

APPROVED

**Board of Selectmen
16 November 2009
Minutes**

6:00 p.m. - Chairman Rachel Hatch called the meeting to order. Present were Chairman Hatch, Selectmen Betty Ann Abbott and Don Guarino, Town Administrator Tim Warren and Clerk Lois Dionne.

After attendance, everyone stood for the “Pledge of Allegiance”.

HDC – Members of the HDC were scheduled, but did not show up.

FYI’s & Other Business

Donovan Road – Selectman Abbott felt the Selectmen needed to make it official that they had approved the changes on Donovan Road from the court-ordered mediation document by making a motion, and require that the Morrills sign off that they understand that we have given them permission to make this change, but everything else stands.

There was a brief discussion during which it was stated that the Selectmen had agreed to wait until they had Walter review and officially make the change to the agreement, and then have the Morrills sign that.

Energy Committee – Tim informed the Selectmen that he had spoken with Nate Abbott, Amy Russell and Paul Callahan at the end of their energy committee meeting Thursday night. He said the committee had been discussing Paul’s audit report, and the three price options that Paul had given the town for doing the energy audit report. Tim said he was asked if he felt there would be a problem with the committee spending an extra \$175, over the \$400 the Selectmen had previously approved, to get the mid-price report. He said this report would give them better information to submit with a grant; Tim said he had told them he didn’t feel it would be a problem, and gave them the approval to go ahead.

Selectman Abbott said she understands that the higher level of reporting is going to provide us with a prioritized list, with possible “ball park” estimates for the things that need to be done, which is what we had been wanting since the “get go”; this would not have been included with the first option. The Selectmen agreed it was a good idea.

Town Report Bids – Tim reported that we had received five bids from companies to do the Town report; today was the deadline for accepting bids. The bids were as follows:

RC Brayshaw	\$3,273.00 – FOB Warner (Additional layout placing of photos to be done at \$75.00 per hour.)
Kase Printing	3,525.00 – Delivered
Country Press	1,527.79 (Does town reports for Seabrook, Hampton & Gilford)
Wharf Industries	4,238.00
Pro-Forma	4,787.00

There was a brief discussion during which it was decided Don would call to find out what it would cost to have the reports delivered, and Tim will call Gilford to see if they are satisfied with the quality of Country Press' work before a decision is made.

Librarian – Year-Round Library – Gary Chase, librarian for the year-round library stopped in to introduce himself to the Selectmen, and to invite them to visit the library. Mr. Chase said he was happy that Gilmanton plans to keep the Corners and the Iron Works libraries open; he felt they are an important part of the community. He said the year-round library is working with the Iron Works library, and if they are able to get enough staff volunteers, they might be able to keep the year-round library open on Sunday from 1:00 to 5:00 p.m. This way they (Iron Works library) would have their presence in the community from January to April when the Iron Works library is closed. He felt they should know by the end of the week if it could be done.

Planning Board Site Walks – Tim informed the Selectmen that the Planning Board would be holding a site walk Saturday, November 21, at 9:00 a.m. on Sawtooth Road beginning at the end of the Class V section to enable them to provide comment to the Selectmen regarding the possible upgrade of that section of the road to allow for the issuance of a building permit.

Following that site walk the Planning Board will hold a site walk at 10:00 a.m. at the site of the proposed public safety building.

Light Poles – Crystal Lake Road – Tim said he had received a call from Brenda McBride last week informing him that the lights were out on Crystal Lake Road at the corner of Rte 140, and also at the corners of Crystal Lake and Mountain Roads. He said Brenda had called the Co-op, and was told the Town hadn't been paying the bills for these lights, which is why they were off. Tim said he had told Brenda that he would find

out what was going on and get back to her. Tim added that Brenda had stopped by the office on Thursday, and had informed Lois that the lights were gone, and the poles were removed.

After a brief discussion, it was decided that Selectman Guarino would call the Co-Op to find out what is going on.

Employee Health Insurance – Tim reported that Tammy Croft, our LGC representative, had gotten back to him with some health insurance options. One option is to change the prescription plan, so the employee pays more for a prescription. By doing this we would save approximately \$2,000 per month.

Another option is to go with Matthew Thornton Blue, which would be the same price as our current plan, if you increased the prescription payment on the current plan. Our current plan also has a smaller co-pay than Matthew Thornton.

There would be a 16% increase in the cost of insurance to stay with the same plan we have now, with no changes.

There was a brief discussion of the plans. Tim will ask Tammy to come in to review the plans, and to explain them to the employees.

Conservation Commission – Staff Support - Present from the Conservation Commission was Chair Nanci Mitchell and members Sue Hale-DeSeve and Dick DeSeve.

Nanci said she had been talking with the Commission about how to make it easier for someone else to be chair, someone who is working and has a family; Nanci puts an enormous amount of time into being chair. She said she had asked Tim Warren if anyone had ever considered having some staff to help the conservation commission, and he told her she should speak with the selectmen.

Nanci said they currently have someone who does an excellent job taking minutes, and getting them out in a timely manner, but that might not continue. She asked if there was some way to get help by posting minutes, etc to help the commission to continue to be effective. Chairman Hatch felt the conservation commission might be the only board that doesn't have support.

There was a brief discussion about whom, and what help might be available. Chairman Hatch agreed to have the Selectmen discuss this further, and get back to Nanci.

Scenic Road Designation – Selectman Abbott asked Nanci if she had heard of a scenic road designation. Nanci replied that she had. Tim said we had a couple in Gilmanton; one is Pancake Hill Road. Selectman Abbott asked Tim to get her the RSA pertaining to

that. Nanci said it doesn't supply as much protection as people think. Selectman Abbott said she had a conversation with someone on ways to get qualitative controls on roads, if we can't do it with our Class VI road policy.

Class VI Road Policies – Selectman Abbott asked if Nanci was aware of any towns having class VI road policies that have the kinds of things our committee had proposed, such as protection of ground and surface waters and wildlife habitats. Nanci replied that she wasn't aware of any.

Conservation Commission Members – Chairman Hatch noted that the conservation commission had lost a member, and Nanci was asked if the commission was in need of any members. She replied that they need one regular and two alternate members. An ad will be put in the paper to fill the vacancies.

Other Business

Payment – Selectman Guarino stated that Leighton Thomas had done the work on the motor in the compactor building at the recycling center, and had sent a statement, but had not been paid. It was felt the reason for this is he needs to fill out an I-9 form to receive payment. Tim will check on it.

Budget – Planning Board – Selectman Guarino, (planning board rep.) said he had been looking at the budget for the planning board, and noticed they have some money left over this year for the planner, and asked if it should be encumbered for next year.

There was a brief discussion during which it was felt that money is usually only encumbered for jobs that are in the process of being done, and didn't feel it could be used for salaries. Tim will check into it.

Public Input – Present were Israel Willard and Brenda and Brett Currier.

Chairman Hatch stated that she was going to try something new this week so that she could fully understand what is being said. She said the last few weeks there has been a lot of going back and forth, so tonight she is going to give each member of the public who would like to speak, five minutes of uninterrupted time, and then if they have another subject, and there is time after the others have had a chance to speak, they could speak again.

Appeals Board – Israel Willard was concerned over the reason Selectman Guarino is carrying out the Wilkens issue so long. He asked Chairman Hatch to read 673:1 V into the record. Chairman Hatch Read

“Every building code adopted by the local legislative body shall include provisions for the establishment of the position of a building inspector who shall issue building permits, and for the establishment of a building code board of appeals. If no provision is

made to establish a separate building code board of appeals, the ordinance shall designate the Zoning Board of Adjustment to act as the building code board of appeals. If there is no Zoning Board of Adjustment, the Board of Selectmen shall serve as the building code board of appeals. “

Israel stated that Don said we were breaking the laws because we didn't have a board. He said we do have a board; the problem is Don didn't like the answer from the board. Israel said Don made out the application for the Zoning Board, so asked why he had made it out, if he felt the ZBA didn't have the answer.

Selectman Guarino responded that, at the time of the application, no one realized that Gilmanton, in enacting the 2006 International Residential Code, should have set up a board of appeals. Don said he found out after the ZBA meeting. Israel said that according to RSA 573:1, we don't need another board; he felt Don wanted to set up a board so he could get the people he wanted on the board in order to get the answer he wanted. Selectman Abbott stated that any board they might set up would not address past issues; the issue has been settled by the ZBA because we did not have a code board of appeals in place, and the ZBA ruling is final. Israel asked why we need to set up another board to appease Don. Chairman Hatch said in the 2006 International Residential Code, that the town approved, under Section R112 – Board of Appeals says, “The board of appeals shall be appointed by the governing body, and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.”

Rachel stated that because we didn't have this board in place, we had to go to the ZBA. She read from the code book R112.3 ...”The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.”

Rachel stated that she hadn't known this existed, and she believed that Don was unaware of this until after the ZBA hearing, but now there has been talk about setting up a board of appeals; according to the International Residential Code, which is something the Town should have, but doesn't. Don reiterated what Selectman Abbott had said that this has nothing to do with the Wilkens project, and the Board of Selectmen plan to set up a technical board of appeals. Israel was concerned about the Town having to pay for training for members of this board. The Selectmen felt that a licensed electrician or plumber would qualify as being trained. This is something that will have to be looked into further. Rachel said she has never heard of a case, prior to the Wilkens, where the ZBA had to make a determination of issuing or not issuing a building permit. Israel replied that he had spoken with Bill Angevine, former longtime ZBA member, and Bill said he had never heard of it. Rachel said the Selectmen are pursuing this, and they have to get more information.

Approved Septic Systems – Brenda Currier stated that she was aware that the Selectmen have no control over the ZBA, but asked if they could find out why the ZBA requires anyone requesting a variance to have a state-approved septic design before the ZBA will hear their case. She said this requires people to expend around \$1,100 for a septic design and test pit fees. Brenda felt this was a lot of money for anyone to have to spend, and they aren't even sure they will be granted a variance. She said she could understand if the variance was contingent upon a state-approved septic system, but it is asking a lot of an individual to have to have that in place before the hearing. Israel Willard stated that they don't need a state-approved plan, but they do need a plan. Brett Currier stated that a plan alone costs \$800 before it goes to the state, and there is a \$50 fee for the code enforcement officer to look at the site. Brett felt Israel might be mistaken that it doesn't have to be state-approved, because the building packet asks for a construction approval number, which is issued by the state.

During discussion, there was talk of waivers, which Israel said they had done in the past, but could not do any more because of the last change to the zoning ordinance. It was felt it is unfair to have to spend that much money before the hearing. Israel was asked to bring the issue up for discussion at the next ZBA meeting to see if it could be changed. Selectman Abbott felt it might be a good idea to have the Planner look at the ordinance.

Donovan Road – Israel Willard stated that he had come in today to see Tim to check the file on Donovan Road case where the motions have been made to change the plan, and there is no file. He said he would like the answer to his following question in writing. The question is. "How does a town pay a town employee to work on a project where the road has been voted closed by the town?" There is to be no maintenance done on it. Chairman Hatch stated that, even if it is a class VI road, it is a town road, and the Morrills had to get permission from the Selectmen to do work on that road. She said since the town owns the road, we have to have the road agent go out and oversee the work being done on the road. Israel disagreed. He felt the Morrills should have to pay an overseer for the road. Rachel said she would find out the answer to that, and get back to Israel.

More FYIs & Other Business

Commendation – BOS - Don said he had received a phone call from a resident complimenting the Selectmen for the good job they had done by keeping the tax rate for this year the same as it was last year.

Donovan Road – Chairman Hatch said she didn't totally understand Israel's question about the road agent overseeing the work being done on Donovan Road. Tim Warren said that Israel is saying that because the road agent is a town employee, we are paying him, and by paying him to oversee the job, we are expending town funds on a class VI road. It was stated that we cannot expend funds to maintain a class VI road, but in this case we are not paying for maintenance of a class VI road. The road agent is overseeing

the improvement to the road, and Paul is looking out for the interests of the town, which is within his responsibility. Chairman Hatch will respond to Israel in writing.

Use of Town Equipment – Tim said he had been asked if an employee from one department (fire dept.) could use a piece of equipment, (highway dept. backhoe) to do work for their department.

After a brief discussion, the Selectmen decided that it would be best if only members of the department use that department's equipment.

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

MOTION – Selectman Abbott moved to accept the minutes of November 9, 2000 as amended. Motion passed 3-0.

7:37 p.m. – Break

7:47 p.m. – Back in Session

Grant – Fire Department – Fire Chief K G Lockwood informed the board that in July he had applied for the Volunteer Fire Assistance funds. He said these are funds that are available for fire suppression organizations in communities with populations of less than 10,000 people. The priority guidelines for the grant project selection are forest fire protective equipment, forest fire suppression equipment and communications equipment. Chief Lockwood said the number one thing they are looking at is fire protection equipment. Due to added personnel and old protective gear, Chief Lockwood said he had put in a proposal in to buy 21 Nomex shirts, 28 pairs of leather work gloves, 21 pairs of safety goggles, 21 helmets and 32 headlamps. KG said we had been awarded a grant of \$1996; it is a 50-50 matching grant, so we would have to put in \$1995.99. He said he has that money in the protective clothing line in his budget, and asked permission of the board to accept the grant. KG explained that he had left money in that line in case we were awarded the grant.

MOTION – Selectman Abbott moved to authorize Chief Lockwood to accept the Volunteer Fire Assistance grant and to expend funds for the purchase of protective gear. Selectman Guarino seconded. Motion passed 3-0.

Rollins Pond Dam – Chief Lockwood reported that he would be meeting with DES tomorrow morning to discuss the dry hydrant operation, and the Rollins Pond Dam. Chief Lockwood said there is no dam on Rollins Pond, and there hasn't been for some time. He had pictures of the area, and of the sign where there used to be a dam, which he will take to the meeting tomorrow. He said because there is no dam, there should be no ownership controversy, and no one should have to pay a fee to the state for the dam.

Safety Building – Chief Lockwood had pictures of the steel building that Errol uses for their fire station. He felt it is not an attractive building, and wondered if the Town would be happy with such a building; there is also not enough office space in their building. Chief Lockwood said he would be going to Nottingham tomorrow to check out their steel building; this building cost \$950,00, is a “turnkey” building, with eight bays and offices. The Salisbury building was also discussed.

Don informed the Chief that the Planning Board would be doing a site walk of the safety-building site on Saturday at 10:00 a.m. He said they are going to bring themselves up to speed on the site plan, and they will discuss it at their December meeting. Paul Darbyshire will meet with them.

Tim told KG that the planning board would also be doing a site walk on Sawtooth Road at 9:00 a.m. to enable them to give input to the Selectmen regarding the possible upgrade of Sawtooth Road for a distance of 600’ in from the end of the Class V section of the road.

Mary Butler Lane – KG was informed of the municipal waiver and conditions of approval for the Gordons to use Mary Butler Lane to access their driveway. He was asked to check the road to ensure safe travel and adequate turn around for emergency vehicles.

International Fire Chiefs’ Association – NE Division – Chief Lockwood said he is a member of the International Fire Chiefs’ Association – NE Division, and they have come up with a group-purchasing program, which costs nothing to join. He said they are dealing with big-name companies such as Zoll, from whom we buy our defibrillators, Airgas, where we get our oxygen for the ambulances, Staples and others. He said they are starting a new program and he is waiting to see where they are going with it. Chief Lockwood reiterated that there is no cost to join. He said you would call the international office, and if they have a contract with the company you want to deal with, they give you a national contract number, and you can compare their cost with what you currently pay. He said he is looking at that for next year.

Letter of Commendation – Chairman Hatch read a letter of commendation (copy attached) that the fire department had received into the minutes.

8:05 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 fire department issue with Chief Lockwood.

8:18 p.m. – Out of Non-Public Session

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

MOTION – Selectman Abbott moved to seal the minutes of the above non-public session. Selectman Guarino seconded. Motion passed 3-0.

Conversation – ZBA Chair - Chairman Hatch reported that she had a conversation with ZBA Chair Betty Hackett in which she had relayed the five points that were discussed in her (Rachel) conversation with Bob and Laurie Henderson. She said that when she had talked with Betty, because Betty is a long-time employee of Verizon, and now Fairpoint, she had asked her about the legality of signs on the utility poles. Betty told her that signs on the posts are illegal, and residents could take down the signs. She said there is a special permitting process for anyone wanting to put an advertisement on the pole; none of these signs around town have been approved. Rachel said Betty had said there is also a hazard when people put nails into the poles; it could energize the poles, and cause a potential liability for the utility workers, as well as damaging the poles.

Henderson Concerns - Rachel discussed the Henderson's concerns with Betty.

1. Meeting minutes not accurately reflecting the meeting. – Betty believed, after reviewing the minutes, they adequately summarized the meeting; meeting minutes are minutes, not hours.
2. Allowing the building inspector to speak during deliberative session when other members of the public were not allowed to speak. – Betty indicated that he is an employee, and there have been times when they needed clarification by the building inspector, but she would definitely make sure it was appropriate, should that happen again.
3. Tapes being shut off early – Betty said she was aware of that, and she believed that once the minute meetings were approved, the tapes should be reused. She hadn't found a big issue with the tapes.
4. ZBA member perceived to be rude – Betty indicated that it was only after he had been provoked, and he tends to have a loud boisterous voice, and if you don't know him, you may perceive it to be offensive.
5. Reading letter into the record – Betty said the reason she hadn't read that particular letter into the record was because she didn't feel it was new information.

Code Enforcement Officer – Selectman Abbott said that Chairman Hatch had agreed to speak with the code enforcement officer pertaining to fines, time limits to obtain building permits, etc. She asked if Rachel had a chance to do that. Rachel said she hadn't, but Bob was asked to come in tonight. Tim informed them that Bob had been going to come in tonight, but he had gone home sick today; he will be in next week.

Donations to Libraries - Selectman Abbott asked if Tim had gotten in touch with the library trustees with the information about donations. Tim has not done it yet, but will try to get it done this week.

Class VI Road Policy – Selectman Abbott stated that none of the Class VI road policies that she had reviewed had the issues Gilmanton wanted to cover. She said they are all basically the same, and are boilerplate from the recommendations of the State. Henniker has a section referring to environmental impact, but they refer to necessary approvals of the State.

Selectman Abbott felt that, considering the input from Town Counsel and LGC, and examples of Class VI road policies from other towns, we couldn't use a road policy to orchestrate the maintenance of the rural character of the town or to protect wildlife habitat. The only way that fits is within a zoning ordinance, but not a road policy. Betty Ann suggested that we ask the Class VI road committee to address the planning board about drafting a policy that does address those issues. It was suggested that the Selectmen have a discussion with Desiree, Planning Clerk, Mark Fougere, Planner, and Nancy Girard Planning Board Chair. Chairman Hatch suggested giving Desiree a copy of our draft policy and a copy of the attorney opinion, have her review it, discuss it with Mark Fougere and Nancy Girard, and then meet with Desiree, Mark and Nancy.

Technical Appeals Board – The Selectmen discussed the need to advertise for volunteers to serve on a technical appeals board. They will request two contractors, a licensed plumber, a licensed electrician and an engineer. An ad will be put in the paper for volunteers to serve on a technical Building Code Board of Appeals as referenced in the 2006 International Residential Code, which the Town adopted. The Board will hear and decide cases using and interpreting the 2006 International Residential Code. This will be a standing board, active on an as-needed basis to address questions of interpretation of the International Residential Code.

Water in Basement – Tim said the water that has been in the basement is not due to a drainage issue, but was found to be from a pressure relief valve and tank on the furnace.

Energy Loss - Selectman Abbott asked Tim to call Paul Callahan to see if he could come point out to them why we are losing so much energy by the chimney, and see if it could be taken care of.

8:55 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.

9:01 p.m. – Out of Non-Public Session

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

9:02 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.

9:11 p.m. – Out of Non-Public Session

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

9:12 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(b)

Selectman Abbott moved to Enter into Non-Public Session as per RSA 91-A:3, II(b) – Consideration of the hiring of a public employee. Selectman Guarino seconded. Motion passed 3-0.

The Selectmen discussed the interviews that had been held with applicants for the position at the recycling center.

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.

The Selectmen discussed information that could affect the reputation of a resident.

9:46 p.m. – Out of Non-Public Session

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

BOS 11-16-09

APPROVED

**9:47 p.m. – MOTION – Selectman Abbott moved to adjourn the meeting.
Selectman Guarino seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne
Recording Clerk

Dean Chief -

November 9, 2009

It's difficult to express the depth of emotion and gratitude that we feel towards you and your team. Thank you so very much for the help you provided during our house fire last weekend.

It was awesome watching the way you showed up with fire extinguisher in hand, ran down the stairs to assess the fire, began to fight the fire, and then direct the other fire fighters on what to do.

We are truly grateful for the quick response and care taken to contain the fire and save our home. As you were quoted in the paper, without proper smoke detectors, a different outcome surely would have prevailed. As long as we got the dogs out, that really was the only thing that mattered to us.

Thank you again for your help and professionalism during a most difficult time. May God be with each and everyone of you - on and off-duty! There is a little something coming under separate cover for your team to enjoy! Kind regards,

Billy & JoAnn Stevens, 206 Hemlock, Sawyer Lake ^{Ribby & Lilah}