

**Board of Selectmen
18 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, and Clerk Lois Dionne. Town Administrator Tim Warren was not in attendance.

After attendance, everyone stood for the Pledge of Allegiance.

Code Enforcement Officer's Letter to Hendersons - Selectman Guarino addressed a letter that the Code Enforcement Officer had sent to Laurie & Robert Henderson. The Selectmen each had a copy of the letter. He had some information he wished to present to the other Selectmen before their meeting with the Hendersons later tonight.

Selectman Guarino said this letter had been brought up at the Planning Board meeting last Thursday. Don said the Planning Board had met with the Hendersons several months ago because they were proposing an after school program, a drop off place for children. He said it was an informal informational discussion. Don stated that there are a number of agriculturally based things that the Hendersons would like to do relating to children. He said the Planning Board had said, because of the ordinances, especially relating to childcare, that it was more than agritourism, and it needed to have a site plan review and most likely they would have to have a joint meeting with the ZBA because the use might be one that would need to have a variance; that is why Bob's letter referenced needing a variance.

Don stated that Lynne Brunelle had said that Laurie Henderson had called telling her that she wanted to be able to have people pet her ponies, and believed that what she (Laurie) wanted to do was within agritourism that allows agricultural operations to be able to have visitors, i.e. a corn maze or petting farm. Don said the brochure that the Hendersons have been distributing advertise birthday parties, etc. He said that Bob Flanders was concerned since it has the gathering of children in an occupied space that hasn't been inspected, and the Hendersons haven't gone further with the day care aspect. Don said he (Don) was concerned that since it had been brought up at a previous Planning Board meeting, that a step might have been skipped. He said the Planning Board is open and willing to assist Mrs. Henderson; they want a site plan and to know what it is that she wants to do. Don said he felt Bob was within his right to have sent the letter. Don said when he was aware that the Hendersons were coming in tonight, he had called LGC and

05-18-09 BOS

had spoken to the attorney on call who told him that he believes agritourism is an accepted use, but it doesn't bypass the normal permitting procedure. Don said nobody knows anything about the gathering place for birthday parties; it has never been inspected. The Attorney felt Bob was within his rights and the Selectmen should support him in this matter.

Don said the Planning Board had told Lynne to get in touch with Mrs. Henderson and have her attend next month's Planning Board meeting to go forward with this so it can go through the normal process. Don said the issue isn't having kids pet the ponies or visit with the animals; it is the gathering of the children for birthday parties in the building.

It was stated that Paula Gilman is going through basically the same permitting process to be able to hold functions on her property. Don said Paula is working on site plan reviews to get approvals and is going through the proper channels; the fire chief has visited the site and discussed access in case of emergency, etc. He stated that in the Hendersons' case, there has been no site visit, and the planning board doesn't know their plans in case of emergency, etc. Don said he supports agritourism, but it has to go through proper channels. He said the Planning Board has not had a formal meeting with the Hendersons.

FYI's & Other Business

Commendation – Selectman Guarino complimented Chairman Hatch for running extremely efficient Selectmen's Meetings. Selectman Abbott agreed that Rachel takes firm control of the meetings.

Bids – Lois informed the Selectmen that an ad had been placed for the painting of the front of the Academy Building and the South Side of the Old Town Hall, and for the lawn maintenance at the Old Town Hall.

Cleaning – Lois informed the Selectmen that the people who clean the Town buildings had given a three week notice last Wednesday. She said Tim is working on the specs so we can advertise for cleaners.

Class VI Road Policy - Selectman Abbott stated that we had been waiting until Ella Jo Regan, Chairman of the Class VI Road Committee, was better until we made a decision on the Class VI Road Policy. She said she had spoken with Ella Jo, and Ella Jo is ready to go and wants to be put on the Selectmen's Agenda to discuss it one more time before a decision is made.

Utility Pole – Donovan Road – Selectman Abbott stated that she had received a phone call from Mary Ann Morrill who told her that the NH Electric Co-Op had told her they would move the utility pole for them to upgrade Donovan Road for free, if the Town tells the Co-Op that it is in the roadway, otherwise the Morrills would have to pay to have it moved.

05-18-09 BOS

There was a brief discussion during which it was stated that the road is being expanded because the Town requested it, and the pole is in the right of way if the road is expanded to the width the Town is requiring. Betty Ann will follow up with Mrs. Morrill and with the Co-Op to be sure it wouldn't cost the Town anything to have it moved.

Hendersons – Agritourism – Laurie & Robert Henderson came before the Selectmen to discuss a certified letter they had received from the Code Enforcement Officer regarding their “Thistle & That Farm”.

Laurie said that in April 2007 she had approached the Planning Board for an informal meeting and had followed that up with another meeting on August 14, 2008. She said that during these meetings she had discussed her plans for their farm. Laurie said they have a horse farm, and her plan for the farm was for equine horsemanship activities. She said she also wanted to have half-day care programs for pre-school age kids in the morning, and have a home occupation collective for arts and crafts where people would be able to rent space and show and sell their wares. Laurie said she had told the Planning Board that she didn't want to come before them over and over again and barrage them with new ideas, but wanted to have them all out before them, and have them help her focus on the way to do it.

Laurie said the Planning Board had told her that her equine pursuits were agriculture and she didn't need to go before the zoning board for that because that was permitted in all zones of Gilmanton. Laurie said the Board had talked about it at the last planning board meeting; she said the minutes that stated that the craft shop is a home occupational shop. She said she had presented them with a site plan, which they accepted and they stated that for the home occupation, the site plan just had to be tweaked with some measurements and things that were noted in the minutes. She said they had also said she would have to have a special exception from the ZBA to do the in-home care, but the agricultural pursuits were accepted. Laurie said she had presented the Planning Board with her brochures to look at when she was talking with them about it. She said that in the spring she felt she should start with her agriculture, and go ahead with riding instruction after school, which was the next step she felt she would be able to go forward with. Laurie said she has had three parties, has put money into marketing and a web page. She said she was under the impression that she was performing an agriculturally based business; then she received the letter from Mr. Flanders saying it is a commercial activity.

Mrs. Henderson said when they had started renovating the “el” of her home, what she calls her “rustic party room: they had utilized carpenters in town, went through all necessary inspections, and Bob had put a stop work order on the property. She said the contractors had told her they didn't need a permit for renovations. Bob told them that they were changing too much of the entryways and windows, so they needed a permit. She said they didn't have money at that time to insulate, and none of the electricity that wasn't already there is being used; the electricity had been there because it was living space. Laurie state that the structure is “safe and sound”, but if that is the issue Bob has,

05-18-09 BOS

she is willing to utilize one of her barn spaces that is as good as any living space, and could qualify as a “rustic party room” for a farm enterprise.

Laurie cited State RSA 21:34-a, II. 5 that stated that the breeding, boarding, raising, training, riding instruction and selling of equines is permitted. RSA 21:34-a, VI talks about agritourism as being a permissible use of agriculture attracting visitors to a working farm for the purpose of eating a meal, making overnight stays, enjoyment of the farm environment, education on farm operations, or active involvement in the activity of the farm which is ancillary to the farm operations.

Mrs. Henderson said there is also the right to farm law that states the natural features, terrain and pattern of the geography of the state frequently place our agricultural land in close proximity to other forms of development in small parcels. Agricultural activities are beneficial and worthwhile features of the New Hampshire landscape, and shall not be unreasonable limited by use of municipal planning or zoning powers or by the unreasonable interpretation of such powers.

Mrs. Henderson said she doesn't understand why her agricultural pursuit to use her horses within an educational arena is an issue. She said the children do fun activities, hold chickens, feed goats and are learning to groom a horse. Laurie said that all this is done within the celebration of their pony party, but they are gathering eggs, and doing egg races, etc, so didn't understand why it would be considered a commercial venture.

Chairman Hatch asked if it might have more to do with the children aspect than the use. Laurie responded that the agricultural statute doesn't differentiate whether you are performing your pursuits with children or adults.

Selectman Abbott wanted to be clear that Laurie wasn't talking about the day care because that is tightly regulated, but rather just the pony parties. Laurie replied that it was just her equine programs.

Mr. Henderson felt this all came about because Mr. Flanders had picked up a brochure advertising the birthday parties. Mrs. Henderson said that since this has taken place she has made arrangements with Lynne Brunelle to have a meeting with the Planning Board on May 28th, which is her third meeting. She added that the minutes show that it is just a matter of details to perfect what has been given to them. Chairman Hatch asked if she is going forward with the planning board to tweak the site plan. Mrs. Henderson said she is going forward with the planning board to tweak the application for her care program and her home occupational craft collective, but she already has pony parties scheduled before that time, and the letter brings things to a halt; she also has an open-house scheduled for Memorial Day weekend.

Chairman Hatch asked if Mrs. Henderson knew when she had received the letter from Bob; it was undated. Mrs. Henderson replied that she received it Wednesday by certified

05-18-09 BOS

mail, and had immediately talked with Lynne who met with the planning board at a scheduled meeting that Thursday, May 14th. Mrs. Henderson said she had spoken with Lynne since the meeting, and had been told the planning board is basically in agreement that it is an agricultural use, but don't want to comment on anything to do with zoning on the construction of the "rustic room", which is why she was deferring to the Selectmen to say if the room is the issue, even though she considers it living space, she can use other space on her property.

Chairman Hatch said the letter is not clear what the complaint is.

Mr. Henderson said he didn't think Bob Flanders knew where the parties are; he read a brochure. Selectman Abbott asked if they had talked with Bob. Mrs. Henderson said she had called numerous times, but he hasn't gotten back to her. Mr. Henderson said this is the second certified letter they have received from Bob. The other one was last year saying that it had come to his attention that someone was putting water into the wetlands. Mr. Henderson said it was his sump pump; he called Bob and explained it was his sump pump, and Bob had apologized because he was unaware of that fact. Mr. Henderson said Bob had never gone out to look at it, had just sent the letter.

Selectman Guarino said there was no doubt in his mind that the concern is the space where the parties are being held. He explained that he had been addressing the matter with the Board of Selectmen at the beginning of the meeting tonight because the letter had come up at the planning board meeting last Thursday night. He said the planning board was in favor of the things she had brought forth last summer; the only concern was the childcare. Don cited the part of Bob's letter that said the part of the building being used for the commercial activities must meet all the requirements for commercial structures of the International Building Code and the National Fire Code.

Don said he was concerned with Mrs. Henderson's alternative for a "rustic room" for the parties. He didn't want her to feel that the Selectmen were approving the use of the barn for the parties.

Selectman Guarino felt that, as Code Enforcement Officer, Bob's concern is in protecting the kids, and he hasn't had the opportunity to do a site visit to the party room. The Hendersons were concerned that Bob said they had to abide by commercial laws; this is part of their home. Don said he had called LGC, and they had said that Bob had the authority to send the letter and ask questions. He added that he also felt the Henderson's have the right to have their pony parties. Don said he wanted to talk with Bob to discuss the matter with him. Selectman Abbott asked when Mrs. Henderson's next party was. She replied that it was June 7th, but she would be missing out on her Memorial Day open-house weekend when she had planned to do pony rides, and introduce people to what she is doing, but doesn't feel comfortable that she could do that with this hanging over her head. Don said he would try to talk to Bob and settle this before the weekend.

05-18-09 BOS

Mrs. Henderson said she had no problem finishing her room, going forward, and not utilizing her room for pony parties until it is done; she can set up in her barn, but the thing that concerns her about the letter is that it says she would now be adhering to a different code requirement, and that doesn't seem right because she is a residential home owner. Her care program is an in-home care program that allows you to have six children in your home, unlike a commercial care program, therefore, to have her pony parties "unagricultured" because she is using her barn and all the structures doesn't mean her home is now a commercial venue.

Selectman Guarino felt this could be handled. Selectman Abbott said they are supportive of what Laurie is trying to do, but they have to be sure all the "Is are dotted and the Ts are crossed. Chairman Hatch said they want to know what Bob is thinking.

Laurie asked to be called to be told what she has to do, rather than sending certified letters as Bob has done.

Laurie presented the Selectmen with a letter from Patrick and April Hackley supporting her endeavors.

Laurie stated that she is an LLC with the State under an equine agricultural business. She added that she operates with a registration and release form, which adheres to the equine law and shows that she is equine based. She presented the Selectmen with a copy of the registration and release forms.

Lois stated that she thought the reason Bob Flanders had gotten involved in this issue was that a resident, she didn't know who, left one of the Henderson's brochures in the Selectmen's office saying they felt Bob should check it out.

Ground Water Policy - Selectman Abbott informed Selectman Guarino that she and Rachel had received an email from Nanci Mitchell regarding a ground water extraction meeting that Nanci and Brenda Sens had attended. They got information and a link to frequently asked questions, and Selectman Abbott said she had recommended they try to get on the Planning Board Agenda to come up with a policy. Selectman Abbott said that after having read some of the frequently asked questions she wondered if it (policy) was really necessary. Nanci will be meeting with the Selectmen later this evening.

Fuel Prices - Selectman Abbott asked Rachel if she had followed up with the consortium to find out what they could get for fuel prices. Rachel responded that she had followed up, and they had gotten a price of 1.895, they didn't know when they are meeting next, but they will let her know and she will attend.

Light – Crystal Lake Road - When reviewing the location of the lights the Co-op said we had but were not paying for, and had to decide if we wanted to keep them, Selectman Guarino located all the lights, and the Selectmen made decisions on whether or not to

05-18-09 BOS

keep them. One light in question was the one on the corner of Crystal Lake and Mountain Roads. They were going to check with the Police Chief to see what he felt about getting rid of that light.

Chairman Hatch said she had gotten in touch with Chief O'Brien, and he felt for safety reasons, the light should be kept. After a brief discussion, the Selectmen agreed to keep that particular light.

7:00 p.m. – Public Input

Israel Willard Concerns

Light – Crystal Lake Road - Mr. Willard had been present while the Selectmen were discussing whether to keep the light at the corner of Crystal Lake and Mountain Roads. He felt the Selectmen were doing the right thing in keeping the light, as there are a lot of children that walk that area to the dam, so it is a safety issue.

Specifications for Bids – Mr. Willard said that on bids coming up we should require a Certification of Good Standards from the Department of Revenue from the people doing the bidding to make sure they don't owe the State money. He said this has to come from the DRA, not from the Secretary of State (one from the Secretary of State doesn't mean anything).

He said this should be a standard part of the specifications for a job that is bid. Selectman Guarino reported that we have a couple of request for bids out now, and this request is not on them. Don said it should be in the specs, not the ad. Selectman Abbott asked Lois to make a note to Tim. Lois stated that for the painting of the building, Tim had included the specs in the ad for the bid requests. When asked if including the specs in the ad was the norm, Lois replied that it wasn't, but Tim had requested that it be included in the painting bid.

Bean Road Representation - Mr. Willard asked if there was anything on record showing that Mr. Hughes had anything on record that he had official representation to represent the forty acres on Bean Road. Chairman Hatch replied that he didn't. Mr. Willard requested that, in that case, all of Mr. Hughes' input be disregarded. Chairman Hatch stated that it had been an open public hearing, and anyone had the right to give input.

Fire Chief – Mr. Willard asked if anyone remembered who Gilmanton's first full-time fire chief had been. Chairman Hatch said that it was Norman Skantse. Mr. Willard asked if they remembered what his job had been, and why they had made him full-time chief. Chairman Hatch said he was full-time fire chief, building inspector and code enforcement officer and did all inspections. Mr. Willard felt Bob Flanders is looking for more hours, but asked why the Selectmen couldn't give the fire chief more responsibility because we

05-18-09 BOS

know the fire chief doesn't require full-time employment. Selectman Abbott replied that she didn't know that. Chairman Hatch said the fire chief has been assisting the building inspector. Mr. Willard replied that he knew that, but the chief had made the comment that he couldn't impose fines; the fire chief could impose fines if the Selectmen gives him that authority. He wondered if the Selectmen had considered doing this that now that Bob has less time. Chairman Hatch said they would take it under consideration.

Septic Design Fee- Mr. Willard had the septic design for his property that he plans to install this year or next. He questioned the \$50 inspection fee that the Selectmen instituted a couple of weeks ago. Mr. Willard felt they hadn't put enough thought into it, and asked them to reconsider it. He said the system was designed by a professional designer, and State inspects the system and checks the set backs and wetlands. Chairman Hatch said she had always thought the Town had charged for septic systems. Mr. Willard asked why they should because the State charges. Selectman Abbott felt that Bob had to check the area where the septic system was going before the design could be sent to the State. Mr. Willard asked why he should. Selectman Guarino said he had been told that Bob had to inspect and stamp the plan before it is sent to the State. On closer inspection of Mr. Willard's septic design, they found that Bob did have to stamp the plan. Selectman Guarino will check the requirements for the Town to check the site before the plan can be sent to the State.

Henderson Situation - Mr. Willard was present while the Hendersons were discussing their situation, and stated that if Mrs. Henderson has what is considered a commercial room, that changes the zoning and everything and felt that is why Bob had sent her the letter. Selectman Abbott said her argument is that she not commercial. Mr. Willard said she is if she does what she wants to do with that room. He thought it would be the same type of thing that Paula Gilman is doing. Selectman Guarino stated that is why the Planning Board wanted Lynne to bring this forward so it could be in the proper review process.

Recycling - Mr. Willard stated that recycling seems to be a "hot" issue. He said when they first started the recycling, he had been on the committee to try to get mandatory recycling. The Selectmen, at the time, weren't involved with recycling and just wanted to have the problem go away. Mr. Willard said that Wolfboro had instituted mandatory recycling; they had problems for a couple of weeks, but not after that. He said he is still in favor of mandatory recycling.

Selectman Abbott stated that, philosophically, the Selectmen agree with Mr. Willard, but they were concerned about the facility being able to handle that level of recycling because of the traffic around the recycling bins on a weekend.

Mr. Willard felt the Selectmen created a problem because the present manager didn't want to help people unload their garbage. He said the previous manager and the

05-18-09 BOS

employees would grab the recyclables out of the back of your vehicle, and have it emptied before you could hardly get out of your vehicle.

Chairman Hatch said the Selectmen had instituted the policy, because of liability issues, that the employees at the recycling center not help unload vehicles because one of the employees had gotten hurt doing it, and when this happens we have worker's comp claims.

Mr. Willard felt there would be big problems there this summer. He felt employees could help sort the plastics, and guide people where to go. Mr. Willard also suggested volunteers, but it was felt that would cause liability issues.

After further discussion regarding volunteers, Selectman Guarino said he would call LGC to see if the Town would incur liabilities if we use volunteers.

Joe Derrick – Interview Conservation Comm. – The Selectmen received a letter of interest from Joe Derrick to serve on the Conservation Commission. Mr. Derrick lives on Durrel Mountain Road, is an avid fisherman and hiker, and has an interest in ecology and zoology, particularly ornithology. He is concerned about timber, wildlife, water quality, and soil conservation.

MOTION – Selectman Abbott moved to appoint Joe Derrick as an alternate member to the Conservation Commission. Selectman Guarino seconded. Motion passed 3-0.

Library Trustees -Selectman Guarino said he had spoken with the librarian in Belmont, and she feels we are missing one of our library trustees. He said that she had said it is a misunderstanding thinking trustees are related to a library. She thinks there are supposed to be three trustees handling public funds for the libraries in Gilmanton, and thinks we should find out. We should have three trustees working as a board, who meet at least once a year, and make an annual report. Don felt we should find out if this is the case; he will speak with the LGC.

Glass Bins at Recycling Facility – Selectman Guarino said that Mr. Page had spoken with him regarding the barrels at the recycling center that residents put their glass into. Mr. Page felt the barrels are too high, and there is the risk of broken glass flying back into residents faces as they drop the glass into the barrels. He said it would be safer if the barrels were cut in half. The Selectmen discussed the issue of disposing of the glass and the barrels. Selectman Guarino will discuss this with the Recycling Manager.

Tracy Tarr – Interview Conservation Comm. – The Selectmen received a letter of interest from Tracy Tarr to serve on the Conservation Commission. Ms. Tarr is a Wildlife Biologist who prepares wetlands applications, conducts wetland delineations,

05-18-09 BOS

provides sediment and erosion control monitoring services, and regularly presents projects to town boards and commissions.

MOTION – Selectman Abbott moved to appoint Tracy Tarr as an alternate member to the Conservation Commission. Selectman Guarino seconded. Motion passed 3-0.

Conservation Commission – Updates and Concerns - Present were Conservation Chair Nanci Mitchell and member Brenda Sens.

Erosion Control – Conservation Chair Nanci Mitchell stated that several people have complained about the amount of sand that is used on the roads in the winter washing into lakes and yards. Nanci said Jessica Day had concerns about the sand washing into the lakes, culverts eroding beaches, and that there are culverts without headers and footers. She mentioned that Jessica had spoken with the Selectmen and had brought pictures showing this. Nanci stated that any sand that enters the water carries different nutrients and sediment into the lake, and changes the chemistry of the water.

Nanci said that Graham Wilson was also concerned about the sand that had been washed down into his field. She said there is sediment going into his field and also the pond at the bottom of the hill; there are also people who have complained because their driveways are washing out because of the culverts.

Chairman Hatch thought Paul Perkins had gone to see Jessica Day about her concerns. Selectman Guarino said he had spoken with Paul. Paul is aware of these issues around the lake and is planning to address them.

Don said he (Don) doesn't know how to handle the problems on Stockwell Hill Road that affect Mr. Wilson.

Selectman Abbott stated that the Selectmen have scheduled Mr. Wilson and Paul Perkins on the Agenda to discuss the situation. Mr. Wilson was planning to ask John Funk to attend the meeting.

They also spoke about the dirt coming off Guinea Ridge Road into the brook. Chairman Mitchell said the Conservation Commission would like to work with Paul, and asked if the Selectmen had any suggestions as to who could advise Paul.

Selectman Guarino stated that Paul needs to use the sand on the road for safety reasons, and he tries to get it off the road as soon as he can in the spring. Selectman Abbott asked if he just sweeps or if the sand is gathered up. It is just pushed to the shoulders. Nanci stated that Jessica was going to look at some grant possibilities.

05-18-09 BOS

Selectman Guarino felt Paul is open to suggestions, and suggested that maybe they should meet with him more often. He said the Road Agent has a plan. Selectman Abbott stated that they should talk with Paul about working toward erosion control, and ongoing plans to improve aspects of the roads.

There was more discussion about the water that drains onto Mr. Wilson's property, and that there is a run out to prevent water gaining speed running down the hill to prevent the road eroding. Nanci said it is her understanding that the Town should be getting permission before dumping water onto a resident's property. Selectman Guarino said he had called LCG on this. It is called easement by prescription, and something that has existed that long is a drainage easement and the Town has the right to move the water off the road without permission. On newer roads, we are required to have drainage easements.

Large Ground Water Withdrawals – Nanci referred to the fact that last year they had put a ground-water withdrawal ordinance on the warrant article, but realized that it wasn't complete, and withdrew it at Town Meeting. She said the Selectmen had directed the Conservation Commission and the Planning Board to work together to come up with a policy. Nanci said the Planning Board Chair, the Vice-chair and Town Rep had been vocal in their opposition to a proposal similar to the one Barnstead has, but would be more supportive of an overlay ordinance, which doesn't have anything to do with the water that is withdrawn, and doesn't address the problem that they are trying to address.

Nanci said the Conservation Commission hasn't hashed this out, but it is her personal opinion that they can work with the Planning Board on the overlay but didn't feel hopeful in terms of coming forward with an ordinance similar to Barnstead's.

Chairman Hatch stated that the residents had charged the former Board of Selectmen with coming up with a policy; it is now going on four years, and the Selectmen promised themselves to get it done. Selectman Guarino said the attorneys who sit on the Planning Board felt that even if the policy hadn't had defects it wouldn't hold up if it were challenged in court. He said they felt they would be better with the overlay. Don added that the overlay doesn't protect the resource; it would stop a gas station from being located over an aquifer, but not the water withdrawal. Selectman Guarino said he felt because they hadn't handled USA Springs in Nottingham properly and there was such an up roar, that the State is going around holding public hearings, such as the one Nanci and Brenda had attended, to get public input. Brenda said there was a good showing at the meeting, but she wasn't sure the State really wanted the input. Selectman Abbott asked if Nanci and Brenda felt that the State believes that what they have in place protects us. Nanci didn't feel the State has the ability to protect us, and someone had stated that they didn't feel we should put all our faith in one state agency when it is a local issue, and local people know the issue.

05-18-09 BOS

Selectman Guarino said that because everything had happened so quickly when they were trying to come up with a policy, if there had been more education to the community, they would be more willing to support this. Nanci replied that the Conservation Commission is on that. Don said it would be better to have an ordinance in place that they would dispute in court than to just sit here and leave ourselves wide open.

Selectman Abbott said the thought is that we want to go to court, but we don't because it costs money to go to court. Don replied that there is an individual (Tom Lindsey) who is willing to litigate it for the Town. Nanci stated that Mr. Lindsey is coming to speak with the Town on June 10th at 7:00. She said Sue Hale-deSeve and Dick deSeve are heading this up. Nanci said they are going to democracy school in August to get background to do this.

Selectman Abbott asked that the Planning Board members be invited to that meeting. She also suggested that Nanci get on the Planning Board agenda for their next meeting to discuss that. Selectman Abbott stated that they need to find a way to get the Planning Board on board; it is going to be very difficult to pass, and there has to be some give and take. Nanci said she had invested about six months into the wetlands ordinance, and got burned. She doesn't want to do it again, which is why she has turned it over to Sue and Dick. Selectman Abbott said they could only try, and if they fail, they would just have to go ahead on their own and educate the Town, which is what they are doing by having the meeting on June 10th.

Land Protection – Conservation Commission Chair Nanci Mitchell stated that the Crystal Lake Farm open-space subdivision is getting closer to being done. She said there is to be a nineteen-acre conservation easement. The Selectmen will have to accept the easement when it is done.

8:15 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 Guarino seconded. Motion passed 3-0.

Conservation Chair Nanci Mitchell discussed the possible purchase of parcels of land for conservation purposes.

8:32 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 – Selectman Abbott moved to seal the minutes of the above non-public session. Selectman Guarino seconded. Motion passed 3-0.

05-18-09 BOS

8:33 p.m. – Enter into Non-Public Session as per RSA 91-A:3, II(c)

Selectman Abbott 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 timber-cut request.

8:37 p.m. – Out of Non-Public Session

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

Selectman Abbott said they would like to send a letter from the selectmen reminding the owner and logger that the actual setback would be 402 feet from the center of the road because it has to be 100 feet from the middle of the road, plus a 300' deed restriction.

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

Motion – Selectman Abbott moved to accept the minutes of May 11, 2009 as amended. Selectman Guarino seconded. Motion passed 3-0.

Salt/Sand Shed – Selectman Guarino said he had been approached by a resident who had mentioned that when the salt shed had been put out to bid we hadn't sent invitations to Gilmanton residents, and hadn't had anyone from Gilmanton submit a proposal for the project. He said the resident felt there should have been more effort to try to solicit proposals from residents. There was a brief discussion during which it was stated that the Road Agent had taken care of getting bids for that particular project.

Casella Waste Management – Selectman Guarino stated that he had spoken with Casella Waste Management, and they feel we are not utilizing our 50-yard containers, and they would like us to go with a 42-yard box. He said if we utilize the 42-yard container, we would go into their rotation, so that is why they had two options for their proposal. Don said he had asked Lois to get slips from the waste that has been sent out for a couple of months so he can compare.

Places – Meadow Pond Road - Selectman Guarino said he had had met with Linda Place at her home this afternoon to look at the runoff from the road. He said there is a lot of water that goes there, but he felt that the problem had never been address by the Places. Don said the house is at a lower elevation than the culvert, and the water is not being directed in any particular direction. Don said Paul Perkins felt the problem has to be corrected on their property, and the letter that the Selectmen had in their signature file tonight had addressed the matter fairly. The Road Agent offered to give the Places some

05-18-09 BOS

used, but usable, pipe that he had on hand, but the Places would have to hire someone to install the pipe on their property.

Ads – The Selectmen discussed the fact that specifications for the painting bids had been listed in the ad in the paper. They felt it should not have been done, and was very costly to the Town. Selectman Abbott asked Lois to inform Tim Warren that, in the future, specs are not to be included in the ads requesting bids. Specs can be picked up at the Selectmen's Office; that is what people are used to doing.

Boot Camp – Chairman Hatch said she had spoken with Chief Lockwood because it had been alluded that he was making the firefighters take that bootcamp. Rachel said KG is not making them take it.

Bean Road – The Selectman discussed the public hearings that had been held for the renaming/renumbering of one end of Bean Road. They were in complete accord that the way the road is now is a dangerous situation, and carefully weighed all the input from residents, the fire chief and State 911 representatives that had been given at the public hearings. After considerable deliberation, which included weighing the input and reviewing the maps, the Selectmen came to a decision.

MOTION – Selectman Abbott moved to change the name of Bean Road from the Loon Pond end to a name to be determined by the residents. Chairman Hatch seconded. Motion passed 2-0. Selectman Guarino recused himself from the vote due to his relationship with the Lendes.

9:24 p.m. – MOTION - Selectman Abbott moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk

