

GILFORD BOARD OF SELECTMEN'S MEETING
November 14, 2007
Town Hall

The Board of Selectmen convened in a regular session on Wednesday, November 14, 2007, at 3:00 p.m., at the Gilford Town Hall, 47 Cherry Valley Road, Gilford, NH. Selectmen present were Chairman Alice H. Boucher and Connie Grant. Also present were Town Administrator Evans Juris, Assistant Town Administrator Debra Shackett and Administrative Secretary Sandra Bailey. Absent was Selectman Gus Benavides.

1. **Pledge of Allegiance** – The Selectmen recited the Pledge of Allegiance.
2. **Review/Approval of Minutes** – The Board of Selectmen approved the regular and non-public minutes of the Selectmen's meeting of October 24, 2007.

3. **Public Hearing**

- 3.1. **Emergency Lanes** – Chairman Boucher opened the Public Hearing at 3:03 p.m. DPW Director Sheldon Morgan and Fire Chief James Hayes were in attendance to explain the request to designate certain portions of Class VI roadways of Glidden Road and Liberty Hill Road as emergency lanes, in accordance with RSA 231:59-a. Director Morgan stated that the Town cannot legally make repairs to Class VI roadways unless they are designated as emergency lanes. By providing minimal maintenance and making these roadways passable for emergency vehicles, there would be no liability issues for the Town. The Board of Selectmen has the authority to designate these roads as emergency lanes.

Dick Campbell spoke in favor of this designation but expressed concern with the roadways during mud season. He also asked about other Class VI roadways, to which Director Morgan responded with the other Class VI roadways in Gilford.

Dennis Corrigan provided an explanation of Paragraph II under RSA 231:59-a. He stated that the safety factors with the roadway must be greater than any personal gain of landowners. Selectman Grant inquired about building permits on the Class VI roadways.

Chairman Boucher closed the Public Hearing at 3:17 p.m.

Selectman Grant moved to designate the Class VI portions of Glidden Road and Liberty Hill Road as emergency lanes in accordance with RSA 231:59-a and in doing so, have determined that the public need for keeping these lanes passable for emergency vehicles surpasses any private benefits to landowners abutting the lanes. Chairman Boucher seconded. Motion carried.

4. **Appointments**

- 4.1. **Land Conservation Task Force – Non –Public Session RSA 91-A:3 II (d)** – The Board of Selectmen on a roll call vote entered Non-Public Session at 3:18 p.m. Present were Selectmen Alice Boucher and Connie Grant, Town Administrator Evans Juris, and Assistant Town Administrator Debra Shackett. Also in attendance were members of the Land Conservation Task Force.

While in Non-Public Session, the Board discussed acquisition of land. While in Non-

Public Session, action was taken.

The Board exited Non-Public Session at 3:35 p.m.

- 4.2. Liberty Hill Road – NH DES and US EPA** – Town Administrator Juris introduced Nancy Smith and Meghan Cassidy of the US EPA and John Regan and Mike McCluskey from NH DES. He also introduced Harold Parker from Senator Sununu’s office.

John Regan confirmed the strong commitment of NH DES in continuing to move forward with remediation on Liberty Hill Road. Meghan Cassidy was in attendance to describe the potential federal involvement in this type of situation, but not to specifically address the issue on Liberty Hill. Ms. Cassidy provided a handout on the Superfund Process, which she explained in detail. This is a regimented process that strives to identify all responsible parties and then to determine the best method of cleanup. Community involvement is stressed. The goal in the Superfund process is for the cleanup project to reach the NPL (National Priority List) for federal intervention.

Nancy Smith provided further information on the actual Superfund Site Assessment Process. A potential Superfund site must begin at “ground zero” within the federal process with the Site Discovery. From there, assessments and inspections are completed to reach the NPL. The time period involved is between one and three years.

Chairman Boucher asked if, in order to have a full cleanup, is EPA involvement necessary? Ms. Cassidy replied no. She further stated that the State and Federal processes are mirrored and since the site is currently under State regulation, EPA involvement is not needed.

Chairman Boucher further asked Ms. Cassidy what would get the EPA involved? John Regan explained that the Liberty Hill site needs to be cleaned up and the position of NH DES is that they shall remediate. With EPA involvement, they may remediate. Selectman Grant stated that she would hate to see the remediation process go backwards and it is her understanding with EPA intervention that this would be the case, starting at “ground zero”.

Town Administrator Juris pointed out that several representatives from Keyspan were in attendance today, as well as government officials. He asked Ms. Cassidy if the Federal government would do an assessment and form an opinion that is a quick synopsis of whether the site needs complete or partial removal of contaminated soil. Ms. Cassidy stated that they would not do that.

Town Administrator Juris further asked Ms. Cassidy if the EPA remediation for the majority of Superfund sites requires complete removal. Ms. Cassidy stated that she did not know but in some cases the waste can be left in place. Town Administrator Juris asked if this would be the case with a residential area. Ms. Cassidy replied maybe.

Assistant Town Administrator Shackett exited the meeting at 4:10 p.m.

Town Administrator Juris asked if the EPA looks at health aspects. Ms. Cassidy replied yes, but they would not be reviewing past history on the site. The purpose of the Superfund is cleanup, not public health. Chairman Boucher stated that she would like to have Governor Lynch involved in this matter. Selectman Grant asked Mr. Regan for an

estimated timeframe for the Liberty Hill cleanup to begin. Mr. Regan replied that it would be within the next year.

- 4.3. Robert Kammeraad – Library Trustee Chairman** – Mr. Kammeraad reviewed his letter dated October 19, 2007 requesting that the Board of Selectmen prepare a warrant article that would permit the Town-owned lot adjacent to the new library site to be sold and the proceeds of the sale go to the Friends of the Gilford Public Library.

Town Administrator Juris advised Mr. Kammeraad that Assistant Town Administrator Shackett has been in touch with NH DRA regarding this issue and is waiting for a formal opinion from them. Mr. Kameraad stated that they have been in touch with the NH Attorney General's office regarding donations that were received and it is their opinion that the money should be returned to the donors.

Chairman Boucher stated that the Board would need to have an opinion from DRA prior to making a decision. This item will be placed on the November 28, 2007 agenda.

Chairman Boucher then brought up the matter of Mr. Kammeraad's letter of November 6, 2007, in which he requested additional funding of \$15,000 in their 2008 budget for moving expenses. Mr. Kammeraad stated that it was an oversight that this amount was not included in the original budget.

Selectman Grant stated that she believes the taxpayers accepted the new library building because it was supposed to be privately funded. She stated that it is reasonable for the new building to be all inclusive. Chairman Boucher agreed with Selectman Grant. Mr. Kammeraad further stated that the Trustees' decision to have geothermal heating and cooling has increased their costs but will benefit the taxpayers with decreased energy costs. As a result, the budget is tight for moving expenses.

Mr. Kammeraad also pointed out the items that were previously not recommended in their 2008 budget that relate to the new building.

Selectman Grant moved to not recommend the Library Trustees' request for an additional \$15,000 in their 2008 budget for moving expenses, as it should have been part of the new library package, and to authorize the Town Administrator to write a letter to the Budget Committee reflecting this vote. Chairman Boucher seconded. Motion carried.

- 4.4. Jim Mull – FPC** – This matter will be placed on the November 28, 2007 agenda.

5. New Business

- 5.1. Gunstock Acres Village Water District** – John O'Brien was in attendance to request that a letter be sent to Metrocast requesting Internet service at Pump Station #3 at 209 Mountain Road, since GAVWD is a recognized Town entity.

Selectman Grant moved to authorize Town Administrator Juris to send a letter to Metrocast requesting Internet service at Pump Station #3 at 209 Mountain Road, with the condition that all costs be borne by GAVWD. Chairman Boucher seconded. Motion carried.

- 5.2. Training Grant Reimbursement** – Selectman Grant moved to authorize the acceptance of a \$1,000 training grant from NH Police Standards and Training Council. Chairman

Boucher seconded. Motion carried.

- 5.3. **Granite State Fair Tax Coalition** – Town Administrator Juris briefly reviewed correspondence from the Granite State Fair Tax Coalition requesting that a warrant article be placed on the 2008 ballot. The Board concurred that this can be handled by a citizen petition.
- 5.4. **Recreation Budget Changed** – Selectman Grant moved to re-affirm a telephone poll of 11/6/07 reducing the Recreation Department Budget by \$5,125 (seasonal wages) and \$575 (maintenance) , making the adjusted total for the Recreation Department \$200,685. Chairman Boucher seconded. Motion carried.
- 5.5. **Appointment of Boat Agent (Authorization)** – Selectman Grant moved to re-affirm a telephone poll of 11/6/07 authorizing the Town Clerk/Tax Collector to name boat agents and to authorize the Town Clerk/Tax Collector as one. Chairman Boucher seconded. Motion carried.
- 5.6. **Vacant Highway Laborer Position** – DPW Operations Manager Dustin Muzzey was in attendance seeking authorization to hire Michael Denver as a Highway Laborer. Selectman Grant moved to authorize the hiring of Michael Denver as a Highway Laborer, subject to him passing a pre-employment physical and drug & alcohol test, at Labor Grade 2, Step 1 - \$11.87 per hour, and be placed on six (6) months probation. Chairman Boucher seconded. Motion carried.
- 5.7. **Asphalt Crushing** – DPW Operations Manager Dustin Muzzey was seeking authorization to contract with S & M Recycling of Milford, NH for the crushing of the recycled asphalt pile at the Recycling Center. Selectman Grant moved to authorize the Town to contract with S & M Recycling of Milford, NH, at a cost of \$16,000, for the crushing of the recycled asphalt pile at the Recycling Center. Chairman Boucher seconded. Motion carried.
- 5.8. **Transfer Station Agreement – Amendment #2** – DPW Director Sheldon Morgan was in attendance to explain a request for Amendment #2 to the Transfer Station Agreement between Waste Management and the City of Laconia and Town of Gilford. This amendment is necessary because of project cost updates. There will be no direct outlay from the Town since the cost will be offset by revenues.

Selectman Grant moved to approve Amendment #2 in the amount of \$2,600,000, subject to Town Counsel review and approval by the Laconia City Council. Chairman Boucher seconded. Motion carried.

Selectmen Grant moved to authorize the \$2,500 allotment (based on a 70/30 split) paid out of revenues, related to the engineering and fire protection requirements by the Laconia Planning Board. Chairman Boucher seconded. Motion carried.

- 5.9. **Emergency Purchase Authorization** – Fire Chief Hayes was in attendance to request a waiver of the requirement for competitive bidding for the purchase of a replacement power unit for the Hurst rescue tool. Hurst employs a sole source dealership for its sales regions, which prevents any competitive bidding. Chairman Boucher stated that authorizing the waiver of the competitive bidding process does not authorize the Fire Department to overspend their 2007 budget.

Selectman Grant moved to waive the competitive bidding requirement of Article 22-3 (C) of the Administrative Code, for the purchase of a power unit for the Hurst rescue tool, and that the Fire Department not overspend their 2007 budget for this purchase. Chairman Boucher seconded. Motion carried.

6. Old Business

6.1. Alvah Wilson Fire Pond – Fire Chief Hayes updated the Board on the status of the Alvah Wilson Fire Pond. He stated that he has asked the contractor who provided a bid on the project to further provide a breakdown of his costs. He also asked a second contractor for an estimate and neither one of these has been received. Chief Hayes expressed concern that the bid he received is too high.

Chief Hayes has a short term plan to have divers pull the pump out of the mud and install an elbow that will raise it up. Chief Hayes will continue to estimate the cost of the project but asked the Board to support the Fire Department’s Capital Reserve Fund.

Brief discussion ensued on the fact that the public utilizes this pond and the need to possibly address this issue.

6.2. Hazeltine/Hopkins Driveway – Town Administrator Juris stated that he is waiting for a response from Attorney Nix on this matter.

7. Public Input - None.

8. Signatures

<u>DATE SIGNED</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
08/25/07	Change of Status - Doris	
09/29/07	Change of Status - Parent	
10/22/07	Payroll Register	
10/23/07	Abatement - Lilley	224-046.034
10/24/07	Notice of Lien	201-013.005
10/24/07	Abatement - Leszcynski	262-016.299
10/24/07	Appt. to Lakes Business Park Bd. Of Dir. - Ferruolo	
10/24/07	Appts. To Energy Committee (5)	
10/24/07	Appts. Declined for Energy Committee (2)	
10/25/07	Accounts Payable Manifest	
10/29/07	Payroll Register	
10/31/07	Abatement - Sepe	252-216.000
11/01/07	Abatement Denial - Bourke	224-074.015
11/01/07	Veteran's Tax Credit - Cooper	
11/01/07	Accounts Payable Manifest	
11/01/07	Change of Status - Leach	
11/01/07	Abatement - LEA	204-003.011
11/01/07	Abatement - Brouillard	217-096.000
11/02/07	Forest Fire Warden Appointments	

11/06/07	Veteran's Tax Credit - Unsworth	224-055.011
11/08/07	Veteran's Tax Credit - Smythe	229-045.000
11/08/07	Veteran's Tax Credit - Petrucci	252-016.308
11/08/07	Forest Fire Warden Appointment - Pendergast	
11/08/07	DES - Form 486-4 - Application for State Grant	
11/14/07	Tax Collector's Warrant - Sewer Rents	
11/14/07	Letter to John Silva	

9. **Selectmen Issues** – Chairman Boucher stated that the High School is available on Monday, February 4, 2008 for the Deliberative Session.

Selectman Grant moved to change the date of the Deliberative Session to Monday, February 4, 2008. Chairman Boucher seconded. Motion carried.

10. **Administrator's Report**

10.1 **Legal Budget Expenses** – Town Administrator Juris informed the Board that the Legal Budget line has been overexpended due to litigation issues. He further stated that the expenses will continue to increase with the upcoming Union negotiations.

10.2 **Video Update** – Town Administrator Juris informed the Board that the rest of the cameras will be installed tomorrow and the projection is for either the November 28th or December 19th Selectmen's meeting to be video recorded for public access television.

10.3 **Non-Public Session – RSA 91:A-3 II (e)**

The Board of Selectmen on a roll call vote entered Non-Public Session at 5:03 p.m. Present were Selectmen Alice Boucher and Connie Grant and Town Administrator Evans Juris and Administrative Secretary Sandra Bailey.

While in Non-Public Session, the Board discussed litigation issues. While in Non-Public Session, no action was taken.

The Board exited Non-Public Session at 5:14 p.m.

Selectman Grant moved to re-affirm the previous adoption of RSA 31-105, Indemnification for Damages, and if RSA 31-105 has not been previously adopted, moved to adopt it. Chairman Boucher seconded. Motion carried.

- 11.0 **Next Meeting** – November 28, 2007 at 3:00 p.m. – Regular Meeting

- 12.0 **Adjournment** – With no further business before the Board, the Board of Selectmen's November 14, 2007 meeting was adjourned at 5:14 p.m.

Respectfully submitted,

Sandra J. Bailey
Administrative Secretary