



DRAFT

## Board of Selectmen Town of Gilmanton, New Hampshire

Meeting

March 31, 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 Leona Jean, Richard C. Gagne, Frank Gianni, Heidi Jackson-Rhine, Joanne Gianni, Rachel Hatch, Brett Currier, Debra Cornett, Craig Gardner, Dick Burchell, Paula L. Gilman, Thom Dombrowski, Charles G. Kelley, Susan Kelley Leclerc.

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

**Space Needs for Town Clerk/Tax Collector's Office** - Debra Cornett read from past minutes regarding the need for additional space in the Town Clerk's Office. This subject has been discussed repeatedly over the last few years and there has been no real solution to the need. The Selectmen meet in the Conference Room, it is used for an employee break room/lunch room. Previous Selectmen have reviewed the possible upgrade to the Historic Museum Room, or the Upstairs Stage Area for a meeting room for the Selectmen and other Boards. The Historic Museum Room in the basement it not sufficient. ( January 28, 2013 and February 5, 2015) Cost and Safety Issues were brought forward in February 2015.

Debra Cornett said that the area in her office is not handicap compliant, if there was a handicap employee. Looking at workspace benchmarks for management, there is not enough square footage per work space either.

Selectman McCormack said that with the issue of space needs, the upstairs could be used and/or broken up into other areas. The acoustics are difficult upstairs, to hear recorded minutes. How would we handle two meetings at one time?

Selectman McCormack asked Debra Cornett to try initially to rearrange her office, by removing cabinets into this meeting room to allow more room in her office.

The Selectmen should not have to move to another room for a non-public session. Selectman McCormack does not feel that is fair to those attending the non-public session to have to move during a meeting to another room.

Debra said where does that leave an area for her own private office space? Selectmen McCormack said it is agreed that there is an issue for space, we are trying to make the best decisions to accommodate that need. Debra said thank you.

6:19 pm Chairman Guarino asked if there was any input from the public?

Debra also said that Mr. Ogni made a comment that she did not find funny. The comment was regarding requirements for hire in her office. Chairman Guarino said Debra, you just made a comment about a public official who is not here to defend himself. Debra said if she offended anyone she apologized, but did not appreciate Mr. Ogni's comment.

Leona Jean said after checking into this, it is very congested in that office, when working with details it is very difficult with all of the distractions. As a Tax Collector, Debra needs her own office without distraction. Sometimes she would need a place to meet privately with people.

Rachel Hatch said this topic was dropped after she left as Selectman. She asks that the Selectmen, respectfully make a decision, keeping Debs needs under serious consideration. Honor the past Boards to continue pursuing the answer for this situation. She agrees that Deb needs more space and she does need privacy to meet with people. Deb has been an employee for over 18 years, and in that time I have only known her to ask for something when she absolutely needs it. As a Department Head she is very fiscally conscious. I am here to support Deb and give a little bit of history. Rachel's recollection was that the basement was not suitable for a meeting room and that the upstairs option was going to be pursued. She said that when she was a Selectmen they met every week, you could justify the use of this room, but when it came to her attention that the Board meet twice a month. Selectmen McCormack said he would like to correct the record, the Board does meet according to need and more than twice a month.

Chairman Guarino introduced Mr. Dick Burchell to present information from the County.

#### **County Budget – Dick Burchell –**

**See attached:** Belknap County 2015 Revenues and Expenditures ( begins in 2011, actuals 2014, proposed budget) a brief description of the Fund Balance, and the history of Gilmanton's share (is 4.4%) for County Budget.

The County has increased what they are spending by 5%.

The amount contributed is set by property assessments, not volume of people. The Selectmen thanked Mr. Burchell for reporting the information.

Heidi said there is a lot more income going to Gunstock, than is outgoing to the County? Dick Burchell said culturally it is hard to change Gunstock. The only way it could change to become the resort it could be, would be to pledge their own assets. They are still tied to the County's "apron strings". As a cultural institution it is fine, but not so much as an investment.

Chairman Guarino said thank you to Mr. Burchell.

#### **6:52 pm Open Public Input –**

**Space Needs** continued..... Heidi said information concerning basic issues of how much time the Town Clerk/Tax Collector spends in the office, there is a lot of number crunching and she is constantly interrupted, she needs to have a quiet space. She works longer hours because she is

1 interrupted, to make certain everything is taken care of. Heidi said furniture was purchased to  
2 hold meetings upstairs. Basic issues for Deb at hand, if you saw her overage of time she spends  
3 here; a lot of that is because she can't focus and get to the work that needs her concentration. I  
4 would suspect most of that is the Tax Collector's number crunching. Everyone wants to talk  
5 with Debra when they come in. I think a lot of the issue with her having to be here 60 hours a  
6 week, generally speaking, she can't do what the rest of us can during regular hours when she is  
7 the only one here. It is not just the matter of the volume of work, it is where she can focus and  
8 meet with people respectfully and privately should people have private issues they want to  
9 discuss. Heidi said she was of the impression that the reason the floors were originally redone  
10 upstairs and that the furniture was purchased was in order to hold meetings up there. There are  
11 other options for meeting times and spaces, also the Old Town Hall may be a viable option as  
12 well.

13  
14 Brett Currier said once the conference room is used for the Tax Collector's Office space, it will  
15 be off limits to everyone. The upstairs has been looked at before, it is not a great meeting room.  
16 You cannot hold non-public sessions upstairs. He does not think it is a good idea.

17  
18 Rick Gagne said that Debra is distracted by people when putting numbers together. There is a lot  
19 of money that comes in and out of this office and she needs a quiet space where she can focus on  
20 the numbers.

21  
22 Mrs. Jean said that there are people out in the hallway occasionally for the Selectmen's Meeting,  
23 there is no way to know from one week to the next how many people will be attending the Board  
24 of Selectmen's Meetings. The meeting room upstairs would accommodate everyone at those  
25 larger meetings. Debra works on projects that she has to "pack up" each day, there is no place to  
26 leave a project out. There is a beautiful space upstairs that is not being utilized. Look at the  
27 whole project and start utilizing the building in a better process.

28  
29 Debra said that the front office was used as the Selectmen's meeting room in the past.

30  
31 Brett Currier said that the conference room is a multi-purpose room right now, once it goes, it  
32 will not be available. Step one may be to move some files into the conference room to open up  
33 the office. The Conference Room can still be used by Debra to meet with people privately.  
34 Meeting upstairs, there is no privacy. Do we go to the Budget Committee and say we have a  
35 space needs issue, that may be a good avenue.

36  
37 Craig Gardner said that with space issues, someone always loses, could there be compromise.  
38 What I don't know, all of this is kept in this building, could you build a building, do you have to  
39 stay obligated to this one building? Selectman McCormack said there have been other  
40 suggestions, like the Old Town Hall; but making that a full time operational building, goes to a  
41 money issue. People have strong feelings about the space needs issue. Selectmen McCormack  
42 said he is committed to addressing the issue.

43  
44 Heidi said short answer about moving the Town Clerk/Tax Collector's Office, both vaults are in  
45 this building. The Vaults really tie the Town Clerks Office to this building.

46  
47 Chairman Guarino said that they will look into viable options, and continue discussion on this  
48 subject.

**Historic District Commission** – Craig Gardner said he never heard the Selectmen actually say they were going to accept the opinion of the Lawyer and go with the Lawyers recommendation that Roland Hueber and Craig Gardner did not win with the vote.

In the response from the Town Lawyer, the whole front page was why the protest position was correct and the last paragraph, however, it is procedural rules that were not followed. I don't see any where that one law is more important, last three lines in the State Statute doesn't count, according to the lawyer's opinion.

Chairman Guarino suggested that Mr. Gardner send a letter to the Board of Selectmen stating his position and the Selectmen will follow through with legal counsel.

It was said that Mr. Hueber, Mr. Gardner and Mr. Roberts all followed through with their responsibilities for the petitions. They did everything legally. Mr. Roberts did nothing wrong either. The Town was a fault, how can you ignore the last part of the Statute? The Moderator was supposed to announce the 2/3 majority vote required. Should we revote, with a Special Town Meeting?

Chairman Guarino suggested that Mr. Gardner send a letter to the Board of Selectmen stating his position and the Selectmen will follow through with legal counsel.

Selectman McCormack asked if the Historic District Commission would be willing to amend the regulations? Selectman McCormack will address this with the Historic District Commission. Mr. Gardner is fine with a moratorium for a year, Mr. Hueber cannot wait a year. Mr. Burchell said he is not at all sympathetic to not voting, because of equal opportunity.

Double check the date for the next Historic District Commission, April 7, 2015 at 7:00 pm.

Town's people are aware and voted for Mr. Gardner and Mr. Hueber with a majority vote. It is a real problem with no good solution. Revote, have a special Town Meeting and give the participants time. It is ok for Mr. Gardner to wait for a vote because his fence is not going anywhere, but for Mr. Hueber it is not ok. He has a family member with a serious medical situation, and the house needs attention now, not a year from now. It's not a good situation.

Heidi asked if there is a specific timeline to hold a Special Town Meeting? Just for clarification, it would only be by the majority vote of those attending. Arthur said he will check into the regulations for holding a Special Town Meeting.

Joanne Gianni asked if you could hold a Special Town Meeting for Petition Warrant Articles? Arthur Capello will ask that question as well. Debra said thank you for your time.

### **7:20 pm Close Public Input**

#### **Lower Gilmanston Church –**

Chairman Guarino said this is his understanding after speaking to the Attorney at the Local Government Center. Initially he spoke about fire wood and logs used to repair the Church, we had considered that it may be used for parking, she went to the original letter from the Town

1 Assessor. Mr. Potter said they could use it for religious services. She said it was quite a large  
2 parcel. Final paragraph stated that the area used for the services would be exempt. The Board of  
3 Selectmen do not have the authority to give out exempt status. In the process of researching this  
4 Arthur said the Town of Gilmanton has a previous case. The First Congregational Church from  
5 Laconia had a piece of land in Gilmanton, Supreme Court said no for exempt status. The amount  
6 of use does not meet the intent of the Statute to maintain the tax exempt status. Chairman  
7 Guarino said it would be easier, in a positive sense, without pushing the gray area, to put the land  
8 in current use and there will not be any question (approximately \$66/year). If you have a  
9 certified plan by a forester the current use, tax could be even less.

10  
11 Susan Leclerc said she is trying to understand, why all of a sudden, because the Church building  
12 has been there since 1842. Over the years, different people have filled out the form for the Town  
13 of Gilmanton Assessing Department, for the Church to be kept as tax exempt. She didn't get  
14 anything back last year. Chairman Guarino said the Contract Assessor, through the revaluation  
15 found this information.

16  
17 Mrs. Leclerc said there is no grandfathering here? Chairman Guarino said he asked the attorney,  
18 mentioning the road that split the parcel, is there any case law that could defend the Church for  
19 that reason. She did not want to comment on that exact issue.

20  
21 Thom Dombrowski, said that it is beyond me that after the Church has been there for well over  
22 200 years, within less than 100 days we have to pay these taxes. Some warning should have  
23 been given, so why all of a sudden? Early February we received a letter. The taxes will be paid  
24 this week. They have until April 15, 2015 to file the current use application and July to pay the  
25 first bill.

26  
27 Selectman Jean said we could give them an abatement. Selectman McCormack asked about  
28 giving an extension?

29  
30 Selectman Guarino said that he spent well over a half hour with the LGC Attorney on the  
31 telephone, speaking about holding services etc. on the property to allow exemption. She said in  
32 the note, to the effect that only the part being used would be exempt. (Also infrequent services  
33 does not meet the statute). This began from the assessor, we are just trying to take care of this  
34 legally.

35  
36 Brett Currier said, what about conservation use, that might be any easy fix. Leona Jean said  
37 how long has this been going on? This just came up? The same assessor for 20 years? The Boy  
38 Scouts and Camp Fatima, does the Assessor know that they each use every single acre. Here you  
39 have a Church, I'm sure they utilize the property. Is the Assessor assuming that the property is  
40 not used?

41  
42 Arthur Capello said that the difference is that this parcel is separate from the Church parcel.  
43 Arthur Capello suggested that as further information is gathered, the Church should still fill out  
44 the current use forms so they do not miss the deadline.

45  
46 The Church will file for current use.  
47

1 Brett Currier said that the lot was automatically separated when Province Road went through the  
2 parcel. It is not a win win situation for the Church.  
3 Chairman Guarino will follow up regarding deferment of tax for a year and the road splitting the  
4 parcel.

5  
6 We are 13 people and the four services we have a year, do not pay for the electrical bill and  
7 insurance. Is there any consideration for the Church as a registered Historical Property? Arthur  
8 Capello said that the Church is registered but the property is not.

9  
10 Brett Currier said can we vote on that as a Town. Arthur said you cannot violate the law, even if  
11 it is voted on by the Town.

12  
13 Next Board of Selectmen's Meeting is April 14, 2015.

14  
15 **Update on Finance Position -**

16 Marie Mora our new Finance Technician will begin on April 20, 2015.

17  
18 **Transfer Station -**

19 Well testing, the State Permit is due. Chairman Guarino said that this is all part of the closure  
20 plan.

21  
22 **MOTION:** On a Motion by Selectman Jean and seconded by Selectman McCormack it was  
23 voted unanimously to authorize Chairman Guarino to sign the well testing contract at 8:05 pm  
24 (3-0).

25  
26 **MS2** – Arthur said that the MS2 has been filed with the State.

27  
28 **Department Head Meeting** – The Department Heads will meet with the Selectmen at the April  
29 21, 2015 Board of Selectmen's Meeting to begin review of their Department Budgets and  
30 requests to the Selectmen. The Selectmen have also requested that the Department Heads give a  
31 monthly report of their Departments.

32  
33 **Update on Academy Building** – Arthur Capello gave an update on the Academy Building, the  
34 recent invoices all fit within the contract: replace sheetrock in boiler room, Insurance Adjustor is  
35 not holding any retainer packet, (Staples/staff time move in etc.).

36  
37 **Approval of Minutes -**

38 **MOTION:** On a Motion by Selectman McCormack and seconded by Selectman Jean it was  
39 voted unanimously to approve the minutes as amended for March 17, 2015. (3-0).

40  
41 **MOTION:** On a Motion by Selectman McCormack and seconded by Selectman Jean it was  
42 voted unanimously to unseal the non-public minutes (A) for March 17, 2015. (3-0).

43  
44 **Space Needs Issue** – Work Session to be scheduled by the Selectmen. Directive, first step  
45 would be to move non-essential cabinets and/or cabinets that can be locked into the conference  
46 room, then assess the space.



1 The Selectmen will replace the eight foot plastic table in the Conference Room with a four foot  
2 table to make more room.

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

5 **MOTION:** On a Motion by Selectman McCormack, and seconded by Selectman Jean it was  
6 voted unanimously to go into Non-Public Session per RSA 91-A:3, II (c) at 8:55 pm. (3-0 Voice  
7 Vote – Chairman Guarino-yes, Selectman McCormack– yes, Selectman Jean– yes).

8  
9 The meeting room was closed to the public. Present during the Non-Public Session were  
10 Chairman Guarino, Selectmen McCormack and Jean. Town Administrator Arthur Capello,  
11 Administrative Assistant Stephanie Fogg.

12  
13 The Selectmen discussed an employee evaluation in the Selectmen's Office.

14  
15 **MOTION:** On a Motion by Selectman Jean and seconded by Selectmen McCormack it was  
16 voted unanimously to seal the minutes of the Non-Public Session. (3-0 Voice Vote – Chairman  
17 Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).

18  
19 **MOTION:** On a Motion by Chairman Guarino and seconded by Selectman McCormack it was  
20 voted unanimously to come out of Non-Public Session at 9:33 pm. (3-0 Voice Vote – Chairman  
21 Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).

22  
23 The meeting room was opened to the public. The Board noted the Non-Public Session minutes  
24 were sealed.

25  
26 **Adjournment:**

27 **MOTION:** On a Motion by Selectman McCormack and seconded by Selectman Jean it was  
28 voted unanimously to adjourn at 9:35 pm (3-0).

29  
30 Respectfully Submitted,

31  
32  
33 \_\_\_\_\_  
34 Stephanie S. Fogg  
35 Administrative Assistant

36  
37  
38 **Approved by the Board of Selectmen**

39  
40 \_\_\_\_\_  
41 Chairman Donald J. Guarino

42  
43 \_\_\_\_\_  
44 Selectman Stephen J. McCormack

45  
46 \_\_\_\_\_  
47 Selectman Michael J. Jean