

**Board of Selectmen
4 August 2008
Minutes**

6:08 p.m. - Chairman Don Guarino called the meeting to order. Present were Chairman Guarino, Selectmen Rachel Hatch and Betty Ann Abbott, Town Administrator Tim Warren and Clerk Lois Dionne.

Also present was Art Poslusny.

After attendance, everyone stood for the Pledge of Allegiance.

FYI's & Other Business

Shoreline Protection Act – Tim informed the Selectmen of a meeting to be held by the Barnstead Planning Board on Thursday, August 21st at 7:00 p.m. at the Barnstead Town Hall to discuss the changes the State has made to the Shoreline Protection Act.

Conservation Commission – Volunteers – Nanci Mitchell had previously mentioned that the Conservation Commission was organizing a group of people who were interested in helping the Commission with different tasks, but did not want to commit to meetings, etc. Some of the tasks would include trail work, signs, etc. Tonight Tim had an email from Nanci listing the volunteers. They include the following people:

Diana McElwee	Jay & Kendra Reed	Craig Hollingsworth
Nancy Stearns	Bob & Elaine Bussey	Elizabeth Bikowski
Graham Wilson	Patrick Hackley	Kelly Bridges & Joe Derrick
Mark Gagnon	Bill Tetreault	Mike Mitsch
Randy Perkins	Diane Nyren	Mark Mallory

LRGH-LGC Agreement – Tim reported that Lakes Region General Hospital (LRGH) and the Anthem Blue Cross had reached an agreement so there wouldn't be any problems with the insurance at LRGH. He said this meant we didn't have to meet a deadline with having the Town employees get their hepatitis and tetanus shots. Tim added that he has a list of some of the employees who need their shots, and will be setting up an appointment for them to get the shots. There was a brief discussion about employees not getting back to the department heads as to whether they are current on their shots. Selectman Abbott suggested having employees who have not gotten back to the department heads sign a

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letter stating that they had been offered the opportunity to have the shots, but had not signed up for them, and the reason for not having the shots, i.e., they are current with their shots, or for whatever reason don't want them.

TULIP – Tim informed the Selectmen that LGC had come out with a new program they are offering to towns to cover Tenant User's Liability Insurance Policy (TULIP). He said anyone who rents a town building for a wedding, etc could call LGC and get a quote for insurance to cover them for any liability issues. In the past they had to get a rider from their homeowners policy. Tim added the policy is supposed to be very affordable. Tim will send the information to Gary Lines so he can inform anyone who uses Crystal Lake Park for functions of the availability of the insurance.

Knopka Flooring – Tim had an estimate from Knopka Flooring to repoly the hardwood floor upstairs in the Academy Building. He said they are the ones who had installed the floor. It would cost \$2,200 to screen and buff the floor, and \$6,700 to completely sand and refinish the floor.

There was a brief discussion, and it was decided to make a list of all the necessary repairs to the Academy building, get estimates, and prioritize the repairs.

Town-Wide Update – Properties – Tim informed the Selectmen that the proposal they had signed for George Hildum to do a town-wide update of properties should had gone to DRA for approval before they had signed it. He said the DRA had approved the proposal, but there is another copy of the proposal and the Selectmen needed to sign it. The Selectmen signed the new proposal.

NRRA (Northeast Resource Recovery Association) – Tim stated that the NRRA would be holding their next meeting on August 13th, and would be having their annual cookout on September 10th, and their fall bus tour on October 8th.

NRRA had also sent a list of what recyclables are going for now. Baled aluminum is .84 cents a lb., scrap iron is going between \$2.05 to \$2.25 per ton, plastics are 13 ½ cents a lb., cardboard is \$85 per ton and newspaper is \$15 per ton.

Interview - HDC Alternate – Ella Jo Regan applied to serve as an alternate to the HDC. She stated that she had been the Selectmen's Representative to the Commission, and had enjoyed it. She stated that she had learned a great deal, and feels there are new challenges out there for the HDC because of having to meet safety codes and keep the integrity of the HDC, and also the use of new materials.

MOTION – Selectman Hatch moved to appoint Ella Jo Regan as an alternate member to the HDC. Selectman Abbott seconded. Motion passed 3-0.

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More FYI's & Other Business

Paving Rtes 106 & 107 – Tim reminded the Selectmen that the State is going to start paving Rte 107 from the Barnstead town line up to the intersection of Rte 140. They are also going to pave Rte 106 from the Belmont intersection of Rte 140 and Rte 106 to the Loudon town line.

Trees from Earth Day Participation – The trees that the Town received for participating in the Earth Day program had been sitting outside the Academy Building while waiting for permission from land owners to plant them in the Iron Works. Tim stated that something had gotten at the trees, and Chairman Guarino had taken the trees home to care for them. Don stated that Japanese Beetles had gotten at the trees, and some damage had been done. Don's wife is a horticulturist, and she was concerned about the trees. He said he would call the growers in Keene, and ask if there was anything special that had to be done. Don added that, even if we get permission to plant the trees, he would make sure the trees are all right before they are planted.

Septic System – Old Town Hall – Tim reported that the new septic system had been installed at the Old Town Hall, and had been inspected by the State. It just has to be buried, and Tim felt that would be done this week.

Trees – Pine Circle – There has been an issue of trees on Pine Circle that are felt to be a hazard to safe passage of emergency vehicles on Pine Circle, and the owners of the properties where the trees are located had been asked to have the trees removed. Pictures had been taken of the road and trees. The Town received letters from the owners of the properties stating that they had spoken with the previous fire chief, and he didn't feel they were a safety issue; they don't want to have the trees removed.

Tim informed the Selectmen that he had forwarded all the information to Town Counsel (letters we received from property owners, pictures they had taken, pictures taken by Selectman Abbott and Code Enforcement Officer Bob Flanders, and word from the fire department that they felt the trees should be removed. He said Town Counsel had responded that since this is a private road, there is no authority to require removal of the trees.

There was a brief discussion during which it was stated that Pine Circle can be accessed from either end, so emergency vehicles could probably access from one end or the other. It was also felt the new fire chief should be made aware of the issue.

Letter – David Nagle – Tim had a letter from David Nagle addressing three points. The first is that the Nagle family has been maintaining the garden in front of the recycling center at their cost. He said they had spent \$550, and would like to have this acknowledged by the Town for tax purposes.

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Second is perambulation of Town boundaries. David Nagle was going to see if he could get an Eagle Scout to do the perambulation of the Town boundaries. If he couldn't get a Scout to do it, he and his son would like to do it; his son had done the perambulation of the Alton/Gilmanton line as an Eagle Scout project, along with another Scout from Alton in 2005.

Tim said Gilford/Gilmanton had been done in 2004. Canterbury, Belmont, Barnstead and Loudon all need to be done. Dave said he would like to continue with the project, and suggested doing Barnstead and Loudon this fall, and Canterbury and Belmont either next spring or fall.

Flag Project – Dave said he had previously raised issues regarding the Scout American Flag Project. He said he had initiated and run the project the first five years, and troop 242 has since continued. Dave said the most important issued is who owns the flags. He said the understanding when the project began was the Town owned the flags, and his family and the troop were acting as agents of the town. He said the troop questioned this last year when a dispute arose between him and the troop as to who was responsible for the flags. Dave felt the ownership of the flags has important liability ramifications and needs to be resolved.

There was a brief discussion about the ownership of the flags, and it was stated that this was addressed this spring. The position of the Board of Selectmen has always been that the flags belong to the Scouts, and the Board agreed that is still their position.

Tim will get back to Dave with answers to all his issues.

Unsafe Structure – Tim informed the Selectmen of a situation Code Enforcement Officer Flanders had made him aware of; there is an old barn on River Road that is caving in. He said a neighbor had offered to get an excavator and remove the barn and pile in a field so it could be burned this winter. Tim said the lady who owns the property is not in good health, but isn't inclined to take the neighbor up on the offer. Bob asked how the Selectmen wished to pursue this, as it is a code issue. Chairman Guarino thought Ralph Goodwin was trying to be a liaison in the matter. Tim said Ralph had started taking the building down last year, but hasn't finished. After a brief discussion, it was decided to have Bob talk with Ralph to see if he could continue with the demolition of the barn.

6:56 p.m. – Public Input

Speed Bump – Recycling Center – Art Poslusny thanked the Town for paving the parking lot at the recycling center. He said the problem is that a speed bump has been installed. Mr. Poslusny said the speed bump is very hard on people with bad backs, and it is very painful for him to drop off his stuff now. He said the speed bumps could also

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cause people to lose control of their cars. Mr. Poslusny asked the Selectmen for any help they could provide to resolve the problem.

There was a brief discussion about the installation of the speed bump, and whether it is necessary, or does what it was meant to do. The Selectmen told Mr. Poslusny they would take the matter under advisement, and discuss it with Doug Kapplain.

Signs at Iron Works Store – Israel Willard handed the Selectmen a letter from his wife, Candace Willard, which Chairman Guarino read into the minutes (copy attached). Mrs. Willard was concerned about the signs at the Iron Works Store; she considers them an eyesore. She questioned why some signs are allowed to remain up, but others are not, and if the Town Ordinances are for everyone or just a few.

Class VI Roads – Israel Willard stated that there are two cases pending on Class VI roads, and according to the minutes of the last Selectmen's meeting, Selectman Abbott said there would be no cost to the Town (to upgrade a portion of Gale Road to log the Thompson Town Forest) because the Town Forester was going to make the changes to the road, and deduct it from the proceeds that would be paid to the Town from the logging. He said this is still costing the Town, and the Selectmen are not authorized to spend money on Class VI roads without going to a Town Meeting; there are RSAs telling the Selectmen what to do, and they seem to be ignoring them.

Israel said Selectman Abbott had left a message on his phone that she had talked with an individual at LGC; Israel said he had also spoken with someone at LGC. Selectman Abbott stated that she had spoken with Attorney Paul Sanderson at the LGC, as well as communicating with town attorney Walter Mitchell (in conjunction with a discussion on a related matter) and that they both felt the Selectmen have the authority to approve this work. Israel stated that it isn't a hazard to log that road in the winter, so he thought the Selectmen should take a serious look at that before they authorize the Road Agent to go in there; it is costing the Town money for the road agent's time, so when Betty Ann says it isn't going to cost the Town money, it is.

Mr. Willard said there are two court cases pending. They are going on the standards that were given to the Morrills, and were told they have to by Class V standards for the road, and asked why the logger didn't have to. Chairman Guarino said the Town is trying to log our property by spending as little money as possible. Mr. Israel responded that we should do it in the winter, and we wouldn't have to spend any money.

Selectman Abbott asked Mr. Willard for the numbers for the RSAs he had referred to at the beginning of the discussion, so she could read them. She also wanted to be able to discuss it with the LGC. Mr. Willard gave Betty Ann the RSA numbers, and the Selectmen agreed to discuss the matter later.

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Mr. Willard also asked if the Selectmen had given any consideration to using horses to do the logging so no damage would be done to the road. The Selectmen admitted they hadn't, but after Mr. Willard pointed out that a warrant had been approved at Town Meeting in March to consider this method of logging, they said they would consider the idea.

Boot Drive – Mr. Willard noted that the firemen's boot drive had also been discussed at the last meeting. He said he is in favor of the two selectmen who didn't want the boot drive. Mr. Willard felt the drive is a hazard and an embarrassment. He thought the boot drive had been stopped when Eric Mussey had been on the Board of Selectmen.

There was a brief discussion of the boot drive.

Bids – Mr. Willard wanted to clarify when projects had to be put out to bid. He said when he had been on the budget committee, anything over \$500 had to be put out to bid, and asked if the policy had been changed. Tim Warren stated that anything over \$100 is supposed to have a purchase order; he thought anything up to \$1,000 was supposed to have three quotes, \$1,000 to \$5,000 proposals are needed and over \$5,000 you are supposed to get bids. Mr. Willard felt this represented a change in Town policy and asked to have a copy of the policy.

Mr. Willard was concerned because we had signed a contract for paving, and felt Mr. Hurst probably would have the low bid, but felt it should have been put out to bid. He said we really don't have a contract with Wolcott because the price for asphalt went up, and Wolcott couldn't honor their contract.

Selectman Abbott stated that we have a contract, and had been warned that we might have a fuel surcharge. Tim stated that the State had issued a letter to all municipalities that the contractors have a right to charge the fuel surcharge on top of any contract they may have signed due to the increase in the cost of petroleum products. Betty Ann asked if they were voiding the contract or if the State was just saying that you have the contract and there would be additional charges on top of the contract. Tim said we have a contract with the additional charges.

Mr. Willard said the Town didn't have to honor the contract because the price isn't what we contracted for, and asked why the Town didn't send it out to bid. He added that Tim had said anything over \$5,000 had to go out to bid, so signing a contract was voiding Town policy. Tim said we had gotten three prices before signing the contract with Wolcott.

There was a brief discussion about the cost of the paving, and whether we would get a cheaper price if we rebid the paving contract because all companies would be faced with the same increases in the cost of their asphalt. The Selectmen agreed that the matter bears further consideration.

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Old Town Hall Feasibility Study – Selectman Hatch asked Israel if he knew what was happening with the feasibility committee. Israel said there hadn't been a meeting yet. Tim said he was trying to get the committee to meet with the Selectmen on August 11th so the committee could get started.

7:26 p.m. – Break

7:30 p.m. – Back in Session

7:31 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 Hatch seconded. Motion passed 3-0.

Chief O'Brien presented the Selectmen with evaluations for two police department employees. The Selectmen reviewed and signed the evaluations.

7:41 p.m. – Out of Non-Public Session

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

Police Department Issues

Old Town Hall – Chief O'Brien said the company hired would be coming Thursday to start removing the bat guano from the Old Town Hall. He stated that when the Old Town Hall had been sealed to take care of the bat problems, the lift that the company had used had damaged the neighbor's lawn (it was driven across the neighbor's lawn). The damage was estimated at \$1,000. The contractor is going to speak with a landscape contractor about getting the damage fixed.

Old Cruiser from Belmont – Chief O'Brien said he had spoken with Vinnie Baiocchetti, and he said the Town of Belmont needs something in writing to acknowledge that Gilmanton is interested in getting Belmont's old cruiser for \$1. Phil had a letter that he (Phil) had typed up acknowledging our interest for the Selectmen to review, and sign if they approved.

There was a brief discussion about the cost to get the cruiser ready for use (approximately \$4,000), the mileage on the cruiser, and if there is money in the police budget to get it ready for the road. There is 84,000 miles on the cruiser, and Phil said there is money in the budget salary line since they are no longer paying Chris Bartlett's salary.

The Selectmen reviewed and signed Phil's letter.

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Computer System – Phil said he had a quote from IMC, the company they have for their software for a three-person license multi-user program. The cost is \$8,159. Currently the department has been operating with a one-person user. Phil also had a price from Crime Star, which is cheaper than IMC, but he said Dave Beaudry said there are some things you can't do with Crime Star that can be done with IMC. Phil said a good thing about Crime Star is that it would be cheaper to keep updates every year. Phil's main concern was that there is talk about this area going to a main data base like at the sheriff's office, and all the information would be fed into it over phone lines, and that would enable them to know if someone they stopped in the afternoon or evening had been stopped that morning in another town. Phil said they want to go county wide with the program, and if they do, we would have to switch back to IMC to be a part of the program; it is not available through Crime Star.

There was considerable discussion of the two programs. Phil stated that he didn't feel he had it in his budget for either program at the present time, but would like to plan for getting one of the three-person user programs next year. Phil was asked to look into Crime Star, and to also try to find out when a countywide program might be established.

Approval of Minutes – The Selectmen reviewed the minutes of the July 14th meeting.

MOTION – Selectman Abbott moved to accept the minutes of July 14, 2008 as amended. Chairman Guarino seconded. Motion passed 2-0. Selectman Hatch did not vote, as she was not in attendance at the meeting.

Land-Use Clerk Resumes – Tim reported that we had received thirty resumes for the position of land-use clerk, and we still had two weeks left to accept applications.

8:11 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(c)

Selectman Hatch 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 Abbott seconded. Motion passed 3-0.

The Selectmen discussed a hardship case.

8:14 p.m. – Out of Non-Public Session

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

MOTION – Selectman Hatch moved to grant the hardship application. Selectman Abbott seconded. Motion passed 3-0.

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8:15 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)

Selectman Hatch 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 Abbott seconded. Motion passed 3-0.

The Selectmen discussed a recycling center personnel issue.

8:20 p.m. – Out of Non-Public Session

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

8:21 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(c)

Selectman Hatch 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 Abbott seconded. Motion passed 3-0.

The Selectmen discussed a code enforcement issue.

8:23 p.m. – Out of Non-Public Session

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

8:24 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)

Selectman Hatch 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 Abbott seconded. Motion passed 3-0.

8:28 p.m. – Out of Non-Public Session

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

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**8:29 p.m. – MOTION – Selectman Abbott moved to adjourn the meeting.
Selectman Hatch seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne
Recording Clerk