

**Board of Selectmen  
8 January 2007  
Minutes**

**6:05 p.m.** - Chairman Ella Jo Regan called the meeting to order. Present were Chairman Regan, Selectmen Brian Forst and Don Guarino, Administrative Assistant Tim Warren and Clerk Lois Dionne.

**Approval of Minutes** – The Selectmen reviewed the minutes of the last meeting.

**MOTION - Brian Forst moved to accept the minutes of December 18, 2006 as amended. Don Guarino seconded. Motion passed 3-0.**

**FYI'S & OTHER BUSINESS**

**Planning Board Resignation** – At previous meetings it had been discussed that Justin Caldon had not been attending any of the Planning Board meetings, so it had been requested that he resign his position as an alternate member. Justin had not responded to the request, so a public hearing was to have been scheduled to remove him from office. At the last Selectmen's meeting, Bob Flanders had stated that he thought Justin was going to submit a letter of resignation.

Chairman Regan asked Tim if we had heard from Justin. Tim said Justin had submitted his letter of resignation, thus eliminating the need for a public hearing.

**Clearing on Parsonage Hill Road** – At the last meeting Selectman Guarino had presented concerns of citizens regarding clearing that had been done on Parsonage Hill Road. It was felt that loggers had done the clearing, and brought about questions as to whether loggers had the right to clear in the Town right-of-way.

Don said he had more information on the cutting. He said he had been talking to a member of the snowmobile club, and was told that it was the snowmobile club who had done the cutting. He said the area is part of the snowmobile club's main trail, and they did the cutting to expand the trail so they could get the water off the road. Don said the club cut trees, did ditch work and laid gravel to correct what had been a big problem to the club.

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**Property Purchase** – The Conservation Commission has been looking into an opportunity that has been presented to them to buy a partial interest in a piece of property. The Conservation Commission, the Selectmen, Tom Howe and Town Counsel have been discussing the legality and restrictions of the purchase.

Tim said that Walter Mitchell, Town Counsel had given the okay to go ahead if the owners of the property put a conservation restriction on their half of the property. He said that would satisfy the question as to whether the piece the town is trying to buy is restricted. Tim said there is still some question as to the wording of the restriction. He said Nanci Mitchell had been talking with Tom Howe, and they weren't sure of the wording, so Nanci will call Walter Mitchell for some ideas on the wording, or have him write the restriction.

**DOT-** Chairman Regan said she would like to get back in touch with Mr. Morrill of DOT (Dept. of Transportation). She said Mr. Morrill had been in to see the Selectmen the last of October, and a letter had been sent to him on November 1<sup>st</sup>, and she hasn't heard back from him yet. Ella Jo felt another letter should be sent, along with a copy of the first letter, that indicated exactly what the Board's concerns were – striping in the Iron Works, the intersection of routes 140 and 107 and the State-owned portion of Crystal Lake Road. Tim felt they should emphasize the Crystal Lake Road issue now, because that will be of the most concern this winter.

There was a brief discussion about the intersection of Route 140 and Elm Street, and the striping of the lines in front of the Iron Works Market and the number of parking spaces in front of the market. Tim will check with Lynne Brunelle, Planning Administrator, to see if there had ever been a specified number of parking spaces that could be made in front of the store and post office.

### **6:30 p.m. - Enter into non-public session as per RSA 91-A:3, II(a)**

Don Guarino 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. Brian Forst seconded. Motion passed 3-0.

The Selectmen discussed a police department personnel issue with Chief O'Brien.

### **6:55 p.m. Out of non-public session**

Don Guarino moved to come Out of non-public session. Brian Forst seconded. Motion passed 3-0.

### **6:56 p.m. - Enter into non-public session as per RSA 91-A:3, II(a)**

Selectman Guarino 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

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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. Selectmen Forst seconded. Motion passed 3-0.

The Selectmen discussed a police department personnel issue with Chief O'Brien.

### **7:10 p.m. – Out of non-public session**

Selectman Guarino moved to come Out of non-public session. Selectman Forst seconded. Motion passed 3-0.

**Public Input** – No one was present for public input.

### **More FYI'S & Other Business**

**Dare Car** – Chief O'Brien informed the Board that he had gotten prices to paint the "Dare" car. He said that Officer Sparks is working on getting things for the car such as stripes, letters, logos, etc.

**Tonnesen Case** – Tim stated that we have Attorney Bart Mayer working on the Tonnesen case. He said Attorney Mayer had sent a letter to the court requesting that the case be dismissed. The Zoning Board had denied Mr. Tonnesen's request to install a helicopter pad. Tim said we had received a letter from Mr. Tonnesen stating that he wished he had been at the ZBA meeting, the night of the hearing, rather than his wife. Mr. Tonnesen felt he could have explained things to the ZBA better than his wife, as she didn't really know what she was presenting. Mr. Tonnesen has asked the Zoning Board to rehear the case. Tim said the letter was forwarded to Attorney Mayer, and Tim felt Attorney Mayer's recommendation is that the ZBA should rehear the case.

**Cartographics** – Tim said that he and Cindy Bedford, Assessing Clerk had a conference call with Tim Fountain of Cartographics regarding discontinued roads in town, and how they would show on the new maps. Tim Warren said a lot of the roads still show as roads now, but Cartographics would show them as a dash. It will show the name of the road and the year it was discontinued. Tim Warren added that the problem is that when a road is discontinued, the abutter's property goes to the middle of the road. He said some of the properties have surveys that don't go to the middle of the road, so there would be a strip of land that doesn't appear to be owned by anybody according to the surveys. Tim W. said that for anybody who abuts a class VI road, and had their property surveyed, the new maps will calculate the acreage as though it included that strip, and will change it from the survey so it will be accurate. Chairman Regan asked if that would alter the property owner's tax bill. Tim said it would, but unless a person had a lot of frontage on a class VI road, it shouldn't make much difference.

**Road Conditions** – The Selectmen had received a couple of "intent to cut" forms to sign. They were concerned because of the present condition of the roads. There was

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considerable discussion that we have “spring conditions” on the roads now. The possibility of posting the roads until they have dried up or they freeze, or requiring a bond for the road were items of discussion. It was decided they would like to talk with the road agent and get his perspective before deciding on doing anything. Tim will get in touch with Paul Perkins.

**Cartographics** – Tim said he had a letter from Cartographics and they would be delivering the preliminary maps and indexes in January. He said hearings for property owners whose acreage had changed would be held in February, and we should have the final maps in March, at which point all map and lot numbers will change.

**Dredge & Fill Permits** – Tim informed the Board that a couple of people had applied for Dredge & Fill permits. One was a Forestry Notification that James & Lee Ann Downs had applied for a dredge & fill permit for a crossing to enable them to do cutting. The other was an application by the Snowmobile Club to do work on trail #22 and the Loon Trail Loop.

**Increase in Tonnage Rate** – Tim informed the Board that the tonnage rate for disposing of solid waste in Penacook would be increased from \$38.25 per ton to \$42.50 per ton in 2007.

**Corcoran Environmental Services** – Tim said we had received a letter from Corcoran Environmental Services of Kennebunk, Maine, who are interested in our municipal trash collection/recycling program. He said that they had been one of companies we had down when we first started recycling. It was decided that we are just as well off to continue doing our recycling with NRRA, and there is no point in changing at this time.

**Drop Box for Tax Payments** – Tim reminded the Board that last year they had discussed putting a drop box out front for tax payments, etc. He said it hadn’t been put in the budget last year, but he wanted to put it in this year. Tim said the only thing you would see from the outside would be the plate with the slot for the mail. Ella Jo reminded Tim that we would have to go before the HDC.

## **Budget**

**Summary Report – Capital Reserves**– Tim gave the Selectmen a copy of the year-end summary report for Capital Reserve Accounts. He said a copy of the report would also be given to the Budget Committee. Tim felt that the money that is in the Capital Reserve account for Landfill Closing should be pulled out and put into the general fund, as it is no longer needed. He said there was also money left over from the mapping Capital Reserve account that should also be put back into the general fund.

There was a brief review of the report. Tim felt there would be less income coming to the town this year. He said the building permits for new houses were down this year, and

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there wouldn't be any money from sale of property. He said there are many unknowns; such as how much money we would receive for property values. Tim said he had estimated the revenues on the low side as he felt it would be better to understate than overstate the estimated income.

**Expenditure Report** – Tim gave the Selectmen a copy of the Expenditure Report as of the end of December 2006. He pointed out that what was spent was very close to what had been budgeted.

There was a brief discussion of the report.

**Budget Meetings** – Tim stated that the budget committee would be going over the police department budget on Thursday. He said the highway department budget had been presented last Thursday. Tim said that at the budget hearing, Road Agent Paul Perkins requested a ¾ ton truck with a duramax diesel engine and a plow. Ella Jo asked what the purpose of the truck was. Tim said it would be so the Road Agent could check the roads, and plow intersections and short streets that the big trucks can't get down. Ella Jo said it wouldn't be a bad idea if he is out there using it, and solving problems with the tools in his truck, such as culverts that need to be cleared, etc. Brian Forst questioned the need for a new truck. He said Paul had told the budget committee that the old forestry truck is not suitable to go anywhere and he (Paul) had been using his own truck and not charging the Town for it.

There was considerable discussion as to whether the forestry truck was suitable for the purpose, and if the new truck is a "want", not a "need". It was stated that there was value to the road agent driving the town, and having tools so he can fix problems he sees, but it was felt that it might be a good idea for him to drive the forestry truck for a year and see how it works. Tim will ask Paul to come to the next Selectmen's meeting to discuss the matter.

**Water Resource Protection Ordinance** – Don stated that the Darrells from Barnstead are involved with protecting the water resources in Barnstead, and Barnstead and Gilmanton share a large aquifer (the Suncook aquifer). He said that in 2006 Barnstead had enacted a water resource protection ordinance because they were concerned about what had happened in Barrington and Nottingham with huge withdrawals for a large bottling operation. Don had a copy of a letter from the Barnstead Board of Selectmen regarding the water protection ordinance. Don asked that the letter be passed onto the group in Gilmanton who is working on a water ordinance. Chairman Regan stated that in the Governor's inaugural speech, he had addressed this issue because water withdrawal issues are actually State issues. Chairman Regan felt that is important for Towns to go on record as supporting the idea, but the State has to address the issue at the State level.

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**8:15 p.m. – Enter into non-public session as per RSA 91-A:3, II(c)**

Don Guarino 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. Brian Forst seconded. Motion passed 3-0.

The Selectmen discussed an enforcement issue.

**8:30 p.m. – Out of non-public session**

Don Guarino moved to come Out of non-public session. Brian Forst seconded. Motion passed 3-0.

**8:31 – p.m. – Enter into non-public session as per RSA 91-A:3, II(c)**

Don Guarino 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. Brian Forst seconded. Motion passed 3-0.

The Selectmen discussed an ongoing code enforcement issue.

**8:45 p.m. – Out of non-public session**

Don Guarino moved to come Out of non-public session. Brian Forst seconded. Motion passed 3-0.

**MOTION - Brian Forst moved to seal the minutes of the last non-public session. Don Guarino seconded. Motion passed 3-0.**

**Town Report** – Chairman Regan noted that it is time to get the Selectmen's report ready for the Town Report, and asked the other two Selectmen to help her compile what the Selectmen had accomplished this past year. There was a brief discussion.

**GYO Park Gate** – Tim said he had a call from Lori Hemlin of the GYO, and she said that Rich Hillsgrove had told her that people had been driving around the gate that had been put up. He said Lori asked if we could put a big rock or something there to prevent this from happening. Brian said there were some cement blocks left over from the project, and asked Tim to see if Paul Perkins could put them down by the gate.

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**8:55 p.m. – MOTION – Don Guarino moved to adjourn the meeting. Brian Forst seconded. Motion passed 3-0.**

Respectfully Submitted,

Lois Dionne  
Recording Clerk