



APPROVED

## Board of Selectmen Town of Gilmanton, New Hampshire

Meeting

March 17, 2015

6:00 pm Gilmanton Academy

**Present:** Chairman Donald Guarino, Selectmen Stephen McCormack and Michael Jean, Town Administrator Arthur Capello, Administrative Assistant Stephanie Fogg. Also present Paula L. Gilman, Charles G. Kelley, Susan Kelley Leclerc, Craig Gardener, Roland A. Hueber, Debra Cornett, Melissa A. Potter, Robert L. Potter, Jr., Carl Potter, Samuel Potter, Deborah F. Chase, Thom Dombrowski, Leona Jean, George B. Roberts, Jr., Harold Morse, Brian Forst, W. John Funk, Duncan Geddes, Duncan Geddes, Jr..

Selectman Guarino opened the Public Meeting and led the pledge of allegiance.

**Reorganization of the Board of Selectmen** – Selectman Guarino congratulated Michael Jean as the newly elected member of the Board of Selectmen.

**MOTION:** *On a Motion by Selectman McCormack and seconded by Selectman Jean, it was voted to appoint Selectman Guarino as the Chairman of the Board of Selectmen for the 2015-2016 Term. (2-0).*

**MOTION:** *On a Motion by Selectman Jean and seconded by Selectman Guarino it was voted to appoint Selectman McCormack as the Vice-Chairman of the Board of Selectmen for the 2015-2016 Term. (2-0).*

### **2015-2016 Term Appointments for Selectmen:**

The appointments of the Selectmen to the following Boards and Committee's were agreed to by consensus of the Selectmen:

**Historic District Commission** - Chairman Donald J. Guarino

**Budget Committee** – Selectman Michael J. Jean, Alternate, Selectman Stephen J. McCormack

**Planning Board** – Selectman Stephen J. McCormack, Alternate, Michael J. Jean

**Historic District Petitions** - After approval from the Board of Selectmen, Chairman Guarino released the letter from Town Counsel concerning the validity of the protest petition. Chairman Guarino explained how the 20% rule was calculated to the audience. Under RSA – 675:5 1 and 1A the 20% Rule as an abutter was explained. According to RSA 675:5 there has to be a 2/3 majority vote to pass the Petition. (The vote was not a 2/3 majority vote, although it would have passed as a simple majority vote).

1 Mr. Gardener and Mr. Hueber both spoke about the Petitions they had each presented correctly  
2 to the Town for a vote. They were unaware that the Petitions would have to pass with 2/3  
3 majority.  
4

5 After discussion Mr. Gardener said he was willing to go back before the HDC. Mr. Hueber did  
6 not feel it would accomplish anything different than the efforts before the committee previously,  
7 he said he is just trying to survive, is he undesirable here in Gilmanston?  
8

9 Deb Chase, Chairman of the Historic District Commission said, there are many stake holders,  
10 and injured parties here. There were two valid petitions for these two properties to be removed  
11 from the Historic District. There were four properly filed protest petitions. Then there is the  
12 technicality and the law of the Historic District Commission. She said there are three injured  
13 parties here. Possibly next year they could resubmit the Petitions and then all three parties would  
14 feel it was a fair election.  
15

16 John Funk said that the Historic District Commission only deals with the exterior of the  
17 buildings. Materials approved are consistent with the time period, people buying into the  
18 Historic District know that. The Town has an obligation to follow procedural requirements. The  
19 lawyers could have been a little better at explaining.  
20

21 Possible resolution, to not act on this for another year, and wait for another Town vote. The  
22 Selectmen also requested a moratorium of fines and/or compliance (not including any further  
23 building) by the HDC to the Petitioners for this year until another vote is taken. To be  
24 determined after meeting with the HDC and the Selectmen.  
25

26 **First Baptist Society and Religious Association, regarding exempt status for Church**  
27 **parcel**– Chairman Guarino said the Board would take questions concerning the Lower  
28 Gilmanston Church. Susan Kelley Leclerc said that the Lower Gilmanston Baptist Church parcel  
29 is now going to be taxed? No longer a religious exemption for the property? She said that the  
30 Church is used for four Summer Sessions/Christmas Gathering. Thirteen members try to keep  
31 the building up.  
32

33 The letter sent to the members by the Town Assessor suggested that the property be put into  
34 current use to help bring the cost of the taxes down. Selectman Guarino said he had spoken with  
35 the Town Assessor, George Hildum and that according to RSA 72:23 Section III, the 13.9 acre  
36 parcel did not qualify for an exemption.  
37

38 Melissa and Robert Potter said that the members take care of the Church willingly, they put their  
39 hearts and souls, and are on hands and knees to maintain the building. All donations are out of  
40 the goodness of their hearts.  
41

42 George Roberts said that whatever the Church does, it brings value to the community. He  
43 thought that the Selectmen would have the sole authority to authorize the exempt status for the  
44 property.  
45

46 Robert Potter stated that timber from the parcel is used for maintaining the Church and Melissa  
47 Potter said they use the wood from the parcel to heat the building.  
48

1  
2 It was said that the Church is on the National Register for Historic Buildings, and to please  
3 consider that fact when looking into the exemption from taxes.  
4

5 Charles Kelley will be the best contact for the Selectmen.  
6

7 **7:27 pm Open Public Input –**  
8

9 Leona Jean said that you could make a cross with benches on the property to make use of it as  
10 part of the Church.  
11

12 **Petitions** - Debra Cornett said she is tired of people judging if someone's name is on a Petition.  
13 She believes that when a Petition is brought forward, signing it, just moves the Petition forward  
14 to the voters. (So the petitioner can be heard).  
15

16 **Loader** - Brian Forst asked if the Town was renting a loader for \$3,500/month? Selectman  
17 Guarino said yes, for short term. The Road Agent has the authority to rent equipment. Brian  
18 Forst, as Chairman of the Budget Committee was concerned about the expense.  
19

20 **Deliberative Session** – There was discussion about holding Deliberative Session during the  
21 week. Debra Cornett said that no matter when you decide to have Deliberative Session, there are  
22 complaints.  
23

24 Brian Forst said that there are more people here tonight than at the Deliberative Session. How do  
25 we get this Town to get educated about their vote? The Town voted for \$100,000.00 more in the  
26 operating budget.  
27

28 Selectman McCormack would like to have a search engine on the Town Website to help keep  
29 people informed.  
30

31 A voter's guide for SB2 could be considered, there are pros and cons to a voter's guide.  
32

33 Mrs. Kelley would like to have the Suncook Valley Sun distributed back in Gilmanton, because  
34 everyone would read the Gilmanton postings.  
35

36 George Roberts said the Selectmen should seriously consider meeting weekly and community  
37 television. Debra Cornett said the costs of the television coverage was the reason community  
38 television was stopped, but it could be streamed in on the website.  
39

40 **Lower Gilmanton Church** – By consensus the Selectmen would like to leave the Church  
41 property in exempt status. The Selectmen will check with LGC regarding the legality of the  
42 Selectmen maintaining the exempt status for the Church parcel.  
43

44 **HDC and Petitions**– Next meeting is the first Tuesday in April.  
45

46 The Selectmen would like a decision from HDC to have no enforcement, move for a moratorium  
47 on both properties and to work through the issues. Selectman McCormack said hold off on  
48 enforcement for one year, they (Mr. Hueber and Mr. Gardener) do not get harmed.

Chairman Guarino said that the moratorium may not work for Mr. Hueber, his roof needs replacing this spring.

Deb Chase said that any changes will still need to come before the HDC.

#### **Academy Building –**

Open House will be on April 25, 2015 from 10:00 am to 1:00 pm (time may change).

CCI has submitted invoice #3 for \$62,342.00. The Town received the first check for insurance of \$130,000.00, just for the building loss. The tiles would not adhere to the slab in the basement, so they had to grind the floor for an additional \$1,400.00.

The insurance company is holding money for the final tile in the basement (pending drainage fix on outside wall).

Black mold will be removed in the basement. The circulator pumps were leaking on the furnace, and will be fixed. They failed because of the extra work during reconstruction.

**Air Quality Test** - Selectman McCormack and Selectman Jean requested an Air Quality Test to be certain the building is ready to move into. Results can be ready immediately after the test is taken. RFP will be waived because of the time frame. The Selectmen authorized up to \$1,000 for the test.

#### **Appointments to Boards –**

**MOTION:** On a Motion by Selectman McCormack and seconded by Selectman Jean it was voted unanimously to re-appoint Wayne Ogni to the Planning Board at 8:18 pm. (3-0).

**MOTION:** On a Motion by Chairman Guarino and seconded by Selectman McCormack it was voted unanimously to re-appoint Elizabeth Hackett to the Zoning Board of Adjustment at 8:20 pm. (3-0).

**MOTION:** On a Motion by Selectman McCormack and seconded by Selectman Jean it was voted unanimously to re-appoint Robert Burdett to Parks and Recreation at 8:22 pm. (3-0).

**MOTION:** On a Motion by Chairman Guarino and seconded by Selectman McCormack it was voted to re-appoint Ernie Hudziec to the Historic District Commission at 8:24 pm. (3-0).

**Transfer Station** – Annual contract to monitor the well at the Transfer Station is \$5,161.00. The Selectmen would like Arthur Capello to put the contract out to bid to try for a lower cost.

**Propane** – Eastern at \$1.89, Arthur Capello locked that number in last year for 2015-2016 season.

#### **Department Heads and Default Budget -**

Selectman McCormack would like to discuss with Arthur and the Department Heads the default budget.

**County Commissioner** - Dick Burchell, County Commissioner would like to meet with the Selectmen next Tuesday, March 24, 2015. Arthur will put him on the Agenda.

**General Business** - Selectman McCormack would like to have a more detailed discussion of policies and procedures with the employees. Selectman Jean suggested establishing a staff meeting. Selectman Jean requested a copy of the Employee Procedure Manual.

**Approval of Minutes:** The Selectmen moved to table the minutes until next meeting

**(A) Non-Public Session per RSA 91-A:3, II (b)**

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

The meeting room was closed to the public. Present during the Non-Public Session were Chairman Guarino, Selectmen McCormack and Jean. Town Administrator Arthur Capello, Administrative Assistant Stephanie Fogg and applicants for Finance Position.

The Selectmen reviewed applicants for the Finance Technician Position.

**MOTION:** *On a Motion by Selectman Jean and seconded by Selectmen McCormack it was voted unanimously to seal the minutes of the Non-Public Session. (3-0 Voice Vote – Chairman Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).*

**MOTION:** *On a Motion by Chairman Guarino and seconded by Selectman McCormack it was voted unanimously to come out of Non-Public Session at 9:00 pm. (3-0 Voice Vote – Chairman Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).*

The meeting room was opened to the public. The Board noted the Non-Public Session minutes were sealed.

**(B) Non-Public Session per RSA 91-A:3, II (c)**

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

The meeting room was closed to the public. Present during the Non-Public Session were Chairman Guarino, Selectmen McCormack and Jean. Town Administrator Arthur Capello, Administrative Assistant Stephanie Fogg.

The Selectmen discussed with Arthur Capello information regarding an Assessing request.


**MOTION:** *On a Motion by Chairman Guarino and seconded by Selectman McCormack it was voted unanimously to come out of Non-Public Session at 9:04 pm. (3-0 Voice Vote – Chairman Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).*

1 The meeting room was opened to the public. The Board noted the Non-Public Session minutes  
2 were not sealed.

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4 **Walk Through Academy Building** - Selectman Jean would like to be present at the walk  
5 through on Friday. Also to be certain there are no health/environmental issues before the  
6 employees and public are back in the Academy Building.

7  
8 *Adjournment: On a Motion by Chairman Guarino, seconded by Selectman McCormack it was*  
9 *voted unanimously to adjourn at 9:06 pm. (3-0)*

10  
11 Respectfully Submitted,

12  
13   
14 Stephanie S. Fogg  
15 Administrative Assistant  
16

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18  
19 **Approved by the Board of Selectmen**

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21   
22 Chairman Donald J. Guarino

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24   
25 Selectman Stephen J. McCormack

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27   
28 Selectman Michael J. Jean