

**Board of Selectmen  
19 March 2007  
Minutes**

**6:00 p.m.** – Selectman Brian Forst called the meeting to order. Present were Selectmen Brian Forst, Don Guarino and David Clairmont, Administrative Assistant Tim Warren and Clerk Lois Dionne.

David Clairmont, newly elected selectman, was welcomed to the Board.

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

**MOTION – Selectman Guarino moved to accept the minutes of March 12, 2007 as amended. Selectman Forst seconded. Motion passed 2-0. Selectman Clairmont did not vote, as he had not been present at the last meeting.**

**Election of Chairman** – After a brief discussion, Brian Forst was elected as Select Board Chairman.

**MOTION – Selectman Guarino moved that Brian Forst be Chairman of the Board of Selectmen. Selectman Clairmont seconded. Motion passed 2-0.**

**Letters & Board Appointments** – Tim presented the Selectmen with three letters. One was from Nancy Girard stating that she would like to be reappointed to the Planning Board. The other two letters were from individuals recommending that, as Dave Clairmont had been an alternate on the Planning Board, he is appointed as the Selectmen's representative to the Planning Board.

The Selectmen serve as members of various boards and committees. There was discussion about the various boards and committees, and as to who should serve on which board. Both Don and Dave wished to serve on the Planning Board, and legitimate reasons were presented why each should be appointed. Chairman Forst asked to have the week to think it over from all aspects and to table the decision until next week's meeting. All were in agreement with Brian's request.

There was also a discussion as to whether members of the various Town Boards should have limited terms. Brian felt it becomes unhealthy for any one person to be in charge of a board for too long. Dave suggested establishing a mandatory rotation or term limits.

Tim Warren stated that, by law, we couldn't set term limits for HDC and ZBA. Brian felt an alternative might be to set a rotation for Chairman of the Boards. He said he didn't mean they couldn't remain on the board, but they just had to step down as chairman. Dave explained that according to the Planning Board law book, they are supposed to have an annual internal election to choose their chairman. Dave said he would look through the Planning Board law book to see if there is anything that regulates the amount of time one person could be Chairman.

**Budget Request Increase – Town Meeting?** – Tim informed the Board that they might have to request more money in the budget at Town Meeting tomorrow night for repairs and maintenance of the Academy Building. He explained that we have a leak in the sprinkler system. Tim said the repairman had been here today, and because the system had not been serviced on a yearly basis since it was put in, there has been a lot of preventative maintenance that hasn't occurred. He said now things are starting to go wrong with the system, and they no longer make this system. Tim said they stopped making this particular system shortly after we had it installed. He said we are off line now, and the system wouldn't work if it were needed. Tim said parts have been ordered, and parts and labor to install the parts, from what they can see is wrong so far, is going to cost about \$3,000, and could go as high as \$5,000.

Selectman Clairmont asked if we had any type of general building maintenance fund for the town. Tim replied that we have a yearly maintenance line item for the Academy building in the budget. Dave asked what that amount was for this year. Tim got a copy of the budget. He said we had increased the amount to \$15,000 this year so we could finish painting the building and do perimeter drains on the side of the building. He said \$7,500 is for the painting of the last two sides of the building, and \$6,000 is for the perimeter drain; the rest is general maintenance.

There was considerable discussion as to whether we could put the painting off until next year, and possible temporary fixes for the perimeter drain. Both Brian and Don stated that they didn't want to ask for an increase to the budget, and it was unanimously agreed that the Selectmen would like to try to work within the budget that had been submitted.

**Payment of Property Taxes by Credit Card** – At a prior meeting Tax Collector Debra Cornett had been in to see the Selectmen regarding setting up a system to enable residents to pay their property taxes with a credit card. There had been a proposed contract drawn up and Deb had asked Town Counsel to review the contract. Tim had a copy of a letter Deb had received from Town Counsel. There were a couple of concerns with the contract.

The first concern was that RSA 80:52-c requires the town adopt an ordinance permitting real estate taxes to be paid by credit card. Gilmanston has not done this, so the provision of the contract would need to wait until at least next year's town meeting.

The second concern is that RSA 41:35 requires the tax collector to collect the taxes and forward money to the treasurer on at least a weekly basis. The contract as presented

provides that taxpayers pay their bills through MCC, the company with whom we would have the contract.

Another concern was about funds that might not get deposited by MCC into the town's account, or which are withdrawn from that account. Town Counsel added that the town clerk is bonded, but MCC is not a bonded entity. He felt that this issue might be solved by securing a surety bond from MCC.

Town Counsel recommended that the contract not be executed as written, and suggested that Deb forward the contract to the Department of Revenue Administration for them to review to see if the state has any particular concerns regarding the use of such services to process tax bills.

**Tonnage** – Tim reported that the tonnage the recycling center sent to Penacook in February was 70.94 tons, which is down from 88 tons sent in February of last year.

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

**Franchise Fee** – Tim reported that the Town had received a check from MetroCast Cablevision in the amount of \$37,911.34 for the franchise period of January 1, 2006 through December 31, 2006. He explained to Dave that for every subscriber in town, MetroCast pays us a percentage of what they receive.

**Haas vs. Town of Gilmanton** – Tim explained to Dave that Joe Haas had sued the Town Clerk because she wouldn't let him register as a legal voter in the town in 2006, because he had missed the deadline to file with the supervisor of the checklist to be on the checklist as a registered voter. Tim stated that Mr. Haas was not living in the town at that time. Mr. Haas lost his case, and appealed.

Tim said the Superior Court has concluded that there is no need to have oral arguments on this issue. The Court was correct in ruling that the Town Clerk does not have the authority to register a voter, it is the supervisor of the checklist, therefore the trial court decision has been affirmed, which has the effect of denying Mr. Haas' appeal.

**Letter- Removing Guardrails on Province Road** – Tim had a letter from Timothy Cofran who stated that he had written a letter to the Police Department and Representative Russell in October 2005 drawing attention to the removal of guardrails on RT 107 Province Road. He said he had pointed out the safety hazard that would exist if the guardrails were not replaced. Mr. Cofran said this was to no avail, so he is now writing to the Selectmen. Mr. Cofran said he had been told by one of the workers that the guardrails were not being replaced because it would detract from the "historical" value of the house at 1763 province road. He added that both the state and town have an obligation to make the roads as safe as sensibly possible, and to remove a safety device and not replace it is negligence. Mr. Cofran asked to have somebody look into this, contact the DOT, and keep after them until this situation is rectified.

Brian asked if we hadn't contacted DOT when the original letter had been received. Tim said we had, and were told that the guardrails wouldn't be replaced. He said they had spoken with the police chief, who had been in office at the time, and he was supposed to write a letter to the DOT. Tim said he is unsure if the letter was ever written. He said that the current police chief, Phil O'Brien, had been in the office and he (Tim) had spoken to him about the letter. Tim said that Chief O'Brien had stated that when the State removed the guardrails, they had sloped the hill, and he doesn't feel there is a major concern of a rollover. Dave Clairmont stated that when the guardrails were removed, the shoulder had been expanded by about 10' and then the whole thing had been sloped.

Tim will respond to Mr. Cofran's letter.

**Intersection 107 & 140** – Selectman Clairmont asked if there had ever been any discussion of having a traffic light at the intersection of Rte 107 and 140. Tim said there has been. Brian explained that is part of an ongoing discussion with the Selectmen and the State to improve the intersection as well as the intersection with 107 and Currier Hill Road, the intersection of 140 and Elm St. in the Iron Works and sections of Crystal Lake Road. Tim explained that we had met with Mr. Morrill of DOT, and he is supposed to be getting back to us to try to resolve the issues.

**Unfinished Business** – At last week's meeting former Chairman Ella Jo Regan had reviewed a list of unfinished business she felt the Selectmen should work on to bring about a solution or closure. She asked that the list be typed and presented to the Board this week.

Tim gave each selectman a copy of the list.

### **Public Input**

**Selectmen's Corner** – Carolyn Baldwin was in to see if the Selectmen wished her to continue putting a synopsis of the Selectmen's meetings in the Sun under the title of Selectmen's Corner. Carolyn stated that she always sent the Selectmen a draft of her article for correction or input before sending it to be published. She said that Ella Jo had been very good at correcting or commenting on it, but she hadn't heard from the other Selectmen, and she would need to get feedback from them if she were to continue doing the article. Selectman Guarino said he had called Carolyn with comments, but she said it had only been a couple of times. Don explained that was because he had felt the others were fine. Carolyn asked that even if they had no changes, they would just let her know it was okay. The Selectmen agreed they wanted Carolyn to continue.

**Unfinished Business Continued** - The Selectmen reviewed the list Ella Jo had left for them. Brian briefly explained the items on the list, which included, among others, working with the Boy Scouts to make sure Places Mill Road was upgraded, working with the State to find solutions to the problems of the intersections at RT 140 & 107, 107 & Currier Hill Road, 140 & Elm St. in the Iron Works and to improve sections of Crystal Lake Road, a Class VI Road Ordinance, getting sand on Crystal Lake Beach and an issue

on Donovan Road. The Donovan Road and Class VI road ordinance issues were briefly discussed.

**7:50 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 Clairmont seconded. Motion passed 3-0.

The Selectmen discussed an ongoing HDC code enforcement issue.

**8:01 p.m. – Out of non-public session**

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

**8:02 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 Clairmont seconded. Motion passed 3-0.

The Selectmen discussed a code enforcement issue.

**8:55 p.m. – Out of non-public session**

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

**Selectmen to Sit at Town Meeting** – There was a brief discussion as to who should sit at the Selectmen table at Town Meeting, Ella Jo Regan or David Clairmont. The only reason there was a question is because Town Meeting was postponed and Dave had been sworn in as a Selectman in the meantime. It was agreed that Ella Jo should be the representative as she had been a part of the whole warrant process this year, and she might have to speak on some of the articles.

**Police Sergeant Interview** – Tim informed the Board that interviews had been held for applicants for the position of police sergeant on Friday. He said no decision had been made, and selections were being narrowed down.

**Meeting Procedures** – Procedures for the Board of Selectmen meetings were briefly explained to Dave Clairmont.

**9:00 p.m. – MOTION – Selectman Guarino moved to adjourn the meeting. Selectman Clairmont seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk