discussed a personnel issue.

9:10 p.m. – Out of Non-Public Session

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

Motion passed 3-0. – Selectman Guarino moved to seal the minutes of the above non-public meeting.

9:11 p.m. – MOTION – Selectman Abbott moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk

