

**Board of Selectmen
12-29-08
Minutes**

5:30 p.m. – The Board of Selectmen entered a non-public session per RSA 91-A:3, 11(a). Present were Chairman Don Guarino, and Selectmen Rachel Hatch and Betty Ann Abbott.

The Selectmen did a department head evaluation.

6:05 p.m. – The Selectmen ended their non-public session.

6:10 p.m. - Chairman Don Guarino opened the regular Selectmen's meeting. Present were Chairman Guarino, Selectmen Rachel Hatch and Betty Ann Abbott, Town Administrator Tim Warren and Clerk Lois Dionne. Also in attendance was Police Chief Philip O'Brien.

After attendance everyone stood for the pledge of allegiance.

Police Budget – Chief O'Brien presented the police department budget for review. He showed an increase in the salaries line, but a decrease in the benefits line due to the change in health insurance premiums because the new police officer needs only a two-person plan opposed to the family plan of the officer she replaced.

Chief O'Brien level funded his operating budget as requested. There are two capital outlay items, a new cruiser and three new computers. He is also submitting a couple of warrant articles.

Other Police Dept. Issues

Sick Time – There was a change made to the personnel policy this year regarding sick time. Employees are allowed to build a bank of sick days by carrying unused sick time over until they have accumulated 30 days. Chief O'Brien said he had been asked if, after someone had accumulated 30 days, they would be able to transfer other unused sick days to vacation time. There was a very brief discussion, and the selectmen adamantly rejected the idea.

Certified Mechanic – Chief O'Brien asked if the Selectmen had ever considered hiring a certified mechanic to work on the town vehicles. During a very brief discussion,

12-29-08 BOS

Chairman Guarino pointed out that by the time you hire a mechanic, pay the salary and benefits, it would be cheaper to continue having the vehicles repaired as we presently do.

Narrow Bridges – Chief O'Brien was concerned about the narrow bridge on Stage Road near Beauty Hill Road. It is not wide enough for two cars to pass, and cars have been attempting to do that. Tim was asked to have the highway department erect a sign noting that it is a single-lane bridge.

Tim said he had been speaking with a gentleman from Hoyle-Tanner, and was asked if we were planning on working on any bridges in town. Tim said that he was told that if we are, even if we don't plan to do it right away, we should put in a request to the State, and they would give an estimate for the cost of repairs because they are planning their projects way ahead into the future. It was stated that the Town has to pay for the repairs, but we are reimbursed by the State. A bridge on Crystal Lake Road was also mentioned as one that would need attention.

Speeding – Crystal Lake Road – Selectman Abbott said she had been asked today to mention the problem of speeders on Crystal Lake Road. Phil said the problem occurs mostly in the summer. Betty Ann agreed, but asked if the problem was something that could be taken under consideration now in an attempt to figure a way to address the problem in the summer.

Public Input

Letter of Thanks – PD - Lois Kapplain read a letter (copy attached) into the minutes thanking the Gilmanton Police Department for the prompt and professional way they had responded to a call from her on December 15th. She especially thanked Sgt. Rector and Chief O'Brien.

Employee Pay Raises – Selectman Hatch was concerned because the department budgets that have been reviewed have all been level funded and have included raises for their employees except for the town clerk/tax collector. The department heads made cuts in their budgets in other areas, so as to allow for the raises; the town clerk said she couldn't do that so wasn't including a pay raise for the employees in her office. Selectman Hatch didn't feel that just a few people shouldn't be allowed a raise next year. There was a discussion during which it was stated that the Selectmen could recommend changes to a department budget, and the Selectmen looked at the town clerk's budget to determine where they felt changes could be made. Selectman Hatch felt all the employees should be able to get a raise. Selectman Abbott asked what Rachel's thoughts would be about a raise, if giving the raises meant having to lay someone off. Rachel was unsure about that. Selectman Abbott suggested recommending the pay increases, but to postpone giving any raises for six months, and evaluate the economy, along with the budget committee, before allowing any salary increases.

12-29-08 BOS

Ground Water Ordinance Work Session - Also present at the work session were Conservation Commission members Sue Hale-de Seve and Dick de Seve.

A couple of weeks ago the Selectmen discussed the need for the Town to establish a ground-water withdrawal policy; this had been voted on at the March 2006 town meeting. The Conservation Commission had drawn up a couple of drafts, but the Planning Board rejected both drafts. The Selectmen had reviewed Wentworth's Policy, which was very detailed and Chairman Guarino was going to get a copy of Barnstead's policy, which is a much simpler policy.

Chairman Guarino said he had spoken with Gale Darryl of Barnstead about their policy. He said Gale had been very involved with the ordinance that had passed by petition in Barnstead. Don said Gale had asked, because Gilmanton neighbors Barnstead, and the Suncook Lake is an important part of Barnstead and Gilmanton, to consider utilizing the ordinance that Barnstead has. Don said Gayle said the ordinance had been looked at by other places across the country, and it holds up against companies trying to do large water extractions, such as the one had done in Barrington. He said that Barrington had no protection against the company who had done the large water extraction in Barrington, and this is the reason people are trying to protect their towns from large extractions. Don asked, that since Dick & Sue had drafted the ordinances that the Planning Board had rejected, if they would participate in tonight's discussion. He asked if Dick liked the Barnstead ordinance. Dick replied that he thought it was a good one; he felt the Wentworth one was too involved. Dick felt the groundwater withdraw is a local, regional and international problem.

Mr. de Seve felt it is very important for towns to adopt these policies because as it is now it is under the control of the State; they have authority of any withdrawal over 57,600 gals per day and it preempts the town's authority. He said the big problem is that towns have very little input in the process, and after what happened with USA Springs in Barrington, towns are trying to gain some control. Dick felt that if enough towns adopt a ground water extraction ordinance, it might put pressure on the State to allow local input.

There was considerable discussion on establishing an ordinance, and the towns need to have some control or input in ground water extractions. It was stated that it is the responsibility of the Board of Selectmen to see that an ordinance is drafted. Dick will make a new draft for an ordinance combining the best of Barnstead's ordinance, and the simplified version of the draft the Conservation Commission had presented to the Planning Board. The draft will be forwarded to the planning board for their review and comment, and if the Planning Board is not able to take action on the draft quickly enough to meet the specified time restraints for a warrant article, there will be a petition warrant article presented at town meeting.

8:10 p.m. – Recess

8:17 p.m. – Back in Session

12-29-08 BOS

FYI's & Other Business

Thank You Letter – Tim informed the Selectmen of a thank-you letter the Town had received from a couple who had received financial help from the town in the past. It thanked the ladies in the tax office, Deb, Paula & Joanne for their willingness to work with them and make them feel comfortable, Tim Warren for arranging for payments on back taxes, and Lynne Brunelle and the Zoning and Planning Boards for all their assistance in helping them get things turned around and being able to repay Gilmanton all that they owed them.

Recent Fire Department Incidents - Tim had an email from Chief Lockwood that he (Chief Lockwood) felt might enlighten people as to why they do what they do. The first was a thank you from a resident for getting her out of her vehicle and to the hospital after a traffic accident. The next thing was a thank you letter from a resident for the wellness check that had been done at their home during the ice storm, and providing them with shelter information. The third was an incident that happened in Peterboro when some of our firefighters were sent there to help relieve their crews dealing with storm related activity after the ice storm. Under the command of Lt. Beaudoin the crew of Engine 3 noticed a generator running in a garage attached to a residence, and upon investigating further, it was discovered that the residence contained very high readings of CO, and a baby suffering from elevated CO poisoning was removed from the residence by our crew and taken to a nearby hospital. The father had thought the baby was just sleeping. Chief Lockwood added that Engine 3's crew is being credited with saving the life of that baby.

Recycling Center – Tim said Justin Leavitt had told him the recycling center was extremely busy this weekend. On Saturday the compactor was filled by 10:45 a.m.; they loaded the empty roll off and that was full by noon, so they had called for an extra one to be delivered for Sunday. They emptied the compactor, and by 2:00 Sunday afternoon the compactor was full, and they loaded the second roll of and started on the third. Tim said Justin said there was a lot of stuff thrown in the compactor that could have been recycled.

Tim also reported that a woman had come into the office on Wednesday (Christmas Eve Day) complaining because the recycling center had closed at noon. There was a brief discussion, but the Selectmen felt the recycling employees deserved the time off.

State of NH Fuel Contract – Tim had an email from Michael Walsh from the State of NH stating that because of the drop in fuel prices, the State of NH is soliciting bids for fuel, gasoline and diesel and heating oil at a fixed price. If successful, the State plans to cancel their current indexed rack contracts for fuel, and to enter into agreements with vendors to purchase fuel at a fixed price for the next eighteen months, beginning February 1, 2009. The email added that if the Town is currently contracting with a vendor under the terms of the State's agreement, we should contact our fuel provider and make the necessary arrangements to continue to obtain fuel without interruption. The State will keep us updated on their progress.

12-29-08 BOS

Mazzitelli – Request to build on Canaan Road – The Mazzitellis, had come before the Selectmen previously requesting permission to build on the Class VI section of Canaan Road. They had decided it would be too expensive to try to upgrade from the end of the Class V section of Canaan Road to their property, so asked permission to access their property from Maple St in Belmont (also a Class VI Road). If they could access from Belmont, they would only have to upgrade 250' of Canaan Road in Gilmanton. The Selectmen asked the Mazzitellis to meet with the Belmont Board of Selectmen to see if they were agreeable to this, and what their conditions would be, and then if the Mazzitellis wished to proceed, the Gilmanton Selectmen would meet with the Belmont Selectmen to discuss the situation. A few weeks ago Mrs. Mazzitelli asked the Selectmen to write a letter to the Belmont Board of Selectmen telling them that Gilmanton is considering the Mazzitelli's request to build providing they meet the Town of Gilmanton's conditions. At that time, the Gilmanton Selectmen felt they wanted to speak with someone from the Belmont Board of Selectmen before sending a letter. Chairman Guarino was to have contacted Belmont.

Tim said Mrs. Mazzitelli had called today asking if a letter was going to be sent. Tim asked if Don had spoken with Rick Ball from Belmont? Don replied that he had. Tim said he had received an email today from Belmont (Rick Ball). The email stated that the Mazzitellis seemed not to be doing things in order, and Mr. Ball had stressed to them the importance of getting the Selectmen on Board before proceeding any further, and to see if the Gilmanton Board of Selectmen would support building a house in Gilmanton over access of a Class VI Road in Belmont. There is a distance of about 1400' from Brown Hill Road, and Mr. Ball didn't support granting the permit. In order to work within the Maple Street right of way, the Mazzitelli's need to comply with the conditions set out in Belmont's letter of November 13, 2006. Some of the conditions are to notify Dig-Safe, a security in the amount of \$2,000, a plan for work to be completed, no impact outside the right of way and a waiver of municipal liability. They were also concerned about a culvert the Mazzitellis would have to install. A dredge & fill permit would be needed, and the Town of Belmont, not the Mazzitellis, is the landowner. There is no septic design, as the Town of Gilmanton denied it.

Don said he had called Mr. Ball, and Mr. Ball was concerned because the emergency services would have to come from Belmont, and wondered if Gilmanton was considering granting the permit. Don said he had called Mrs. Mazzitelli, and she said all she was looking for was a letter stating that Gilmanton is looking at the road situation, and were open to discussions with the Town of Belmont over the emergency access.

It was agreed that we could send a letter stating that we were willing to meet and discuss the situation with the Town of Belmont.

Letter – LGC – Tim had a letter from LGC stating that the LGC would be participating in the NH Public Radio 2009 interactive town meeting map project in an effort to promote awareness of public issues and increase public participation in town meetings.

12-29-08 BOS

He had a form they wanted the Town to fill out that would go to NH Public Radio, who would announce the dates and meeting places of town meetings, and what the special issues are. Tim will fill out the form.

New Auditor – DRA (Department of Revenue Administration) – Tim reported that we had received a letter from DRA informing us that we have a new auditor at DRA, Shelley Gerlarneau.

Year Round Library – At a previous meeting Chairman Guarino said he had been speaking with Henry Page who was concerned about the lack of an engineering stamp on the plan for the Year Round Library. Mr. Page felt that any building that was for public use was supposed to have an engineer's stamp on the building plan.

Tonight Don had a letter from Henry Page to the Board of Selectmen dated December 18th regarding the year-round library that he read into the minutes (copy attached). The letter pertained to discussions Mr. Page had with building inspector, Bob Flanders and Ray Morin, an engineer in Belmont NH and with Stan Bean regarding the question of the necessity for an engineer's stamp.

Mr. Page feels that if a stamped plan by an engineer is a legal requirement, the lack of one puts the town at risk as far as liability is concerned.

Chairman Guarino feels we need to get an answer to the question of whether or not an engineer's stamp is needed. Selectman Abbott felt there is an underlying concern that the building does not meet certain standards for a public building. Tim Warren felt there is that concern.

Don will contact LGC to try to find the answer to this.

Damage to Glass Crusher – Don said that Justin Leavitt had told Tim most people dispose of their glass in the barrels designated for glass, but some residents who have large amounts of glass put their glass in the glass pile by the recycler, and someone had put a piece of steel in the pile and it damaged the glass crusher. Tim said someone is due to look at the machine tomorrow. Don said no one would be allowed to dispose of their glass other than in the barrels.

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

MOTION – Selectman Hatch moved to accept the minutes of December 15, 2008 as amended. Selectman Abbott seconded. Motion passed 3-0.

8:57 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

12-29-08 BOS

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 police department personnel issue.

9:04 p.m. – Out of Non-Public Session

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

9:05 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 an issue relating to an individual's reputation.

9:07 p.m. – Out of Non-Public Session

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

9:08 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 personnel issue.

9:10 p.m. – Out of Non-Public Session

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

Lois Dionne left the meeting, and the Selectmen and Tim Warren entered into non-public session to conduct Tim's evaluation.

12-29-08 BOS

9:28 p.m. – The Selectmen came Out of Non-Public Session and adjourned the meeting.

Respectfully submitted,

Lois Dionne
Recording Clerk