

**Board of Selectmen
29 June 2009
Minutes**

6:02 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.

Also in attendance for the Belknap County Budgetary Discussions were Debra Shackett, County Administrator & Finance Officer representing Belknap County, and Delegate Members, Liz Merry representing Sanbornton and Tilton, Alida Milham, Chairman representing Alton, Barnstead, Belmont and Gilford, Dick Stuart representing Laconia, Kate Miller representing Meredith, James Pilliod representing Alton, Barnstead, Belmont and Gilford, Judith Reeve representing Laconia, Lisa Morin representing Belknap County Conservation District, Pam Jolivet representing the Community Action Program, Maggie Pritchard representing Genesis Behavioral Health, Alan Robichaud representing the Belknap County Citizens Council, Kinney O'Rourke from the Laconia Daily Sun, Nanci Mitchell, Brenda Sens, Sue Hale-deSeve, and Dick deSeve of the Gilmanton Conservation Commission, Carolyn Baldwin and Police Chief Phil O'Brien.

After attendance, everyone stood for the Pledge of Allegiance.

County Budgetary Discussions – While Debra Shackett presented a power point, Alida Milham explained the basics of the county government, how it inter-relates to municipal government, how it affects local budgets in the amount of each town's apportionment, and how the apportionment is figured. An example was the mutual aid to fire departments, which the county had been going to do away with last year, and would have added substantially to the Town budget. After several Towns getting together and appealing this decision to the County because they had not been given sufficient notice to enable them to have prepared for it in their budget, the aid was given last year.

Some areas where the County will be receiving less funding from the State are for Child Services and Nursing Home Care, which will mean less services and more expense to area towns.

It was explained that the members of the County Convention have been meeting with the Towns in Belknap County to see what could be done to maintain services and keep the costs down.

06-29-09 BOS

Mr. Robichaud explained that the Council was formed in 2001 by a proclamation of the three County Commissioners to set up a structure where there would be citizen participation and oversight in terms of services provided throughout the County for children and families. He said they look at Community Justice that looks at prevention, balance and restorative justice in community development. He added that this includes all the factors of a community that come into play including all the comprehensive service delivery systems in mental health, substance abuse, domestic violence, child abuse, etc. Mr. Robichaud said they work to get those components to work closer together, so kids needing placement can be kept locally in Belknap County.

Maggie Pritchard of Genesis explained that they ask for money from both Counties and Towns. This is for people who are uninsured; for the Towns, it is for emergency services for people in crisis. Genesis services all of Belknap County.

Alida stated that after they have met with all the Towns, people would be getting together to look at the trends they have heard from the different communities, and then the Council would hold another meeting in the fall to present the trends and have more discussion with all the Towns being represented.

Pam Jolivet representing the Community Action Program elder care, explained that they provide “Meals on Wheels” and the Adult Transportation Program, which help the elderly stay in their homes longer. She said the Town and the County support different programs.

Lisa Morin of the Conservation District said they ask one and a half of the salary from the County; the rest is raised through programs and fund raising. She said they have been in existence since 1946, and liaison with federal programs and agriculture to help bring cost-share programs. Lisa added that they bring a lot of money into the county and funnel it to private citizens who then hire people to do a lot of “on the ground” conservation for their property. She said it used to be more municipalities, but with the new farm bill, they are focusing on more individuals.

Carolyn Baldwin said she heard a lot of talk about sharing services, and the county is probably the appropriate organism already in existence to help do that. She wasn't sure what services are most appropriately shared that way. She said she would like to support the Conservation District who offers all kinds of assistance and advice.

During discussion it was expressed that cooperation, communication, and sharing were things that it was felt would benefit all the towns. An example of sharing was that all towns might not need a ladder truck, and sharing the equipment between towns makes sense, and also sharing of social services that can be coordinated from a county level. Alida Milham said responses to the idea of sharing and to these meetings had been much more positive than she had feared they might be when they started these meetings.

06-29-09 BOS

Selectman Abbott felt this might be due to the state of the economy; nobody can do it all alone.

Brenda Sens ended the discussion with her statement that it seemed obvious that the more cooperation there is, the more efficient everything would be. She said all of the services discussed tonight were the price of civilization. Brenda added that we have been “Hell bent” toward third world status, and it is time we stopped and reversed that.

Year-Round Library Update – Stan Bean and Steve Bedard were present to update the Selectmen on the status of the Year-Round Library.

Stan reported that the Library had been the recipient of a trust fund to operate for a year; they are interviewing candidates for a librarian this week. He said they have six computers for public use; they are on the Internet and they also have wireless access for residents wishing to use their own laptops. There are over 8,000 books on the shelves and are about 90% inventoried.

Carolyn Baldwin added that they continue to have fundraisers, including the Garden Tour in July that will have artisans and art in the gardens.

Steve Bedard informed the Selectmen that the cost to heat the building so far this year has been \$1,700.

If everything goes well and they have a librarian and can get enough volunteers to enter the books into the system, they hope to have the library open around Labor Day. Selectman Abbott and Sue Hale-deSeve volunteered to help with the data entry.

Selectman Guarino asked what happens after a year; what would they do for funds? Stan said they would probably come to the Town at Town Meeting to ask for funds to carry them over. He said they are still trying to get an “angel” and endowments for the library.

7:00 p.m. - Public Input

Septic System Inspection Fee – At previous meetings Israel Willard had questioned the fee the Town charges for the Building Inspector to inspect a septic system site before the septic plan is sent to the State for approval. He felt there was no need for the Town to inspect it as DES (Department of Environmental Services) inspects in before they approve the system. Dick deSeve, who works for DES, had told him the reason that Bob inspects and stamps the plan before it is sent to the State is that the Town has different setback requirements than the State, and the State has approved a septic system that had not met the Town requirements, so they want the towns to pre-approve the plans.

Tonight Mr. Willard disagreed with what Mr. deSeve had said regarding the septic system that had an approved permit but hadn’t met the Town’s requirement. Mr. Willard

06-29-09 BOS

said he is on the ZBA, and the problem was the lot size wasn't big enough, but the Town and the State approved the septic system because it met all the specifications. He felt if the inspector had been doing his job, he would have found that. Mr. Willard said the designer goes to the Town and the State before he makes his design, and goes by whoever has the strictest requirements.

Selectman Hatch asked what Mr. Willard's next item was.

Signs – Iron Works Market – Mr. Willard stated that last week Mrs. Henderson had said that the building inspector had removed her signs to sell plants. He said the Selectmen had received a written complaint about the signs at the Iron Works Store, and the building inspector had taken care of it, but the signs are all back up now. He asked why Bob isn't doing anything about that. The Selectmen said they had brought the issue to Bob's attention and asked that he address it.

Septic Inspection Fee – Mr. Willard said the Selectmen had dismissed his first issue, and he would like an answer to it. He reiterated that he doesn't see the need for the building inspector to inspect to see where the system is going; the designer does that, and the installer, who has to have a license, has to go by that plan. Mr. Willard felt it is an unnecessary fee and a double fee for the homeowner.

Dick deSeve disagreed with Mr. Willard, and explained that there are "Prior Approval" towns in the state. These are towns that have different requirements from the state; Gilmanton is one of these towns. He said they don't know, at the State level, what the requirements are for all the different towns, so the building inspector looks at the plan to make sure the plans meet the town setbacks, then stamps the plan and forwards it to the state for approval. Mr. deSeve said if a plan comes to the state from a prior approval town without the inspectors stamp, the state would send the plan back.

Mr. Willard felt the building inspector should look at the plan, but there was no reason for him to have to visit the site, and charge a \$50 inspection fee.

Tim said Bob goes out and inspects the site before he stamps the plan to be sure it is in the right place and meets the setbacks.

There was considerable discussion on the need for the building inspector to physically inspect the site. Mr. deSeve and the Selectmen agreed that the inspection is necessary.

Claire Wilkens asked if Bob gets paid by the number of permits he approves or by the number of days he works. Tim responded that Bob gets paid by the hour. Claire asked if that is the case why Bob has to get an extra fee to inspect a septic system. Tim replied that Bob doesn't get the fee; it is paid to the town, the same as any other fee such as an electrical, plumbing or building permit.

06-29-09 BOS

Recycling – 4th of July – Mr. Willard said he had gotten some covers from “Coke” that fits over 50 gallon drums. These are plastic covers with holes in the top that could go over the trash barrels. Selectman Abbott asked if these lids could be used to go over the glass barrels at the recycling center.

Mr. Willard was totally opposed to having done away with the glass barrels at the recycling station, which he said had been done last week end. He said there would be a lot more glass put in the compactor. Tim said Justin was trying different things to eliminate the problem with disposing of glass. The Selectmen felt the covers might be a solution. Israel will bring a couple of the covers to Tim to see if they are something he feels could be used at the recycling center.

Volunteers – Recycling Center – Chairman Hatch informed Mr. Willard that Selectman Guarino had spoken with LGC about liability issues if we used volunteers in the “free room” at the recycling center, and there were none as long as they attended a safety orientation and weren’t around heavy equipment.

Chairman Guarino said Justin Leavitt had gone to the Level I Recycling Manager’s Workshop, and found out that anyone working at the facility should have Level I training; he said this included volunteers. Don said he hasn’t had the opportunity to speak with anyone at the LGC to get their opinion, but he would follow up on it.

Locking Academy Doors – Dick deSeve stated that he had attended a meeting last Thursday night and had left his water bottle here. He said he had been called to let him know it was at the Town Hall, and asked how late we were open, and was told the Selectmen’s office was open until 4:30, so he could pick it up until that time. He said he got here just before 4:25 and the doors were locked. Dick said Lynne was still here so he had called on his cell phone, and she let him in. He felt if the office is open until 4:30, the doors should be unlocked until that time. The Selectmen agreed.

Dick also addressed the issue of the back door being locked. He said when they come to meetings at night, the downstairs door is locked, so anyone with a handicap has to try use the front door or wait until someone can go unlock the downstairs door.

Tim Warren said it is a safety issue because there are only two people in the Town Clerk’s Office. It was stated that law requires us to provide handicap access. It was stated that a buzzer system that could ring into the upstairs, and have it so the door could be opened from the upstairs. Chief O’Brien felt for safety purposes, there could be a camera installed to show who might be at the door, before it was opened.

The Selectmen will look into the matter and also asked Tim to be sure that the employees know that somebody should be in the office and the outside door is to stay unlocked until 4:30.

06-29-09 BOS

John & Claire Wilkens – Building Issues

Building Permits – Mrs. Wilkens said all her issues include permitting, fire codes, life, health, safety and welfare issues.

Barn – No Permit – Mrs. Wilkens said there is a barn on their neighbor's property that is about fifteen feet from a kennel on their property. She said they had sent a letter to the Selectmen in April expressing their concern about safety issues with the barn. They received an official letter from the Selectmen on May 12th stating that the matter had been turned over the building inspector/code enforcement officer Bob Flanders, but they have had no response or follow up from Bob. Mrs. Wilkens said she was surprised because when their neighbor had complained that she thought there might be something going on at their kennel, Bob had gone that day and issued a "Stop Work" order. She said they weren't doing anything that should have been stopped.

Chairman Hatch asked what was going on with the barn. Mr. & Mrs. Wilkens said there was a complete and total renovation; structural, siding and roofing. She said none of this has to be inspected, and they aren't comfortable with it being so close to their building; there is no way to follow through to make sure the structural members are being sized and placed properly. Mrs. Wilkens said the wind blows from the field into the barn, then into the building, and if the members aren't put in correctly, the barn could land right on their building, and asked with no permit and no way to check and inspect to make sure the issues are taken care of, what insurance company is going to pay for the repair to their building and who would pay for any personal injury that might be incurred. Mrs. Wilkens had pictures showing what work was being done on the barn and the close proximity to their building. She said she didn't understand why nothing is being done about it.

Mrs. Wilkens read from the building packet "building permits are required for additions, alterations and renovations of existing structures. Building Permits are not required for normal maintenance. She felt the work being done was not normal maintenance, and also referenced the IBC Code that she felt confirmed that a permit was needed.

Selectman Guarino recused himself and stepped down from the Board and joined the discussion as the contractor who is doing the work on the project. Don said he had read the letter that the Wilkens had sent to the Selectmen. Claire stated that she felt as a Selectmen it would have been a very easy process to go through to apply for a permit and do what is required. Don replied that a permit is not required.

Don referenced the code in the IBC that the Wilkens had cited, and then he cited the IBC code that said application or notice to the building official is not required for ordinary repairs to a structure. He said what they are doing is repairs, and the size of the structure is immaterial. Don said you could repair sills, posts, shingles and roof without a permit.

06-29-09 BOS

There was a great deal of discussion and disagreement about if what is taking place on the barn is repairs or renovations, and whether or not a permit is required. Don said he felt it was odd that the Wilkens had not filed a complaint until after Bob had issued a “stop work” order for work that had been doing on their kennel. He said he had been working there since September 2008, and there had been no complaint until after the Wilkens had been issued their “stop work” order. Don said Bob had gone to the site after receiving the complaint from the Wilkens, and had not felt there was a need for a permit. It was also stated that the “stop work” order the Wilkens had received was due to the fact that they were installing a furnace without a permit; installing a new furnace does require a permit.

After hearing both sides of the issue, Chairman Hatch felt there have been two different interpretations of the building codes. Don said this is between the contractor, neighbor and building inspector; the building inspector has the final say.

Mr. Wilkens said he had never considered Mr. Guarino a problem in this issue. He felt it is between the Wilkens, their neighbor and the building inspector.

The Wilkens said a big issue is why some people have to follow rules, and others don't; there is selective enforcement. They were also upset because two months had gone by with no response from Bob to their letter of complaint.

Don said that Bob had gone to the site, while he was working on the job, a week after receiving the letter. He said he was fine with whatever Bob's decision is.

Israel Willard stated that when he was working on the feasibility study on the Old Town Hall, Bob had been adamant about them following the rules. He added that he felt Don's work was excellent, so there would be no problem. It was stated that wasn't the problem; it is the question of whether or not a permit is required. Claire Wilkens added that it is the homeowner's responsibility to get the permit.

Selectman Guarino rejoined the other Board members.

Illegal Apartment – The Wilkens stated that the same neighbor has divided her house and has made an apartment that she is renting without being approved. Mr. Wilkens said there is no certificate of occupancy, there are no hard-wired smoke detectors, no firewall separating the dwellings; there have been no building permits issued for this property in the past two years. Mrs. Wilkins said the neighbor is paying taxes on a single-family house, and has been making money renting it. Mr. Wilkins said it is a violation of lot size restriction for multi-family dwellings. He said the neighbor had received a special exception for the house and barn, but it was a single-family house. They also didn't feel it had a proper State-approved septic design. Mrs. Wilkens presented the Selectmen with a copy of the ad for the apartment that is on Craig's list.

06-29-09 BOS

Don, speaking as a resident, said the Selectmen had been careful how they accept information on a taxpayer, and felt it was sad that the resident hasn't had the opportunity to know of this discussion. Mrs. Wilkens said they had been on the agenda, and if the neighbor had wished, she could have attended the meeting.

No one was sure if Bob was aware of the apartment. Chairman Hatch said they would follow up.

8:05 p.m. – Break

8:10 p.m. – Back in Session

DePasquales – Land Assessment – Lillian and Michael DePasquale have a vacant piece of property she inherited from her parents across the road from their cottage. Recently Mr. DePasquale's son was interesting in building on the property, but when he went to get a variance, he had to have the property tested for wetland. According to a report from Marc Jacobs, Consulting Wetland & Soil Scientist found a wetland ran down the middle of the property, and it would require many town and state variances, which the scientist felt doubtful that they could obtain.

The DePasquales have contacted abutters, and neither of them were interested in purchasing the property. The DePasquales felt because of these issues, their property is useless, and felt the assessment value on the property is too high. They asked that the value be reduced, and also asked if the Town would consider receiving the property as a donation.

It was explained to the DePasquales that all the properties in Town are being revalued this year, and were told that the findings on their property would be pointed out to the assessor to take into consideration when valuing their property. Don suggested that the land might be worth keeping as the site of a septic field if their present system should fail. They didn't know if that would be feasible. As for receiving the land, the Selectmen said they would have to speak with the Conservation Commission and have them look at the property in terms of a natural resource.

The DePasquales will wait until they get their reassessment before going any further.

Approval of Minutes

The Selectmen reviewed the minutes of their last two meetings.

MOTION – Selectman Abbott moved to accept the minutes of June 15, 2009 as amended. Selectman Guarino seconded. Motion passed 3-0.

06-29-09 BOS

MOTION – Selectman Abbott moved to accept the minutes of June 22, 2009 as drafted. Selectman Guarino seconded. Motion passed 3-0.

FYIs and Other Business

Mowing - Old Town Hall – Tim informed the Board that he had received a letter from Shute Construction, who we hired to do the mowing at the Old Town Hall. He said they proposed to do more work; bark mulch the beds, prune and trim shrubs, remove trees from the handicap ramp area and repair the fallen gutter on the back shed of area for a cost of \$750.

After a brief discussion, the Selectmen decided that the only thing that needs to be addressed at this time is the gutter. Tim was asked to speak to JR Stockwell to get a price for doing it when he does the repair work he is to do at the Old Town Hall.

Foundation Leak - Tim reported that there is still a leak around the foundation of the Academy Building. Selectman Guarino felt he knows what is causing it, and will address it.

Gas Pump – Iron Works – Tim reported that we had received a price from John W Kennedy Co, who works with Foley Oil, to repair the gas pump at the sand shed in the Iron Works. A new pump would cost \$760. There were a couple of options for a card reporting system. It was decided that the pump should be fixed this year, and next year we could budget for a reporting package.

Cleaning Town Buildings – Tim reported that Tracy Harrington would start cleaning the Academy and Police Station next week. She will start her initial cleaning on Sunday afternoon.

Bear Baiting – Thompson Town Forest – Tim informed the Selectmen that Mr. Kelley of Middle Route had been in today and asked permission from the Selectmen to bait bear in the Thompson Town Forest between September 21st and 28th. He would fill a barrel with treats, and the barrel would be removed at the end of that time. Mr. Kelley has already spoken with the Fish & Game Dept, and they would make sure the barrel is set out properly and would check to see that the area is cleaned properly when he is finished. Mr. Kelly could only get one bear; he eats the meat, and what he doesn't eat is given to a sportsmen's club for their wild game dinner, the skin is sent out to be tanned and then made into a rug.

The Selectmen unanimously agreed not to grant Mr. Kelley's request. They didn't like the idea of baiting bear, and felt it could be dangerous to residents who might go into the forest.

06-29-09 BOS

Class VI Road Policy – Selectman Abbott asked if the Class VI Road Policy had been sent to either Town Counsel or LGC for their approval. She was told it hasn't been done yet; Tim and Lois were waiting to get the approval of the Selectmen of the draft copy with the changes. It was approved, and copies will be sent to both Town Counsel and LGC for review.

Henderson's Signs – Selectman Abbott asked if Don had spoken with Mrs. Henderson regarding the signs for her business. He replied that he had, and they would be addressing it when she comes to the Planning Board for her site plan review.

Signs – Iron Works Market - There was a brief discussion about the sign at the Iron Works Market. Selectman Abbott asked Tim to speak with Bob about the signs.

Renaming of Bean Road - Selectman Abbott asked if the residents concerned had submitted names for the Selectmen to consider for the renaming of the Loon Pond end of Bean Road. She said the Selectmen had agreed that if we hadn't heard anything by tonight, then they, the Selectmen, would choose a name.

Selectman Guarino said Mr. Lende said they had received information from the Historical Society that on earlier maps, Bean Road hadn't run through, so they were hopeful that the Board of Selectmen would reconsider having them rename their end. It was decided that enough time and hearings had been held on this matter, and they need to close the issue. Don said the residents would be sending a letter to the Selectmen this week, and he would tell them they need to include a list of alternate names.

Cupola Repair –Selectman Abbott received a letter from the Division of Historical Resources in response to her application for a NH Conservation License Plate Grant for restoration and replacement of the cupola on the Academy Building.

The request was denied for the following reasons - we did not meet the criteria as required, we didn't demonstrate a significant need for the preservation funds, and the application hadn't contained strong documentation of community support and ongoing involvement.

9:05 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.

06-29-09 BOS

9:17 p.m. – Out of Non-Public Session

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

9:18 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.

9:23 p.m. – Out of Non-Public Session

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

9:24 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.

9:35 p.m. – Out of Non-Public Session

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

9:36 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 code enforcement issue.

9:43 p.m. – Out of Non-Public Session

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

06-29-09 BOS

Fire Truck – Fire Chief Lockwood informed the Selectmen that earlier this evening the department had responded to a car fire at the Iron Works Market. The fire was put out, but while there the alternator had burned out. Chief Lockwood said he had already had the mechanic in, and he had asked the mechanic to tear it apart to see why the alternator had burned out; this is the second one since he has been here. He said he had also asked the mechanic to go after the rebuild shop and see if they are willing to give us a break in the cost since it hasn't been that long since the last one.

Chief Lockwood said he is also concerned about a noise that was in the pump tonight. They won't know how bad it is until they can get into it and tear it apart, but the range could be from \$1,000 to \$8,000. He said he doesn't want to leave the engine down for two weeks, which is why he is here to ask the Selectmen how to proceed.

After a brief discussion, it was decided that we couldn't go without a truck; there is money in the non-capital reserve, and the truck needs to be fixed. Chief Lockwood said the alternator needs to be repaired first. He will then find out the cost to repair the pump and will call Rachel.

10:00 P.M. – MOTION – Selectman Abbott moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk

