

**Board of Selectmen
9 April 2007
Minutes**

6:25 p.m. - Chairman Brian Forst called the meeting to order. Present were Chairman Forst, Selectmen Don Guarino and Dave Clairmont, Administrative Assistant Tim Warren and Clerk Lois Dionne.

Also present were Bill and Terry Donovan.

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

MOTION – Selectman Clairmont moved to accept the minutes of April 2, 2007 as presented. Selectman Guarino seconded. Motion passed 3-0.

FYI’s & Other Business

Our Town Energy Alliance – Tim informed the Board that it is time to decide if the Town wants to renew our membership in Our Town Energy Alliance; the cost is \$50. per year. There was a brief discussion during which it was stated that we had renewed our membership, but hadn’t used the services for a couple of years; we got better fuel prices going out on our own. Our Town Energy Alliance is a cooperative that is available to residents of the town as well as businesses. They go out to bid for fuel oil prices and for propane. You also get certificates for discounts at restaurants and other things. It was decided that as long as we haven’t been using the service, and we can join again in the future if we so desire, not to renew our membership this year. Tim said we have applications in the hall at the Academy Building for any residents who wish to join; the email address is www.otchoice.com so people can get in touch with them that way.

Vault – Tim reported that the vault for the Town Clerk’s record retention is basically finished. He said the only thing we are waiting for on the inside is a ramp, and the shelving company is going to start putting up shelves this week. Tim said we are going to go back to the HDC for a modification of the plan for the outside. He said that on the corner of the vault by the parking lot, you couldn’t slope the hill enough to prevent erosion. Tim said the contractor had suggested putting a granite wall there similar to the one at the church. Tim said that there is rumor that members of the HDC don’t like the way the railings look when you pull into the driveway. Brian asked if those railings were on the initial plan, and was told they were, and that they had been done to the

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specifications the HDC wanted, and to meet code. Tim said he and the contractor would be going before the HDC to talk about the wall; there will be no additional cost from the contractor.

Don felt the problem was that the HDC had felt it would be deeper into the ground, so when you come up into the circle, it is substantially higher than they had expected. He said when he looked at the footings when they were being poured, his understanding was that the electrical feed was interfering with the vault going any deeper, and Code Enforcement had a minimum height for the ceiling in the vault. This is making things higher coming out of the ground. Don said this is what the HDC had been discussing. Don said he had suggested that we consider putting some shrubbery to soften the look.

Kim Ayers Award – Tim asked if anyone had any suggestions for the Kim Ayer Award. He said he had not heard any suggestions other than the ones last week that had suggested Nanci Mitchell. The Board agreed that Nanci was a good choice. Tim will fill out the paperwork.

Reach-the-Beach Relay – Tim said we had received a request to have port-a-potties in the parking lot behind the Academy Building on September 14th & 15th as a rest stop for entrants in the Reach-the-Beach Relay Race. He said they have done this the last couple of years. It is expected that the racers would be coming through Gilmanton between 11:00 p.m. Saturday and 4:00 a.m. on Sunday. Tim had a letter for the Selectmen to sign approving the request. After a very brief discussion the Selectmen signed the letter.

Recycling & Earth Day – Brenda McBride wanted to discuss recycling and earth day issues. Brenda felt we should try to find a way to try to increase the recycling rate at the facility. She said she didn't want another year to go by without trying to see if anything could be done. Brenda had a copy of the Gilmanton Recycling Facility Ordinance.

Recycling - Brenda stated that the pay-as-you-throw program had failed at Town Meeting, but she felt the overwhelming feeling was that recycling should go on. She said residents had been happy to hear that the Town Employees were recycling, and setting a good example. She said Cindy had showed her the setup we had at the Academy Building for recycling. Tim stated that Cindy had also gotten the police, fire and highway departments recycling. Brenda stated that the BOS is so powerful, and if you read the recycling ordinance, you would see how powerful you are. She read from the ordinance that the Selectmen are authorized to make the rules and regulations required to provide for the disposal of solid waste in the Town in a safe, sanitary and economical manner in order to protect and promote public health safety and welfare, and to comply with the applicable laws. Brenda said she gets concerned when she sees things that aren't bagged going into the hopper, and dust coming up. She said she doesn't know what the men are breathing out there. Brenda added that the selectmen are authorized to regulate the nature of materials to be deposited and the location where materials shall be

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deposited, and to direct the personnel necessary for the operation of the Town dump to properly secure the Town dump.

Brenda cited a few regulations in the ordinance.

Only refuse generated within the Town may be placed, left or deposited at the Gilmanton Facility. She said when she had been out there handing out recycling guides, she had stood up in the building above the compactor and had gotten a bird's-eye view of the activities, and encouraged the Selectmen to each go individually and spend an hour there to see what is going on.

Only residents, persons or entities owning property within the Town may use the Facility. Brenda felt one of the things we need to think about is changing the recycling stickers on a regular basis. She said before the stickers were changed from red to green she knew of one individual who had moved to Alton but had used the facility on a regular basis. Brenda said when she had handed out brochures on the pay-as-you thrown program, a lot of people had come to her with a lot of concerns about what they had viewed and considered was improper use of the facility.

The Facility Manager will supervise the use of the Facility, and determine what materials may be placed, and where the materials will be placed. She said when someone goes in with a truckload of cardboard and goes right to the dumpster, that is \$69 a ton we would be getting if we recycle the cardboard. Brenda felt that rather than an employee assisting in putting the cardboard in the dumpster, the facility manager should be educating the public by telling the public that it should be going into the recycling bin, and not doing so is going against the ordinance.

No person shall be allowed to use the Facility without first having obtained a sticker, and having proof of residency. Brenda said that goes back to what she was saying about changing the stickers on a regular basis. She said she didn't know what the expense would be, but felt changing the stickers would be cheaper than having people misuse the facility, and getting trash dumped that wasn't generated in Town.

Anyone using the Facility shall observe the posted rules & regulations and must comply with the directions of the attendants. Brenda said if the attendants aren't giving any directions, the load of cardboard is not going into the recycling bins and getting us \$69 a ton, the aluminum cans being tossed in the dumpster are not getting us .69 cents a pound, and the glass isn't getting crushed and used.

Brenda stated that Ralph Goodwin is our only commercial hauler, and she "rags" on him whenever he drops trash on the side of the road; he gets notified so he can come back and pick it up. She said Ralph had picked up trash at the police station one day, and noted that it was quite heavy, and Robin said she had gotten rid of the old magazines the police

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officers had left hanging around. She said Ralph told Robin they shouldn't be in the regular trash; he has a bin in his truck to put them in.

All regular household trash will be place in the compactor. All recyclable materials should be dry, free of food and placed loose in the designated receptacles. Brenda said it doesn't say the recyclables can go into the household trash; it says they should go into the proper bins and receptacles, and she said the ordinance further stated what items go into the bins and receptacles.

Materials not accepted include hazardous waste materials. Brenda felt there are things that go in the compactor that shouldn't be put in there. She felt this is where education comes in.

Brenda stated that she is the person responsible for writing the "Did You Know" columns that have appeared in the Suncook Sun. She said she isn't here tonight as a member of the recycling committee, but on her own. Brenda said she would continue writing articles about recycling. She said she has also been handing out copies of the recycling guide and ordinance by going door to door, and had handed them out at the recycling facility. Brenda felt recycling might be able to be tied into the "Earth Day" celebration, although, she said it couldn't be done this year. Brenda stated that Laurie Henderson is really interested in helping out with recycling.

Earth Day – Brenda said she has helped out with "Earth Day" in the past, and had received a call from the school asking what she was doing. She said she had asked Tim if it would be okay to start putting information in the newspaper about "Earth Day". She said the article should be in Wednesday's paper. Brenda asked if the Town had received their daffodils from participating in "Earth Day" last year. Tim said we hadn't because the bag count hadn't gotten turned in.

Brenda said, if the Board agrees, she would get in touch with the State and get the blue bags, and assist the school to some degree. She said because of her schedule, she would not be able to do as much as she had done in the past, but would assist with getting information into the newspaper and getting the blue bags and get them put out. They would be put in the two stores, the two post offices, and would be available in the Academy Building as has been done in previous years. The Selectmen felt Brenda has done a lot toward making "Earth Day" successful, and would like to have her go ahead with the project, and getting the information out to the public.

It was stated that things would be done as they have been done in the past; the school children would go out the last Friday before their vacation, unless we have more snow so they can't go out. People who live on State Roads can fill the blue bags, and leave them at the side of the road for the State to pick up. She asked that people who live on Town roads and can take the bags to the dump would do so, if not arrangements could be made

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to have them picked up, and if anyone sees bags left on Town roads, they should call the Selectmen's Office and arrangements would be made to have them picked up.

Laurie Henderson asked if the trash was just getting picked up or if we were separating the recyclables. Brenda said it would be nice if we could, but we don't. She said the State hires a service that picks up all the blue bags and they go to a company, who, she said separates and takes out the recyclables. She said when doing Crystal Lake Road she had some clear bags that she had gotten, and had put glass in them. She said they had blue bags for the aluminum and other blue bags for trash, so it can be done to a degree, but it couldn't be done completely. Laurie wondered if they could get more people to participate if "Earth Day" was coordinated with a fundraiser or something like that. It wasn't felt this could feasibly be done. Laurie said she would like to see the Town go from voluntary to mandatory recycling. She felt this would be the first step in taking the burden off the compactor. Brenda will be putting information in the newspaper informing people where to get the bags and the process for having them picked up.

Israel Willard asked why the count hadn't gotten turned in last year. Tim replied that it was an oversight on his part.

Medication Disposal – Brenda stated that the White House Office of National Control Policy has issued new guidelines for disposal of unused medications, expired and/or unexpired. She said the guidelines are voluntary, but are aimed at stemming prescription drug abuse and minimizing their environmental impact. Brenda asked that they be included in the minutes. It is as follows:

"Consumers should remove unused medications they wish to dispose of from their containers. The medications should then be mixed with used coffee grounds, used cat litter, or other similar materials before placing in household waste."

Brenda said that medications should never be emptied into septic systems or sewer systems.

7:20 p.m. – Public Input

Donovan Road – Bill Donovan stated that he had received a letter from the Selectmen in reference to his complaint about some trenches in Donovan Road. He said the letter had indicated that Selectman Clairmont was going to do an inspection of the road. Mr. Donovan said they weren't sure if they fell into the public hearing section of the meeting, or if it is later on; he didn't know when the selectmen wanted him to speak. He asked if the Selectmen had come up with an answer yet.

Chairman Forst said that Selectman Clairmont had done a site visit, and had come back with information and pictures, but the Selectmen haven't had a chance to review the information yet.

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Terry Donovan said she felt strongly that if there is going to be an issue, it isn't any more fair for them to write a letter to the Selectmen complaining about what somebody else did without two sides to a story being present. She said she doesn't like public input where people come in and "sort of throw things at you". Terry didn't feel it would be fair to have an agenda item and have just one side of a story.

Selectman Clairmont said it isn't fair to anyone to make a judgment on anything to hear just one side of a story. He said he had compiled information, but the Selectmen had yet to discuss it, so they couldn't intelligently discuss and ask questions to get feedback from the Donovans.

Terry said that, over the years, the Boards of Selectmen have had a unfortunate track record of having people like them (the Donovans) send a letter, come in, call Tim, call the Selectmen, and it isn't fair to the other party to have the whole issue out. She said we need to focus more on process so everybody feels they were heard. Terry said she just wants to be fair, and even though she is involved in this issue, she feels equally strongly that the Selectmen don't act at public input; things are put on agenda items so people know the topic is going to be discussed.

Brian said he feels very strongly that there are two sides to every story, and you can't get to the bottom of the story without both sides present. He said it is very important to get both parties involved, and that takes an agenda item. Brian added that doesn't always mean you will get everybody in, but it has been posted, they have had a chance to see it and it was out in the open, but that doesn't happen at public input.

Nanci Mitchell said she has found it frustrating as an individual not knowing what the Selectmen are going to talk about and when. She said sometimes things are talked about that are of an interest to her personally or to the Conservation Committee. Brian said that we often have letters come in to us and they get discussed at public meeting, because Selectmen meetings are public, unless it is something that they feel they have to go into non-public session because of reputation. Don said that things get sent in to them, and they feel they have to address it, and they try to address it at that time, so they can go forward. He said that is why there would be things that would be read in the minutes, and not have known they would be discussed. Nanci felt there were meetings where there need to be more details to the agenda.

Israel Willard said he is a member of the ZBA, and he had been at a Selectmen's meeting with Brian Forst, Nate Abbott and Ella Jo, and there had been a site walk done on Donovan Road. He said a meeting had been held here after the site walk on Monday night, and the Selectmen stated what could be done to that road and had set down stipulations. He said a letter was sent out, but the letter didn't necessarily convey what the Selectmen had said could be done; it was whitewashed quite a bit. Mr. Willard said he recalled that in the discussion, it was said that trenches could be put on each side of the road, no ditches or water bars across the road. He said if this is being done, he doesn't

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understand why it isn't being followed up on. Mr. Willard said it had been given to the ZBA that they could do anything they want with it, and he doesn't feel that is the case. He said if that is the case, the Selectmen should come to the next ZBA meeting and let them know that.

Selectman Guarino stated that is what they had just been trying to address. He said they had been notified about the trenches, and had sent a selectman to look at it and bring it back to the Board, but they (the Selectmen) hadn't had a chance to look at the data, so they couldn't make a decision yet; they are in the process of working through that now. Mr. Willard said his point is that the rules had already been set, so if they aren't being followed, why set the rules? Brian said that is where they need to address that; they need to look at the information, which they haven't had a chance to do tonight. Mr. Willard said he would appreciate it if the Selectmen would get back to the ZBA before the 19th with the information.

Selectman Clairmont said they are trying to work through the information to see if there has been an infringement of the rules, and if there has, they are going to deal with it. He said if they think nothing has been done outside the limits of the letter, they would make that determination, but they have to review everything first.

Brian asked if Mr. Willard was asking that they officially follow up to the letter that had been sent in the fall of 2005 that was sent to the residents on Donovan Road telling them what they could do to access their property. Mr. Willard indicated that was correct. Mr. Willard asked that the Selectmen review the tape of that meeting, and include it with the letter. Mr. Willard was told the tape of that meeting probably doesn't exist as tapes aren't kept that long.

Terry Donovan felt process had been talked about enough, and she hoped that if there was a gray area, there would be an opportunity for the parties to have a further conversation with the Board. Terry said a snap shot in time is a very interesting thing, and what Mr. Clairmont is providing is a snap shot in time, but it isn't their life day to day, and some things aren't black and white. She added that there is an evolution to things, particularly a road, and if you are going to make some decision to keep things in perspective, you may not be able to make a black and white decision; there may need to be a gray area. Terry said she was embarrassed that she has had to keep coming to the board on these issues, and doesn't want to have to keep coming back to the Board on these issues. She said there should be some peace and non-interference in being able to live in this community.

Nanci Mitchell – Bacon Property - Nanci stated that in February the Selectmen had accepted the language of the Conservation Easement for the Bacon property, and the condition was Walter's (Town Counsel) approval of the title opinion. She said they have gotten the title opinion, but there is no record of Pauline Bacon having died. Nanci said the Forest Society had also done a title opinion and it came up with the same thing.

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It was stated that Pauline would have been the great grandmother of John Bacon who had just died. Nanci said the question is whether the Board is comfortable with the title opinion or if they wanted to try to get something more from the Bacons. Brian asked if legal counsel was happy with the way it is. Tim said they were. Don felt it would be okay because there were two legal counsels looking at it, and were happy with it. Brian felt there didn't appear to be a problem with it. Nanci asked if the Selectmen would need to make a motion to accept it, or if it would just be reflected in the minutes. Brian asked what would happen after this. Nanci said she would change the easements so Brian is the signer as the chair, and then send to the Bacons for signatures, and once the Bacons have signed, it would be returned to the Selectmen to sign, then Nanci would sign and have it recorded.

MOTION – Selectman Guarino moved that the Selectmen agree to accept the recommendation of legal counsel on the title matter on the Bacon property, and to moved forward with the easement process. Selectman Clairmont seconded. Motion passed 3-0.

7:45 p.m. – Chairman Forst closed public meeting.

Old Business

Middle Route – Selectman Clairmont stated that he had measured the section of Middle Route that he feels needed to be ground and have gravel added to stabilize the roadbed. He said the length is 1,260 feet and would need 1,275 cu. yd. of 1 ½" of crushed gravel. He said he had asked Bill Nutter to give him an idea of what the cost would be to supply and place the gravel.

Garage Doors – Iron Works Fire Station – Dave said he had met with Chief Robbins and Paul Mulcahy concerning the garage doors for the Iron Works fire station. Dave said that after discussing the quote Tim had already received and what Mr. Mulcahy could get the doors for, which didn't include installation and service, it was felt that the quote Chief Robbins had received would be best for the town.

Letter – Erosion Control – Dave asked if a letter had been drafted regarding the logging operation on Middle Route where there was a concern about the road being eroded. Tim replied that a letter had been sent to the property owner with a copy going to the logger.

Term Limits – Planning Board – Dave reported that he had not found any law in the planning law book that would prevent the Board from initiating term limits for the Planning Board. He said he had asked Tim Warren to provide the RSA preventing limits on the ZBA and HDC. Dave felt that we should consult with Walter Mitchell before proceeding any further. Brian felt Tim should consult with LGC because we get free information from them. Tim didn't feel we could set term limits on the ZBA. Dave said

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he had been reviewing information from the City of Portsmouth, and they have term limits on all their boards.

Televising Meetings – Dave asked if consideration had been given to the possibility of televising ZBA and Planning Board Meetings. There was considerable discussion on the matter, and it was felt there was no reason they couldn't be as long as they buy tapes. The pros and cons of taping the meetings were discussed, and the budget committee had indicated an interest in having their meeting taped. Brian felt that since the Town now owns the recording equipment, that if the residents want to see the other meetings recorded, they should be able to. Dave felt that televising the meetings would give the public the idea of the process that is gone through during a ZBA or Planning Board meeting. Tim will contact the Chairs of the different boards to see if they are interested in having their meetings taped.

Sand for Public – Brian stated David had brought forth that someone had asked if winter sand for the public's use would be available on a 7-day a week basis. Brian stated that sand is available at the recycling center when they are open, and it is available at the town shed in the Iron Works any time. It was stated that people could get buckets of sand before a storm to have on hand. It was felt that this is something that could be addressed again in the fall.

Class VI Road Committee – Dave stated that Ella Jo Regan had been heading the Class VI Road Committee, and asked if she had been heading the committee as a citizen or as a representative of the Board of Selectmen. Tim replied that it is an all-volunteer committee, and Ella Jo had expressed to him that she would like to continue with the committee. Tim stated that Ella Jo is out of town right now, but had spoken with Lynne Brunelle about scheduling a meeting to get people to finish the last few roads that need to be walked so they could finish up when she gets back. Dave felt it is something that needs to be done as soon as possible.

Hole – Salt/Sand Shed – Dave reported that he had seen a little hole in the fabric wall in the back of the new sand shed. He said it doesn't appear to be tearing, but it should be addressed. Tim will discuss it with Paul, and someone will get in touch with the manufacturer.

Thank You Letter – New Businesses – Dave had a copy of a letter he had drafted for new or expanding businesses. It was felt it could be meshed with the letter that had been previously drafted, and we would have a draft letter for approval for next Monday.

8:18 p.m. - Enter into non-public session as per RSA 91-A:3, II(a)

Selectman Clairmont 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

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requests that the meeting be open, in which case the request shall be granted. Selectman Guarino seconded. Motion passed 3-0.

The Selectmen discussed a recycling personnel issue.

8:25 p.m. – Out of non-public session

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

8:26 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 a police department personnel issue.

8:55 p.m. – Out of non-public session

Selectman Guarino moved to come Out of non-public session. Selectmen 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 a fire department personnel issue.

9:07 p.m. – Out of non-public session

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

9:08 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 a building department personnel issue.

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9:25 p.m. – Out of non-public session

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

9:26 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 code enforcement issue.

9:34 p.m. – Out of non-public session

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

9:35 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(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.

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. - 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 code enforcement issue.

10:45 p.m. – Out of non-public session

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

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**10:46 P.M. – MOTION – Selectman Guarino moved to adjourn the meeting.
Selectman Clairmont seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne
Recording Clerk