

**Board of Selectmen
16 April 2007
Minutes**

6:05 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 Glenn and Meredith Tonnesen and Doug Towle.

6:07 p.m. – Enter into non-public session as per RSA 91-A:3, II(e)

Selectman Clairmont moved to Enter into non-public session as per RSA 91-A:3, II(e) – Discussion of pending or threatened (in writing) litigation against the Town or Town Officials, Board Members or employees. Selectman Guarino seconded. Motion passed 3-0.

Mr. Tonnesen discussed the denial of his ZBA application with the Selectmen.

6:58 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 Clairmont moved to seal the minutes of the Non-public session with the Tonnesens. Selectman Guarino seconded. Motion passed 3-0.

7:00 – Public Input – There was no one with any public input at this time.

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

MOTION – Selectman Clairmont moved to accept the minutes of April 9, 2007 as presented. Selectman Guarino seconded. Motion passed 3-0.

FYI's & Other Business

Appointment Letters – Selectman Clairmont asked how many request-for-appointment letters we had received, and if they are stamped and dated when they come in. Tim Warren replied that we had six letters, and that they are stamped when we receive them.

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Televised Meetings – Selectman Clairmont asked if a letter had been drafted and sent to Board Chairs regarding televising their meetings? Tim replied that he has spoken with the clerks of the boards and will follow up with a letter to the Chairs of the boards. He said he would have a draft of the letter for the Selectmen to approve.

Term Limits - Selectman Clairmont asked if Tim had investigated if term limits could be set for various boards. Tim said that the HDC has term limits set in their regulations; it is two consecutive terms. Tim said he was looking into the RSA for the Planning Board; he didn't think there were any limitations on the ZBA, but he would check on it. Brian asked Tim to check with LGC to see if there has ever been precedent in the State where towns have tried to establish term limits for the ZBA, and if so, if they were successful.

Letter for ZBA – Donovan Road - Selectman Clairmont said that Paul Perkins has assembled a letter for the ZBA, as requested, outlining the improvements he would like to see on the Class VI section of Gale and Donovan Roads. Dave added that the issue has been removed from the ZBA agenda for Thursday night. Tim said the issue had been postponed until the May meeting because they don't have a quorum to hear it this week, but they would hear the other cases on the agenda.

Dave felt this must be very frustrating for the Morrills. He added that he wasn't convinced that the lack of a quorum was accidental. Tim stated that Paul Levesque was going to be out of town; Betty Hackett's mother has broken her hip, and Betty needs to be there. He said that leaves Carolyn Baldwin, Israel Willard and the two alternates. He said the alternates have abstained because they are unfamiliar with the case, and Israel Willard has been asked by opposing counsel to recuse himself. Dave said he wished the matter would get settled because the request is going to put a financial burden on the Morrills, and it would be much healthier for the situation to get resolved as soon as possible. Dave said he has been reading the book, "A Hard Road to Travel", and it seems that the Selectmen might have some say in this matter, more than they might normally have because it concerns a Class VI road. He said he understands the frustrations of both the Donovans and the Morrills.

Dave added that because the Selectmen had given the Morrills the right to use the remainder of that Class VI road to access their property to build on, the issue is clear. Chairman Forst asked when the Selectmen had given the Morrills the right to access the road to build on. He said they had given them the right to access their property. Dave apologized and stated he stood corrected. Brian said he had read a lot of old minutes this weekend, and there are a lot of people making that mistake; that the Selectmen gave permission that if a certain thing was done, it would allow fire trucks to get there. Brian said this is not true; the Selectmen said the Morrills could maintain the road under set conditions to access their property, but they had never implied that if the road were maintained in this way it would change anything. Brian said the only reason the

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Selectmen had gone out to Donovan Road was because there was an ongoing conflict between the Donovans and the Morrills. Dave agreed that it was a conflict between the Donovans and Morrills and the Town is caught up in the middle of it.

Dave said the Town has a Town forest there, so we need to provide some maintenance to the road to access the forest. He said that, to his knowledge, the Donovans have never signed a waiver of responsibility for emergency services or maintenance on that road. Tim stated that to his knowledge the Donovans have not signed a municipal waiver. Dave added since they have not signed one that means we have an obligation to get emergency services to them. He asked what the issue was since the Morrills have been given permission to access their property from the end of the Donovan's driveway. Chairman Forst said he thinks what the court handed back is that because this piece of road from the Class V portion of Gale Road to the Donovan's driveway has been used as a thoroughfare for these people to access their property it is unfair to require a new party to have to upgrade that whole section of road to Class V in order to access their property. Dave agreed that the court had decided that it was unwarranted expense for the Morrills to have to upgrade the whole section.

Dave said that as far as the court is concerned, the Zoning Board has to grant the Morrills that exception and to place conditions on the road, and the court was not comfortable placing conditions on the road. He stated that Paul (Road Agent Paul Perkins) has set conditions concerning the road. Dave said he isn't going to say it was a deliberate attempt to "stonewall" this any further, but he would say that it is unfortunate because from the outside looking in, it looks like this was a set up from the "get go", and every time something like this happens, it undermines Town Government.

Cindy Houghton said there is an email she hasn't seen yet, but plans to get a copy of, that came from the former chair of the ZBA, and she understands the former chair is lobbying people to "go one way or another" on this issue. Cindy didn't think that was appropriate. She said she didn't know the details yet, but plans to get a copy of the email. Dave asked that Cindy give a copy to the Selectmen if she gets it. Brian felt that legally that shouldn't be done. It was agreed that a copy of the email should be seen before discussing it any further.

Road Conditions – Justin Caldon stated that he has a project on Mountain Road that is half done, but he couldn't access the property because a section of Mountain Road had to be shut down due to the storm. He said he has a house setting on a crib, and was concerned because of the high winds. Justin asked if there was anything he could do to help with the road so he could get to the project faster. There was a brief discussion, and Brian suggested that Justin speak with Paul Perkins.

Praise for Highway Dept. – Tim said he had a call from Kelly Teunessen praising the highway department for the excellent job they had done during last week's snowstorm.

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Road Name Change – Tim had a letter from a resident on Plourdes Way off Route 106 near Rocky Pond requesting that the Board consider renaming the street. The writer of the letter said they have owned the property for over twenty years and is moving full time to Gilmanton in two years, and would like to change the name of her driveway from Plourdes Way to Stony Point Road due to issues regarding a resident named Plourde who lives nearby. After discussing the issue, it was felt because there would have to be a public hearing to have the change approved; the road was named when the 911 road naming had been done and we couldn't have people moving into town and changing road names permission should not be granted.

Letters

New & Expanded Businesses – Tim had a copy of draft letters to be sent to new businesses, and to people who have expanded their business in Gilmanton in the past year. The Selectmen reviewed and approved the draft.

ZBA – Tim had a draft of the letter Israel Willard had requested to be sent to the Zoning Board to clarify the Selectmen's letter to the Morrills regarding Donovan Road in December 2005. The Selectmen reviewed and approved the draft. Brian stated he would like to attend the ZBA meeting when the Morrill case is heard.

There was a brief discussion about the original letter, and what permission had been given to the Morrills regarding the maintenance of the road.

Donovans – Tim was asked if a letter had been sent to the Donovans in response to their letter regarding the ditches the Morrills had dug across Donovan Road. Tim replied that he hadn't yet, but would send them a letter.

7:55 p.m. – MOTION – Selectman Clairmont moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk

