



**Board of Selectmen Meeting**

**APPROVED- 03-15-2021**

**March 01, 2021 - Academy Building - 6:00 P.M.**

Zoom-For remote access options look under Upcoming Events on the Town's website at [www.gilmantonnh.org](http://www.gilmantonnh.org)

**AGENDA**

**CALL TO ORDER – ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**Members Present: Chairman Warren, Vice Chair Baiocchetti, Selectman Collins, and Town Administrator Carpenter**

Public present and via zoom are listed within the minutes

Chairman's welcome to the public and read a letter from the Board- "The Gilmanton Board of Selectmen are pleased to announce the promotion of Mrs. Heather Carpenter of Gilmanton as our new Town Administrator effective March 01<sup>st</sup>, 2021.

Mrs. Carpenter has worked for the town in various positions, including the Assistant Town Administrator before the Interim Town Administrator upon the resignation of Mr. Bore' in December 2020. Mrs. Carpenter has previously worked for the State of New Hampshire in Public Information. Mrs. Carpenter was selected through an open and competitive process and has displayed the skills, the motivation, and the desire to move the Town of Gilmanton forward in a positive and collaborative effort with Department Heads, the Board of Selectmen, and the residents of the town of Gilmanton."

**BOARDS & COMMITTEES-** This invitation was for the Board of Selectmen to here and update Boards that do not have Board of Selectmen representation to have a better understanding.

Chairman Warren- We are looking to understand, how we can serve you, how can we continue to collaborate and making sure we are working towards the same goals, which are to support the residents of the town of Gilmanton, support through budgets, making sure that information flow is good. This Board has taken interest in moving towards open communication and how do we add value to the residents and how do we serve those of you who are volunteering.

We are going to go around the room and briefly speak to your committee, where is the committee/group heading, would you like additional communication, would you like to come in present quarterly? We want to be attuned to your needs.

o **Cemetery Trustees-Candace Daigle**

This is the first time as a committee person that I have been asked to come to the Board of Selectmen for a regular conversation, it's usually once a year and I think this is a great move and I'm glad to participate.

**Manage three cemeteries:** Beech Grove, Buzzell, and Hillside, 33 burial grounds, and two historic sites, and 600 salable graves.

**Employees:** We have two wonderful seasonal employees- Sexton- Paul Lines and the Groundskeeper- Karen Stockwell; they work approximately 400 hours per season to maintain these sites.

**Goals in 2021:** Our primary initial effort is going to be taking care of the tree damage that has occurred from storms and the ash tree damage from the emerald ash borer. Other items such as the Beech Grove driveway, invasive weed eradication in Buzzell, grave stonework in Tibbetts and Merrill, etc. We are two weeks away from completely digitized all of the cemetery records once that occurs, they will be placed on the history site and will be available to people for genealogy and research related to Gilmanton cemeteries. We are going to continue to evaluate the use of security cameras in some of the cemeteries, these were needed due to damage and theft.

We will be asking the Board of Selectmen to go through the abandonment process, the statute allows the Board to determine that a site has become abandoned if it meets certain criteria. Once a determination is made, the town can manage the cemetery to make sure it is maintained and protected. The Planning Board communication is appreciated and necessary when properties contain or are adjacent to sites, it often allows us the opportunity to negotiate with owners and be granted permeant easements so people can have access to them in the future. At some point we would like to do a GPS inventory of our sites, we do have a total inventory of the stones done by Marion McIntire in the late 80's -the early '90s. All sites need on-going gate and wall maintenance.

**The primary function of the Trustees-** to preserve and maintain the sites, the primary financial goal is to make these sites as self-sustaining as necessary.

- **Conservation Commission-** Dick de Seve, Sue Hale- de Seve and Patrick Hackley

The Conservation Commission would appreciate a quarterly update with the Board of Selectmen providing updates and work together on items.

**Current Projects:** Updating the natural inventory list which was last done in 2004. This is the inventory of water, land, and air resources of the town. These things are monitored and tracked by the Commission.

**Regular work includes;** monitoring town-owned properties, accept gifts of land, work with a property owner to purchase property, or help with placing easements on personal properties and the owners will be subject to the stipulations in the easement. We work with 5 Rivers Conservation Trust, The Society of Protection of NH Forests, and the Gilmanton Land Trust. We have two forest management plans done and several more to do, the hope is to be able to obtain a grant to help with that project. Monitoring 100 properties in town that hold conservation easements. Education through public awareness- Relay the importance of these natural resources, requirements of both the Town and the State on items like wetlands and shoreland

**Intake of initial complaints and violations-** We are not a compliance or regulatory body, however; we do report items to the Dept. of Environmental Services.

**Properties:** Well-known properties in the area are the Twigg property "Frisky Hill property", Meeting House Rd. property- Roof replacement is scheduled on the barn. Looking forward to future events in conjunction with the historical society at the barn. The Town currently has 10 town forests.

**LUCT Tax:** Earlier in the year the Conservation Commission presented the possibility of a warrant article to bring the current land-use change tax from 10% to 50%. The value of the increase would vary depending on the value of the land taken out of current use. Overall, the commission feels that it would not be a significant increase compared to the Town budget. An increase in the tax allows us to have a savings account available to cost-share with projects or buy land outright.

**Liability:** NH law dictates that land such as parks, and forests left open for public recreation is a privilege and a pass at your own risk is the view, if there is no fee to use the property the town is not exposed to liability issues.

- **Corner Library-** Barbara Swanson, Sue Roberts, and Suzanne Christie representing the library

**Function:** The job of the trustees is to oversee the Corner Library, which has been an active library since the early 1900s.

**Volunteers:** 16 volunteer members, over 800 hours in 2020 have been provided just on the inventory alone.

**Oversite:** Inventory of books, purchases, and the physical needs of the library to keep it vibrant. In 2020 a new inventory was created and has over 6,000 up-to-date books. Upgraded the locking system of the front door and upgraded the computer.

**Goals:** To get back to our visitation levels Pre-Covid-19 and to keep the inventory up to stock all the materials the townspeople of Gilmanton like. Working on bringing in larger print books for those who have some vision impairments, working on email requests for books, and providing pick times for those requests. The book sale is the library's biggest fundraiser, monies that are gained in that sale are placed into a savings account for future use.

**Projects:** Fixing the curved door

Visitors are welcome, the hours of operation are Monday, Tuesday, Friday 2-4 p.m.

**Parks & Rec. Committee-** Cathy Lines, Karen Stockwell, Genevieve Marston, Kristen Maynard and Mr. Spaulding

**Goal:** To have the park open, kids playing, and the facilities being used. We want to be a part of advertising for a new park attendant, a swim instructor for the program that is run for two weeks in July, and a new plumber to help with the seasonal water needs and help service the wellpoint.

**Projects:** Institute a couple of family music nights a month, appealing to musicians in the area, families bring picnics, reach out to local boys and girls scouts to sell popcorn, or run a corn hole game.

Opening day kids contest to paint the new barrels for the park

Reach out to people in the area to offer yoga classes, scenic, kids, a walk 15 class, the instructors will charge a small amount to defer their costs

We are recognizing Judy Williams for her many years of service; a bench will be placed in the park in her honor

We are hopeful that swim lessons will take place this year, advertising can take place now, placing the ad in the paper to provide more publicity to the opportunity. WSI certification is preferred and Vice-Chairman Baiocchetti was going to investigate that to see if certification was necessary through the town's insurance carrier and if the swim instructor going to be a Town employee and covered under the insurance.

**Opening:** The school starts to use the softball field in May but the park opening is dependent on a park attendant

**Future Goal:** Outdoor movie night with a purchase of a projector.

- **Energy Committee-** Dick de Seve

**Purpose:** To work toward more energy efficiency in Town buildings and to residents of the town.

**Goal:** To conduct an energy audit for the Town, a Request For Proposal was placed to find an installer for the Solarize Gilmanton campaign, four proposals were submitted, the committee will be interviewing this week and selecting a candidate by Sunday. The hope is to have a kickoff event, the more publicity we can get, the greater the opportunity for a larger pool so we can obtain better pricing for residents who want solar on their properties.

- **Sawyer Lake District-** Steve Chmielecki, Rich Adams, and Dave LeBeouf

**Purpose:** District since 1975, we oversee the maintenance of the six beaches and 7 miles of private roads and the dam which was rebuilt in 2006 after it washed out.

**Meetings:** Our meetings take place on the third Thursday of every month at 6 pm and our minutes are posted, meeting are open to the public and are welcome. The Annual meeting is generally around April 03<sup>rd</sup> the officers and operating budget will be voted on. Warrant Articles to replace the old wooden rafts with a compost product, new ropes, and floats, and proposing porta-potties.

**Projects:** Roads are continually being worked on; we pick one project a year to work on. The dam's loan is up in 2027 and we could open a dialog with the Selectmen to come up with ideas on how to maintain it or get some help from the Town. We are also waiting to see the report on the Road Assessment through LRPC and what that means for the road that the Town maintains in our area.

- **ZBA-** Betty Hackett

**Purpose:** To enforce the Zoning Ordinance that the town has given us.

**Current Issues:** We are dealing with a lot of after-the-fact applications. lots of folks like to do on their property what they like to do and do not come in for permits like they should.

**Increased cases:** Since 2015 we have had between 12-15 applications and that has gone up to 38 over the last five years. Most of our Board members have been on the Board for more than five years. In 2019 we had a total of 38 cases and in 2020 there were 25 cases.

**Projects:** This year we were able to work with the Planning Board through discussion, which was helpful because they propose changes that our Board has to follow. Having the Planning Board understand our concerns and talk about the cases that Zoning is continually seeing helps the process.

**Main objective:** The Zoning Board is there to look at the use of the property and what you are going to do with the property, our Board is appointed not elected. It is a quasi-judicial board, if you do not win your case, there is an appeal process and after that, you have the option to take it to court, in the 26 years that Mrs. Hackett has been on the Board, they have been taken to court three times.

**Process:** An application is submitted in the office, questions are answered by staff, their case is heard and the Chairman allows the applicant to speak, the abutters speak and concerned citizens in town speak, there is an appeal process within 30 days and if it still denied at that point, the applicant has the option to go to court. Within the 30 day process, the applicant cannot build, this allows abutters or the Selectmen the right to appeal the decision.

**Other pain points in the past:** Not being asked questions ahead of time before changes are made. A couple of years ago the conditional use permits that the Planning Board wanted to enforce and when I asked the question; If you are making everything a conditional use permit what is the point of the Zoning Board? The point of the ZBA to give leeway to folks that don't fit the parameters of the zoning ordinance. The answer I received was, well when applicants come in, we like to make it easy for them.

However, easy and correct are two different things and if the people in town have voted on the ordinance it is the ZBA'S role to enforce that.

**Long-standing service:** Mrs. Hackett has served the town in this role for 26 years.

## PUBLIC MEETING MINUTES APPROVAL

02-01-2021 B.O.S. Meeting Minutes

02-15-2021- Non-public minutes approval

02-24-2021- Non-public minutes approved and unsealed

**MOTION:** On a motion by Vice Chair Baiocchetti and seconded by Selectman Collins it was voted to approve the minutes of 02-01-2021, 02-15-2021, and 02-24-2021. (3-0)

Public Input: 7:00 pm- No public input was presented

## OLD BUSINESS

Transfer Station Discussion- Manager Ron Nason- The Manager is here is discussing the future needs of the department.

- Fencing
- A roof over the alley and loading dock
- Old Compactor
- Concrete pad for metal
- The berm around the brush and compost needs repair
- and dug out
- Block wall in compactor one
- Blocks to hold demo
- Wind Breaker
- Fair Wages
- Request for additional employees
- Solar possibility

The communication to the Board intended to express the future needs of the facility and the department. Interest in solar was expressed at this meeting tonight through the Energy Committee and the manager stated that solar at the facility would be useful to get three-phase capabilities running.

**Goal:** The main goal for this year is to get the compost and steel area cleaned out and re-done. The burn pile needs to be addressed and he will be reaching out to DES for additional information.

- Blocks starting to deteriorate, nothing serious but items that need to be address
- Compactor #1- -Atlantic has been contacted, waiting on pricing for the refurbished unit, mechanically it is okay but the body is rotted and needs to be anchored.

Chairman Warren- Did you make a presentation to the Planning Board for CIP, future items, planning for big-ticket items?

Ron Nason-The manager has put forward items in the past but had not received approval.

Vice-Chair Baiocchetti- The Dept. Head meeting with the Board of Selectmen on April 05<sup>th</sup>, will you be prepared for that conversation?

The Board encourages the manager to keep developing the plan, present it and work towards it. There is value in the items listed and the Board appreciates the proactive approach by department heads.

## CONSENT AGENDA

- Camp Fatima Campership Raffle Permit- April 05<sup>th</sup>
- Letter of Interest- Energy Committee- Graham Wilson
- Letter of Interest- Zannah Richards- 3 yr. Alternate has been on the Board as a full voting member, she has requested a change to become an alternate, Leslie Smith- 3 yr. Full Member is currently an alternate and is willing to take the place of Mrs. Richards.

Michael Teunessen correction for an appointment made at the 02-01-21 meeting- ***A statement of correction needs to be issued Michael Teunessen submitted a letter of interest for the re-appointment of his role on ZBA, however, the term does not expire until 2022.***

There are 5 voting members on the ZBA and three alternates, currently, there are two openings in the alternate role.

- Board of Selectmen Tentative Meeting Schedule for 2021- The Board had requested the dates for all the 2021 meetings, please note that two holidays affect the schedule.
  - March 1<sup>st</sup> and 15<sup>th</sup>
  - April 05<sup>th</sup> and 19<sup>th</sup>
    - 04-05-2021- Dept. Heads meeting with the Board to go over goals and objectives
- May 03<sup>rd</sup> and 17<sup>th</sup>
- June 07<sup>th</sup> and 21<sup>st</sup>
- \*July 19<sup>th</sup>
- August 02<sup>nd</sup> and 16<sup>th</sup>
  - 08-16-2021- Meet with Dept Heads; Initial budget concept and discussion
- \*September 20<sup>th</sup>
  - Budget presentation by Dept. Heads
- October 04<sup>th</sup> and 18<sup>th</sup>
  - 10-18-2021 BOS approvals and move it forward to the Budget Committee- Health and Dental #'s will be needed at that time, but we do not dictate that schedule.
- November 01<sup>st</sup> and 15<sup>th</sup>
- December 06<sup>th</sup> and 20<sup>th</sup>

\*Sept. 06<sup>th</sup> NO MEETING Labor Day

\*July 05<sup>th</sup> NO MEETING OBSERVED HOLIDAY

- Action Item:** The Board members would like to see a full budget presented in one shot, with columns on the budget to go through and make changes during the approval process. Once the Board approves the entire budget it will move forward as a full budget to be reviewed by the Budget Committee.
- Action Item:** The Board will be reviewing the Emergency Leave policy at the March 15<sup>th</sup> meeting.

Exemptions/Credits-	Land Use Change Tax	Reports of Cut & Warrants
115-024		
115-035		124-042
406-035	414-009	403-017
415-036	Private Road Agreements	Emergency Order #25- modification of interest penalty for review
416-052	409-091	Abatements
418-088	130-075	415-051

**Emergency Order #25-** Temporary modification of interest penalty for late payment of property taxes. The Assessing Administrator's recommendation is to have the applicant show proof of hardship before the modification is granted.

The Board agrees with the recommendation and will approve the process as a part of the consent agenda.

**MOTION:** On a motion by Vice-Chairman Baiocchetti and seconded by Selectman Collins is was voted to approve the consent agenda as amended. (3-0)

### **NEW BUSINESS**

**Cable Franchise Agreement-**The Cable Franchise Agreement with Atlantic Broadband, formerly Metrocast Cable is due to expire December 31, 2023. The letter the Town received is a Section 626 notice. Atlantic Broadband's preference is to start an informal process with the Town to reach a new agreement. Surrounding communities are putting together a consortium to potentially pool legal resources through the negotiating process, the group will be scheduling a time to start discussions shortly. TA Carpenter has reached out to legal counsel Kate Miller from DTC to discuss the difference in the informal vs the formal process. Once more information is received the Board will have the opportunity to decide how they want to move forward. There is no rush as the agreement is a couple of years out but the public hearing portion of the agreement is an important part of the process.

*Side Note- We currently have a 0% fee with our current franchise arrangement which means we do not collect revenue from Atlantic Broadband. Generally, if towns decide to go with a fee it is 5%. This is a pass-through fee and is charged to the customer additionally on their monthly bill and paid to us either quarterly, semi-annually, or annually. If the Board wishes to have a fee, we will have to be aware while preparing budgets as it is considered revenue, as stated by Atlantic Broadband. We currently have approximately 700+ customers in the town.*

**Board Consensus-** The TA will move forward with exploring the consortium and finding out more information on the informal vs the formal process.

### **Barnstead Parks and Rec- Interest in a joint swim instructor**

The advertisement for the swim instructor will be placed after the following meeting and further information provided by the Health Officer.

The TA requests clarification on the ad placement for the Park Attendant and the hiring process. The hiring process will include the Town Administrator and the Chairman from the Parks and Rec. Advisory Committee. Once a swim instructor posting is written, the TA will have the Chairman review it to see if it relays the details of the program.

The recommendation from the committee is to reach out to PSU to see if there is interest for either the Park Attendant and/or the Swim Instructor.

- Action Item:** Point well through Henniker vendor, reach out to see if they are willing to work with the point system, and service it regularly.
- Action Item:** Reach out to Barnstead to let them know, we will be advertising the position and if we get any interested candidates, we can ask them if they are interested in reaching out to Barnstead to help with their program, if that is something that candidate wants to participate in, we can give them Barnstead's information and they can reach out and it keeps the Town out of the transaction.

### **SELECTBOARD ITEMS**

**Old Home Day-** Topic from Chairman Warren; Discussion about a request to have selectmen help at the Gilmanton Old Home Day which will be on August 21st this year.

**Board Consensus:** The Board members have agreed to participate in Old Home Day.

HB 11- Topic from Vice Chairman Baiocchetti

**“Bill Would Subject Officials, Municipalities to More Lawsuits”**

The House on Monday heard HB 111, an alarming bill that would subject municipal officials and employees—and, by extension, municipalities themselves (and taxpayers)—to greatly increased risk of liability for alleged violations of individuals’ constitutional or other legal rights. The committee is scheduled to act on the bill this coming **Monday, March 1.**

The bill’s primary purpose, as stated by its supporters, is to eliminate “qualified immunity,” a federal doctrine that provides limited immunity to government employees and officials when they are sued under federal law for violations of individuals’ federal constitutional rights. Qualified immunity states that an employee or official is protected from liability unless the constitutional right in question was “clearly established” at the time of the conduct in question, such that a reasonable person would have known the conduct was unlawful. The “clearly established” requirement has been criticized as too strict, allowing police officers (usually) to avoid liability for conduct they should have known was unlawful.

While that is debatable, the bill goes far beyond eliminating qualified immunity. It also eliminates any defense, in any case under either state or federal law, that the employee acted in good faith or reasonably believed that his or her conduct was lawful. It expressly preempts RSA 507-B, the statute governing municipal liability for torts, apparently including the damage caps contained in that statute.

This would be a dramatic change in the law and would result in greatly expanded municipal liability. If a police officer takes every reasonable precaution but still arrests the wrong person, or if an officer arrests someone for violating a statute that turns out to be unconstitutional, or if a town manager takes an employment action that is later found to violate some kind of previously unarticulated right, the good faith or reasonableness of the conduct will be no defense, and the municipality will be liable for damages, apparently with no cap. Under the bill, the municipality would also be automatically liable for all of the plaintiff’s attorney fees and litigation costs. Finally, the bill allows the municipality to terminate the employee—no matter how reasonable his or her conduct was. This is almost certainly an unconstitutional impairment of the employee’s constitutional rights.

Six years ago, the legislature established a committee to study state and municipal liability and immunity. After six meetings where many interested parties provided information and comments, the committee issued a report that did not recommend any significant changes to the law, but which did eventually lead, in 2018, to legislation that made minor changes to RSA 507-B. In light of that effort, a bill that would jettison the entire body of law on municipal immunity seems rash. *Please contact members of the Judiciary Committee and your own representatives and ask them to kill HB 111.*”

Discussion between Board members that future correspondence may be warranted; other Board members will sign up for the legislative bulletin to get information like this in the future. A registration link has been sent out to the Board members.

**Historic District Item-** Selectman Colins- There was a general complaint at the last HDC meeting that was directed at the Selectboard regarding HDC regulations not being enforced. There were no specifications to the complaint, it was a broad statement.

The Board members questioned if there are specifics to go with that statement made and if an official complaint was submitted and not followed-up with the Selectmen would want to know about it. The Chairman asked the process for the complaints within the district and asked the TA to speak to it.

TA Carpenter- There is a complaint process, if someone feels that the regulations are not being followed, they can submit the complaint to the staff member that takes those in, it is processed if it is found that the regulation has not been followed, it goes through code enforcement.

Police Dept. Request- To allow department participation in the race track vaccination location in Loudon, allowing the employees to work shifts and bill out the use of the cruiser at the \$15.00 hr. rate., billing is done through the police department and the checks are submitted to the TA for deposit.

**NON-PUBLIC Pursuant to RSA 91-A:3, II (I)-Legal**

**MOTION:** On a motion by Vice Chair Baiocchetti and seconded by Selectman Collins it was voted to go into NON-PUBLIC Pursuant to RSA 91-A:3, II (I)-Legal (3-0)

Legal Review- The case information provided to the Board are cases that Town are actively involved with, the Board reviewed and discussed the items.

**MOTION:** On a motion by Vice Chair Baiocchetti and seconded by Selectman Collins it was voted to come out of NON-PUBLIC Pursuant to RSA 91-A:3, II (I)-Legal (3-0)

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

**MOTION:** On a motion by Chairman Warren and seconded by Selectman Collins it was voted to go into NON-PUBLIC Pursuant to RSA 91-A:3, II (b)-Hire (3-0)

This meeting was held to discuss specifics with the current vacancies in the Executive office and the potential pay range of the positions and the process for advertisement.

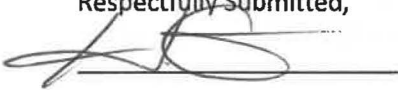
**MOTION:** On a motion by Vice Chair Baiocchetti and seconded by Selectman Collins it was voted to come out of NON-PUBLIC Pursuant to RSA 91-A:3, II (b)-Hire (3-0)

**ADJOURNMENT**

**MOTION:** On a Motion by Chairman Warren, and seconded by Vice-Chairman Baiocchetti it was voted unanimously to adjourn the meeting at 9:30 P.M.


(3-0 Voice Vote – Chairman Warren -yes, and Selectman Collins-yes and Vice-Chairman Baiocchetti-yes).

Respectfully Submitted,



Heather Carpenter  
Town Administrator

Approved by the Board of Selectmen



Chairman Mark E. Warren



Vice-Chair Vincent A. Baiocchetti



Selectman Evan Collins