

APPROVED

Board of Selectmen Town of Gilmanton, New Hampshire

Meeting
December 12, 2016
Gilmanton Academy

Present: Chairman Stephen McWhinnie, Selectman Bishop, Selectman Jean, Town Administrator Paul Branscombe, Assistant Town Administrator- Heidi Duval, and Administrative Assistant- Heather Carpenter.

Absent:

Also, present please see attached sign in sheet.

Public Hearing- Proposed Noise Ordinance – prior to the general meeting Board of Selectmen's meeting. Public was present to discuss the issue of the proposed noise ordinance and why the document that was presented was not appropriate for the Town, businesses and the agricultural setting of Gilmanton. Public Hearing closed at 6:57 p.m.

6:58 p.m. Chairman McWhinnie opened the meeting, took attendance of those present and voting (Chairman McWhinnie, Selectman Bishop, and Selectman Jean) and led the Pledge of Allegiance.

Approval of Minutes –

November 14, 2016-

MOTION: On a Motion by Selectman Jean, and seconded by Chairman McWhinnie it was unanimously voted to accept the minutes of November 14, 2016. (3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop- yes and Selectman Jean- yes.)

November 28, 2016-

MOTION: On a Motion by Chairman McWhinnie, and seconded by Selectman Bishop it was unanimously voted to accept the minutes of November 28, 2016. (2-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop- yes, and Selectman Jean- abstain.)

Signature-

Refund for overpayment-

The amount of \$82.00 for overpayment of vehicle registration fees. Cause of the refund is due to Mr. Young registering several vehicles and returned when he realized he registered a vehicle that he no longer has on the road. He sent a request to the State of NH-DMV for a refund of the state portion.

MOTION: On a Motion by Selectman Jean, and seconded by Chairman McWhinnie it was unanimously voted to approve the refund of \$82.00 for overpayment for vehicle registration. (3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop- yes and Selectman Jean- yes.)

Overpayment-

The amount of \$16.00 for the overpayment of vehicle registration fees.

Military member, stationed out of state and processed new vehicle registration through dealership and POA. A check was sent based on an estimate and the actual cost was \$16.00 less than the quote when registered.

MOTION: On a Motion by Selectman Jean, and seconded by Chairman McWhinnie it was unanimously voted to approve the refund of \$16.00 for overpayment for vehicle registration. (3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop- yes and Selectman Jean-yes.)

Alternate Library Trustee-

Suzanne T. Christie- appointment for Alternate Trustee in the office of Library Trustee

MOTION: On a Motion by Selectman Jean , and seconded by Chairman McWhinnie it was unanimously voted to approve Suzanne T. Christie- appointment for Alternate Trustee in the office of Library Trustee for the Corner Library. (3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop- yes and Selectman Jean- yes.)

Assessing-

Timber Billing –

Map 417/Lot 23- \$690.07

Map 409/ Lot 83 and Map 409/ Lot 86-- \$1,889.94

Total is \$2580.01

MOTION: On a Motion by Selectman Jean, and seconded by Chairman McWhinnie it was unanimously voted to approve the total in the amount of \$2580.01 for timber billing.(3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop- yes and Selectman Jean-yes.)

Old Business

- Transfer Station Modifications- The Select Board asked to have a meeting with North Point Engineering to hear more information on the possibility of a study for the modifications of entrance, internal roadway at the Transfer Station and the cost to have that study completed. The Town Administrator will set up a meeting for the following Board of Selectman meeting which is set to take place on December 19, 2016.
- Waste Management Contract Extension- The Select Board would like to have Waste Management in to hear their request.

New Business

- Clear Gov.- Improvements to Budget Process-
The Board member would like to invite Clear Gov. in for a meeting and invite the Budget Committee members to attend the presentation.
- Title Ambiguity- Discussion on Map 420/ Lot 73, Assistant Town Administrator feels that it is time to seek Legal advice on the issue. Consensus of the Board is request advice from legal counsel at this point.
- Emergency Management Performance Grant- The Town Administrator explains that 50/50 grant is not a match in a monetary form but a match based on participation by the Fire Department officials through meetings with the State. This grant, in the amount of \$3,500.00 is for the update to the Local Emergency Operation Plan Update for the Town of Gilmanton.

The original motion in the minutes had to be re-done due to language specifications required by NH Homeland Security and Emergency Management.

MOTION: The Town of Gilmanton Board of Selectmen, in a majority vote, accepted the terms of the Emergency Management Performance Grant (EMPG) as presented in the amount of \$3,500 to update the community's Local Emergency Operations Plan (LEOP). Furthermore, the Board acknowledge that the total cost of this project will be \$7,000, in which the Town will be responsible for a 50% match (\$3,500.00).

Select Board Items

- Town Counsel Attendance at Deliberative Session-Consensus of the Board is to have counsel at the Deliberative Session.
- Announcement of Snow Date for Deliberative Session- The snow date has been set for Tuesday, February 7, 2016 starting at 6:00 p.m.
- 485 Meeting House Road- HDC Violations- The Chairman of the HDC, the home owner and Chairman McWhinnie have agreed to sit down and try to come up with an amicable solution to the situation. The Select Board agrees to have Chairman McWhinnie move forward with a meeting.

MOTION: On a Motion by Selectman Jean, and seconded by Selectman Bishop it was unanimously voted to allow Chairman McWhinnie to have a meeting with the Chairman Hudziec of the HDC and the owner of 485 Meeting House Road to see if a resolution can be made with the ongoing issues. (3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop- yes and Selectman Jean-yes.)

- Generator pricing from Town Electrician and Generator Connection- Discussion of the two quotes that had been gathered for a basic generator unit and the issue of the current fire pump, wiring and energy load that it requires. The Administrative Assistant is waiting for a quote on the cost of a new fire pump in order to make a more informed decision on the size of generator that will work properly for the Academy building.
- Safety Glass and current safety issues- The Board of Selectman agree that pricing should be obtained for a safety barrier on the counters for both the Selectmen's Office front counter and the Town Clerk Tax Collectors counter due to concerns for employee's safety.
- Quote from Raymond "Mickey" Daigle for work to be done at the Academy Building for the front steps, excavation, and poured concrete frost wall. The Board agrees that two additional prices for the project should be obtained.
- Noise Ordinance-
Selectman Jean moves to remove the noise ordinance from the list of warrant articles to be presented to the Town. In addition, the Board feels that a letter should be sent out with intent to cuts, stressing that courteousness with times of operation and demeanor to our neighbors should be standard practice.

MOTION: On a Motion by Selectman Jean, and seconded by Chairman McWhinnie it was unanimously voted to remove the proposed noise ordinance from the list of Warrant Articles that will be present to the Town. (3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop- yes and Selectman Jean-yes.)

- Planning Budget-

MOTION: On a Motion by Selectman Jean, and seconded by Chairman McWhinnie it was unanimously voted to move the Planning Budget forward to the budget committee and to encumber the funds of \$15,000 for the Master Plan. (3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop- yes and Selectman Jean-yes.)

- Exterior Painting- Amendment to the General Government Building budget, Line 01-4194-430, for the cost of exterior painting, and carpentry work to the Academy building. As it sits now the requested amount for that line is \$23,000, however the total cost for that project will cost \$44,000. The thought is to request \$33,000 for that line item to cover the cost and encumber the funds for two sides of the building to be done next summer.

MOTION: On a Motion by Selectman Jean, and seconded by Chairman McWhinnie it was unanimously voted to amend General Government Building budget, line 01-4194-430 to \$33,000 for the Board of Selectman request. (3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop- yes and Selectman Jean-yes.)

- Milfoil- Request for the \$1,000 for the treatment of milfoil to be placed in the budget.
- Corner Library added request- Removal of Tree- The discussion is tabled until deed research is done to see whose property the tree is actually on. There are some concerns that the tree is not located on town property but private property.

Resignation-

The Board of Selectmen regretfully accept the resignation of Amy Russel as the Deputy Town Clerk/Tax Collector, her last day is set for January 1, 2017.

The Board of Selectmen accept the resignation of the Town Administrator- Paul Branscombe, his last day is set for March 10, 2017.

Open Public Comment- 7:55 p.m.

No public comments were made.

NON-PUBLIC Pursuant to RSA 91-A:3, II (b)

MOTION: On a motion by Chairman McWhinnie, and seconded by Selectman Jean it was unanimously voted to go into Non-Public Session per RSA 91-A:3,II(b).(3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop-yes and Selectman Jean).

Hiring

MOTION: On a motion by Chairman McWhinnie, and seconded by Selectman Bishop it was unanimously voted to come out of Non-Public Session per RSA 91-A:3,II(b) (3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop-yes and Selectman Jean).

NON-PUBLIC Pursuant to RSA 91-A:3, II (c)

MOTION: On a motion by Chairman McWhinnie, and seconded by Selectman Jean it was unanimously voted to go into Non-Public Session per RSA 91-A:3,II(c).(3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop-yes and Selectman Jean).

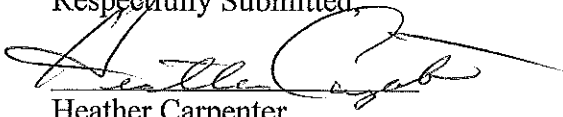
Reputation

MOTION: On a motion by Chairman McWhinnie, and seconded by Selectman Jean it was unanimously voted to come out of Non-Public Session per RSA 91-A:3,II(c) (3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop-yes and Selectman Jean).

MOTION: On a motion by Chairman McWhinnie, and seconded by Selectman Jean it was unanimously voted to seal the non-public minutes of the Non-public session RSA 91-A:3 II(c) (3-0 Voice Vote –Chairman McWhinnie- yes, Selectman Bishop-yes and Selectman Jean-yes).

Adjournment: On a Motion by Selectman Jean and seconded by Chairman McWhinnie it was voted unanimously to adjourn at approximately by 8:20 p.m. (3-0).

Respectfully Submitted,

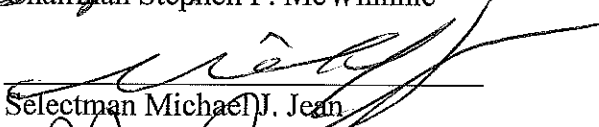


Heather Carpenter
Recording Secretary

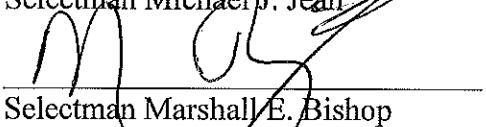
Approved by the Board of Selectmen



Chairman Stephen P. McWhinnie



Selectman Michael J. Jean



Selectman Marshall E. Bishop

{Audio recordings are available at the Selectmen's Office}

ORDINANCE
GILMANTON, NEW HAMPSHIRE

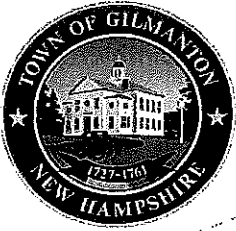
AN ORDINANCE RELATING TO NOISE CONTROL

- I. It is found and declared that:
- A. The making, creation, maintenance or continuation of such loud, unnecessary, unreasonable or unusual noises which are prolonged, unusual, unreasonable or unnecessary in their time, place, use and effect are detrimental to the public comfort, repose, health, peace, safety, convenience, welfare and prosperity of the residents of the Town of Gilmanton; and
 - B. The necessity and the public interest for the provisions and prohibitions hereinafter contained and enacted is a matter of legislative determination and public policy, and it is further declared that the provisions and prohibition hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public comfort, repose, health, peace, safety, convenience, welfare and prosperity of the Town of Gilmanton and its residents.
- II. It shall be unlawful for any person, firm or corporation to make, continue or cause to be made or continued, or to allow to be continued any loud, unnecessary, unreasonable, or unusual noise or any noise which either annoys, disturbs injures or endangers the comfort, repose, health, peace, safety, convenience, welfare and prosperity of others within the limits of the Town of Gilmanton.
- A. Loud, unnecessary, unreasonable and unusual noises shall include, but not be limited to, any noise occasioned by any one or more of the following actions of the operator of a motor vehicle operated within the limits of the Town of Gilmanton: misuse of power exceeding tire traction limits in acceleration sometimes known as "laying rubber" or "peeling rubber;" misuse of braking power exceeding tire traction limits in deceleration where there is no emergency; rapid deceleration by means of quick down shifting of transmission gears with either a clutch and manual transmission or automatic transmission; racing of engines by manipulation of the accelerator, gas pedal, carburetor or gear selection whether the vehicle is either in motion or standing still; the blowing of any horn except as a warning signal or the use of any other noise making device whether the vehicle is either in motion or standing still.
 - B. Any person who is the owner, or a tenant, or a resident, or otherwise in control of any house, apartment, trailer, structure or other property located within the Town of Gilmanton, shall be responsible and liable for any loud, unnecessary, unreasonable, or unusual noises created by one or more persons gathered on said property which either annoys, disturbs injures or endangers the comfort, repose, health, peace, safety, convenience, welfare and prosperity of another. Further, any person who is the owner, or a tenant, or a resident, or otherwise in control of any house, apartment, trailer, structure or other property located within the Town of Gilmanton is responsible and liable for any loud, unnecessary, unreasonable or unusual noises if he permits or allows any gathering of one or more persons to continue to make loud, unnecessary, unreasonable or unusual noises upon such property after having been advised of the disturbing effects such noise is having on another, and the said noise then continues to disturb the public comfort repose, health, peace, safety, convenience, welfare and prosperity of another within the Town of Gilmanton.
- III. Without limitation of the prohibition in II, it shall be unlawful for any person within any residential, commercial, retail, business or industrial zone of the town to use or operate any radio, musical instrument, phonograph, television set, loud speaker, or any other sound producing or amplifying equipment or device for the purpose of producing or reproducing sound in such a manner as to disturb the comfort, repose,

health, peace, safety, convenience, welfare and prosperity of any neighboring resident or any reasonable person of normal sensitiveness residing in the area. Additionally any person who uses or operates any such sound producing or amplifying machine or device for the purpose of producing or reproducing sound which is either located outside of an enclosed structure or so that the sound is directed outside of said structure shall constitute a prima facie violation of the section if any noise or sound can be heard by any neighboring residents or any other person while upon any adjoining private property. Nothing in this section shall prevent the use of loudspeakers or other sound producing or reproducing machine or device to be used provided that the Town of Gilmanton has issued a license to the said function or activity involving public noises that it deems reasonable, and its determination shall be final.

- IV. Without limitation of the prohibition in II, it shall be unlawful for any person within any residential (including but not limited to Village, Rural Residential and Residential Lake zones) zone of the town to operate or cause the ignition, operation or general use of any motorized machinery to be commonly known as or deemed "heavy machinery" between the hours of 7:00 pm to 7:00 am, without written permission on a case by case basis from the Board of Selectmen of the Town of Gilmanton. Therefore, any machinery commonly known and or deemed "heavy machinery" may only be operated within any residential (including but not limited to Village, Rural Residential and Residential Lake zones) zone of the town between the hours of 7:00 am to 7:00 pm.
- V. Without limitation of the prohibition in II, it shall be unlawful for any person within any commercial, retail, business or industrial zone of the town to operate or cause the ignition, operation or general use of any motorized machinery to be commonly known as or deemed "heavy machinery" between the hours of 9:00 pm to 6:00 am, without written permission on a case by case basis from the Board of Selectmen of the Town of Gilmanton. Therefore, any machinery commonly known and or deemed "heavy machinery" may only be operated within any commercial, retail, business or industrial zone of the town between the hours of 6:00 am to 9:00 pm.
- VI. Any person who violates any provision of this ordinance shall be guilty of a violation and a penalty of \$100.00 (one hundred dollars) for the first such violation and a penalty of \$250.00 (two hundred and fifty dollars) for each subsequent offense.
- VII. Having held a public hearing, the Board of Selectmen voted to adopt this ordinance on _____ day of _____, 2016, which shall be the effective date hereof. This ordinance is to replace and supersede any and all previous ordinance relating to Noise Control adopted by the Town.

IN WITNESS WHEREOF, majorities of the Board of Selectmen have hereunder set their hands.



**SELECTMEN'S OFFICE
TOWN OF GILMANTON**

PO Box 550, Gilmanton, NH 03237

Ph: (603) 267-6700 Fax: (603) 267-6701 Website: www.gilmantonnh.org

ATTENDANCE SIGN-IN

PRINT NAME

SIGNATURE & DATE

Brett Currier

12-12-16 - 6:00 p.m.

David Clairmont

12-12-16 6:00 PM

Jack Fanning

12-12-16 6:00 PM

Justin Cowden

12-12-16 6:00 PM

Brian Forst

12-12-16 6:00 PM

Ray Dingle

12-12-16 - 6:00 PM

DAVID SMITH

12-12-16 6:00 PM

Zannah Richards

Zannah Richards 12/12/16

100