

**Board of Selectmen
26 February 2007
Minutes**

6:00 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.

Conservation Commission – Easement on Bacon Property

Conservation Commission Chairman Nanci Mitchell was in to discuss the easement on the Bacon property. Nanci had a couple of issues that she wanted to address before dealing with the easement.

Emergency Wetlands Permits – Nanci said she had read the Selectmen's minutes where they had been discussing the permit for the dry hydrant with Brett Currier. She said the minutes indicated that people weren't aware of the process for an emergency situation. Nanci said the process is to call the Wetlands Bureau and tell them you have an emergency; they will ask for the information they need, then they fax the permit to you. She said it is never a verbal okay. Ella Jo said somebody had called, and was told to go ahead; she felt it had been a miscommunication.

Carbon Coalition Website – Nanci informed the Board that Tim had given her a copy of an email about putting a link on the Town website for the Carbon Coalition. The Selectmen agreed it would be a good idea to put it on the website so that anybody wanting more information about the Carbon Coalition could get it from the website so they could make an informed decision at Town Meeting.

Nancy Christie Property – Nanci said that Nancy Christie has talked, for years, about protecting two parcels of property she owns. She said both properties are undeveloped, and Nancy was talking about the Town holding an easement on them. Nanci said that Ms. Christie is now talking about giving the property to the Town, but that Nancy C. would want an easement on the land. Nanci said the land trust, the Commission and Nancy are planning to meet to discuss it. Ella Jo thought we couldn't accept parcels of land. Tim Warren felt the Conservation Commission could, but the Town doesn't usually accept parcels without Title Insurance stating that it is free and clear, and no hazardous materials on it. There was a brief discussion of the parcels in question.

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Bacon Easement – Nanci reviewed how they had gotten to the point of the draft easement for the Bacon Property that she was presenting the Selectmen tonight. She explained that John Bacon had left a half interest to the Forest Society, and the other half to his heirs. Nanci said the Conservation Commission had negotiated with the Forest Society to buy the land at a reduced rate. She said that Town Counsel had said they couldn't use money from the Conservation Fund for that purpose unless the other half was protected; Town Counsel said he would be happy with a deed restriction. Nanci said she talked with the Bacon siblings who own the other share in the property, and they were okay with the deed restriction. She said Town Counsel drafted a restriction similar to what had been drafted in another instance, but people who looked at it felt the situations were different, and it didn't protect the land in this case. Nanci said she had gone back and talked with the Bacon siblings who agreed to a conservation easement. Nanci said they had drafted a conservation easement, and the Bacons and Walter Mitchell said the language is okay, and the Conservation Commission approved it. She said the only thing they are waiting for is for the title to come in. The Selectmen reviewed the draft easement along with a recommended motion for acceptance of the easement.

MOTION – Selectman Guarino moved that the Gilmanton Board of Selectmen accept the Conservation Easement Deed with respect to a one-half (50 %) undivided interest in a parcel of land, being unimproved land, consisting of approximately 2.4 acres, situated on Pine Circle, said parcel shown on “Plan of Land in Gilmanton, NH owned by Pauline E. Bacon,” dated August 1902, and last revised March 1932, recorded at the Belknap County Registry of Deeds as Plan Book 36, Page 2829, subject to minor changes that might possibly be necessary after completion of the Title Opinion. Selectman Forst seconded. Motion passed 3-0.

Nanci had a letter from the Conservation Commission for the Board to sign indicating whether they are aware of any solid or hazardous wastes on the property. None of the Selectmen were aware of any substances on the property, and signed the statement.

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

MOTION – Selectman Guarino moved to accept the minutes of February 12, 2007 as amended. Chairman Regan seconded. Motion passed 2-0. Selectman Forst did not vote, as he had no been present at the meeting.

FYI's and Other Business

Tonnage – Tim reported that the tonnage the recycling center sent out in January was 116.27 tons down from last year's amount of 119.22 tons.

Roof over Compactor and Furniture Piles – Ella Jo asked if anything had been done yet to have a roof erected over the compactor and to cover the furniture piles to keep them dry thereby cutting down on the weight of the materials to keep our tonnage down.

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Tim said Doug has been gathering the materials for the roof, but nothing has been done yet. He said Doug would be in next week for his departmental update, and they could discuss it with him then.

Anonymous Letter – Tim had an anonymous letter from a citizen who had comments on a couple of things he/she had read in the Selectmen's minutes.

One issue was that Paul Perkins wanted a new pickup truck for the highway department. It was asked why the current truck couldn't be fixed, and if anyone knew exactly what the problem with the truck is. The letter stated that it was felt the truck was a "want" and not a "need".

The other issue was in response to Mr. Foss stating that he hadn't seen an increase of furniture, etc. being disposed of on the side of the road since a fee had been implemented for their disposal at the recycling station. The letter stated that on Route 106 there are three or four mattresses piled up, and on South Road there is a recliner over the guardrail near the brook. It further stated that in the fall on South Road, somebody had tossed a loveseat and armchair. It further stated that the writer of the letter could say they have seen an increase in items being disposed of incorrectly, and that he/she is all for recycling, but is someone going to pick up the roadside because you can't depend on citizens to do it because they might not want to pay for items that aren't theirs.

There was a brief discussion of each issue. It was stated that the Board of Selectmen have discussed the issue of the truck, and Paul would have to answer questions as to why the present truck is inadequate at Town Meeting, and voters would make their decision then. Chairman Regan stated that it is her experience that there have always been people who dispose of things at the side of the road and in the woods; it happened before there was a fee for their disposal as well as after. Tim Warren said if people would let us know when they see something on the roadside, we could have it picked up. The pay-as-you-throw program will also be voted on at Town Meeting.

Tonnesen Decision - Tim reported that he had received a letter from Upton and Hatfield, who defended the Town in the Tonnesen case. He said the Superior Court had upheld the Town in the Tonnesen appeal of the ZBA decision to deny him permission to a special exception for the use of a helicopter on his property, and had also rejected his claim for an award of attorney fees. Mr. Tonnesen has ten days to seek reconsideration of the Superior Court's decision. Otherwise he will have thirty days to appeal the case to the Supreme Court.

Unismart System – Tim said a representative from Unismart would be in to demonstrate their accounting software program tomorrow at 9:00 a.m. He said they have modules for Accounts Receivable, Accounts Payable, Payroll, Budget, Building Department, Purchase Orders, Cash Receipts, Welfare Tracking, etc. Tim said if you were to go with the program you wouldn't have to buy all the modules at this time. Tim

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said that Unifund would support our current software until 2009, but are now saying we may need to do something within the next three to six months. Chairman Regan asked if this is something that would have to be put in the budget this year. Tim said there is some money in there (the budget), but felt we would have to do something this year. He felt we would have to buy the most important modules first, and then budget for the rest of them.

Doyle vs. Town of Gilmanton – Tim reported that Bart Mayher had filed the appropriate brief with the court on the Doyle vs. Town of Gilmanton case on February 16th. He said this is a Planning Board issue.

Town Warrant – Tim had a copy of the Town Warrant as it will appear in the Town Report. The Board reviewed each warrant and wanted to be sure that the appropriate person from various departments would be in attendance at the meeting to answer questions that might arise.

7:00 p.m. - Public Input - There was no one present for public input, so the Selectmen continued to discuss other business and FYI's.

Cell Phones – Selectman Guarino said that at the Budget Meeting on Super Saturday, they had been discussing coordinating the cell phone plans for Town employees. The Selectmen compared the costs of the plans for the fire, police and highway departments, and are going to look into combining the plans into one plan, as it appeared it would save money.

Sand – Crystal Lake Beach – Don asked if we had found out about getting sand spread on the beach at Crystal Lake Park. He felt it should be done while the ground is still frozen. There was a brief discussion about where to get the sand. Selectman Guarino will check on getting the sand.

Places Mill Road – Selectman Forst asked if we had heard anything more from the Boy Scouts about the RFP for the upgrade of Places Mill Road. Chairman Regan stated that they have a meeting scheduled with the Scouts on Thursday morning, March 1st at 9:00 a.m. She said they have not received a revised RFP. There was a brief discussion of the road project.

EMT I Training – Tim said that a couple of weeks ago a resident had expressed concern that two full-time firefighters had not completed their intermediate training in the time they were supposed to have done it, and it caused some problems because they weren't able to go out with them on calls. Tim said that Firefighter Young would be testing in March, and Firefighter Glines is still finishing up his time at the hospital; he needs hands-on hours. He added that there is no increase in pay until this has been completed, as this is one of the conditions of hire.

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Political Signs on Town Property – Tim said a couple of people had told him they had seen political signs on Town Property, and asked if it was legal. The Selectmen said it wasn't legal. Tim will notify the parties that the signs have to be removed.

Computer-Use Policy - Chairman Regan asked if the Department Heads had a chance to review the draft of the changes in the use of Town computers by employees. Tim replied that they had not been given a copy yet, but he would see that they get one.

Phone Problems – Tim informed the Selectmen that we had problems with the telephone line to the Town Clerk/Tax Collector's office on Friday, which has been fixed, but today we had problems with the fax line in the Selectmen's office.

Repair Entryway to Academy Building – Tim reported that J.R. Stockwell would begin tearing up the front steps in the entryway to the Academy Building tomorrow morning, and would hopefully have it replaced on Wednesday.

Safety Issues – Town Buildings – Chairman Regan stated that the conference she had attended in Laconia was focused on school violence, but it really pertains to looking at safety issues and preparedness issues all the way through. She felt this issue should also be addressed for the Academy Building and the Police Department. Tim said Cindy Bedford had also attended the conference, and has started researching things based on what was discussed. There was a brief discussion on situations that could arise, and what things could be done to ensure the safety of employees in the buildings.

Vault – Chairman Regan asked Tim how things were coming along with the vault for storage of Town records, and if he knew when it was scheduled for completion. Tim replied that it was coming along nicely, but was unsure of the completion date.

Recycling School Computers – Selectman Forst stated that the school had asked the Town to waive the fee for disposal of the school computers, and they had been denied the waiver. He said it had been brought up at the budget session with the school, and he felt they were upset by it. Brian said they had made quite a few comments about the public use of the school, and how it costs money for electricity, janitorial services, etc. Chairman Regan said her question is what effort had the school made to recycle them. (She said that in Europe the company that sells the computer is required by law to take it back and recycle the materials.) There was a brief discussion during which it was agreed the school had a valid point about the expense to use the building, but it was also stated that the Town has to pay for the box that we rent to store the computers in at the dump, and we have to pay to get rid of them. It was also pointed out that they weren't asking to dispose of just one computer, but many. Brian stated that user fee had been mentioned several times, and he was concerned that this might lead to children not being able to go on field trips because they couldn't afford to pay to go on the bus. Ella Jo said she would like to see ways the Town and School could work together.

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Brian said he wasn't advocating what we should do; he just felt we should be aware of the other side.

7:35 p.m. - Enter into non-public session as per RSA 91-A:3, II(c)

Selectman Guarino moved to Enter into non-public session as per RSA 91-A:3, II(d) - 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 Forst seconded. Motion passed 3-0.

The Selectmen discussed ambulance billing.

7:47 p.m. - Out of non-public session

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

7:48 p.m. - Enter into non-public session as per RSA 91-A:3, II(c)

Selectman 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.

Selectman Forst seconded. Motion passed 3-0.

The Selectmen discussed an ongoing code enforcement issue.

8:03 p.m. - Out of non-public session

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

8:04 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 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 Forst seconded. Motion passed 3-0.

The Selectmen discussed a recycling center personnel issue.

8:35 p.m. - Out of non-public session

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

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8:36 p.m. – Enter into non-public session as per RSA 91-A:3, II(c)

Selectman 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. Selectman Forst seconded. Motion passed 3-0.

The Selectmen discussed a residency requirement issue.

9:10 p.m. – Out of non-public session

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

9:11 p.m. – MOTION – Selectman Guarino moved to adjourn the meeting. Selectman Forst seconded. Motion passed 3-0.

Respectfully Submitted,

Lois Dionne
Recording Clerk