

**Board of Selectmen
17 November 2008
Minutes**

6:00 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.

After attendance, everyone stood for the Pledge of Allegiance.

Draft Class VI Road Policy – The Selectmen reviewed the Draft Class VI Road Policy that had been presented to them several weeks ago by the Class VI Road Committee.

Selectman Abbott stated that the Class VI Road Committee had done the Town a tremendous service by drafting this policy. She said that just doing the inventory was huge, and in addition, the Committee had set up a way for the Selectmen to look at the kinds of things they need to look at when a request is received to build on a Class VI Road.

The Selectmen felt the “Introduction” and “Purpose” sections of the policy were fine, but had concerns about some of the items in both the “Standards” and “Procedures” sections of the policy.

Lois Kapplain joined the meeting.

After careful review of the policy, the Selectmen made a few changes including changing the section titled “Standards” to “Conditions”. They also felt the phrase “unreasonably impact” which was used in many of the “Standards” was too vague, and needed clarification. Selectman Abbott felt the definition of the word “development” was not broad enough to encompass all applications; she felt it pertained more to a subdivision, and didn’t include definition for a single home. There was much discussion of standards for a road, and what was meant by “appropriate standards” for a road; it was felt this wording should be changed.

The Selectmen discussed several word changes, and also want to meet with Conservation Chair Nanci Mitchell for clarification of “unreasonably impact” in regards to wildlife habitats and ground surface water resources before meeting with the Class VI Road Committee to discuss the policy. After meetings with Nanci Mitchell and the Class VI Road Committee, a public hearing will be held.

7:00 p.m. – Public Input - No one was present for public input.

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

MOTION – Selectman Abbott moved to approve the minutes of November 10, 2008 as amended. Selectman Hatch seconded. Motion passed 3-0.

Recycling Facility Issues

Glass Crusher – Fred Zajchowski, recycling attendant, informed the Selectmen that the engine for the glass crusher had broken, but was in the process of being replaced. Tim Warren stated that we were getting a new engine. It will cost \$900 and have a warranty; it would cost \$600 to fix the old one, and it wouldn't have a warranty.

Illegal Disposal of Air Conditioners – Fred informed the Selectmen that a man had left an air conditioner in the metal pile, and had not paid to dispose of it. The Selectmen asked if he had gotten the license plate number of the vehicle. Fred replied that he hadn't, but he would recognize the truck.

Painting of Lines – Don said the stop sign was supposed to be painted on the ground at the top of the hill going to the metal pile today. He said he had also Okayed having a line painted on the pavement at the far side of the compactor to separate the driving lane around vehicles dropping off their trash from the stopping lane where people stop to drop off their trash.

Chairman Guarino said he had also talked with Craig Squires of the Corners Store about the line to be painted to define Currier Hill Road from the store parking lot.

Safety Gate – Selectman Hatch asked if Fred had met with the Fire Chief regarding safety at the building. Fred said the Chief had been there, but Fred hadn't heard all the conversation. He said he knew they had talked about having a gate put in the fence to the lower area of the center so trucks could enter in the event of an emergency. The Recycling Center employees, the Fire and Police Departments would have a key to the gate. Tim Warren informed the Selectmen that they would have to apply to the State for a driveway permit before they could put an access gate there.

NRRA - Tim informed the Selectmen that NRRA (Northeast Resource Recovery Association) would be holding another annual public hearing on their budget on Thursday, November 20th to discuss lowering the GAT rate to \$45.90 rather than the proposed rate they had set at \$51.75.

Dump Schedule – Ralph Goodwin – Chairman Guarino asked Fred if he felt the schedule that had been set up for Ralph Goodwin to dispose of his trash was working. Fred felt it was.

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Wood Recycling – Fred was asked what he thought of wood recycling. Fred felt it would be difficult, and asked what makes the ashes from the wood they burn hazardous waste. He said they burn only clean wood and brush, but the State makes them clean the ash dump after every burn and dispose of it as hazardous waste.

Tim said they were talking about the grinding of the wood that Justin Leavitt had told them about last week, where a company would come in and grind the wood, and either leave it at the facility to be used as mulch or they would take it away.

Tim said he and Nate Abbott had, at one time, gone to Sanbornton and had seen one of the grinding machines Justin was referring to. He said the machine is massive, and what they were looking to do at that time, was to coordinate with area towns to grind the wood for two or three towns at the same time. Tim said the machine is massive, and he didn't feel anyone would bring it in for a small job.

There was a brief discussion on the grinding of the wood, and Chairman Guarino felt it would be more economical to continue the way we are doing it now, but he said he would call the company and get more information.

Baler – Safety Switch – Tim informed the Selectmen that the safety switch on the baler at the recycling center had been repaired.

Holiday Dinner – Tim informed the Selectmen that the 4th grade Parents & Seniors Holiday Dinner would be held on Friday, November 21st at 1 p.m. at the Gilmanton School cafeteria. RSVP to the school if you plan to attend.

GMO (Growth Management Ordinance) - Tim reported that the Planning Board had set the GMO number for 2009 at 41. This is the number of building permits for new single-family homes that can be issued in the year 2009. Selectman Abbott asked how long the ordinance is in effect. It was thought it was through 2010.

Conservation Commission – Conservation Chair Nanci Mitchell and Conservation Committee members Sue and Dick deSeve and Brenda Sens were in attendance to present their budget and other issues to the Selectmen.

Budget – Conservation Chair Nanci Mitchell presented the proposed Conservation Commission Budget for 2009 to the Selectman. She noted that the budget had been level funded, as had been requested by the Selectman. Nanci pointed out that although the budget had been level funded, she had moved some items around, and requested more for some line items, and less for others.

There was a brief discussion on the changes made to the budget. There were increases to office supplies and signs. Nanci said they had budgeted \$500 for miscellaneous expenses for 2008 because they had planned to do a mailing to landowners affected by the

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Shoreland Protection Act. She said they had worked with DES on the mailing, and DES, who got a grant, had paid the postage.

Warrant Article - Chairman Mitchell stated that the Conservation Commission wished to present a warrant article at Town Meeting to retain 28 acres on Halls Hill Road, which has been referred to as Halls Hill Swamp, as Conservation land. She said the Town had voted to sell this property, with restrictions (only a single family home) at auction a few years ago, but it had been taken off the list because of ownership dispute. The Commission felt as the land is mostly swamp and has Tier I, Tier II and Tier III wildlife habitat, it would be more beneficial to retain as Conservation land. The Selectmen said they would back the warrant, and Nanci will prepare a draft of the warrant article.

Meeting with Selectmen -When speaking of Tiers relating to wildlife habitat, the Selectmen informed Nanci that they had planned to ask her to attend a Selectmen's meeting to clarify what the different tiers meant in relationship to the proposed Class VI Road Policy. Nanci said she didn't want to create the impression that the Conservation Commission is throwing their weight around. The Selectmen assured her this is not the case; they just want some clarification on the tiers of wildlife habitat and water resources. Nanci will attend the December 1st Selectmen's meeting at 7:30.

Smith Property – Last week Tim Warren had informed the Selectmen of a .75 acre piece of property in Valley Shores that Peter & Faith Smith would like to donate to the Town. He said the property is very wet, and abuts Conservation Land; the only problem is that there isn't a clear deed to the property. The Smiths have been paying taxes on the property for years, but somehow the deed had never been conveyed to them from Valley Shores Family Club. Tim added that Attorney John O'Shea had drawn up a deed to the property for the Smiths. He asked Nanci to explain the situation with the property.

Nanci explained that an elderly couple, Peter & Faith Smith, who were trying to settle their estate, had gotten in touch with the Conservation Commission in June regarding a .746-acre property in Valley Shores assessed at \$12,000. She said the appraiser had said the property is unbuildable because it is very wet, and had appraised the land at \$10,000, so they would like to give the property to the Town. Nanci stated that she had looked at the land; it is very wet, and she added that the land abuts conservation land. Nanci pointed out the property on the Town map. Nanci said she had researched the deed, and had spoken with Tim because she didn't realize the deed was such a mess. She said that as Tim had explained, the Smiths have paid taxes on the land for years, but didn't have a deed to the property; it went to a company that went defunct two years later. She said Attorney John O'Shea worked on this, and his conclusion was that, although it wasn't a perfect title, the Smiths have a better claim to the land than anybody else has. It was felt if we don't accept the property for conservation land, when the couple die, it will come to the town for non-payment of taxes, because there are no heirs who want the property (Taxes on the property are about \$250 per year). Nanci said the Conservation Commission would like to accept the land.

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MOTION – Selectman Abbott moved to accept from Peter & Faith Smith lots 18 & 19, Valley Shore Family Club located on Cedar Drive in Gilmanton, NH. The current Map/Lot # is 130-19. Selectman Hatch seconded. Motion passed 3-0.

O’Shea Property – Chairman Mitchell said when she was speaking with Attorney O’Shea he had asked if the Town accepts any old lots. Nanci said she had told him most of the lots taken were small lots around the lakes to make more conforming lots around the lake, and not have it developed as intensely as it could be. She said Mr. O’Shea has a two-acre back lot off Loon Pond Road. Nanci said the Commission has talked about it, but hadn’t come to any decision, and felt the Selectmen should think about it as it is a policy decision. Nanci was asked if the property was near water, or abutted any other conservation land. It was determined that it is neither near the water, nor abuts conservation land. Tim Warren said the Town normally does not accept gifts of land, other than for conservation purposes. By accepting land, we are taking property off the tax roll.

The Conservation Commission will look at the O’Shea property.

Gilmanton Land Trust – Chairman Mitchell stated that the Gilmanton Land Trust had purchased a conservation easement on two parcels of land from Dan Perkins in 2003. She said the Trust has a policy that they don’t hold interest in land, and would like to transfer one parcel of the land to 5 Rivers Conservation Trust, and the other parcel to the Town. Nanci said the land hasn’t been surveyed, and they (Conservation Commission) need the Board of Selectmen’s authority to proceed with a survey. She said she had gotten quotes from a couple of surveyors, and she is trying to get the Land Trust to split the cost of the survey. If the cost were split, it would cost the Conservation Commission between \$1,000 and \$1,200 to have a survey done. The cost of the survey would come out of the Conservation Funds.

The Selectmen gave permission for the Conservation Commission to proceed with the survey.

Dock – Town Property on Crystal Lake – Chairman Mitchell asked if Code Enforcement Officer Bob Flanders had talked to Tim about the dock that was placed on Town property on Crystal Lake Road. Nanci said she had talked with Bob today, and Bob was supposed to talk with Tim. Tim said he hadn’t. It was stated that a letter had been sent to the owner informing him that he would have to remove the dock. Tim was asked to have Bob follow up on the issue, as it is a liability to the Town, and the dock has to be removed.

Logging Town Forest – Chairman Mitchell said the forester has been showing the forest to conventional loggers, and had also shown it to two loggers who log with horses, but she hasn’t heard back from him yet.

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Tim said, at the Municipal Conference, he heard a representative from Dept. of Revenue Administration say that the value of white pine is going up. Selectman Abbott asked if we could cut in the winter. She was told that we could. Don asked if we rely on the forester to get the best value for the Town. Nanci said we do.

8:15 p.m. – Break

8:22p.m. – Back in Session

Budget Scheduling – Selectman Abbott asked to have the budget scheduling explained to her, as she has never dealt with this before. Tim explained that the Selectmen and Town Clerk/Tax Collector would meet with the Budget Committee on December 11th. The Selectmen must also attend the Budget Meeting on December 4th, when the Budget Committee discusses Capital Reserves. Selectman Abbott asked when the Selectmen would be discussing the budget. Tim replied that he would have about 90% of the budget entered for them to start reviewing next Monday. Betty Ann asked if the Selectmen had to meet with the Department Heads. Tim explained that they have to meet with all the Department Heads to review their proposed budgets, but that did not have to be done before the meeting with the Budget Committee on December 11th. The meeting on December 11th is to discuss the Selectmen's budget; they will have to meet with the Town Clerk before the 11th to discuss her budget, as it is to be presented to the Budget Committee on the 11th.

Meeting with Year Round Library Committee

At the request of the Year-Round Library Committee, the Selectmen arranged to meet with them at the library on Saturday, November 15th, at 9:00 a.m.

Present at the meeting were Chairman Don Guarino, Selectmen Rachel Hatch and Betty Ann Abbott, Library Committee members, Liz Bedard, Stan Bean and John Dickey.

Selectman Abbott stated they had a tour of the library, and got an update on the status of the library. She said it is a beautiful library and a wonderful gift to the Town; it has taken them ten years to get to the point they are at. She said the Committee had raised \$650,000, and in addition there have been gifts of over \$400,000 in services and deals for windows, etc. Selectman Abbott said the Committee would be bringing a warrant article to the Town for operating expenses, as much as they didn't want to have to do that.

Selectman Abbott said she had invited the Committee to come in and speak with the Selectmen, so we could have on record what has brought the Committee to the point they feel they have to come to the Town, and to be able to tell what they have accomplished.

The Committee will meet with the Selectmen on December 1, 2008.

The meeting at the library was adjourned at 10:30 a.m.

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Selectman Hatch stated that preliminary discussion ensued at the site walk; further discussion will occur on December 1st when the Year-Round Library Committee meets with the Selectmen. No decisions were made on the site walk.

Feasibility Study – Old Town Hall – Tim had a contract to be signed from the Engineering firm that is doing the feasibility study at the Old Town Hall. Tim said the contract had him listed as a selectman, but felt he should white out his name, and Chairman Guarino's name should be substituted for his. Tim said the amount was under the \$20,000 that had been appropriated; the amount was \$19,760.

Chairman Guarino asked if the engineer had known how much had been appropriated for the project, before he had started the job? Tim thought he had known. Selectman Abbott acknowledged that the engineers had been told the maximum the Town would spend for the study was \$20,000. She felt it had been stated in the RFQ (Request for Qualifications) when the project had been sent out for bid.

Chairman Guarino signed the contract.

There was a lengthy discussion of what has transpired with the feasibility study, thus far. They have discussed digging out under the existing building, and expanding the police department. They have also discussed using the main floor (auditorium), which would necessitate having an elevator handicap ramps and building an addition onto the back of the existing building, and adding a Sally Port. It appears that each of the options will entail a great deal of expense, up to \$715,000.

Selectman Abbott stated that the Feasibility Committee is going to meet on Friday. She said her understanding was that the Committee didn't have to go through with phase II of the study, if it was felt the cost to renovate the building would be unacceptable. Phase II would be more detailed drawings and plans of the options. If they didn't go into this phase, because they felt the renovation costs would be too excessive, the Town wouldn't have to pay for the Second Phase of the study, which would bring the cost of the study down from the \$19,760.

Selectman Abbott said they could discuss this at the Feasibility Study Committee Meeting on Friday. Chairman Guarino said, after hearing the cost to renovate, he had strong reservations about being able to renovate the building for a police department, so didn't want to see the study go into Phase II. He will attend the meeting on Friday.

Chairman Guarino felt the Selectmen should meet with the Feasibility Study Committee to discuss the situation. Selectman Abbott asked Tim to try to arrange a meeting with the committee for Monday at 8:00 p.m.

Letter – Cemetery Trustees – Beech Grove Cemetery – Tim had a letter from the Trustees of Cemeteries informing them that on August 19, 2008, the Beech Grove

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Cemetery Association had voted to disband, and petition the Town to accept the Cemetery property and assets, as they are no longer able to fill officer positions. The letter said that in 2004 the Town had received a similar offer from the Buzzell Cemetery, and had voted at the 2005 Town Meeting to accept the offer.

The letter stated that the Beech Grove Cemetery, through its president Carl Moorehead offered - a deed for the cemetery property – Cash assets of the Association to be deposited into the General Care Fund of the Beech Grove Cemetery (already in the possession of the Gilmanton Trustees of Trust Funds) – The perpetual care funds (already in the possession of the Gilmanton Trustees of Trust Funds) – All lot sale, ownership and burial records.

The letter said the Gilmanton Cemetery Trustees had discussed this request at their last meeting, and feel it would be better to accept this offer, rather than let the cemetery fall into disrepair, so had unanimously voted to support the acceptance of the Beech Grove Cemetery.

The Trustees requested the Selectmen's support of the Acceptance of Beech Grove Cemetery, and place an article on the 2009 warrant for Town Meeting. Selectman Hatch asked Tim to put a copy of the letter from the Cemetery Trustees in each of the Trustee of Trust Funds box, as they would be meeting on Monday morning.

Warrant Articles – Energy Committee - Tim said that Nate Abbott, as an individual on the Energy Committee, had drafted some warrant articles that he would like the Selectmen to discuss. Tim felt it would be good to have Town Assessor George Hildum review the articles, and give us his opinion, as an assessor, what impact the articles would have on the Town before the Selectmen discuss them.

LRMFA (Lakes Region Mutual Fire Aid) – Tim asked if the Selectmen had advised Chief Lockwood to put the funding for Mutual Aid in his budget. Selectman Hatch said they had, but she had recently had dinner with an attorney who represents LRMFA, and he had recommended that the Selectmen should meet with their State Representative and Fire Chief, and ask them to work to ensure that the change (cutting money from the mutual aid fund) that Belknap County was proposing didn't go through, and should hold off putting money in the budget. Selectman Abbott suggested they might put it in the budget with the proviso that Belknap goes through with their plan.

Selectman Hatch said she didn't know how they could pass something like that at this late date. Tim said if the change does take place, we wouldn't know until after our Town Meeting. The Selectmen will talk with Chief Lockwood.

Cartographic Pilot Map Program – Tim said we had received information that Cartographics would be doing a pilot program whereby we could have our Town maps on

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line. He said there would be no charge the first year, but didn't know what the cost would be after that.

Treasurer – Tim informed the Selectmen that Town Treasurer Harold McArdle had sold his home, and would probably be moving out of Town, which would mean he could no longer be Town Treasurer. He said the sale is expected to be completed by the end of December, but Harold said he would stay as long as needs be to train somebody.

9:26 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.

The Selectmen discussed a Selectmen's Office personnel issue.

9:40 p.m. – Out of Non-Public Session

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

9:41 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.

9:55 p.m. – Out of Non-Public Session

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

Code Violations Follow Up? – Selectman Hatch asked if Code Enforcement Officer Bob Flanders had a tickler file to follow up on violations. Tim said Bob didn't. Selectman Hatch felt there should be one, and asked how Bob decides to write letters for violations. Tim said Bob doesn't go looking for violations, but acts on them when they have been brought to his attention.

Electric Wheel Chair – Tim asked if any of the Selectmen knew of an elderly person who might need an electric wheel chair. He said Judy McIntyre had donated one that had belonged to her mother. Selectman Hatch said she would contact Reverend Bolton and Betty Lines; one of them would probably know if someone needed one.

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9:58 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 Police Department personnel issue.

10:15 p.m. – Out of Non-Public Session

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

10:16 p.m. – MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Abbott seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk