

**APPROVED**

**Board of Selectmen  
10 August 2009  
Minutes**

**6:00 p.m.** - Chairman Rachel Hatch called the meeting to order. Present were Chairman Hatch, Selectman Betty Ann Abbott, Town Administrator Tim Warren and Clerk Lois Dionne. Selectman Guarino was not in attendance.

Also in attendance were Planning Board Chair Nancy Girard, and Planning Board members Marty Martindale and Dave Russell.

After attendance everyone stood for the Pledge of Allegiance.

Chairman Hatch stated that the Agenda had Nancy Girard for a non-public session regarding personnel, and she is here with two other people.

Nancy replied that she had asked her whole planning board to come; John Funk couldn't make it, but Dan Hudson would be here later.

Chairman Hatch said her concern is that the Agenda had Nancy alone in a non-public personnel session. Rachel said that as a matter of protocol, she would prefer the meeting to be with just Nancy. Nancy said she would be happy to go into non-public session alone.

Dave Russell said none of the members here had a problem with discussing the matter in a public session.

Chairman Hatch said they couldn't do that because it would be a personnel issue, and persons would be named.

Dave Russell and Marty Martindale left the meeting.

**6:04 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. Chairman Hatch seconded. Motion passed 2-0.

The Selectmen discussed a personnel issue.

**6:54 p.m. – Out of Non-Public Session**

Selectman Abbott moved to come Out of Non-Public Session. Chairman Hatch seconded. Motion passed 2-0.

**6:55 p.m. – Break**

**7:00 p.m. – Back in Session**

**7:00 – Public Input**

**Paper Bins – Recycling Center** – Justin had informed the Selectmen that recycled newspaper is bringing in a lot more money than other kinds of paper, and had asked permission to build two new bins at the recycling center so he could separate the paper. The Selectmen had asked him to compare the cost of building the bins to the revenue that would be received. Tonight Justin had those answers.

Justin said it would cost about \$419 to build the two bins. They would be built “in house” for the most part, so there would be minimal cost other than the supplies. He said newspaper and newspaper inserts are bringing in about \$62 per ton (prices fluctuate), while mixed paper is only bringing in about \$20. Justin said that the first seventeen bales they send out would bring in \$635.50, so after the expense of the bins, we would see a profit of \$218; it could take three to six months to get seventeen bales.

There was a brief discussion during which it was stated that Justin would have to notify people in advance of the coming change. Justin said he would post it at the recycling center, notices would be put in the paper, and fliers would be printed. He hoped to be ready for the change by September 1<sup>st</sup>.

**MOTION – Selectman Abbott moved to approve the expenditure of funds to build two additional bins at the recycling center. Chairman Hatch seconded. Motion passed 2-0.**

**Bids – Metal Pile – Recycling Center** – Justin said he had requested bids to clean up and take the aluminum pile from the recycling center. People buy the aluminum from us, but they make money reselling it. He said we had received two bids; they are as follows:

Ralph Goodwin	\$425
Jerry Austin	\$451

**MOTION – Selectman Abbott moved to award the bid to clean up and removal of the aluminum pile at the recycling center to Gerald Austin. Chairman Hatch seconded. Motion passed 2-0.**

**Key to Recycling Center** – Chairman Hatch asked if Ralph Goodwin had a key to the recycling center. Justin replied that to his knowledge, he doesn't. Rachel said a resident had brought the question to her. Justin said Ralph goes to the recycling center on Tuesday and Friday afternoons when employees are working at the center.

**Illegal Dumping?** - Chairman Hatch asked Justin if the employees at the recycling center ever randomly opened bags of trash to ensure that trash being disposed of in the compactor belonged to Gilmanton residents. He said the only time they do that is if they hear a loud noise that would indicate something was thrown into the compactor that doesn't belong there. When this happens, they shut the compactor down, and pull out the bag of trash. He added that people have put sheetrock, parts of computers and microwaves into bags and thrown them in the compactor. John Wilkens asked how opening the bags would determine if the trash was from Gilmanton. Rachel said there is usually something in the bag, such as an envelope, a piece of mail or something that would identify where the trash came from.

**Claire & John Wilkens – Building Inspector** – John Wilkens asked if the Selectmen had given any consideration to the information they had brought to them at a previous meeting regarding the lack of knowledge of the building inspector. He said the Selectmen had been given knowledge that the inspector doesn't know what structural work is, and can't go to the correct address, when it is provided to him, to make an inspection. He added that they (the Wilkens) feel the building inspector should be fired because he is inefficient, unknowledgeable and unfair. Mr. Wilkens said other people have written letters to the ZBA about Bob.

Chairman Hatch said it was interesting Mr. Wilkens should say that because a couple of weeks ago the Selectmen had a resident, who is a local contractor, write them a letter, which was read into the record, and he had spoken very highly of Bob, and asked that his hours be reinstated. Rachel said she doesn't feel comfortable talking with a resident about the hiring or firing of employees.

Mr. Wilkens said he has always been under the impression that these people work for residents, and information regarding any of this should not be withheld from any resident.

Chairman Hatch asked just what it is that Mr. Wilkens was asking of the Selectmen.

Mr. Wilkens replied that he is asking if they had considered the information that the Wilkens had previously provided and have they run it by other people?

Chairman Hatch asked him to be more specific when he says "run it by other people".

Mr. Wilkins felt they should have architects or structural engineers look at the information to see if Bob knows what he is doing, and if he does, if he is showing favoritism; either should be grounds for dismissal.

Chairman Hatch asked if Mr. Wilkens is asking if they (BOS) have considered having architects check our building inspector's work.

Mr. Wilkens responded that he is asking for it in this specific instance that they have dealt with them on regarding their neighbor's barn. He said Bob may be "top notch", and he can accept that he is, but in this particular instance, he has not enforced the code, and felt there are other such instances, which will be discussed when they go before the Zoning Board. Mr. Wilkens said that rather than take their word or Bob's word, they should ask a professional if Bob has done his job.

Chairman Hatch said they had mentioned going to the Zoning Board, and asked if they were appealing Bob's decision. The Wilkens said they are, but they feel there are two separate issues; the administrative decision, and the issue of Bob keeping his job. Claire asked who does the hiring and firing. She was told the Board of Selectmen do.

There was more discussion, and Chairman Hatch said the Board would consider what the Wilkens had said tonight.

**Rental Unit** - Claire Wilkens asked if anything had been done about the rental unit regarding fire safety that they had brought to the Board's attention. Tim Warren replied that the rental unit was a pre-existing rental unit. Mr. Wilkens said it had been empty for about a year. Mrs. Wilkens said it still needs hard-wired smoke detectors. Chairman Hatch asked Tim to speak to Bob about it.

### **Nanci Mitchell – Land Conservation Update**

**Christie Property** – Conservation Chair Nanci Mitchell said the Conservation Commission had met with Nancy Christie who owns two parcels of land in the corners that she would like to give to the town. One parcel is 13+ acres, the other 20 acres. Both of the parcels currently have conservation easements on them. Nanci pointed out the properties on a map.

Nanci said that Mrs. Christie needs to have a deed drafted to give the land to the town, but doesn't want to go to that expense if there is a question of the Town accepting the land.

There was a brief discussion of the properties, and the benefits to the town. There could be trails, and possibly a small parking area on one piece of land. The tax impact to the town would be approximately \$40.00 per year off the tax revenue for each parcel. Nanci said they would need a title opinion, base line documentation, check with the Natural Heritage Bureau for rare and endangered species, and a hazardous waste study; this expense would come out of the Conservation fund. She said Mrs. Christie would get the deed drawn up, and Town Counsel would review it.

The Selectmen agreed that Nanci should move ahead to obtain the property.

**Land Trust** - Nanci informed the Selectmen that six or seven years ago, the Gilmanton Land trust had purchased a conservation easement from Dan Perkins, and it was in two pieces. She said the land trust has a policy not to hold interest in land; they transferred one piece of property to Five Rivers Conservation Trust, and would like to transfer the other piece to the Town. Nancy said the only problem was the land had not been surveyed, so the Land Trust and the Conservation Trust had agreed to go half on the survey. She said the survey was done, but had some errors that need to be corrected. Nancy said they had agreed to pay for half the survey out of the Conservation fund, but they hadn't had a hearing when they had the vote, so asked if they needed a hearing to reaffirm that. Tim said they would go over the RSAs to see if a hearing is necessary. Selectman Abbott asked what the hearing would be for. She was told it would be to expend the funds for the survey. It wasn't felt a hearing would be necessary, but Tim will check.

**Culvert – Donovan Road** - Tim reported that he had spoken with the engineer that is doing the culvert extension for the Morrills on Donovan Road. The engineer was going to try to get the amended plan up to us this afternoon, but didn't make it. Tim said corrections have been made to the plan and the engineer is working on the dredge and fill application.

**Approval of Minutes** - The Selectmen reviewed the minutes of their last two meetings.

**MOTION – Selectman Abbott moved to accept the minutes of July 27, 2009 as amended. Chairman Hatch seconded. Motion passed 2-0.**

**MOTION – Selectman Abbott moved to accept the minutes of August 7, 2009 as written. Chairman Hatch seconded. Motion passed 2-0.**

**8:06 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. Chairman Hatch seconded. Motion passed 3-0.

The Selectmen discussed a personnel issue.

**8:20 p.m. – Out of Non-Public Session**

Selectman Abbott moved to come Out of Non-Public Session. Chairman Hatch seconded. Motion passed 2-0.

**8:21 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. Chairman Hatch seconded. Motion passed 2-0.

The Selectmen discussed a code enforcement issue.

**8:31 p.m. – Out of Non-Public Session**

Selectman Abbott moved to come Out of Non-Public Session. Chairman Hatch seconded. Motion passed 2-0.

**8:32 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. Chairman Hatch seconded. Motion passed 2-0.

The selectmen discussed a personnel issue.

**8:34 p.m. – Out of Non-Public Session**

Selectman Abbott moved to come Out of Non-Public Session. Chairman Hatch seconded. Motion passed 2-0.

**FYIs & Miscellaneous**

**Davis Property** – Tim informed the Selectmen that Bob had sent a letter to Joe Davis, whose house had burned three years ago. He said he had given Mr. Davis a deadline of the end of September for the property to be cleaned up or to be taken to court.

**Municipal Law Lectures** - Tim gave the Selectmen information on the Municipal Law Lectures that will be being held in September.

**Belknap County Commissioners** - Tim informed the Selectmen that we had received a call from the Belknap County Commissioners asking if anyone would be attending the wrap-up forum which will be held on Wednesday, August 12<sup>th</sup> at 6:00. Chairman Hatch said she would probably attend, and will ask Chief Lockwood to attend.

**Thank You – SPCA** – Tim informed the Selectmen that we had received a thank you note from the Concord, Merrimack County SPCA for the donation the Town had made in memory of Jessica Lockwood.

**Fuel Bids** – Tim reminded the Selectmen that we had readvertised for bids for heating fuel for the 2009-2010 season. The bids we received were as follows:

Dutile & Sons	1.949 per gal.
AD&G	2.049 per gal.
Fred Fuller	2.195 per gal.
Stafford Oil	2.345 per gal.

There was a very brief discussion of the bids.

**MOTION – Chairman Hatch moved to award the bid for the heating oil for the 2009 –2010 season to Dutile & Sons. Selectman Abbott seconded. Motion passed 2-0.**

**Electrical Work – Crystal Lake Park** – Tim reported that Gary Lines had brought an estimate in for electrical work at Crystal Lake Park. He said the warrant article was for \$4,000. Tim was asked to check to see if this was the lowest price. This is for just part of the work.

**Accidents – Corners** – Tim said Rachel had asked Chief O’Brien to research how many accidents had occurred at the intersection of Rt 107 and Rt 140. He said Chief O’Brien had given him those numbers tonight. In the last five years, there have been twenty accidents, nine people were transported to the hospital. Chairman Hatch felt that DOT wouldn’t consider a traffic light with those numbers. Tim said Chief O’Brien said the only way to slow the traffic would be a round a bout.

**Police Computers** – Tim reported that Phil had gotten three bids for the computers for the police department. They were as follows:

Mainstay Technology	\$3,428.88
CCS (Certified Computers)	3,355.00
(They are our IT company)	
RCR Computers	3,210.00

There was a brief discussion, and felt we would be justified with going with CCS because of the slight difference in the bid, and the fact that they are our IT persons.

**MOTION – Selectman Abbott moved to authorize the purchase of the police department computers from Certified Computers. Chairman Hatch seconded. Motion passed 2-0.**

**8:50 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. Chairman Hatch seconded. Motion passed 3-0.

The Selectmen reviewed and signed a personnel evaluation.

**8:55 p.m. – Out of Non-Public Session**

Selectman Abbott moved to come Out of Non-Public Session. Chairman Hatch seconded. Motion passed 2-0.

**Change to Personnel Policy** - Selectman Abbott asked if the change to the personnel policy regarding unpaid time off had been made. She was told the change had been made, but we were waiting for approval from the Selectmen on the wording before instituting it.

The Selectmen reviewed the wording on the change.

**MOTION – Selectman Abbott moved to accept the change to the personnel policy regarding unpaid time off, effective 10 August 2009. Chairman Hatch seconded. Motion passed 2-0.**

**Fill** – Selectman Abbott asked if Tim had gotten back to Jim Hurst about the fill he told us we could get for \$1.00 a yard above cost. We hadn't budgeted for it, but will keep it in mind. Tim will get in touch with Jim.

**MOTION – Selectman Abbott moved to adjourn the meeting. Chairman Hatch seconded. Motion passed 2-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk



