

**Board of Selectmen
Minutes
1 June 2009**

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.

After attendance, everyone stood for the Pledge of Allegiance.

Sawyer Lake Association – Trailer Coach Permits - Members of the Sawyer Lake Association present were Dana Twombly, Phyllis and Wilbur Buchanan, Rick and Doreen Moorehead, Robert Dow, Patty Dee, Tom Higgins and Sandra Littlefield.

Mr. Twombly stated that there are two ordinances pertaining to trailer permits, and one conflicts with the other. He thought one ordinance had been set up for the Sawyer Lake District, and the other for the Town.

Chairman Hatch asked why Dana felt that was the case.

Mr. Twombly replied because of the wording; one ordinance states the trailer can stay on the property for 120 days, and the other one says it can remain on a property of a permanent resident during all periods of non-use. Dana said the owner of the trailer that concerns the residents in Sawyer Lake was grandfathered in as being able to bring his trailer back as long as he followed the rules. He said the trailer never got pulled off the property last year after the 120 days was up, and the ordinance says he shouldn't be able to get a permit to have the trailer there again.

Chairman Hatch asked if they had brought this to the attention of the Building Inspector.

Mr. Twombly said they had, and felt the Building Inspector is misinterpreting the ordinance. He felt Bob Flanders (Building Inspector) was referencing the Town ordinance and not the one specific to the Residential Lake District.

Robert Dow stated that the ordinance for a Residential Lake District had been put in special for the Sawyer Lake District when it became a Village Lake District, and states that a trailer could be on the property by permit only for a period of 120 days after which time the trailer had to be removed. He said the way they read the ordinance was that if you owned a house in Gilmanton,

06-01-09 BOS

you could have a trailer in the yard, but you could not have one on a separate lot, except with a 120-day permit.

Chairman Hatch asked if this trailer was on the same lot as the individual's house or on a separate lot. Mr. Dow replied that it was a separate lot. He said the trailer had been removed every year except last year, and the building inspector had told the individual that he could keep it there. Mr. Dow didn't think it made much sense that the individual would have to get a permit every year, if he could keep the trailer there year round. He said he had argued this point with Bob Flanders, but hadn't gotten anywhere; that is why the residents are before the Selectmen tonight.

Rachel said when she was on the ZBA, it was always the ruling that they could keep a recreational vehicle on their own lot, where a dwelling existed, but not on a separate vacant lot. Mr. Down said that is why they are here.

Tim Warren stated that when this ordinance had been put into place, there were only six grandfathered permits. This is one of the permits, but it is supposed to be renewed each year; if they don't, they lose the permit. Mr. Dow agreed, and said that after the end of the 120 days, the trailer was to have been removed. Last fall is the first time the trailer hadn't been removed, and Mr. Dow said he had contacted the building inspector at that time, and was told he would look into it, and then it snowed. Mr. Dow added that when he had checked with Cindy Bedford, he found out that the individual had not gotten a permit to put the trailer on the property last year. Tim said the last permit we have a record of was in 2007. Mr. Dow said the individual hadn't gotten a permit and had never showed proof of septic dumping.

There was more discussion of the ordinance, whether the individual had been told he didn't need a permit, or if he had the right to leave the trailer on the property year-round. There was also concern about the septic issue. It was the consensus of the group that the Building Inspector had misinterpreted the ordinance for the Lake District.

Chairman Hatch said the Board would speak with Bob Flanders and seek clarification, and try to solve the problem.

Police Dept. Matters

Computers – Chief O'Brien stated that money had been appropriated for new computers for the police department at Town Meeting, and asked how he should proceed in getting them. He asked if they had to be put out for bid, as had once been suggested by the Selectmen, or if they should be purchased from our IT (information technology) person.

Selectman Abbott said it had occurred to her that the computers could be put out to bid, and then the services would go to the IT person, but realistically, the IT person should be supplying the equipment because he stands behind it.

06-01-09 BOS

Tim said there is a section in the purchasing policy that allows using a specific vendor for specific items. Chairman Hatch said she would feel more comfortable purchasing the equipment from our IT person.

The purchasing policy was reviewed and it was determined that the price of the computers falls under the section of the purchasing policy, that because of the cost, we should get three quotes. After a brief discussion, it was decided that Phil should get three quotes for the computers and monitors only. He will also speak with our IT person to see if he minds them using his quote for specs to obtain other bids. Selectman Abbott will get the names of some vendors for Phil.

Cruiser Accident – Chief O'Brien informed the Selectmen that on May 18th one of his part-time officers had hit a deer with the cruiser that we purchased from Belmont for \$1. He said one body shop had estimated the damage at \$7,700.

Tim Warren stated that LGC had totaled the vehicle, but they would pay for the removal and reinstallation of the equipment and the striping on a replacement vehicle. In addition, LGC will give us \$5,400 after our deductible, so Phil felt that with that money and LGC being willing to reinstall the equipment, we should be able to get a used replacement vehicle for little or no cost to the Town. Selectman Guarino asked if it would be worth putting that money into the cruiser that we had taken off the road this year since it hasn't gone to auction yet. Phil didn't feel comfortable with that idea because of the very high mileage on the vehicle.

Part-Time Officers – Selectman Abbott asked Chief O'Brien how things were going with part-time and overtime pay for the department. He said they are still using part-time officers to fill in for vacations. Betty Ann asked if there should be less of that now that we have another full-time officer. Phil replied that some of the part-time officers are picking up details in other towns, so some of the payroll is out of that line item. He said we pay the officers, and then when we receive money from the companies who hired the officers, the money is deposited back into the detail line; that is why the payroll is so large some weeks.

There was a discussion about detail pay. It was stated that the Town is not making money when our officers are using the Town vehicles for detail pay, and asked if we shouldn't raise the amount we charge for details. Chief O'Brien said that we are comparable with what other Towns charge, and felt that if we raise our rates, Gilmanton officers would not be offered details. The only way we could raise our rates is if the surrounding towns raise theirs.

Sue Hale-deSeve & Dick deSeve- Conservation Commission Membership – The Selectmen had requested Sue Hale-deSeve and Dick deSeve to meet with them tonight to discuss their Conservation Commission memberships. Dick is a full member of the commission and Sue is an alternate member. There is a vacancy on the board, and Sue had requested to be appointed as a full member.

Chairman Hatch stated that although they usually appoint the alternate who has been on the board the longest, which would be Sue, to a full membership when a position opens, a precedent had been set that a husband and wife should not serve as full members on a board at the same

06-01-09 BOS

time. Rachel stated that after discussing it, the Board of Selectmen had decided to uphold the precedent set by the former Board of Selectmen, but she told them that if they wanted, Dick could become an alternate and Sue a full member. She said they want to keep both of them on the board, and they could talk it over and let Nanci Mitchell know if they wished to switch or keep the appointments as they are now.

Ground Water Control – Chairman Hatch asked if the Planning Board had approached the Conservation Commission yet regarding continuing work on the ground water ordinance. Selectman Abbott noted that the Conservation Commission is on the agenda for the next Planning Board meeting. Dick deSeve said there is also an event planned for June 10th, and they are hoping members of the Planning Board will attend. Selectman Abbott asked that that they reach out to the planning board on a personal level to attend. Sue said they are working on it, and thought that Nanci Mitchell had done that.

Septic Plans – At a prior Selectmen's meeting, Israel Willard had asked why the Town should charge a \$50.00 fee to have the Building Inspector go out and inspect a septic site and look over the septic plans before the plan is submitted to the State. He felt the State inspects it before they issue a permit.

Selectman Guarino asked Dick deSeve (DES employee) if Dick felt there was a need for Bob to look at the plans.

Dick said the reason this policy was initiated was a couple of years ago the State had approved a septic plan, and the system was placed 75' from surface water, which is the State's setback, but the Town's setback is 125'. He said they had approved the plan because it looked okay according to their rules, but when it had come back to the Town, they received phone calls that the setbacks were not correct. Dick said DES encourages towns to review the plans before they are submitted because DES can't keep track of all the differences in all the various local and state ordinances. He said the local inspector looks over the plans first to make sure it meets all the local standards, and if it does, the inspector then stamps it and forwards it to DES where it is reviewed to be sure it meets the State standards. The Selectmen agreed that the fee was justified.

7:00 p.m. - Public Input

IT Guy – Wayne Gray asked if it was possible to pay the IT guy for writing up his specs. He said he didn't need an answer, but that he agreed that the computers should be purchased through him (IT person).

Expense Questionnaire – Wayne had a copy of the Town of Gilmanton, NH Apartments-Income Expense Data and Commercial/Industrial Income Expense Questionnaire and a letter that he said had been sent to some business owners. Wayne asked what the purpose was. Tim Warren replied it had to do with the property reval update. Wayne asked why their income was important. Tim responded that if it is a commercial property, this helps determine the value of the property. He said this is an information only thing, and all towns do it when they are doing a

06-01-09 BOS

revaluation or update on specific types of properties; it is a way of determining the value of the property with the gross rental multiplier that they use in the assessing field.

Wayne felt using this system we would be punishing the “good” businessman. Tim replied that it is voluntary; the person doesn’t have to fill out the questionnaire. He said this helps to determine the average rent for certain units, and if you don’t return it and you have a four unit apartment building, and the average rent in town is \$1,000, that is multiplied by yours, so it is used uniformly across the board.

Bobcat – Recycling Center – Wayne asked Selectman Guarino what was going on with the Bobcat at the Recycling Center. He said he had heard rumors that we are putting a new motor in and that we are getting a new one, and asked Don to clarify what is happening.

Selectman Guarino said that after speaking with some engine manufacturers and getting more information on the equipment, they found that since no one had physically diagnosed the equipment, they didn’t know what was wrong with it. He said he had spoken with the service manager at Bobcat of NH, the company who services our bobcat, and for \$300, the cost of a service call, they would come check the compression and timing, and to find out why there is oil in the pan. They are coming tomorrow to check it out. Don added that there has been no mention of replacing the bobcat, but we have extended the rental of the tractor we have up there.

Building Inspector/Code Enforcement Officer’s Hours – Roger Dussault asked if there was a way to get more hours for the building inspector. He said it is very difficult getting projects done having to work around Bob’s two-day schedule. Chairman Hatch asked if Mr. Dussault would put his complaint in writing. He replied that he would.

Selectman Guarino stated that at Town Meeting a resident had asked to cut Bob’s work schedule by one day a week, and the body that was there voted to do that. Chairman Hatch stated that legally they could have overridden that, but morally they had decided to go with the vote of Town Meeting, which is why she would like Mr. Dussault to put his request in writing. Selectman Abbott stated that someone, during that meeting, had asked if the Selectmen were going to uphold the vote, and Chairman Guarino (chairman at the time) said they would.

Wayne Gray said people are asking why Bob’s hours aren’t more widespread. Wayne asked why we need him eight or nine hours just two days; some towns have their inspectors on an appointment basis or four hours a day five days a week. Chairman Hatch replied that sometimes it takes two or three hours to deal with one residential area. Wayne said the hours had been cut because we don’t have that many building permits. Chairman Hatch responded that was the perception, but what people don’t understand is that the building inspector does a lot more than just dealing with building permits. She said that as Selectmen’s Representative on the Historic District Commission she had been going to ask Bob to start enforcing HDC approvals; she can’t do that now because of the reduced hours. She said that, personally, she hadn’t wanted to see his hours cut. Wayne said it was very inconvenient when people call to be told that they have to wait for three weeks for an inspection.

06-01-09 BOS

Selectman Abbott asked if Wayne knew of someone who had been told they would have to wait three weeks for an inspection. He replied that he did, and he had encouraged the person to make a written complaint. Wayne said he understood the time constriction, but asked why the hours couldn't be spread out over four or five days. He asked if there was money in the budget to add more hours. The Selectmen said it is possible, but they were told at Town Meeting the residents didn't want that.

Mr. Dussault felt it is unfair that people have to wait: he said he didn't want his taxes to go up, but felt it was worth spending the money to not have their projects held up. It is costing money, and also some things are health and safety issues.

Mr. Dussault was told that the money had been included in last year's budget, and that department had been level funded, but residents had voted to remove a day from Bob's schedule. Chairman Hatch said she has had a lot of people come to her with complaints, but were unwilling to put it in writing. Wayne felt that even adding back a day, the hours should be spread out over more days. Wayne said the cutting of Bob's hours was the bitterness of two or three contractors who got together because Bob enforced the code, and they weren't happy about it, so this was the repercussion.

There was more discussion about the lack of getting timely inspections. It was stated that in some places when the inspector couldn't get there in time, they just take pictures, and continue with their projects.

Chairman Hatch said the board would take Mr. Dussault's concerns under advisement, and asked him to be sure to put his concerns in writing.

Non-Public – A group of residents had come to discuss a neighbor, and were told that the Selectmen do not discuss individuals in a public meeting, but if they could wait until after public input, the Selectmen would meet with them in a non-public session.

7:30 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 neighborhood problem with the residents.

8:02 p.m. – Out of Non-Public Session

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

8:05 p.m. – Break

06-01-09 BOS

8:10 p.m. – Back in Session

FYI's & Other Business

Hendersons – Selectman Guarino stated that he was to have spoken with Bob about the letter he had sent to Laurie Henderson regarding her pony parties. He hoped to speak with him on Wednesday before the Memorial Day weekend, but Bob had gone to a conference. Selectman Guarino felt Bob had misinterpreted the ordinance for a home occupation. Don said he did get hold of Bob later on Wednesday, and Bob had mentioned that Laurie was operating a child-care and education facility.

Selectman Guarino felt Mrs. Henderson is within her right to have her pony parties under the home occupations section of the ordinance which reads – Any use by an owner or residential tenant entirely within the owner's or residential tenant's existing dwelling or accessory building for offices for a doctor, engineer, architect, lawyer, or other recognized profession, or for offices for real estate and insurance business, or such home occupations as hairdressing, dressmaking, manufacturing of craft or food product for sale; provided that there are no more than three paid employees on the premises other than the operator of the business or profession. Home occupations shall include service businesses that do not generate noise or fumes, do not have outside storage and do not require deliveries by heavy trucks.

Don felt the key was the last sentence in the ordinance.

There was more discussion about Mrs. Henderson's situation. It was stated that she has made arrangements to meet with the Planning Board and ZBA. Don said Mrs. Henderson decided, through Lynne Brunelle's help, to do an appeal of administrative order, and is going before the ZBA to appeal the order. If she is not happy with the ZBA decision, then she has the right to appeal their decision to the Board of Selectmen. She will have to meet with the Planning and Zoning boards for a special exception to do childcare.

Tim said Laurie had come in to be put on the ZBA agenda to appeal the administrative order, and had told him that Don said the Selectmen would waive the fee for the administrative appeal. He said he had told her that the Selectmen had not authorized him to waive the fee, so he had charged her. Selectman Guarino said Lynne had said Laurie could ask the Selectmen to waive the fee, but he hadn't realized that the fee had to be paid up front, so he hadn't had a chance to discuss it with the rest of the Board. Chairman Hatch said she was opposed to waiving the fee. Selectman Abbott said she would decide after the appeal decision had been made.

Tim was asked to have Bob meet with the Selectmen at their next meeting to discuss some of the issues that had arisen tonight.

06-01-09 BOS

Bids

Mowing Bids – Tim had bids for the maintenance of the lawn at the Old Town Hall. Some bids were per mowing, and others were for the season. Tim figured there would be 19 mowings, so multiplied the per-mowing cost by 19 to get a cost for the season. They were as follows:

KMR Landscaping - \$50 per mowing	\$950
Bill Booth - \$46 per mowing	874
Shute Construction, LLC - \$30 per mowing	570
Shawn Boudreau	945 per season
SG Landscaping - \$40 per mowing	760
WLS Landscaping	675 per season

MOTION – Selectman Guarino moved to award the mowing bid to Shute Construction LLC at \$30 per mowing. Selectman Abbott seconded. Motion passed 3-0.

Painting Bids – Tim had the painting bids that had been received to paint the front of the Academy Building and the south side of the Old Town Hall. He said one person didn't bid on the Old Town Hall because he felt that side of the building didn't need painting. Tim said a couple of others said all it needed would be to be scraped and touched up. Don was asked to take a look at the building to see if it needed to be done, as it was felt if it just needed touching up it could probably wait another year.

The bids were as follows:

MD Painting	
Academy Building	\$6,500.00
Old Town Hall	4,000.00
Tremblay's Touch Painting	
Academy Building	8,950.00
Old Town Hall	2,600.00
Painting NH	
Both Buildings	12,973.86
KBS	
Both Buildings	9,000.00
John Boudreau	
Both Buildings	25,230.00

06-01-09 BOS

D & D Maintenance	
Academy	3,800.00
Scrape & Touch up Old Town Hall	250.00
Frank Hopkins, FAA Painting	
Academy	7,900.00
Old Town Hall	4,500.00
(Both Jobs)	10,400.00

After a brief discussion of the bids, it was decided Don would look at the Old Town Hall, and talk with D & D and KBS before the Selectmen award the bid.

Landfill Monitoring – Tim had the landfill monitoring report from Provan & Lorber for the spring testing. He said the next testing would be done in November; Provan & Lorber talked with the State and got permission to cut the testing from four times to twice a year.

Lower Gilmanton Library Trustee – Tim stated that we have no library trustee at the Lower Gilmanton Library, and it is his understanding from Walter Mitchell that the majority of the books are at the Kelley Barn and some are at Walter's house. Tim said he had asked Walter how to go about dissolving the library, and was told that the other two trustees have the authority to dissolve that library; they just have to decide what is going to be done with the funds and the books. Tim said somebody had said we are missing a trustee because there are supposed to be three trustees, and they are not assigned to particular libraries. Selectman Abbott said Don was supposed to have spoken with LGC regarding that.

Don said he had spoken with LGC and the man he spoke with had never heard of only two trustees; there should be an odd number. The RSA that governs this is RSA 202-A. Don said he had asked if the Board of Selectmen could nominate a trustee, and was told that the other trustees could nominate the third trustee. Tim added that the trustee would have to be appointed by the Selectmen. Selectman Abbott asked if he had remembered to ask if they were assigned to a specific library. She felt the current trustees had to be made aware of that, and asked that a letter be sent to them advising them of what the Selectmen had learned.

Budget & Revenue Reports – Tim gave each of the Selectmen a copy of the budget showing expenditures, and the revenue reports showing the revenues year to date. There was a very brief review of the reports. The revenue is down a little, and about 40% of the budget has been spent. Selectman Abbott asked that when Tim receives requests for expenditures he pay close attention to whether there is money in the budget for it.

Planning Conference – Tim reported that Lynne Brunelle would be going to a Planning Board Conference in North Haverhill, NH, and he had authorized her to stay overnight because of the distance.

06-01-09 BOS

Utility Pole – Donovan Road – Selectman Abbott said she had called NH Electric Co-Op regarding moving the utility pole on Donovan Road to allow the Morrills to upgrade the road. She said they had confirmed that if the Selectmen say the pole is in the roadway after the road is expanded, they would remove it at no cost to the Town. She asked them to go ahead and move it; it is in the works, and she has a work order number. Betty Ann said she had notified Mrs. Morrill

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

MOTION – Selectman Abbott moved to approve the minutes as amended. Selectman Guarino seconded. Motion passed 3-0.

Cleaning Bids – Tim reported that we had not advertised for cleaning bids; he felt we should put a bid with our specs, but that we should try people out for a couple of weeks before awarding a bid. The Selectmen concurred.

Bid Specs – Selectman Abbott asked why Tim had decided to put the specs in the ad requesting bids for the painting of the Academy and Old Town Hall. Tim replied that he thought it was specific enough that they needed to know exactly what was being asked of them. Selectman Abbott asked if this was opposed to the way it was usually done; coming into the Selectmen's Office and picking up the specs. She asked if he had thought it was a small enough job that they wouldn't do that. Tim said he was hoping it would eliminate some of the "fly-by-night" painters by stating exactly what we needed done. Chairman Hatch said her problem with that is that it was very expensive to do it that way.

Fire Chief-Impose Fines? – Selectman Abbott addressed the remark that Israel Willard had made about having the Fire Chief being able to impose fines. Tim felt that if the Fire Chief were a Code Enforcement Officer, as well as a fire chief he could impose the fines, but he isn't a code enforcement officer. Selectman Abbott added that she disagrees that the Fire Chief doesn't have enough to do. Tim agreed that the chief has plenty to do.

Volunteers – Recycling Center – Selectman Abbott asked Selectman Guarino if he had a chance to ask the LGC if the Town would incur liabilities if we use volunteers at the recycling center. Don replied that if you don't put a volunteer in a position where they would get hurt, such as cleaning under the ramp or handling traffic in the facility, you could. He said the volunteers should attend a safety meeting, and you could use them to monitor the free room, and they could stand by the windows to direct people which windows they should use to dispose of their recyclables. We would also need to keep hours of the volunteers so we would know who was there. It was suggested that we should speak with Mr. Willard, and ask him if he knew of any volunteers.

Glass Bins – Recycling Center – Selectman Abbott asked if anyone had spoken with Justin about cutting the barrels for glass in half. Tim said he felt cutting them in half would result in the glass flying out more. Don gave a demonstration of why he felt having the barrels cut in half

06-01-09 BOS

would be safer; your face wouldn't be as close to the glass that way. He said Justin thought cutting the barrels in half would double the work.

It was stated that there are special barrels for the disposal of glass. After a brief discussion, the Selectmen agreed that the barrels should be cut in half, and we should look into the cost of the special containers.

Casella Waste – Selectman Abbott stated that Don had asked Lois to get the slips from the waste that has been sent out so he could compare the costs. She asked if that had been done. Don said Lois had gotten the slips, but he hadn't had a chance to compare them yet.

9:15 p.m. – MOTION – Selectman Abbott moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk