



APPROVED

Board of Selectmen Town of Gilmanton, New Hampshire

Meeting

July 7, 2015

5:30 pm. – Gilmanton Academy

Present: Chairman Donald Guarino, Selectmen Stephen McCormack and Michael Jean, Town Administrator Arthur Capello and Administrative Assistant Stephanie Fogg.

5:30 pm Chairman Guarino opened the meeting, took attendance of those present and voting and led the Pledge of Allegiance.

(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 .

The Selectmen interviewed a candidate for the Town Administrator's 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 6:00 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 (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).

1 The meeting room was closed to the public. Present during the Non-Public Session were
2 Chairman Guarino, Selectmen McCormack and Jean. Town Administrator Arthur Capello,
3 Administrative Assistant Stephanie Fogg .
4

5 The Selectmen interviewed a candidate for the Town Administrator's position.
6

7 **MOTION:** On a Motion by Selectman Jean and seconded by Selectmen McCormack it was
8 voted unanimously to seal the minutes of the Non-Public Session. (3-0 Voice Vote – Chairman
9 Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).
10

11 **MOTION:** On a Motion by Chairman Guarino and seconded by Selectman McCormack it was
12 voted unanimously to come out of Non-Public Session at 6:30 pm. (3-0 Voice Vote – Chairman
13 Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).
14

15 The meeting room was opened to the public. The Board noted the Non-Public Session minutes
16 were sealed.
17

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

19 **MOTION:** On a Motion by Selectman McCormack, and seconded by Selectman Jean it was
20 voted unanimously to go into Non-Public Session per RSA 91-A:3, II (b). (3-0 Voice Vote –
21 Chairman Guarino-yes, Selectman McCormack– yes, Selectman Jean– yes).
22

23 The meeting room was closed to the public. Present during the Non-Public Session were
24 Chairman Guarino, Selectmen McCormack and Jean. Town Administrator Arthur Capello,
25 Administrative Assistant Stephanie Fogg .
26

27 The Selectmen interviewed a candidate for the Town Administrator's position.
28

29 **MOTION:** On a Motion by Selectman Jean and seconded by Selectmen McCormack it was
30 voted unanimously to seal the minutes of the Non-Public Session. (3-0 Voice Vote – Chairman
31 Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).
32

33 **MOTION:** On a Motion by Chairman Guarino and seconded by Selectman McCormack it was
34 voted unanimously to come out of Non-Public Session at 7:00 pm. (3-0 Voice Vote – Chairman
35 Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).
36

37 The meeting room was opened to the public. The Board noted the Non-Public Session minutes
38 were sealed.
39

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

41 **MOTION:** On a Motion by Selectman McCormack, and seconded by Selectman Jean it was
42 voted unanimously to go into Non-Public Session per RSA 91-A:3, II (b). (3-0 Voice Vote –
43 Chairman Guarino-yes, Selectman McCormack– yes, Selectman Jean– yes).
44

45 The meeting room was closed to the public. Present during the Non-Public Session were
46 Chairman Guarino, Selectmen McCormack and Jean. Town Administrator Arthur Capello,
47 Administrative Assistant Stephanie Fogg .
48

1 The Selectmen interviewed a candidate for the Town Administrator's position.

2
3 **MOTION:** On a Motion by Selectman Jean and seconded by Selectmen McCormack it was
4 voted unanimously to seal the minutes of the Non-Public Session. (3-0 Voice Vote – Chairman
5 Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).

6
7 **MOTION:** On a Motion by Chairman Guarino and seconded by Selectman McCormack it was
8 voted unanimously to come out of Non-Public Session at 7:30 pm. (3-0 Voice Vote – Chairman
9 Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).

10
11 The meeting room was opened to the public. The Board noted the Non-Public Session minutes
12 were sealed.

13
14 **7:30 pm Chairman Guarino opened the General Session for the meeting.**

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19 **General Business:**

20
21 **Insurance on Academy Building** – The Insurance Company settled with Service Master for
22 \$85,000, just under \$20,000 less than originally billed.

23
24 **Rainbo Fish and Game Association** - The Rainbo Fish and Game Association would like the
25 last line of the agreement taken out regarding the trailers. Chairman Guarino and Selectman
26 McCormack agreed by consensus to remove the final line. Arthur to reprint the agreement
27 without the line for signature by the Board.

28
29 **Road Ditching** – Selectman McCormack asked Arthur Capello if he had the list of bidders for
30 the road ditching. Brett Currier will be helping with the road ditching process as asked by the
31 Selectmen for his input. Arthur did have the list of previous bidders used and will forward that
32 the Mr. Currier.

33
34 **7:43 pm Chairman Guarino opened Public-Input .**

35
36 **“Non-Public Session” Information**– Wayne Ogni asked, Did someone ask the Fire Chief who
37 divulged the information after the closed meeting? Selectman Guarino said that no, no one has
38 asked. Arthur Capello said that he spoke with the Fire Chief and that the Chief did not recall
39 ever receiving or making a call to the Police Chief that night. Arthur Capello said that an
40 impartial investigator would be better to handle the leak. Selectman McCormack read a memo
41 from NHMA (see attached) regarding Non-Public 91A:7 Violation of the Law. Selectman
42 McCormack said that he read “stating that an employee wanted to retire is not appropriate for
43 sealed minutes.” Selectman McCormack asked to keep it tabled until further research.
44 Information was in general knowledge on the street. Mr. Ogni knew it as general knowledge.

45
46 **Sheds** – Brett Currier said that he spoke with the owners of the sheds regarding the
47 postponement of filing the paperwork with the Zoning Board until further information is
48 gathered.

1
2 **“Non-Public Session” Information** continued.....- Selectman McCormack said, regarding the
3 Police Chief’s Position, maybe I screwed up as a member of the Board of Selectmen. I don’t
4 think I violated the law or the intent of the law. I did mention that the Chief was retiring and I
5 was concerned as to how we were going to fill the position. That night in question about making
6 the phone calls to the Fire Chief, I didn’t talk with him. I think it is important, as far as my
7 integrity, if that is enough to warrant me stepping out of this position I would resign tonight, but
8 I don’t believe I violated the law.
9

10 Brett Currier said that he did not bring up the conversation that Selectman McCormack had with
11 him until tonight. “It bothered me that you came to my camp and discussed that with me. I tried
12 to get away from it, you know I did. Selectman McCormack said, I wish I never brought it up.
13

14 Brett Currier said, it wasn’t just that you said the Chief was retiring, you asked me if my son was
15 going to apply for that job. It’s not my deal, don’t put me in that spot. I don’t know why you
16 mentioned that to me. I find out after the fact that this is all Non-Public Sealed Minutes. It’s not
17 good for my family, and if it was your family you would feel the same way.
18

19 Selectman Jean, said I did not call the Fire Chief that night.
20

21 Chairman Guarino said that I think one of the big issues here is, as I understand it, the Police
22 Chief spoke to the Fire Chief, and the Fire Chief said that he had received a call informing him
23 that evening that the Police Chief was retiring and the potential candidate was Sargent Currier.
24 That is the subject that I would want to know how it happened? On the night of the Selectmen’s
25 meeting, that a phone call took place or that a phone call did not take place?
26

27 Arthur Capello said if I were a staff person, I would want an investigation done because I would
28 want to have some sense of confidence that I can come into a non-public and say something and
29 not have it get back to people. Right now I would not have that as a member of the staff because
30 there is no resolution to this issue.
31

32 Glen Lines said rather than get AG involved, just do an in house investigation.
33

34 **8:43 pm Chairman Guarino closed Public-Input** 35

36 **Attorney General Investigation -** Arthur Capello said that he would recommend the Board
37 send the question to the AG’s Office and wait for the reply. He also said he would then go to an
38 outside investigation, someone that is not on the Town’s payroll. No one could say that the
39 investigator is “buddies” with someone.
40

41 The Selectmen decided to have the question go to the Board of Inquiry from AG’s Office to see
42 who made the possible phone call. Arthur Capello to make the contact the AG’s Office.
43

44 **Approval of Minutes –** 45

46 **MOTION:** On a Motion by Selectman McCormack and seconded by Selectman Jean it was
47 voted unanimously to approve the minutes of *June 2, 2015* as written. (3-0)
48

1 **MOTION:** On a Motion by Selectman McCormack and seconded by Selectman Jean it was
2 voted unanimously to *unseal the Non-Public Session (A)* regarding a safety issue, of the minutes
3 of *June 2, 2015*, at 8:15 pm. (3-0)
4

5 **MOTION:** On a Motion by Selectman McCormack and seconded by Selectman Jean it was
6 voted unanimously to approve the minutes of *June 16, 2015* as written. (3-0)
7

8 **MOTION:** On a Motion by Selectman McCormack and seconded by Selectman Jean it was
9 voted unanimously to approve the *Public Hearing Minutes for the Discretionary Barn Easement*
10 *and the Public Hearing Minutes for the Auction Properties of June 16, 2015* as written. (3-0)
11

12 **MOTION:** On a Motion by Selectman McCormack and seconded by Selectman Jean it was
13 voted unanimously to *unseal the Non-Public Session (A) of the June 16, 2015* as written. (3-0)
14

15 **MOTION:** On a Motion by Selectman McCormack and seconded by Selectman Jean it was
16 voted unanimously to approve the minutes of *June 30, 2015* as written. (3-0)
17

18 **MOTION:** On a Motion by Selectman McCormack and seconded by Selectman Jean it was
19 voted unanimously to *unseal the Non-Public Session (B) of the minutes of June 30, 2015*. (3-0)
20

21 **Employee Evaluation** – Arthur Capello requested that the Selectmen sign his evaluation that
22 was written earlier in the year. So he could take a copy with him and leave a copy with his
23 records here.
24

25 **Discretionary Barn Easement Letter** – Arthur Capello said that the letter went out today
26 stating that it was not in the best interest of the Town/Tax Payer.
27

28 **Historic District Commission** - Roy Buttrick said that he was originally appointed as a full
29 member of the Historic District Commission, (as a representative member for the Planning
30 Board) and that the HDC this evening brought forward an RSA from 1994, Article #26, Town
31 Vote, that changed the original vote to have a member of the Planning Board appointed to the
32 HDC. Mr. Buttrick said that there is a place for an Alternate on the Board, and he is fine with
33 that. The Selectmen recognized as a Board his intent to be placed as an alternate. The
34 paperwork for Mr. Buttrick's appointment will be redone.
35

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

37 **MOTION:** On a Motion by Selectman McCormack, and seconded by Selectman Jean it was
38 voted unanimously to go into Non-Public Session per RSA 91-A:3, II (b). (3-0 Voice Vote –
39 Chairman Guarino-yes, Selectman McCormack– yes, Selectman Jean– yes).
40

41 The meeting room was closed to the public. Present during the Non-Public Session were
42 Chairman Guarino, Selectmen McCormack and Jean. Town Administrator Arthur Capello,
43 Administrative Assistant Stephanie Fogg .
44

45 The Selectmen reviewed candidates for the Town Administrator's position.
46
47

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

4
5 **MOTION:** On a Motion by Chairman Guarino and seconded by Selectman McCormack it was
6 voted unanimously to come out of Non-Public Session at 8:55 pm. (3-0 Voice Vote – Chairman
7 Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).

8
9 The meeting room was opened to the public. The Board noted the Non-Public Session minutes
10 were sealed.

11
12 **(F) Non-Public Session per RSA 91-A:3, II (c)**

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

16
17 The meeting room was closed to the public. Present during the Non-Public Session were
18 Chairman Guarino, Selectmen McCormack and Jean. Town Administrator Arthur Capello,
19 Administrative Assistant Stephanie Fogg .

20
21 The Selectmen discussed a matter of security.

22
23 **MOTION:** On a Motion by Selectman Jean and seconded by Selectmen McCormack it was
24 voted unanimously to seal the minutes of the Non-Public Session. (3-0 Voice Vote – Chairman
25 Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).

26
27 **MOTION:** On a Motion by Chairman Guarino and seconded by Selectman McCormack it was
28 voted unanimously to come out of Non-Public Session at 8:58 pm. (3-0 Voice Vote – Chairman
29 Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).

30
31 The meeting room was opened to the public. The Board noted the Non-Public Session minutes
32 were sealed.

33
34 **(G) Non-Public Session per RSA 91-A:3, II (c)**

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

38
39 The meeting room was closed to the public. Present during the Non-Public Session were
40 Chairman Guarino, Selectmen McCormack and Jean. Town Administrator Arthur Capello,
41 Administrative Assistant Stephanie Fogg .

42
43 The Selectmen discussed an employee in the Selectmen's Office.

44
45 **MOTION:** On a Motion by Selectman Jean and seconded by Selectmen McCormack it was
46 voted unanimously to seal the minutes of the Non-Public Session. (3-0 Voice Vote – Chairman
47 Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).

1 **MOTION:** On a Motion by Chairman Guarino and seconded by Selectman McCormack it was
2 voted unanimously to come out of Non-Public Session at 9:06 pm. (3-0 Voice Vote – Chairman
3 Guarino -yes, Selectman McCormack – yes, Selectman Jean – yes).

4
5 The meeting room was opened to the public. The Board noted the Non-Public Session minutes
6 were sealed.

7
8 **Town Administrator Position:**

9 **MOTION:** On a Motion by Selectman Jean and seconded by Selectman McCormack it was
10 voted that an offer be made to a candidate for the position of Town Administrator at 9:09 pm (3-
11 0).

12
13 **Public Hearing Set -**

14 Arthur Capello reminded the Selectmen that there is a Public Hearing next week on the Auction
15 Properties, July 14, 2015.

16
17 **Adjournment:** On a motion by Selectmen Guarino, seconded by Selectman McCormack it was
18 voted unanimously to adjourn at 9:10 pm. (3-0)

19
20 Respectfully Submitted,

21
22
23 _____
24 Stephanie S. Fogg
25 Administrative Assistant
26
27
28
29
30

31 **Approved by the Board of Selectmen**

32
33 _____
34 Chairman Donald J. Guarino
35

36
37 _____
38 Selectman Stephen J. McCormack
39

40
41 _____
42 Selectman Michael J. Jean