

APPROVED

**Board of Selectmen
2 November 2009
Minutes**

6:05 p.m. – Chairman 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”.

6:08 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 3-0.

The Selectmen discussed a code enforcement issue.

6:45 p.m. – Out of Non-Public Session

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

Budget Process Discussion – The Selectmen asked the library trustees to attend tonight’s meeting in order to discuss the budgeting process for the libraries. Present for the discussion were trustees Alice Bean and Anne Kirby. Trustee Phyllis Buchanan was unable to attend the meeting. Library volunteer Linda Hudziec and her husband Ernie, Year-Round-Library president Stan Bean and Budget Committee member Tom Farley were also present.

Chairman Hatch stated that the reason she had asked for the meeting was because of something that came up at the public input session of last week’s meeting. She said someone had also approached her concerned that the Corner’s library is in need of repairs, because of carpenter ants, but there is no money in the budget for the repair, and Tim wouldn’t give them the money. Rachel said she spoke with Tim, and asked who did the library budget. She had assumed that the trustees had done the budget for the three town-owned libraries collectively; one of the libraries is no longer operational. Rachel said she had been told that the past practice has been that one trustee did the budgeting

for the Corners Library, another trustee did the budgeting for the Iron Works Library and the third trustee did the budgeting for the Lower Gilmanton Library. Rachel said she had asked Tim if additional funds had been appropriated for possible repairs of the Corners library, he had said there hadn't been. Rachel said she wanted to meet with the trustees tonight to discuss the budgeting process for making adequate provisions for the maintenance of the town libraries.

Stan Bean stated that the State Library System had been quite chagrined with Gilmanton because we have had three trustees who operate independently; the State had asked, several years ago, to get the three trustees together to decide how to operate the three libraries. He said Alice had tried three times, but couldn't get all of the trustees together to make that happen, so they continue to work independently, and have done so up to this time. Stan stated that two or three years ago the Corners library had asked for money to reshingle the roof, so it has been standard practice that when repairs were needed, they would request it in the budget.

Stan stated that the Iron Works library is different because it is owned by an association, and they maintain the building. When asked if that is a public library, Stan replied that it is, and has been publicly funded since it opened in 1916. He added that in the 1940's the appropriation was broken down and one third was given to each library.

Anne Kirby said the trustees had met once and learned from the State library people what their role and responsibility was, but the budget part had slipped by her. She said they had understood that the three of them were responsible for the library system. Rachel stated that was what she thought had been the practice until last week. Anne said there had been no trustees meeting since August, and their first job had been to close the Lower Gilmanton Library, which they are working on. She said they haven't worked out what their roles are, but sees, eventually, the three of them overseeing the management of libraries that best works for the town.

Mr. Hudziec said it had been his experience that the trustees work collectively to manage and administer the budgets for libraries in their town. He said the overwhelming impression in town is that there is a separate trustee for each library.

Alice Bean said the State Library gave permission to have a librarian and trustee in each library because Gilmanton is in a different situation, until the year-round library opened, and then it had to end.

It was stated that the Selectmen had found out about the trustees not being assigned to a particular library last year when they were talking about closing the Lower Gilmanton library. Anne Kirby asked who should get a copy of their meeting minutes, and was told they should go to Town Clerk Deb Cornett.

It was agreed that the trustees should meet again and discuss the budget, as well as the closing of the Lower Gilmanton Library.

Selectman Abbott wanted to clarify the idea that the Selectmen were not giving the library sufficient funds to operate. She said they (trustees) make up their budget and ask for the amount they feel they need to operate, and it is taken to the Town to vote on. Selectman Abbott felt that the Corners Library is not able to operate on what they had requested in their budget because of the extended days and hours they are open to the public, so they need to consider this when doing the budget.

Chairman Hatch said the selectmen have briefly discussed setting up a capital reserve fund for the maintenance of town buildings.

700 p.m. – Public Input

Crystal Lake Road – Anne Kirby asked if the Selectmen had heard if the State would be doing any more repairs on Crystal Lake Road. She said they need to do the drainage or there is going to be an icy mess again. Tim responded that we haven't heard from them.

Budget Committee Sessions – Tom Farley stated that budget season was starting this week, and he went on line to read some of the minutes, and found that no minutes had been posted for the month of October for any board or committee. Selectman Abbott asked what the procedure was for posting the minutes. Lois responded that she makes any corrections, and posts them every Tuesday morning. Each board posts their own minutes. Tom said the minutes weren't there. Lois went to check to see if the minutes were on line.

Chairman Hatch asked Tom if he had looked for any other board meetings. He said he had, but they meet monthly, so their minutes aren't posted until the following month after they had been approved.

Lois reported that, for some reason, none of the October and most of the September minutes were no longer posted on line. She will repost them tomorrow.

Year-Round Library (YRL) – Stan stated that the YRL would like to work with the two existing libraries to provide the best possible services, and they have a very energy efficient building, and could provide services through the winter months.

Selectman Abbott asked if there was an understanding that the trustees would play a part in the YRL, as it isn't a town library. Stan replied that it is separate, and the YRL board functions as the trustees for that library, until such time as the town would take over the library, then the trustees would be trustees of that library also.

It was stated that the only Town-owned library building is the Corners Library.

Stop-Work Order – John Wilkens asked what the process was after a stop-work order had been issued. Is there a time frame to get a permit, or can it just sit there? Tim replied that a letter goes out to the property owner with an explanation why the order had been issued, and outlines what the property owners are to do. He said there is no time frame, but they are asked to comply as soon as possible, and there is the possibility of a fine being levied if work continues on the project.

FYIs & Other Business

Life-Safety Construction Committee –Selectman Guarino informed the Board that the Construction Committee had met (Don, Bret T and Brenda Currier were present). He said it was very similar to the safety building committee. Don said they had a good meeting, and had discussed the disassembling and reassembling of the steel building in Gilford, the other steel building, for which the fire chief had gotten a quote, and the Salisbury option. He said there are contractors interested in each of the options. Three people have looked at the steel building in Gilford; they are waiting for a quote from the third contractor. Don said the Salisbury option has a more complete set of plans, and the committee felt if we received a grant from Homeland Security, that would be the way to go. Don said they (committee) felt that if we don't receive any further funding, and the town wasn't willing to put more money into the capital reserve account, we could erect one of the steel building options with the foundation and slab, a heating source and garage doors, and start utilizing the structure for equipment.

Don said they looked at the site-work plans from the 2006 proposal, DOT has renewed the driveway permit, and the committee feels we should submit, to a preferred list of bidders, a site plan with a request to bid. He said the septic system has been designed, but they are going to follow up to see if it has been submitted to the State for approval.

Mrs. Currier will submit minutes of the meeting. They have not set a date for a second meeting yet.

Don said he would submit the Salisbury plan to the contractors who had showed interest from the beginning. He said it is quite a project to put a proposal together for a job that they don't know is going to move forward. He said because of the liability issue, they are also going to put the site work out to bid. Tom Farley asked if a spec sheet had been drawn up for the site work. Don said that has not been put together yet. He said the septic system is a major piece, and the plan only shows the location of the septic system, not the side profiles, elevations etc. He said they would ask Paul Darbyshire to assist with the septic plan since he worked with them on the plan.

Bob Henderson asked Don what made a preferred sub-contractor. Don stated that a preferred list is someone who is probably local, so the materials would be bought locally.

Bob asked if someone else bid, wouldn't they buy locally. Don said they aren't preventing people from submitting a bid proposal.

Selectman Abbott said if Don is saying that Brett Currier is to draw up the list of contractors, he should probably speak with Tim first. Mr. Wilkens said that was why he was asking, because if Brett made up the list, he would probably also be submitting a bid. Don responded that neither he (Don) nor Brett would submit a bid for the project.

Laurie Henderson asked if it was protocol, when things had to be done, to put them out to public bid. Chairman Hatch replied that it has been protocol ever since she could remember. Laurie said, as a self-employed business person, they don't usually bid on things going on municipalities, but she sees them up for bid in newspapers and it makes her feel good to see that there is a fair opportunity for all businessmen. She said when she thinks of preferred, she thinks of someone who is able to fulfill the job requirements. Selectman Abbott agreed with Laurie, and cited that when they were looking for a bid to replace the cupola, there were a number of firms they knew that had done work with historical buildings, and she would describe that as a group of preferred contractors. It was stated that knowledge, experience and having the necessary equipment could be part of being a preferred contractor.

3rd Driveway – Recycling Center – Tim informed the Selectmen that another hearing had been scheduled to discuss the requested 3rd driveway at the recycling center. He said the hearing would take place on December 8th at 10:00 a.m. in Concord. Tim, Justin and KG Lockwood will attend. They have been asked to submit a summary of what will be discussed. It has been asked that only one of them speak, so Chief Lockwood will speak. Tim stated that the Assistant Attorney General, David Hiltz would do a site visit at the facility. He felt this was a positive thing because they don't usually do that.

Budget Requests – Tim reported that budget requests forms had been sent out to department heads and boards and committees. They are to have them back by November 16th. They have been asked to keep their budget request within 2% of last year's budget.

Recycling Center Position – Tim reported that we had received 17 applications for the part-time attendant position at the recycling center. Today was the deadline for applications. Tim and Justin will review the applications, and select the ones to be interviewed.

MS5 & MS1 – Tim asked the Selectmen to sign the MS 5 and MS1 forms in the signature file so he could take it with him tonight. He will drop it off in Concord in the morning before work. The State needs these forms before the tax rate can be set.

School Payment - Tim informed the Selectmen that the had sent a letter to the SAU business administrator explaining that due to the late setting of taxes this year, the town would probably need to postpone one December payment.

HDC Resignation – Tim informed the board that he had received a letter from HDC member Joanne Wilkens informing him that she had to resign from the board.

Health Insurance – Tim said he had spoken with Tammy Croft from the LGC regarding our health insurance. Tammy is working out a couple of new proposals with changes in deductibles and prescription plans. Tim said we have some retirees who get \$1 mail-in prescriptions, and one of Tammy's suggestions was to bring the rate they pay up to match what other employees pay.

Loon Pond Road - Selectman Abbott noted that work had not been started on Loon Pond Road, and asked if that was because we didn't have DES approval. Tim replied that he thinks the approval has come in, but the road agent doesn't feel he could get the project done before winter, so has postponed it until next year.

Future Agenda Items

Highway Dept Update - Tim was asked to have the road agent come in next week for a department update.

Appeals Board – Tim was asked to set a time on an agenda in the near future to discuss how to go about setting up a building code appeals board.

Sawtooth Road - Selectman Abbott asked what the final decision had been on upgrading Sawtooth Road. It was stated there had not been a decision made. Selectman Abbott stated that the information Tim had given the Selectmen last week seemed to show that the refusal for denying the upgrade previously had been because we were working on a Class VI Road Policy.

Tim said we had to ask the planning board for their input before making a decision. Chairman Hatch asked if members of the planning board would be willing to do a site walk. Tim will write a letter to the planning board asking for their input on upgrading the road, and the possibility of a site walk.

Parsonage Hill Road - Selectman Abbott stated that we had agreed that Mr. Haas should be sent a letter telling him that he was to do not work on Parsonage Hill Road until he has gotten a logger, and the logger has met with the Selectmen. She asked if Tim had sent the letter. He replied that it has not been done yet, but he will get it out.

Chairman Hatch noted that if the logging were done in the winter, there would be no need for any upgrade to the road. Selectman Abbott agreed, but she said it had been Don's impression that Mr. Haas had misunderstood what work he could do, and where he could cut trees. A letter will be sent to Mr. Haas.

Audit Policy – Donations – Selectman Abbott asked if Tim had found out if we had an audit policy about donations made to department heads being kept separate from the budget. Tim replied that, for library trustees, specifically, it does not have to be kept in a separate accounting. Our auditor said that with the small amount of money going into the library, it could easily go into the general account for the library; it might be easier for people doing the books to keep it in a separate account, but in an average library, it would probably go into the regular account, and be dispersed from there.

Selectman Abbott asked Tim to inform the library trustees.

Plowing – Sawyer Lake – Selectman Abbott stated that she thought she had heard results of the conversation that was held last week about the Town plowing additional roads in the Sawyer Lake District. Tim said the question of plowing thirteen additional roads in Sawyer Lake had been stumbled on, and there had been a vote at the 1977 town meeting to plow these roads. He said he had checked with LGC as to whether we need to plow these roads. The answer is that, technically we cannot plow these roads; the Town cannot expend funds to plow private roads, and as these roads are private roads, the vote at town meeting was illegal.

Clarification- Comments on Road Plowing - Chairman Hatch said it had been brought to her attention this afternoon that one of the people who had been sitting here for public input last week had misunderstood comments she and Betty Ann had made at last week's meeting. She said this was when Tim was talking about plowing roads in Sawyer Lake, and had stated that the Town Clerk had stumbled on that vote, and did further research, which is what she is supposed to do, Rachel had teasingly asked why Deb had dug that up, and Betty Ann had said "Bless her heart". Rachel said a member of the public had gone to Deb and indicated that, perhaps, they (Rachel & Betty Ann) were not pleased with what Deb had found. Rachel stated that had not been her intention, or Betty Ann's; she was essentially saying Deb was doing her job, and felt the comments were taken out of context.

Class VI Road Policy – Selectman Abbott asked that a time be set on a future agenda to discuss the Class VI Road Policy. Rachel asked if Tim had received an opinion from Town Counsel yet. Tim said they are not going to change their opinion. Selectman Abbott said they want us to go with the policy they sent back to us, which removes all the reference to natural habitat. Chairman Hatch asked if they could include those as guidelines. There was a brief discussion about the policy, and that we had gotten copies of other Town's Class VI Road policies when drafting ours. Selectman Abbott asked that Tim get her copies of these policies, and she will speak with other towns to see if their policies have ever been challenged.

Clarification – Hiring Building Inspector – Chairman Hatch stated that she had met with John and Claire Wilkens last week and clarified some things with them. One of the things that she had clarified was that at last week's meeting Mr. Wilkens had indicated

that she had said the Board hadn't hired the building inspector, and then she had changed her mind and said they had. Rachel said the more she thought about it, what she had said was the Board of Selectmen hired the building inspector, he is an employee of the Town; the Board of Selectmen cannot override a building inspector's decision, nor can they override a ZBA decision. She said it had been a misunderstanding.

Chairman Hatch said she had also met with Laurie and Bob Henderson because there was a concern about the off-site sign ordinance. She said she had spoken with Bob about the signs on the utility poles; the Town does not own the utility poles, the companies own the poles. Rachel said she is also not going to ask Bob to get up on a ladder to remove signs; it is a liability. Rachel said she had told the Hendersons that she would bring the matter up to the HDC, who is meeting tomorrow, to see if they would pursue enforcement.

Chairman Hatch said she had a conversation with the Hendersons that gave her a clearer understanding of the special exception and Mrs. Henderson's five points she had raised with the ZBA.

A special exception was given for the Child Care; that is not commercial. They received a special exception for the pony parties; ZBA deemed that commercial. They expressed concern about the meeting minutes not depicting the accurate flavor of the meeting. Two examples cited were that at the end of the meeting Israel Willard had indicated that the craft collections were actually a home occupation, and that was never put in the minutes. The after-school horse riding activities was considered agricultural, and that was never stated in the minutes. Mrs. Henderson felt the minutes should have been more specific in these areas. She raised the concern that a ZBA member had used a rude tone to them during the meeting. Another concern was that the building inspector, during deliberative session, had spoken when other people in the room were not allowed to. There was also the issue that the ZBA meeting tape recording had stopped quickly, and some of the flavor of the conversation had been lost. Rachel said another issue, which she felt was valid, was that the ZBA, when they get their packets, go individually to the property site. She said one of the ZBA members had gone to the Henderson home, when her children were at home, and they have been taught not to open the door to strangers. She said once the gentleman had finally indicated who he was, he had been allowed to look at the site.

Rachel stated that the planning board, and the selectmen have scheduled site walks, and it was recommended that the ZBA members consider getting together collectively, and make an appointment with the property owner ahead of time.

There was a brief discussion, especially concerning the way, and why the ZBA does their site walk, and if they can change the way it is done, or at least make a phone call to the property owner before they go. Chairman Hatch asked permission of the other two selectmen for her to speak with Betty Hackett on a "chair to chair basis", not to micromanage or resolve anything with the ZBA, but to let the chair be aware of possible perception of a resident who became an applicant. Rachel felt there had been points

raised that she felt had merit. Betty Ann and Don agreed that is the way this should be handled.

Signs on Poles – Chairman Hatch said she is still working on the signs on utility poles. Selectman Guarino stated that he had spoken with Bob, and Bob had said it used to be against the law to attach signs to utility poles. Tim said that law is still on the books. It was stated that there is also an ordinance against off-site signs. After a brief discussion, it was decided that Rachel would bring it up at the HDC meeting tomorrow, and Don would call the Co-Op.

Minutes - Selectman Abbott referred to the comprehensiveness of the minutes. She stated that minutes are not meant to be verbatim. Chairman Hatch agreed that it is a synopsis of the meeting. Selectman Abbott said this meant that there would be certain times that a resident might feel there are certain terms they might want included, but there should not be the expectation that they would be. Chairman Hatch agreed, but said she just wanted to follow up on these issues of the ZBA chair.

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

MOTION – Selectman Abbott moved to approve the minutes of October 26, 2009 as amended. Selectman Guarino seconded. Motion passed 3-0.

Budget Calendar & Schedule – Tim said he had asked the department heads to get their budget requests back by November 16th. The cover letter that went out with the requests asked them to keep within a 2% increase, and the Board of Selectmen were looking to do a separate line for a COLA increase.

Tim stated that some capital reserve items had been zeroed out last year at town meeting, i.e. fire engines and safety building. He asked if they wanted him to reinstate the items with their previous amounts. The Selectmen agreed they should be reinstated.

There was a brief talk of the budget. Welfare is not as bad as had been expected year to date, but Tim felt it would be getting worse because of the upcoming cold weather and holidays. They also discussed the repair and replacement of the cupola, and whether a warrant article should be presented this year. After a brief discussion, it was decided that Tim should ask the two bidders whom had bid on it last year if their prices still stood. Rachel said the HDC asked to be kept informed of any discussion on the cupola.

Town Buildings Rental – Last week there had been applications for the use of the Academy Building and the Old Town Hall. Selectman Guarino asked Tim to find out about liability insurance before the Selectmen approved the applications. There was also the discussion of waiving the fees. The fee was waived for the Reiki classes because any money or donations would be going to the Gilmanton food pantry. The fee was not waived for the baby shower.

11-02-09 - BOS

APPROVED

There was a brief discussion on the fees for the use of the building, and liabilities connected with renting the building out, and the need to update the current policy for the building rental.

8:55 P.M. – MOTION – Selectman Abbott moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk