

**Board of Selectmen
31 August 2009
Minutes**

6:00 p.m. – Chairman Hatch called the meeting to order. Present were Chairman Rachel Hatch, Selectmen Betty Ann Abbott and Don Guarino, Town Administrator Tim Warren and Clerk Lois Dionne. Also present was Fire Chief KG Lockwood.

After attendance everyone stood for the Pledge of Allegiance.

6:01 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 fire department personnel issues.

6:14 p.m. – Out of Non-Public Session

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

Fire Dept. Update

Light Bars – Chief Lockwood noted that the Selectmen had given him permission to spend \$6,000 on light bars for a couple of vehicles. He informed the Board, that he had managed to get the light bars, some strobes and a power pack for \$4,196; this includes installation.

EMTs – Chief Lockwood stated that four members of the department had passed their EMT Basic tests. They are: Don Pickowicz, Dennis Comeau, Angie Lee and David Blanchard.

Budget – Chief Lockwood felt his budget is on track except for call pay; he figures he has money for about a month and ½ left in his regular budget, but has the money in a non-capital reserve account.

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Tool Grant – Chief Lockwood asked for and received permission to apply for matching grants for some fire tools.

Flag Pole – Chief Lockwood stated that the flags are at ½ mast because of trouble raising them because of the ropes being caught up in the pole. He said the Barnstead fire department would be coming this evening with their platform lift for preparation pre-planning training for the best access of rescue from the roof of the Academy Building in case of an emergency. Chief Lockwood will ask them to fix the flagpole while they are here.

Repair-Class VI Road – At the last Selectmen’s meeting Israel Willard had expressed his concern about work being done on a Class VI road without the Selectmen’s permission, and expressed his opinion that the town should initiate a policy whereby fines would be levied for anyone working on a Class VI road without permission.

Tim said he had spoken with Attorney Paul Sanderson at LGC who stated that RSA 236:9 and RSA 236:38 state that if an individual does damage to a road, he has a civil liability to repair that road, which is what Brett Currier had done on Mary Butler Lane; he was filling in the ruts his trucks made on the road. Tim added there are no additional civil penalties that should be assessed.

There was also a brief discussion regarding a letter received from a property owner asking to be allowed to access their house using Mary Butler Lane, a Class VI road. Tim stated that under RSA 236:13 it is stated that the point of access is determined by the planning board, and the planning board could require them to use part of the Class V road frontage, or could give them permission to use Mary Butler Lane, as long as they sign a municipal waiver of responsibility. There is the same type of situation on Anderson Road; Tim will notify the residents that they have to take their request to the planning board.

Independent Inspection - At the last Selectmen’s meeting, Tim Warren had informed the Board that Mr. Wilkens had wanted the Town to hire an independent building inspector to settle a dispute of whether their abutter should have been required to obtain a building permit for the work they are doing on their barn. The Selectmen felt they should back the Town’s building inspector, and if the Wilkens wanted an independent opinion, they should be required to pay for it.

Tim said that ZBA Clerk Annette Andreozzi said they had found an independent building inspector from Northfield who would give them an opinion free of charge.

Highway Department – Letter of Thanks – Tim read a letter from Tylor Young into the minutes (copy attached) commending the highway department for their prompt response to a request that had been made of them. The letter added that the road agent and highway crew are reasonable, prompt and thorough.

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Fireworks – Crystal Lake Park – Chief Lockwood reported that there would be fireworks set off at Crystal Lake Park this weekend for the Labor Day Celebration. He said the fire marshal is strictly enforcing the 200' setback from where the fireworks are discharged; the only problem is that will make the bathrooms off limit during the fireworks.

There was a brief discussion, and it was decided that as the bathrooms will be accessible before and after the fireworks, the band will announce the closure of the bathrooms ahead of time to allow the residents to use them before the fireworks begin.

Energy Committee – Present were members of the energy committee, Amy Russell and Nate Abbott. Also present was Paul Callahan.

Amy Russell stated that the Energy Committee had requested \$400 for an initial energy audit of the Academy Building. She said they had also gotten information about some grants that are becoming available through the State, The New Hampshire Energy Efficiency and Conservation Block Grant Program. She said Clean Air-Cool Planet would do a no-cost, energy inventory, which she felt would be similar to what the Jordan Institute would do.

Nate said that Paul Callahan had met with representatives of the State Grant Program, and one of the pre-requisites of application is an energy inventory. He said we already have a Jordan Institute Energy Inventory for at least some of the properties we are interested in. He said what the committee was considering was to let Paul Callahan go to work on the Academy Building with what had been proposed in their letter, and let Clean Air-Cool Planet do the inventory work that the school didn't do, such as street lights, vehicles and other buildings. Nate added that when the applications for State Grants come in we would have figures for what we had spent, and could request reimbursement of at least some of the money we spent.

Paul said that Clean Air-Cool Planet would do one audit for one building free of charge, and we could use that data to support our grant application for Federal money. The application needs to be in by September 25, and needs to be signed by the Chairman of the Board of Selectmen.

MOTION – Selectman Abbott moved to authorize the expenditure of \$400 for the inspection and data collection phase of an energy saving program for the Academy Building. Money to come out of the Building Maintenance Account. Selectman Guarino seconded. Motion passed 3-0.

The Energy Committee had a grant application with them, and were told that if they went across the hall to fill it out, the Selectmen could sign it tonight.

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At the last Selectmen's meeting, Energy Chair Amy Russell had asked the Board to appoint Paul Callahan as a member of their committee. The Selectmen had an appointment letter for Paul.

Recycling Facility – Update

Paper Separation – Recycling Manager Justin Leavitt informed the Selectmen that residents have already begun separating their newspaper and inserts from other types of paper. This is a policy, which will be instituted on September 1st.

Roof over Glass Bin – Justin reported that they had run short of metal roofing while roofing over the glass bin. He said this was good, in a way, because it enabled him to find out that Richard Kordas had gotten Boulia-Gorrell Lumber Co. of Laconia to donate the roofing. Justin added that the roof has been completed.

Volunteers at Recycling Center – Selectman Abbott asked if Justin is making out okay by having members of the fire department helping out on the weekends since Steve Hartford resigned. Justin said he and Chief Lockwood had discussed it, and felt it could work out. Justin said he would like to wait until the new budget season before hiring a new employee, unless he runs into problems. When asked about liability, it was stated that they would be covered under our liability insurance because they are already employees of the Town.

Selectman Abbott felt it was ridiculous for volunteers to have to have training to stand by the recycling bins directing residents where their recyclables should go. Justin replied that DES requires it. He said the training is 10-12 hours and costs \$50.

There was a brief discussion during which it was stated that Israel Willard felt he could get volunteers to help out at the center. Justin was asked to contact Mr. Willard to see if he could get volunteers interested in going for training. The Selectmen agreed that they would be willing to pay for training for up to five volunteers.

6:50 p.m. – Break

6:55 p.m. – Back in Session

Energy Committee – Grant Application – The Energy Committee presented a grant application for Chairman Hatch's signature. Chairman Hatch signed the application; the Town will submit the application.

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7:00 p.m. – Public Input

Mary Ann Morrill – Donovan Road – Mary Ann Morrill read a letter into the minutes (copy attached) regarding the public input session at last week's Selectmen's meeting where the culvert and drainage of the Donovan Road upgrade was discussed.

In her letter Mrs. Morrill indicated that the Morrills and the Town, per request of the court, had gone to an arbitrator rather than having the expense of a trial to settle the issues of upgrading Donovan Road to enable them to get a building permit. She said they had signed an agreement. Mrs. Morrill went on to say that last Monday night the Chair of the Board of Selectman had invited the Donovans to the Selectmen's meeting to discuss their concerns about the road, but the Morrills weren't notified so they could attend, and defend themselves. She didn't feel an abutter should have so much power over the landowner, just because they don't want to have anyone building next to their property. Mrs. Morrill ended her letter by asking that the Chair of the Select Board take back control of this issue and abide by their agreement.

Chairman Hatch responded to the fact that she had asked the Donovans to come to the last meeting without having notified the Morrills. She stated that it has been her stance, since becoming a member of the board of selectmen, that if a resident calls her at home, on her own time, she doesn't and won't discuss any issue with that one resident as a sole selectman. She always invites them to come before the Board to discuss it with the Board as a whole; one Selectmen has no authority, and that was the only reason she had invited the Donovans to come to the meeting, in public session, to express their concern. Rachel added that she was the one at the last meeting who had brought up the issue that the Town, along with the Morrills, had come up with an amicable agreement for the road and the standards of the road, and she had asked at that meeting why this was being mediated at this point. Rachel said she had not grievously asked the Donovans to come here without including the Morrills in the discussion. She said she had not wanted to have a one-on-one conversation with Mrs. Donovan so had told them they were welcome to come to the Selectmen's meeting to discuss it. Rachel added that this is how she responds to anyone who calls her at home, and sometimes they show up at the meeting, but sometimes they don't, so she wasn't even certain that the Donovans would show up. She said if Mrs. Morrill had called her, she would have done the same thing.

Mrs. Morrill said she understood, but was concerned that we are going backwards detaining the man doing the work for her. Rachel asked how they were detaining her. Mrs. Donovan replied that the change they were introducing was a better plan than the original. Selectman Abbott remarked that it is a change, and that is what Mrs. Morrill had addressed in her letter. Mrs. Morrill said by having the site walk, and having the Donovans there, it wouldn't solve anything. Rachel said her concern is that the Morrills and the Town have a mediated, legal binding agreement, and now they are told it would change. Mrs. Morrill said they didn't say it was going to change, they had asked for the

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change and Mr. Workman had approached Selectman Guarino about the proposed change.

Selectman Guarino said at the last meeting, it was made to seem that the Donovans had been kept out of the loop, but the particular change they are talking about, the culvert switching the direction of the water at the top of the driveway, wouldn't affect the Donovans, so he didn't feel it was necessary to notify the Donovans. Don felt this change was similar to having the utility pole moved. Mrs. Morrill felt this type of change was between them and the Town, not the Donovans. She said they are required to get this work done in a certain time frame, but couldn't do it if they were held up. Don said he had spoken with Mr. Workman and with Road Agent Paul Perkins, and they feel the change would be better, but it would be necessary to speak with the engineer who designed the road upgrade to address the flow of water through the other culvert and get his approval on the change before a decision could be made on the requested change.

Chairman Hatch said her intention is not to sidestep any of the residents; her primary concern is for the Town and the road, and there was never any intention to favor one resident over another. She said if someone could tell her that this is a better way of building the road, she would absolutely be in favor of the change.

Betty Ann said they had decided against the site walk; each selectman is going to go to the property individually, would then discuss it as a board and would then notify the concerned parties of their decision.

Mrs. Morrill also brought up the issue of the allegation that they had cut trees on the Donovan's side of the road. Rachel said she couldn't address that, as she hasn't seen it, and felt the pictures were inconclusive to her.

Planning Board Clerk – Zannah Richards said she had been very disappointed when she had seen an ad for a planning administrator for Gilmanton in the paper. She said she had asked for a non-public session Friday.

Chairman Hatch asked to clarify that Zannah had called her at her workplace on Friday and asked to be put on the agenda for a non-public meeting. Rachel said she had asked Zannah if she had called Tim; she had, but he had asked Zannah to call Rachel because the agenda had already been posted. Rachel said she had told Zannah that the Selectmen weren't meeting next Monday because it is Labor Day, but she could make her request for two weeks. Zannah said she couldn't do that because she has school meetings on Mondays. Rachel said she had offered to have Zannah put on the agenda for 8:00 or 8:30 because the school board meeting is normally done by then. She said Zannah didn't want to do that; she wanted to meet with the Selectmen tonight. Zannah said the other meeting had not been offered. Rachel stated that it had been offered. Rachel continued that she had told Zannah that she couldn't be put on the agenda tonight, and it was inappropriate for her to call her (Rachel) at work and ask to be put in a non-public session and discuss a

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personnel matter, which is totally inappropriate for a resident to do. Rachel said she had offered for her to come in a public session and generally discuss her concern. She said Zannah is welcome to discuss her concerns, but didn't want her to name names. Rachel added that if Zannah named names, she would have a liability issue. She said she had sought advice from Town Counsel this morning, and he had informed her that Zannah is not allowed to name names. Rachel said if Zannah wanted to generalize, she could, but she wouldn't be allowed to name names of employees in the Selectmen's office. Rachel added that if Zannah had concerns about a particular employee, she was welcome to put her concern in writing, send it to the Board of Selectmen, and they would decide whether they would give her a non-public session to discuss it.

Zannah asked if that was the protocol for a non-public session, to put it in writing before you ask for a non-public session? Chairman Hatch replied that you are not allowed to discuss a personnel issue with the Selectmen regarding an employee. Rachel felt Zannah, as a school board member, should know better, and compared it to Rachel going to the school board and having a non-public session because the school board had entertained a resignation from a school district employee.

Zannah said she was very disappointed to read the ad for the position in the paper. She said because of that she had called the office, and because of the implications of names, she had asked to be put on a non-public for tonight's meeting. Zannah said because the agenda had been closed and posted, Tim had told her to talk to Rachel. She said she had called Rachel at the SAU Office, and asked for the meeting, in light of her school board meetings, but had never been offered a chance to come in later in the meeting. There was a disagreement as to whether or not she had been offered this opportunity. During the exchange, Rachel said Zannah had said, "This can't wait".

Zannah said seeing the ad was very startling because the person who had the position had done a fine job. Chairman Hatch responded that they didn't disagree with that. Zannah said she has worked with different planning boards and town halls, and the person we had was very good at her job, had a good history and she felt that was very important. Zannah added that she was aware of issues that arose because of her interactions (business) with the town hall in the past few months. She said she had run into many roadblocks, and this person was extremely helpful, not only when she was at the office, but when she was on leave, she had been directed to call her at home, and this person was more than willing to help her. Rachel asked who had directed Zannah to call this person at home when she was on leave. Zannah said it was at Christmas time. Rachel asked if she was directed by a person in the Selectmen's office. Zannah replied that she was directed by a person at the Town Hall, and they had given her the phone number. She felt this person had gone above and beyond her call of sitting in the office and willing to help out with what was a very time-sensitive situation contract that she was working on.

Zannah said her point of being here is that she is curious if there is any going back and asking that person to reconsider her resignation and asking the Board to reconsider her as

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an employee and see if there is any potential. Chairman Hatch said it is a personnel issue, and they couldn't discuss it with Zannah; they would take it under advisement. Zannah said she is putting her two cents out for a position that she feels is very worthwhile position, and feels for everyone who will be at a deficit without this person.

Selectman Abbott stated that, despite the Chairman's insistence that we not discuss a personnel issue, she wanted to say to Zannah that they always very much appreciated the work this person did, and every time they had met with her they had reemphasized that with her; she was never under any disciplinary action from the Board of Selectmen; she resigned for personal reasons, her own decision, and the Selectmen accepted her resignation. Period.

Zannah said she knew that, but felt there were other conditions resulting before that. Selectman Abbott agreed that there were, but those were the things that they couldn't discuss with Zannah. Zannah said she felt they are at a loss without this person; Selectman Abbott agreed. Zannah felt there are some things where they have to buck up, look at again, and ask if this is where we want to be. Selectman Abbott said she thinks they are satisfied that they are.

Chairman Hatch felt Selectman Abbott had given Zannah too much information. Selectman Abbott disagreed; she felt it is important to emphasize that the individual resigned her position.

Selectman Guarino agreed. He said there is a lot of talk out there, and everyone thinks we fired Lynne. Don emphasized that we did not fire Lynne - she resigned.

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

MOTION – Selectman Abbott moved to accept the minutes of August 24, 2009 as amended. Motion passed 3-0.

Letter regarding speeding on Crystal Lake Road – Last week a letter had been read into the minutes regarding an accident and speeding on Crystal Lake Road.

Chief O'Brien asked if the issue in the letter had been addressed. He was concerned because he felt the big complaint was that the Selectmen had not gotten back to the woman, and the police were put in a bad light because they gave only warnings, no tickets. Don said he had spoken with the woman, and she had told him that Sgt. Rector had also spoken with her; she is happy with the police department, and he had explained that he (Don) had not brought up the incident at the previous Selectmen's meeting. Don said he explained to the woman that he had put in a call to DOT and is attempting to get the speed limit signs on the State-owned section of the road to match the speed limit on the Town-owned section of the road.

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There was a brief discussion of the traffic issues on Crystal Lake Road, and the Selectmen still want to meet with the Boy Scouts to address the traffic during the summer when the Scout camp is in operation such as reinstating alternating routes to the camp as they used to do.

Chain of Command – There was also a brief discussion regarding Chief O’Brien’s request last week for the Selectmen to contact him when there was an issue, and go through a chain of command. Chief O’Brien asked if the Selectmen should all get cell phones for emergency purposes. There was a brief discussion, but no decision was made.

Town Ordinances – Selectman Abbott asked Chief O’Brien if he still intended to bring up the issue of updating town ordinances at the next staff meeting. He replied that he was.

Waste Oil Furnace – Selectman Abbott asked if Tim had talked with the gentleman about waiting until next year to sell the waste-oil-furnace to the Town. Tim replied that he hasn’t done it yet.

Year-Round Library -Open House

Detail Officer - Chief O’Brien stated that the Year-Round Library staff had approached him about getting a free detail officer for their open house. He said he doesn’t have it in his budget. There was a brief discussion, and Phil was told that if he doesn’t have the money in his budget, they (Year-Round Library) would have to pay for an officer.

Selectmen’s Invitation – Selectman Hatch said she had received an email from Stan Bean regarding the invitation the Year-Round-Library had sent to the Selectmen inviting them to attend the grand opening and to have the Selectmen speak at the opening. He said he had no response, and they were waiting to set their program.

Rachel said she had responded to Stan’s e-mail telling him the Selectmen had initially declined to be on their program, but would try to make the opening. She said she had told Stan she would revisit it with the Selectmen. Chairman Hatch asked if the Board would like her to be on the program, as Select Board Chair and say that the library is opening at no cost to the taxpayer.

After a brief discussion, it was decided to stay with their original decision.

Tim said he had sent out a letter of response today. The Selectmen had said they would try to attend the event, but didn’t feel they could commit to being part of the program.

September 21st Selectmen’s Agenda – Tim informed the Selectmen that a meeting had been arranged for the Selectmen from Belmont, Alton and Barnstead to meet with the Selectmen on Monday, September 21st at 6:00 p.m. to discuss issues that had been

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brought up at the Belknap County Commissioners meetings with various towns. Tim said he had received a call from Barnstead, and they are going to try to get at least one member of the above-mentioned Boards of Selectmen to attend. Chairman Hatch said she would like the fire chief, police chief and road agent to be present if possible.

ZBA Decision - Tim reported that ZBA Chair Betty Hackett had called the LGC regarding the Henderson decision, and they have to make a decision on whether to rehear or not, and that is all they have to do.

8:00 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.

8:05 p.m. – Out of Non-Public Session

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

Changes – Donovan Road Agreement - Selectman Abbott stated that she had severe reservations about changing the agreement between the Town and the Morrills regarding the upgrade of Donovan Road in any way whatsoever; she felt it could be beginning a chain. Selectman Abbott said if we agree to the change, if they (Morrills) anticipate any further changes at this time, we want to know about it before we approve the change that is being requested. She said if we approve that change, and having been told there would be no further, then she wants no further changes. Selectman Abbott said the wording of the agreement was if they did not follow the guidelines of the agreement, they would not get a building permit; she wants that restated to them. She said Mrs. Morrill's letter was complaining about the agreement being changed, but it was the Morrills, not the Town, who wanted to make changes.

Selectman Guarino said they had discussed the changes, and they had seemed reasonable. Selectman Abbott agreed, but was concerned that they don't negatively impact the Donovans or the Town.

There was a brief discussion about the change relating to the culvert, and that when they hear what the engineer feels about whether the culvert can take the additional water; they want his decision brought before the Selectmen for discussion.

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**8:10 p.m. – MOTION – Selectman Abbott moved to adjourn the meeting.
Selectman Guarino seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne
Recording Clerk

Town of Gilmanton
Board of Selectmen
Gilmanton, NH 03237

Tylor Young
400 Meadow Pond Rd
Gilmanton, NH 03237

8/21/09

Dear Ladies and Gentleman:

I wanted you to know that the road agent and the road crew responded quickly and thoroughly to a request I made of them. Living on a dirt road has some drawbacks and it gets unusually dusty at our house regardless of the wet weather of late. It only takes one day of sun to make the conditions around here miserable. We were going to throw a party for our twins third birthday and I dreaded the thought of having people here trying to have fun in cloud after cloud of dust.

I called the town garage and left a message asking if they could put some calcium chloride down to control the dust. Within a few days the calcium was down and the dust problem was better. I called again to see if they would put a little more down and they did it the next day. I am happy to say that the kid's party was completely dust free and there has been no dust from the road for the past two weeks.

It is good to know that the road agent and his crew are reasonable, prompt and thorough. I just wanted to tell their "boss" that they are doing a good job at making at least this resident and his family happy.

Thank you,

Tylor, Kim, Sam and Jacob Young

August 31, 2009

To the Selectmen:

On January 23, 2009, per the request of the court, we went to arbitration rather than having the expense of a full trial to settle the differences of us building on our property. At that time, the arbitrator said this issue was between the town and the Morrill's, not the Donovan's.

We discussed our differences and signed an agreement among both parties involved. Now the chairman of the selectmen's board, on her own admission, invited the Donovan's to last Monday night's selectmen meeting to address ~~their~~ concerns. Never were the Morrill's notified to attend that meeting to defend themselves. We heard thru different people in town that this was going to happen.

Now we are back to having the Donovan's control this whole issue, which was the reason for the agreement in the first place.

I don't believe an abutter should have so much power over the landowner, just because they don't want anyone building next to their property. Mrs. Donovan can spin it anyway she wants, but when it comes down to it THEY DON'T WANT ANYONE LIVING NEXT TO THEM. She has gone to every meeting and fought every individual that has addressed the issue of building in that area.

How much of this town's tax dollars are the ZBA & Selectmen boards, with the Donovan's representing themselves as concerned abutter's and tax payers, going to spend to try and keep us from building.

We have spent close to \$30,000. not including the monies we will be spending to upgrade the road, which is legally the property of the town, not the Morrill's property nor the Donovan's property. How much of the taxpayer's monies has the town spent over the last four years???? Taxpayer's money should not be used for anyone's personal gains, which seems to be working for the Donovan's.

I'm asking that the Chairwoman of this board, take back control of this issue and abide by our agreement. Otherwise, you probably will be spending more of this town's tax dollars to go back to court. And probably the court will not look very kindly on this agreement not being upheld.



