

**GILFORD BOARD OF SELECTMEN'S MEETING**  
**March 27, 2013**  
**Town Hall**

The Board of Selectmen convened in a regular session on Wednesday, March 27, 2013, at 7:06 p.m., at the Gilford Town Hall, 47 Cherry Valley Road, Gilford, NH. Selectmen present were Gus Benavides, Kevin Hayes and John O'Brien. Also present were Town Administrator Scott Dunn and Executive Secretary Sandra Bailey.

Staff members in attendance included Finance Director Geoff Ruggles, Police Chief Kevin Keenan, Police Lieutenant Kris Kelley, Police Sergeant Dustin Parent, Fire Chief Steve Carrier and Public Works Director Sheldon Morgan.

1. **Non-Public Session** – Selectman Hayes moved to enter non-public session at 6:30 p.m., pursuant to RSA 91-A:3, II, to discuss consideration of pending litigation and conveyance of real estate. Selectman O'Brien seconded. Motion carried on a roll call vote with all in favor. Present were Selectmen Gus Benavides, Kevin Hayes and John O'Brien. Also present was Town Administrator Scott Dunn.

Selectman Hayes moved to exit non-public session at 7:05 p.m. and seal the minutes. Selectman O'Brien seconded. Motion carried with all in favor.

2. **Pledge of Allegiance** – The Selectmen recited the Pledge of Allegiance.

3. **Selectmen's Organization**

- 3.1. **Election of Officers** - Selectman Benavides moved to elect Selectman Kevin Hayes as Chairman. Selectman O'Brien seconded. Motion carried with all in favor. At this time, Selectman Benavides turned the meeting over to Chairman Hayes.

Selectman Benavides moved to elected Selectman John O'Brien as Vice Chairman. Selectman Hayes seconded. Motion carried with all in favor.

Selectman O'Brien moved to elect Selectman Gus Benavides as Clerk. Chairman Hayes seconded. Motion carried with all in favor.

- 3.2. **Liaison Assignments** - Selectman Benavides moved to continue with the same liaison appointments as the Board members held in 2012: Planning Board Representative & Alternate (Kevin Hayes and Gus Benavides); Budget Committee Representative & Alternate (Gus Benavides & John O'Brien); Airport Commission Representative & Alternate (John O'Brien & Gus Benavides); Historic District & Heritage Commission Representative & Alternate (John O'Brien & Gus Benavides); AFSCME Negotiations (Gus Benavides and Scott Dunn); TEAMSTERS Negotiations (Kevin Hayes & Scott Dunn); and CIP Representative & Alternate (John O'Brien & Gus Benavides). Selectman O'Brien seconded. Motion carried with all in favor.

Selectman Benavides moved that Police Chief Keenan be appointed to the Teamsters' negotiating team and that DPW Director Morgan be appointed to the AFSCME negotiating team, if they would like to do so. Selectman O'Brien seconded. Chairman Hayes questioned if this needed to be done in the form of a motion or could be extended as an invitation. A vote on the motion showed Selectman Benavides voting yes and Chairman Hayes and Selectman O'Brien voting no. Motion failed.

**3.3. Meeting Schedule** – The Board of Selectmen concurred to continue with the practice of meeting on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of each month at 7:00 p.m.

**3.4. Goals & Objectives** – The Board of Selectmen concurred to table this matter to the April 10, 2013 meeting.

**4. Announcements/Presentations** – none.

**5. Review/Approval of Minutes**

**5.1.** Selectman O'Brien moved to approve the minutes of the March 13, 2013 meeting, as presented. Selectman Benavides seconded. Motion carried with all in favor.

**5.2.** Selectman O'Brien moved to approve the minutes of the March 19, 2013 meeting, as presented. Selectman Benavides seconded. Motion carried with all in favor.

**6. Consent Agenda**

**6.1.** Selectman O'Brien moved to approve the previously signed items for the period March 11, 2013 through March 22, 2013, as listed. Selectman Benavides seconded. Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
10/02/12	Change of Status - Carrier	
01/04/13	Accounts Payable Manifest	
01/14/13	Change of Status - Cutter	
02/14/13	Change of Status - Andrade	
02/28/13	Release of Lien - Leary	224-049.072
03/03/13	Change of Status - Johnson	
03/04/13	Payroll Register	
03/05/13	Payroll Register	
03/06/13	Tax Collector's Warrant - Excavation Tax	228-081.000
03/07/13	Accounts Payable Manifest	
03/11/13	Payroll Register (2)	
03/13/13	Notice of Lien	203-034.000
03/13/13	Accounts Payable Manifest	
03/13/13	NOITE - Lyman	228-081.000
03/13/13	Veteran's Tax Credit - Bellerose	224-049.054
03/13/13	Elderly Exemption	224-049.039
03/13/13	Sewer Abatement - Barnett	253-028.000
03/13/13	Sewer Abatement - Gilford Property Trust	242-207.100
03/13/13	Sewer Abatement - Northface Realty Trust	253-028.000

**7.0 Appointments**

**7.1 Senator Andrew Hosmer** – Senator Hosmer stated that the Senate is currently involved in budget negotiations, which is its primary focus at this time. They have also been reviewing the formula used in education funding. He added that there seems to be a great awareness among his colleagues of the downward pressure that is being placed on municipalities.

Another order of business has been SB-1, which doubled the research and development credit. Senator Hosmer appreciates this legislation because he is a proponent of taking measures to encourage economic growth. Senator Hosmer also reviewed the situation with the proposed increase in gasoline tax. This bill has passed in the House at \$.12 and has not yet reached the Senate.

Brief discussion ensued regarding the disparity between the road tolls and block grant funding.

Selectman Benavides expressed his ongoing concern with unfunded mandates, in areas such as the New Hampshire Retirement System and health insurance, and asked Senator Hosmer to keep this in mind. Senator Hosmer stated that he is sympathetic to the plight of municipalities in these costs.

Following further discussion on the gasoline tax, Chairman Hayes expressed concern with the fact that bridge aid and road aid are currently scheduled out to the year 2020. Town Administrator Dunn added that he previously met with Senator Hosmer and conveyed to him the belief that this Board would be very supportive of having 100% of the current road tax dedicated to roads and bridges, rather than having a portion diverted to state police and the court system. Senator Hosmer agreed with this.

The Board thanked Senator Hosmer for his update.

- 7.2 Geoff Ruggles – Financial and Department Update** – Director Ruggles reported that revenues continue to show an increase and expenditures a decrease, over the same period in 2012. Property tax collections have rebounded during the month of February, with the current tax year collection percentage nearly identical to last year at 96.9% vs. 97%. Cash levels have fallen slightly, due to the use of excess reserves of fund balance being used to stabilize the tax rate.

As far as the Finance Department is concerned, there have been some changes due to Elaine's recent retirement and Sue Jensen being promoted to that position. In addition, Renee Oberg has been hired to fill Sue's previous position. The department has been very busy over the past few months and currently, the 2012 audit is being conducted this week. Once everyone has been trained in their new position, the digitization project will begin.

The Board thanked Director Ruggles for his update.

- 7.3 Wayne Swanson – 42 Heights Road Sewer Billing** – Mr. Swanson stated that he is questioning the accuracy of his second quarter 2012 sewer bill and provided the Board with background information on his home and water usage. He also stated that in using utility billing software, it shows an estimated use that is very close to his actual use. Mr. Swanson then proceeded to read through a list of questions about the sewer bill. He also explained how radio readings are created.

Mr. Swanson also expressed concern that the estimated sewer bills were not marked accordingly.

After listening to Mr. Swanson's presentation, Chairman Hayes advised him that the Board understands all of the issues he brought forth, but the second quarter 2012 sewer bill was a "catch-up" bill to correct many months of under-estimating the water usage. He further stated that Mr. Swanson used the water that was billed over a period of four years, although it is unfortunate that there were so many manual readings. Chairman Hayes disagreed with Mr. Swanson's assessment that he has paid twice for the same water usage.

Chairman Hayes further stated that if you average the amount of water usage over the 16 quarters from 2009 to 2012, it indicates approximately 6,200 gallons per quarter. Unfortunately, Mr. Swanson was not billed properly and received a lump sum bill for the second quarter 2012. Mr. Swanson then questioned why he received such a high bill with no explanation. Chairman Hayes asked DPW Director Morgan if, when the bills are issued, they are reviewed by anyone prior to mailing. He stated that they are reviewed but since there were a number of manual reads it was considered as a "catch-up" bill.

Town Administrator Dunn pointed out that at the last meeting, the Board approved a sewer abatement for Mr. Swanson, reducing the second quarter 2012 bill to 22,000 gallons, instead of 34,000 gallons. After Mr. Swanson stated that he was declining the abatement, Town Administrator Dunn indicated that his billing would then return to the 34,000 gallons. Selectman O'Brien pointed out to Mr. Swanson that there were a number of manual reads that were low and the billing needed to be caught up.

Mr. Swanson stated that he paid his sewer bills in good faith and does not feel he should have to pay if someone made a mistake. Chairman Hayes responded that the Board offered a good faith abatement of 12,000, which Mr. Swanson declined. He further stated that in light of the two quarters with 7,000 gallons usage, done by a radio read, this is very fair.

Mr. Swanson then suggested that the meter could be calibrated incorrectly, to which Chairman Hayes responded that this could be checked. In light of Mr. Swanson declining the abatement, Chairman Hayes asked him what he would like the Board to do for him. Mr. Swanson replied that he would like the second quarter 2012 bill reduced to 4,000 gallons.

Selectman Benavides sympathized with Mr. Swanson's situation and stated that he wished that the billing errors had never occurred. However, he reiterated that there were several quarters that were estimated and under-read and therefore, the billing needed to be caught up at some point. He also reiterated that the Board members do not believe that he actually used 34,000 gallons of water during one quarter.

Mr. Swanson stated that he would like the calibration checked because he thinks that 7,000 gallons per quarter is too high. Selectman Benavides stated that Director Morgan could have the meter checked and the Board could table this matter until their April 10<sup>th</sup> meeting. Mr. Swanson then questioned why the bills are rounded to even "thousand gallons". Chairman Hayes responded that the computer rounds to the nearest thousand and the cost per thousand gallons is \$4.00. The Board concurred to have the meter checked and review the matter again on April 10, 2013.

## **8.0 Old Business**

**8.1 FY2013 Budget** – Selectman O'Brien moved to approve the FY2013 budget of \$11,970,172 to be offset by an estimated \$4,752,643 in revenues for a net budget of \$7,217,529, using the detailed chart of account and line items as presented. Selectman Benavides seconded. Motion carried with all in favor.

**8.2 Police Department Personnel Physical Fitness Program** – Police Chief Keenan asked Police Sergeant Dustin Parent to present his proposal to the Board for a Physical Fitness Program. Sergeant Parent stated that the Department is currently in the 35<sup>th</sup> percentile according to the New Cooper Age and Gender Base Standards for Law Enforcement, and he would like to raise the bar.

To motivate participants, he proposes to do an individually based fitness test. Thereafter, a monthly test is given and a \$25 gift card would be awarded to the participant who shows the greatest improvement each month. This would make the competition fair to all levels of fitness. On an annual basis, Sergeant Parent would like to award a personal day for the member who shows the greatest improvement overall and the member who shows the highest percentage statistically on the New Cooper Age Standard Chart. Sergeant Parent also expressed his willingness to include all Town employees in the program, which would be 100% voluntary.

Sergeant Parent emphasized the benefits of Town employees being physically fit and advised the Board that he is certified to be a physical fitness instructor. He offered to meet individually with Department Managers to go over the program and set up a time for testing. Testing would be done using the high school track and mats that are available in the Police Department.

Selectman Benavides pointed out that this program could be an issue with the Teamsters Union. Police Chief Keenan stated that he has spoken with the Union members and they have no issues with this program, which is completely voluntary. He also stated that coverage would be provided for any personal day at no additional cost.

Police Chief Keenan further recognized the benefits of increased morale and team building with this program. Selectman O'Brien questioned if there are any liability concerns for the Town, although he stated that he totally supports this program. Town Administrator Dunn stated that it is not unusual for

a workplace to have a physical fitness program, but an injury during a work-sponsored activity could result in a worker's compensation claim. Extensive discussion ensued on this subject. Police Chief Keenan added that it is a requirement of his officers to reach certain physical fitness levels.

Town Administrator Dunn further stated that having a physically fit workforce is advantageous to the Town and reduces insurance premiums. Police Chief Keenan asked if he could meet with Town Administrator Dunn to work out some of the potential worker's compensation issues. The Board concurred with this suggestion and will discuss the matter again at their April 10<sup>th</sup> meeting.

**8.3 Sewer Advisory Committee** – Chairman Hayes stated that only one application has been received to volunteer for this committee. Selectman O'Brien moved to rescind the establishment of the Sewer Advisory Committee. Selectman Benavides seconded, but commented that if citizens do want to participate in a discussion, or help out, that they should be allowed to do so. Motion carried with all in favor.

**8.4 Town Radio System** – Police Chief Keenan was in attendance to ask the Board of Selectmen to waive the bid process and allow Ossipee Mountain Electronics to go forward with the purchase and installation of the radio repeater system. He added that Ossipee Mountain worked with the Police Department in establishing the amount of \$158,000 that was brought to the voters in Town Meeting to approve the system.

Chief Keenan advised the Board that Gilford resident Howard Epstein, who is very knowledgeable in the area of radios, has assisted them in assessing the proposed system and found it to be satisfactory.

Selectman O'Brien moved to waive the purchasing policy to award the radio system project to the Town's current vendor – Ossipee Mountain Electronics, for a not-to-exceed price of \$158,000, with all components to be provided under State of New Hampshire bid pricing, to the extent applicable. Selectman O'Brien once again expressed his general concern with the Town waiving the bid process, although he is familiar and comfortable with Ossipee Mountain installing the radio system. Selectman Benavides seconded. Motion carried with all in favor.

## **9.0 New Business**

**9.1 Server Upgrade Project** – Selectman Benavides moved to waive the purchasing policy to award the server upgrade project to the Town's current vendor – Mainstay Technologies, for a not-to-exceed price of \$20,125. Selectman O'Brien seconded, voicing his continuing concern with waiving the bid process. Motion carried with all in favor.

**9.2 E-911 Emergency Notification System** – Town Administrator Dunn provided the Board with a brief explanation of the Emergency Notification System. He stated that he has consulted with the Town's public safety departments, who would like to participate in the program. Selectman Benavides move to approve having access to the NH emergency notification system and to designate Chief Keenan and Chief Carrier as official contacts. Selectman O'Brien seconded. Motion carried with all in favor.

**10.0 Public Input** – Angie Lowe, of 76 Cottonwood Trail, stated that she has a very serious issue that she would like to bring before the Board. Her concern is that a large amount of water has been draining through her property, causing considerable damage to her land and threatening her home. She believes that the problem originates with a large culvert, above her property, on Forest Avenue.

She continued, stating that over the past few years, an intermittent brook has been created on her land, as well as a swampy area. It threatens the integrity of her leach field, caused her electrical pole to lean over and eroded her driveway to mud. As this problem worsens, the water is coming much closer to her home.

Ms. Lowe further stated that she contacted Public Works approximately a year ago, but they did not think that they could assist her with this problem. She further stated that she is aware that there is no

simple solution to this problem, but she is willing to work with the Town, in any way that she can, to address the drainage issues. Selectman Benavides indicated the Board's willingness to help Ms. Lowe. DPW Director Sheldon Morgan stated that he believes that a drainage study would be needed to assess the problem. The Board concurred to have Town Administrator Dunn and Director Morgan view the site and meet with the homeowner, in order to find a solution to this problem.

Mark Corry, of Intervale Road, commented that Mr. Swanson appeared to have a similar sewer billing problem as Gilford Meadows did, but received a different offer from the Board. He further stated that he is disappointed that no other residents volunteered for the Sewer Advisory Committee, but he is willing to assist the Finance and Public Works Departments in any way that he can.

Mr. Corry further commented on a recent newspaper article concerning the Board of Selectmen further defining the role of the Town Clerk – Tax Collector. Referring to the recent Town Meeting vote, Mr. Corry stated that the voters of the Town appeared to be clear in supporting the Town Clerk – Tax Collector. He suggested that a power play is occurring between the Board of Selectmen and the Town Clerk – Tax Collector.

Town Administrator Dunn asked Mr. Corry if he had read the agreement between the Board and Town Clerk – Tax Collector. Mr. Corry responded that he only read what has been in the newspaper. Town Administrator Dunn stated that if Mr. Corry were to read the actual agreement that he would come to the conclusion that the Board of Selectmen is not engaged in any power play. In response, Mr. Corry formally asked for a copy of the agreement. Chairman Hayes then clarified the position of Town employees within the Town Clerk – Tax Collector's Office.

Mr. Corry further expressed concern with the expense of legal fees with this situation.

**11.0 Selectmen's Issues** – Selectman O'Brien once again expressed his appreciation to DPW Director Morgan for assisting the Gunstock Acres Village Water District in coordinating road construction with the laying of new water pipe.

**12.0 Administrator's Report** – Town Administrator Dunn cautioned anyone who forms an opinion of the operations of Town government, based on what is written in a newspaper article.

He advised the Board that last year's Boston Post Cane recipient, David Bickford, has recently passed away.

The Town of Gilford has recently met with the City of Laconia and Towns of Belmont and Meredith to discuss regionalizing various approaches and have chosen Public Works as an area to focus on. Together, with the City of Laconia, Gilford is going solicit bids for road striping, and will hopefully be able to save some money.

Negotiations with Metrocast for the Cable TV franchise will take place tomorrow.

The Federal government has declared a disaster for the snowstorm of February 8-10, enabling the Town to apply for financial reimbursement.

The State of NH DOT has approved that plans that were submitted for the drainage issues on Old Lakeshore Road. As far as the drainage issues at the lower end of Cat Path, another plan will have to be made since another abutter did not agree with it.

The engagement letter for the 2012 audit has been received from Vachon Clukay & Company. The document has been reviewed by Town Administrator Dunn and Finance Director Ruggles, so it is recommended that the Chairman of the Board be authorized to sign this engagement letter.

Selectman O'Brien moved to authorize the Chairman to sign the engagement letter and scope of

services agreement with Vachon Clukay & Company. Selectman Benavides seconded. Motion carried with all in favor.

**13.0** **Next Meeting** – Wednesday, April 10, 2012 at 7:00 p.m. at the Town Hall

**14.0** **Adjournment** – With no further business before the Board, the Board of Selectmen's March 27, 2013 meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Gus Benavides  
Clerk