

**Board of Selectmen
26 March 2007
Minutes**

6:03 p.m. - Chairman Brian Forst called the meeting to order. Present were Chairman Forst, Selectmen Don Guarino and David Clairmont, Administrative Assistant Tim Warren and Clerk Lois Dionne.

Members of the public present included Police Chief Phil O'Brien, Nancy Girard, Bill & Terry Donovan, Cindy Houghton, Mary Ann Morrill, Brett and Brenda Currier, George Roberts, Betty Ann Abbott, Bill Angevine and Doug Isleib.

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

MOTION – Selectman Guarino moved to accept the minutes of March 19, 2007 as amended. Selectman Clairmont seconded. Motion passed 3-0.

Update – Sergeant Position – Police Chief O'Brien was in to update the Board on the process of hiring a police sergeant. He said oral boards had been held last week; five people were interviewed, and two were good candidates. Phil stated that he would be doing follow up interviews tomorrow.

Cruiser – Chairman Forst asked Chief O'Brien if he had requisitioned his new cruiser. Phil said it was ordered, and would be available in about eight weeks. He said the normal gray color is not available any more; they will paint it that color if you order five cruisers. He said the closest color they have is silver, so he ordered a silver one. Phil added that he had a keypad on the door added to the car. He said this way you could leave a key in the car, and any officer could punch the code in and get into the car.

Repairs at Police Station – Chairman Forst asked if J.R. Stockwell had started the handicap entrance and security upgrades to the police station. Phil said he hasn't started yet.

Crystal Lake Farms – Engineering Concerns – Tim said he had asked Planning Board Chairman Nancy Girard to come in to discuss a Planning Board Issue; Kurt Rague, who is before the Planning Board with Crystal Lake Farms Subdivision.

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Tim said we had sent Mr. Rague the bill we had received from Hoyle, Tanner Assoc. (HTA) who is the engineering firm the Town hired to review Mr. Rague's plans. Tim said Kurt is not happy with the expense, and has tried contacting Hoyle Tanner. They won't talk with him because the Town, not Mr. Rague, is their client. Tim said Mr. Rague doesn't know what Hoyle Tanner has done to generate the bill, and wanted to know why that firm was picked over somebody else. Tim said he explained that the Board of Selectmen hired Hoyle Tanner on behalf of the Planning Board. He said we had two proposals, and we felt Hoyle Tanner was the better of the two. Tim said two individuals who work for Hoyle Tanner live in Town so would be readily available to help the developer and for inspections, plus it was felt they would look out for the town's best interest because they live here. He said Hoyle Tanner has done a good job for us in the past on River Road Bridge, and they also had done a lot of road engineering, where the other firm had not done as much. Chairman Forst stated that when the Board had reviewed the two applications, they had decided that Hoyle Tanner was the most competent firm to do the job.

Tim stated that Mr. Rague had spoken with him a couple of times, and had also talked with the Planning Administrator Lynne Brunelle. He said that Mr. Rague doesn't feel he should have to pay the \$2,500 bill. Tim said we have not received any funds from Mr. Rague to establish the escrow account. He said there is a lot of history to how this has been developing.

Don asked hadn't the understanding in the agreement been that the engineering firm would be the responsibility of the Developer. Tim stated that was so. Don asked if the bill was broken down to know what it was for. Tim said it broke down the hours that they have spent. He said Mr. Rague doesn't feel that they have done anything to help his application along. Tim added that the work that has been done is work that needed to be done on the Town's behalf before they can go to the next step. Brian Forst asked if a step had been missed in not asking for an escrow account to be established before he started. Tim didn't feel this was the case. He said that Mr. Rague was fully aware with his application that he was going to have to pay for engineering services. Tim asked Nancy Girard to explain some history of the application.

Nancy explained that Mr. Rague had changed his application at least five times, and the final plan has not yet been approved by the Planning Board to go through the final permitting process. She said Mr. Rague had started this road off Crystal Lake Road without any approval from the planning board, and he had been put on notice that they were concerned because he had not gone through this phase of approval. Nancy said Mr. Rague then went to the ZBA because he was going to have a joint meeting with the Planning and Zoning Boards. Nancy said she contacted the Zoning Board and told them that Mr. Rague hadn't gotten his approval from the Planning Board, so couldn't go through this next phase, and the ZBA suspended the application.

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Nancy stated that a month and a half ago, the Planning Board had a work session with Mr. Rague. She said they sat down and explained the phases and what he needed to do to finish Phase I, and what his deficiencies were. Nancy said there were significant deficiencies. Nancy stated that according to the Code Enforcement Officer wetlands had been impinged upon, and a lot of work had been done up there that did not reflect on the wetland scientist's report. She said there were culverts that were not to spec with town requirements. Nancy said they asked Mr. Rague to go back and review all those things. She said they once again noticed him that they would need a bond to protect the town, and they told him they need review of any roadwork by a third-party contractor who is hired by the Selectmen. Nancy felt Mr. Rague thinks these people are out there to help him, when the reason they are there is to protect the Town's interest. Nancy stated that Mr. Rague is a one-man operator, and is trying very hard to do it all by himself, which has caused many problems trying to coordinate things with contractors, surveyors, wetlands scientists, etc., thus he hasn't been able to get things accomplished. She said the Planning Board had sent Mr. Rague a letter last week recapping the work session and an understanding of what they had. She said the board all looked over the letter before it was sent out. She added that the letter made it very clear that he couldn't go on to Phase II until he has met all the requirements of Phase I. Nancy said they are trying to get things under control because Mr. Rague has changed his application so many times. She said he has orally changed it with the ZBA and they want him, as a citizen of the Town, to abide by the planning and zoning laws of the town.

Selectman Clairmont asked if the purpose of getting Hoyle Tanner was so Mr. Rague could get an estimate of the cost of the road to determine the amount to put in for a bond. Nancy stated that was part of it, but not the whole thing. Dave stated that we needed that figure to be able to establish a bond to be put on the project before it proceeds any further. Don said his understanding was the engineering firm was to review the existing work that was taking place, and to make sure it was done to Town standards. He said a certain amount of site work has taken place.

Dave Clairmont stated that this has been a several year process, and approval had not been gotten for the first or second section of road. He said the Planning Board had been dealing with an approval for the second section before the first section had been approved. Dave added that at a meeting the Planning Board decided they had to stop, and get the first section approved and out of the way before he moved on to the second section, which is what inspired the letter detailing requirements.

Don Guarino said he is trying to figure what the question is with the bill. He said we are monitoring Mr. Rague's work, which is why we hired the engineering firm, and felt the charge was justifiable.

Doug Islieb asked if Mr. Rague had been invited to tonight's meeting. He was told that he hadn't been. Mr. Islieb felt he should have been. Doug said that as far as the cost for the engineering firm, from what he has heard is that Mr. Rague is concerned because he

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hasn't seen any report of what they have done. Tim said that is one of the concerns. Doug asked if there was any reason Mr. Rague couldn't see the report. Tim said there was no reason at all. He said we had sent the bill to Mr. Rague, and Mr. Rague had spoken with Lynne Brunelle who has described what the bill consists of. Tim said there might not be any actual documentation as far as plans, but might just be listed on the bill as reviewed road plans, etc. Doug said if he were going to pay \$2,500, he would want to see some kind of paperwork as to what had been done; that isn't unreasonable. Brian Forst said the Selectmen would be happy to show it to him (Mr. Rague) if he requested it. He said this is a situation where the contractor is required to hire a party to protect the interest of the town, and if they are unsatisfied with that party's findings, they didn't hire that party for their (Mr. Rague's) findings, they hired that party for the Town's findings. Doug said that is why we should give Mr. Rague a copy of the findings, and give him the bill.

Chairman Forst felt that at this point we should show Mr. Rague the bill; he is responsible for the bill, and failure to take care of impending debt being created by himself is not good faith. He asked Dave if this were correct. Dave replied that Phase I and Phase II had to be gotten under control.

Nancy stated that Phase I is the Open-Space Subdivision process, which has been going on for five years. She said it started out with a Christmas tree farm, and then they wanted to sell various things, and do more. Nancy said the Planning Board had been very open to that and trying to encourage him, but things were changed at every step. Dave stated that he had never seen Mr. Rague bring the same thing in twice. Nancy said the Planning Board wants to be sure that Mr. Rague is in compliance all the way through Phase I because Phase II is 55+ housing, and they really want things done correctly.

Chairman Forst stated that he had heard about this, but because he had not been in on it all, he wanted to be clear about it, and asked if Phase I is basically the access to the property and whatever roads there are. Nancy said it is access to the property and the Conservation Open-Space Subdivision at this point. She said they are hearing that Mr. Rague is now talking about turning it into a normal subdivision.

Don felt we were getting away from the issue. He said what we have is a gentleman questioning a bill, and isn't here to discuss it. Chairman Forst closed discussion and said Mr. Rague should be given a detailed copy of the bill.

Tonnesen Appeal – Tim informed the Board that Mr. Tonnessen has filed an appeal on his court case that had been decided on behalf of the town. He said this is the gentleman who went before the ZBA to have a helicopter pad behind his house on Province Road. Brian asked where the case goes from here. Tim said the next step is the Supreme Court. There is no date set yet.

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Mail – Executive Council – Tim had a letter from the Executive Council to the Governor asking if the Board wanted mail from them sent by email or hard copy, and where they want it sent. It was agreed that the Selectmen should receive just one copy and it should be sent to the Academy Building.

Security Camera – Tim reported that we had received one quote on security cameras to be installed in the front and back entrances to the Academy Building so employees in the Town Clerk and Selectmen's offices could see who is entering the building from either door. He said we are waiting for a couple other quotes.

Sprinkler System – Academy Building – Chairman Forst asked if we had any more information on the sprinkler system in the Academy Building. Last week Tim had reported that the system was in need of repairs, and that because it hadn't had yearly maintenance, we were having problems. The system is no longer made, and Tim felt parts and labor to repair it would be at least \$3,000, and possibly as much as \$5,000.

Tim said the system was in better condition than had been thought. He said a gentleman had been here today, and had done some work on it. He said the condensation that was in the lines was drained. Tim said this is supposed to be done each year. There was a brief discussion on the sprinkler. Brian asked how long it would be before we would have a working system. Tim replied that it is working now.

Expenditures – Year-to-Date – Tim informed the board that the new budget had been transferred into the system, and distributed copies of the expenditure report through the end of March to the Selectmen. He stated that copies had also been sent to Department Heads. There was a brief explanation of the report to Selectman Clairmont.

Posting of School Warrant? - Tim stated his understanding was that the School Meeting on Saturday had been quite a meeting. He said there were questions as to when the warrant was posted, and what the numbers were on the warrant. Tim said the warrant was posted on February 21st at the Academy Building, at both Post Offices and at the School. He said he had a copy of what had been posted here if anybody wanted to look at it. Brian asked if it was ever reposted. Tim did not know.

Appointment of Selectmen to Committees – Tim stated that the Selectmen had to decide which Selectman would be appointed to what committee. He said his understanding was that last week the only decision that was made was for Brian Forst to be Chairman of the Selectmen, and he would like to be on the Budget Committee again. He asked if that had changed. Tim said HDC & Planning Board Rep was not decided.

Brian stated he felt that because both Don and Dave wished to serve on the Planning Board he was left to make the decision.

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Dave Clairmont said he had been doing research, and according to the Gilmanton Planning Board Regulations, the Selectmen have to appoint an ex officio member, who would be the voting member for the Selectmen, and an ex officio alternate member. He said they also need to appoint an alternate member to replace Dave, who relinquished his position when he became a Selectman. Brian wanted to clarify that there are supposed to be two representatives from the Selectmen. Dave replied that according to the regulations in the planning board packet, there are. He said the Selectmen have the option of appointing the member to either a one or three-year term. Brian stated that historically appointments have been made for a one-year term. The reason for this is the turnover on the Board of Selectmen. Brian stated that he had a lot of information brought forth this week. He said the reappointment of the Chair of the Planning Board comes from within the Planning Board. He said the job he has been taxed with is who would represent the Board of Selectmen on the Planning Board. Brian stated that there has been a great deal of unsolicited influence given him on making this decision. He said that in the past the process was handled without any solicitation. Brian added that no matter what his decision, it would be unpopular.

Dave Clairmont stated that it is a requirement of the Planning Board that the ex officio and the ex officio alternate attend every meeting and every site walk. Brian asked if there were any provisions if these things are not upheld. Dave said it just clearly states that your participation is required. Brian said he now has to decide who would be the ex officio member and who would be the ex officio alternate.

Don Guarino said it was his understanding that the Planning Board had the proper number of members, and that Dave was bringing to their attention the fact that they were missing a second member from the Selectmen. Dave said this information was gathered from the actual booklet that they received from the Town of Gilmanton. Don said he couldn't remember a time when two people from the Board of Selectmen had sat on the Planning Board.

Nancy Girard said she had been on the Planning Board for seventeen years and they have never had a Selectmen as an ex officio alternate on the Board.

Doug Isleib had a copy of the Planning Board procedures and had highlighted the responsibilities of the Selectmen. Doug said he went through the procedures of being appointed to the Planning Board, and referred to RSA 676-1, and the RSA states that the Planning Board shall consist of seven regular members and three alternates, all must be residents of Gilmanton. One of the seven regular members shall be a member of the Board of Selectmen who serves as an ex officio member. Selectmen designate one selectman as an ex officio member; they also delegate a selectmen to serve as an ex officio alternate member. Doug said this is very important because if the Selectman ex officio member is not present at a board meeting, an alternate planning board member cannot be assigned to vote in his position; it has to be an ex officio member. Doug added that it further stated that the remaining six members and three alternate members are

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appointed by the Selectmen. Any resident who wishes to serve on the Board shall set forth such a request in writing to the Selectmen who will then make the appointment based on the applicant's qualifications, integrity and willingness to serve. Doug further read that any vacant regular or ex officio member position occurring other than through the expiration of the term of office shall be filled by the Selectmen for the unexpired term. He said the next thing the RSA says that is pertinent and important is that all members and alternates are required to attend every meeting of the board, and while only the regular members or alternate assigned, who acts in the absence of the regular member's place, may actually vote on any matter, all members may ask questions and participate in the discussion at hand. Doug said it is very important that all members and alternates attend all meetings, because, otherwise, if you get a long case they don't know what is going on. Doug felt this is very important for a new member to know and it is expected that he will be able to attend the meetings.

Doug said he didn't know if the same process was used for appointing all members on all boards when their term runs out, but when his and Felix Barlik's term ran out, the Planning Administrator had stated loud and clear that his and Felix Barlik's term was running out. He said he has been on the planning board for five years, and has never heard it mentioned for another planning board member. Doug said he had received a letter from the Selectmen to say he would have to appear for an interview if he wanted to be reappointed, and if he didn't want to be reappointed to send the Selectmen a notification. Doug said he had come in and was interviewed, and Felix Barlik had come in and was interviewed, and Nanci Mitchell was going through the same process for the Conservation Commission. He said people from the public were here. Doug added that he had no problem with the process as long as the same process was used for everyone. He asked how the Selectmen were notified that his term was running out. Doug said they want qualified members on the board, and felt Dave Clairmont was good on the board, and having spent nine months as an alternate he should be appointed as the ex officio member, and Don Guarino as the ex officio alternate.

Planning Board Chair Nancy Girard asked that the Selectmen read a letter she had sent to them today. She said it explains her position in respect to the entire process, and does not recommend appointment of any particular person; it simply outlines her concerns that as this process has evolved, it has created conflicts of interest between the two boards. She said this is unnecessary, and has never occurred in the past. Nancy stated that Doug had been very fair in talking about people's experience, but the one thing the Selectmen have always been able to provide the Planning Board though their ex officio member has been a coordination and experience as a Selectman in working with the Planning Board, which is highly valuable given the fact that they have many good members on the Planning Board. She added that they value very much the experience of the Planning Board member coming in from the selectmen. Nancy felt the decision was the Selectmen's jurisdiction, and no one else's.

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Dave Clairmont said he wanted to reiterate the compliance issue, and was surprised they hadn't been in compliance where it is stated in the regulations. Brian Forst stated that historically the Selectmen have had one member on the Planning Board, now it has been brought to his attention that there needs to be two.

7:00 p.m. – Public Input – Members of the public were present to see the outcome of who would be appointed to the Planning Board, and had no other items they wished to discuss.

There was concern that when two members of the Board of Selectmen were together it constituted a meeting, as there was a quorum. It was decided that as members of another board, that didn't apply especially as it was stated in the RSA that there should be two members.

Chairman Forst said he would take comments from the public on the issue.

Mary Ann Morrill asked if there were two positions on the Planning Board, why there was an issue. Brian said tonight was the first time they were aware that there are two positions. He said his question is why there have never been two positions.

Doug Isleib said the Board had also been operating with less regular members than they should have been until about six months ago. He added that this is the law, not just a Gilmanton Planning Board procedure. Doug reiterated that if the ex officio member is absent, only an ex officio alternate could be designated to serve in his place, and how important it is that both members and alternates attend meetings.

Chairman Forst stated that this is the first time he has seen this kind of response to something that was generally "chasmatic". He said in past years people had just declared what they would like to do, and it was decided. Brian added that this is the first time it has come up that two members wanted the same position, and it has been left for him to decide. Doug Isleib stated that this is a different situation, because he didn't think there had ever been a situation where a Planning Board member became a Selectman. Nancy Girard stated that Carolyn Baldwin had been the Chair of the Planning Board, and became Selectman, so there has been past experience of such a case. She was asked what committee Carolyn served on when she became Selectman. Nancy stated that Carolyn had served on the HDC.

Brenda Currier felt it was great that two selectmen were interested in serving on the Planning Board, but it made sense that Dave's interest would remain with the Planning Board, and Nancy Girard might have the best of both worlds, the experience of a Planning Board member in a voting position, and an experienced Selectman in an alternate position that she could refer to as needed.

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Brett Currier felt it all comes down to politics. He said he has a problem when he sees the chairman of the planning board worried about which Selectman is put into office. Brett said this has become an issue he has never seen before. Brett thought Mr. Clairmont represents something some of the seated members of the Planning Board might disagree with as far as some of the commercial development Dave had talked about in his speech when he was running for selectman. He added that a diversified board is a lot better than a one-sided board, and he thinks it is pretty one sided at this time. Brett said there are court cases that have come about because things have been done that change the way Gilmanton does business. Brett said this has been happening with the Planning Board; he knows and has seen this happen. Brett said this happened to him with a subdivision he had on Rte 140, and every rule was in place that is in place today, but going by the new set of rules the Planning Board decides, he would not be able to get the subdivision approved today. He said there is a set of rules Gilmanton has in place, and they are put forth by the Gilmanton voters, not any boards. Brett felt it doesn't matter whether you are rich or poor, the same rules should apply. Brett felt Dave is fair, and has been on the board for nine months so should be appointed to the position.

Cindy Houghton said what made sense to having two members is that from the amount of meetings and site walks, the Selectmen have trouble keeping attendance on a regular basis, so it would be good to have two members on a consistent basis. She agreed with Brett that she had never seen so much attention to a position except for the result of this election. Cindy felt good boards are made up with different people with different points of view who can work together to come out with a consensus that is best for the town, and felt that Dave Clairmont would do that.

Brian Forst stated that during his thought process this week he had thought about breaking the tie by serving on the Board himself. Brian said he had found the job as Selectman taxing on his time, and he didn't feel he could serve on the Planning Board and make all the site walks and meetings. He commended both Don and Dave for wanting to give their time.

There was discussion about full members and alternates and what happens when a regular member is not in attendance. Planning Chair Nancy Girard stated that she, in fairness to all the alternates, chooses the alternate who has been sitting on the board the longest to replace the absent member. Brett felt Nancy had "hit the nail on the head" when she said she chooses the one who has sat the longest. He said Dave has sat on the Board nine months so he should get the first vote.

Selectman Guarino stepped down from the Selectmen's table and spoke. He stated that since they were talking about politics, there seems to be a lot of pressure coming from a certain direction, and they were forgetting that the Selectmen had sat here last week and were talking about how the decisions about who sets on what board had been historically made. He said that now there are two positions and he wanted to share that out of courtesy to the previous Chair of the Selectmen last year, even though he was interested

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in sitting on the Planning Board last year, he had let the Chair sit on the Planning Board. He said if he had wished to make a big thing out of it, he could have asked to sit on the Planning Board as the Selectmen's Rep, but as they understood that Ella Jo had determined last year was to be her last year on the Board of Selectmen, he had let her sit on the Planning Board. Don said nobody had brought forward to him, historically, from twenty years ago, or whatever, what has happened with the Selectmen's representative being chosen to sit on the Planning Board. Don said he would like to know how many times in twenty years the freshman Selectman has sat as the representative on the Planning Board. Don felt there is a lot of pressure here tonight, and he felt as a more senior member of the Selectmen than Dave, it wasn't right that he (Don) be the non-voting member of the Planning Board. Selectman Guarino returned to the Selectmen's table.

Selectmen Chair Brian Forst said he didn't have that answer, but this week he had looked into how it had historically been addressed.

Cindy Houghton said she understood the historical stuff, and junior and freshman, but she had heard year after year when they talked about the ZBA and Planning Board how complicated those positions are, and how we have to have people with knowledge on those boards, so asked Don why it made sense for him to replace someone who has been sitting on one of those complicated boards; what benefit he would bring versus someone who has been there for nine months.

Don said the only thing he could say to that is that, as a courtesy to the previous Selectboard Chair he had not made an effort to sit on that board so he could sit in front of people now and say that he had been sitting as Selectmen's Rep, so there is no question. Don asked how he could gain that position unless, prior to being elected as Selectman he had sat as the alternate.

Brenda Currier said when they tried to have the ZBA become an elected board, one of the big reasons that was stated why they shouldn't be elected was they needed experienced people, that people couldn't just come in off the street and make decisions on the board. She said that as far as Don's comment about a freshman member of the Selectmen not being the voting member, it is true that historically this is the way it has been done, however, only once before has someone showed an interest in being a planning board member prior to being a Selectman, so it is an unique situation.

Tim Warren pointed out that historically, as was discussed at last week's meeting, the junior member has gone on the boards that require less time of them so they could devote most of their time to their position as Selectman, as that board is their main duty and does require a lot of time. He said in the nine years that he has been here, the newest member of the Selectmen has been appointed to the HDC, and there has never been an ex officio alternate.

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Bill Angevine said he sensed the Board would appoint two members. He said the Planning Board needs as much diverse membership as it can get. Bill said the Planning Board has already enjoyed Dave's diversity and experience as an alternate member for nine months. He said when they had been talking about one member it made sense that Dave not be Selectmen's rep because he had already been there, but now that there will be two members, he felt Dave should continue, but as the ex officio alternate.

Terry Donovan was concerned that the public was getting into the decision and trying to micromanage the Board's decision. She felt this is a Board of Selectmen decision, and should not be handled through the public hearing process. Terry didn't like the kinds of attacks on people at these kinds of meetings, and prejudging what one person might do on the Planning Board or what the other person might be. She said this is why there is a Chairman of the Selectmen to make that decision, because everybody here has their own personal or special interest or agenda, and anything offered might be "flavored" with that. She felt it should be a board decision, and hoped that in the future there wouldn't be this kind of attempt to micromanage the board on this issue.

Doug Isleib disagreed with Terry. He said he had gone through a procedure to be reappointed to the Planning Board, and it was a public session where people sat there listening to what he had to say to the Selectmen to show that he was a responsible person, etc., so why shouldn't the public be able to sit and have input into what the Selectmen are doing to assign an alternate and an ex officio member.

Brian Forst said that as a Selectman, he feels it is important to "take the temperature of the town", hear what people have to say, and take it into his thought process because the way he thinks might not be the way other people think. Brian added that he has listened to everyone, and has tried to make assumptions from the pieces. Brian said he never would have believed that the first major decision he would have to make as chairman of the board would have been to figure out appointments of the board.

George Roberts said that since we have had all these incorporated boards, there has been an attempt to create a sequence of appointmentship. He said you can't make a Selectman sit on a certain board, and many times people come in and say "no" to one duty or another, or have said "yes" but didn't attend meetings. George said there was an attempt to do that, but sometimes people decide not to run for a second term, and the experience gets lost, and you have to start all over again. He said the last person out and the first person in has never been the rule of thumb; it was attempted, but doesn't work.

George stated that he remembers several times there were public notices that there vacancies on different boards, and public hearings were held, and basically people would get up and say what their experience and qualifications were and why they were interested in a position. He said it was a public record and there was an opportunity for the public to be heard. George was not recommending either Selectmen for the position on the Planning Board. He said it is not just a political question, but also a question of

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who has the experience and the knowledge and would be able to commit to the time required. George stated that Brian Forst should make the decision, and when the decision is over, it should be over. George felt the reason there was so much interest in the appointment was because of a decision made by the Planning Board that has upset many people in town because it has taken the town to a lower case in court; the case is pending and he feels there is to be an appeal to the superior court. He felt this has caused many people to wonder what the Planning Board is doing. George said it would be important, not how a member would vote on that case, but how he would approach a difficult decision when it is a close call.

Brian Forst asked Tim Warren if he made a decision and the performance is not adhered to, if he could change his decision. It was felt they would have to stay with the one-year term. Tim said that Brian, as Chairman, would have to speak to the person, but the appointment would have to stay.

Cindy Houghton referred to the comment about agendas and micromanaging, and said she sees this as the public being involved in what goes on in their town, not as micromanaging. She added that the process is totally Brian's decision, and they need to support that decision whatever it is. She felt the public had the right to give their input, and it should be welcomed, and she felt it was and was glad for it.

Brian said this had been a very difficult week for him, and he had not taken it lightly. He said he feel there is some historic value in the way things had been done. He said that he sat here last year, and Don is not misconstruing the situation that went on a year ago, when after nominating the chair of the board, she said she would like to sit on the Planning Board. Brian said Don had stated that he had thought he would like to do that, but he was told that the new member does other things until he gets up to speed as a selectman.

Nancy Girard stated that she would like to have it known that she had put a letter into the Select Board, and it is public. She said the letter does not try to make any distinction between the two individuals making this request (to be on the Planning Board). Nancy stated that Brett Currier had raised a question asking why the Chair of the Planning Board would be here. She said she was here because her interest had been peaked. Nancy stated that in her letter she had indicated that all the male members of her board had been contacted (by Dave Clairmont) for support, but she hadn't been given the opportunity to even ask the question. She said when she is left out of the loop by one of her own members, she wants to know why, and what is going on. Dave stated that based on Nancy's reaction when he had asked her for support when he ran for Selectman, he didn't think it would be relevant to ask her. Nancy responded that she is Chair of the Committee, and as Chair, she would have expected that he would have called and asked that question. Dave apologized to Nancy.

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Brian stated that he had read Nancy's letter, and all the letters he had received on the issue. Brian said once he realized he was going to have to decide the issue, he took the correspondence himself, because at that point it was no longer a board decision. He rephrased it to say that it is a board decision, but the other two members had each voted as such that it leaves him to break the tie.

Chairman Brian Forst closed public input.

MOTION – Selectman Clairmont moved that Don Guarino be appointed as the ex officio alternate to the Planning Board. Chairman Forst seconded the motion only for the point of deliberation of the motion.

After considerable deliberation, Chairman Forst called for a vote on the motion.
Selectman Clairmont - Yes, Selectman Guarino – No.

Chairman Forst handed Tim Warren a folded piece of paper, then flipped a coin. He showed Tim the coin, and Tim opened the paper. The paper had Don's and Dave's names listed next to heads or tails. The result was that Don would be the ex officio alternate member on the Planning Board. Brian apologized for doing it in this manner.

Other Appointments – Appointments still had to be made to other committees.

Appointments for the committees are as follows:

Budget Committee - Brian Forst

Planning Board – David Clairmont – Ex Officio Member

Planning Board – Donald Guarino – Ex Officio Alternate Member

HDC – Donald Guarino

LRPC TAC – Brian Forst

Nancy Girard had sent a letter of request to be reappointed to the Planning Board. Tim explained that if the person whose term is expiring does not want to be reappointed, they advertise for the position, but when they wish to be reappointed, it is usually granted. He said it could be done now or when the term expires in April. Chairman Forst asked if the board wished to act on the decision tonight. They agreed they did, and Dave Clairmont stated that he felt Nancy had done a fine job on the board and should be reappointed.

MOTION – Selectman Clairmont moved that Nancy Girard be reappointed to the Planning Board. Selectman Guarino seconded. Motion passed 3-0.

It was stated that there was now an alternate position open on the board, and it was asked if they should act on that tonight, as there had been a couple of letters of interest. Tim Warren stated that the customary thing to do is to advertise the position to give residents

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an opportunity to apply. It was decided to post the vacancy, and make a decision in three weeks time.

8:00 p.m. - Recess

8:07 p.m. – Back in Session

Unresolved Issues

Selectman Clairmont had reviewed the list of unresolved issues he had received last week.

Traffic Issues – Dave asked if we should send another letter to DOT regarding the traffic issues on Rt 140 & 107, Rt 140 and Elm St. and part of Crystal Lake Road. There was a brief discussion, and it was felt enough time had passed with no response that we should contact Mr. Morrill again.

Places Mill Road – Selectman Clairmont asked if we had heard more about Places Mill Road. He was told that Bob Flanders was speaking with Attorney McLaughlin, but we haven't heard back from Attorney McLaughlin yet. He said Bob thought Attorney McLaughlin might try to express our concerns verbally first, then follow up with a letter.

Gale & Donovan Roads – Selectman Clairmont stated that he had spoken with Paul Perkins regarding the ZBA request that Paul assess the condition of Donovan Road and get a list of conditions that the ZBA can forward to this particular road issue. Selectman Guarino stated that he had found out that Stan Bean had written an assessment a few years ago, and Stan was going to look for the assessment. He said Stan would send a copy to the office.

Middle Route – Selectmen Clairmont asked if they needed to schedule a site walk on Middle Route to assess the condition and performance of the road that had been repaired last fall. The Selectmen agreed to do a site walk with Paul Perking on Friday, March 30th at 7:00 a.m.

Welcoming Letters – Selectman Clairmont asked what the Board felt about sending a letter for persons creating new or expanding businesses in the town for the last twelve months. Brian felt it would be a good idea. Don felt it would be nice to congratulate them and thank them for their efforts and willingness to invest and expand in the community. Dave felt it be a good idea for the Board to take the first step to foster good relationships and it is good to recognize people.

8:20 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

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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.

Ginger Stockwell had requested a non-public session with the Selectmen.

8:40 p.m. – Out of non-public session

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

MOTION – Selectman Guarino moved to seal the minutes of the Non-public session with Ginger Stockwell. Selectman Clairmont seconded. Motion passed 3-0.

8:41 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 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.

8:56 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 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 Clairmont seconded. Motion passed 3-0.

The Selectmen discussed recycling center personnel issue.

9:10 p.m. – Out of non-public session

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

9:11 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

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protect a person who is a member of your Board, Committee or Subcommittee.
Selectman Clairmont seconded. Motion passed 3-0.

The Selectmen discussed a ZBA issue.

9:57 p.m. – Out of non-public session

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

**9:58 p.m. – MOTION – Selectman Clairmont moved to adjourn the meeting.
Selectman Guarino seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne
Recording Clerk