



APPROVED

## Board of Selectmen Town of Gilman, New Hampshire

Meeting

July 14, 2015

**6:00 pm.** – Gilman Academy

**Present:** Chairman Donald Guarino, Selectman Michael Jean, Town Administrator Arthur Capello, and Administrative Assistant Stephanie Fogg.

**6:00 pm** Chairman Guarino opened the meeting, took attendance of those present and voting and led the Pledge of Allegiance.

**Town Owned Properties for Auction** - After the Public Hearing was held this evening the Selectmen discussed the properties once again.

Chairman Guarino stated that the Griffin Road property could have the road brought up to standard to have a home there, with the possibility of a hammerhead turnaround for Town trucks. He was surprised no one from the Conservation Commission came to save or speak directly about those properties. There were three properties remaining, all properties were recommended for sale by the Planning Board and three that were requested to be saved by the Conservation Commission. (Two other properties had been saved for Conservation by the Town at the Deliberative Session earlier this year, before this list went to a Warrant Article.)

**MOTION:** On a Motion by Selectman Jean and seconded by Selectman McCormack it was voted to auction off the property located on Map 410/ Lot 29, on Sawtooth Road. (2-1, Voice Vote, Chairman Guarino – no, Selectman McCormack – yes, Selectman Jean – yes).

**MOTION:** On a Motion by Selectman Jean and seconded by Chairman Guarino it was voted to auction off the property located on Map 421/ Lot 12, on South Road. (2-0-1, Voice Vote, Chairman Guarino – yes, Selectman McCormack – recused himself, Selectman Jean – yes).

**MOTION:** On a Motion by Selectman Jean and seconded by Selectman McCormack it was voted to auction off the property located on Map 423/ Lot 52, 14.5 acres on Griffin Road. (2-1, Voice Vote, Chairman Guarino – no, Selectman McCormack – yes, Selectman Jean – yes).

Originally any properties were to be reviewed before sale at auction to see if any property would be useful to the Town for future town buildings, recreation etc.

**(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) at 6:42 pm. (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 7:09 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.

**7:10 pm Chairman Guarino called for a brief recess.**

**Academy Water Issue** – Mickey Daigle is waiting on dryer weather before excavating around the foundation of the building.

**Rainbo Association –**

By consensus the Board agreed to have Chairman Guarino sign the new agreement letter for the Rainbo Club Association. See attached letter.

**Planning Board Issue** – The condominium association sent information regarding HUD language that would be acceptable, subject to the Selectmen's review.

**Historic District Commission** – The appointment letter for Mr. Buttrick needs to be changed. There still seems to be a conflict between the two Boards regarding the regulations for placing a representative member from the Planning Board to the HDC. Conflicting evidence from when the Historic District first began and a 1994 Warrant Article passed by the Town. Selectman Guarino suggested that the Boards and/or Chairmen meet to discuss, and possibly ask NHMA Attorney regarding the legality of the Warrant Article.

**Building Use Request for the Old Town Hall** - The Crystal Lake Association requested the use of the Old Town Hall for July 18, 2015 for their annual meeting. They also requested that the fee be waived, as has been past practice of the Board.

**MOTION:** On a Motion by Selectman McCormack and seconded by Selectman Jean it was voted unanimously to approve the use of the Old Town Hall for The Crystal Lake Association and to waive the fee. (3-0).

1 **Letter of Complaint** – Chairman Guarino addressed the concern that the Town Vehicles do not  
2 throw candy during the Gilmanton 4<sup>th</sup> of July Parade. The Town decided that the liability would  
3 be too great to the Town if someone was hurt retrieving candy. Other people in the parade did  
4 throw candy and at the Parade Master's request, they throw it off /away from the road.

5  
6 Selectman Guarino will write back to the concerned citizen who wrote the letter.

7  
8 **7:24 pm New MS232** – There is a new State Portal, does not currently take SB2 Towns, it has  
9 already been approved by the Selectmen but Arthur Capello needs to submit a new form.

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11 **7:25 pm Chairman Guarino Opened Public-Input**

12  
13 **Town Administrator** – Gayle Ober asked if there were any decisions made about a New Town  
14 Administrator, and if she might anticipate a New Town Administrator being announced or  
15 chosen this evening. The Selectmen said not at this time.

16  
17 **Mr. Haas – Checking in to follow-up on a reply.** Arthur Capello submitted Mr. Haas letter to  
18 the Attorney at NHMA. The Attorney's reply was that he did not reply to the public, but  
19 attached a court case for Mr. Haas to review for his information. Chairman Guarino asked that  
20 Arthur give the reply from the Attorney to Mr. Haas.

21  
22 Mr. Haas still contends that a State Wide Property Tax is unconstitutional. Mr. Haas said that  
23 Executive Counselor Collin Van Ostern never replied to him. Mr. Haas also said that the  
24 Laconia Court in Belknap County will ask him if he has exhausted all of his executive remedies,  
25 and Mr. Haas said "I believe I have".

26  
27 **Mr. Gelatt** – 4<sup>th</sup> of July Parade – The concept of candy and free things is nice, but it puts a  
28 burden for owners along the roadway. He picks up the "sticky" candy along the roadway after  
29 the parade as a "labor of love" to the community. He also had concerns about the  
30 mowing/ditching along his road where he has plantings. It was mentioned that the State would  
31 be the one to contact because he lives on a State maintained roadway. District 3, Gilford would  
32 be the office to call with his concern. Chairman Guarino said thank you to Mr. Gellatt.

33  
34 **Status on Investigation** - Arthur Capello said that the Inspector would be Richard Tracey.  
35 Arthur said that his conversation with the Attorney General's Office was that they are not likely  
36 to investigate, because they do not consider what was possibly done a criminal act.

37  
38 Adam Mini said that the "leak" is a black eye for the Town.

39  
40 Brett Currier said that there was a vote to seal the minutes. The matter is not who the  
41 information was leaked about, but the fact that it was leaked. You as Selectmen took an oath of  
42 office.

43  
44 Selectman Jean said the he did not call the Fire Chief, he did not use his phone to call anyone  
45 that night.

46  
47 Brenda Currier stated she was here because she was one of the people Mr. McCormack leaked  
48 non-public sealed minutes to. She felt the trust within the Selectmen's Office had been broken.

**Chairman Guarino closed Public Input.**

**Investigation continued.....**Selectman McCormack said that he has taken considerable time relative to the right-to-know law, regarding Non-Public and Non-Public Issues to Seal. Selectman McCormack said he is not going to see this Town destroyed. The Attorney General may feel this is not a criminal issue. "Effective after this meeting, I am going to resign."

Selectman McCormack suggested that all Selectmen, as training, read the 138 page memo regarding right-to-know law, it is very instructional. Selectman McCormack said he became a Selectman for all the right reasons, to make this a better Town and for every citizen. He gave a heartfelt apology, and he does not want to see this Town divided.

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

**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 (a). (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 an employee in the Selectmen's Office.

**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. (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.

**(C) 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 an employee at the Transfer Station.

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. (3-0 Voice Vote – Chairman Guarino -  
7 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 **Town Administrator** – Arthur Capello will come one evening a week to approve accounts  
13 payable and attend the Selectmen’s Meetings, and bill hourly until the Selectmen hire a new  
14 Town Administrator. The Selectmen appreciated Mr. Capello’s willingness to help.

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16 *Next Meeting is July 28, 2015.*

17  
18 **Adjournment:** On a motion by Selectmen Jean, and seconded by Selectman McCormack it was  
19 voted unanimously to adjourn at 8:30 pm. (3-0)

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23 Respectfully Submitted,

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26 \_\_\_\_\_  
27 Stephanie S. Fogg  
28 Administrative Assistant  
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31 **Approved by the Board of Selectmen**

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33 \_\_\_\_\_  
34 Chairman Donald J. Guarino  
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37 \_\_\_\_\_  
38 Selectman Stephen J. McCormack  
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Selectman Michael J. Jean