

**GILFORD BOARD OF SELECTMEN'S MEETING**  
**March 25, 2009**  
**Town Hall**

The Board of Selectmen convened in a regular session on Wednesday, March 25, 2009, at 7:00 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.

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

2. **Selectmen's Organization**

2.1. **Election of Officers** – Selectman Hayes moved to appoint Gus Benavides as Chairman. Selectman O'Brien seconded. Motion carried with all in favor.

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

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

2.2. **Liaison Assignments** – Selectman O'Brien moved to appoint Kevin Hayes as the Board's Planning Board Representative. Chairman Benavides seconded. Motion carried with all in favor. Selectman Hayes moved to appoint Gus Benavides as the Board's Planning Board alternate. Selectman O'Brien seconded. Motion carried with all in favor.

Selectman Hayes moved to appoint John O'Brien as the Board's Budget Committee representative. Chairman Benavides seconded. Motion carried with all in favor. Chairman Benavides moved to appoint Kevin Hayes as the Board's Budget Committee alternate. Selectman O'Brien seconded. Motion carried with all in favor.

Selectman Hayes moved to appoint Gus Benavides as the Board's Airport Commission representative. Selectman O'Brien seconded. Motion carried with all in favor. Selectman Hayes moved to appoint John O'Brien as the Board's Airport Commission alternate. Chairman Benavides seconded. Motion carried with all in favor.

Selectman Hayes moved to appoint Gus Benavides as the Board's Historic District Commission representative. Selectman O'Brien seconded. Motion carried with all in favor. Selectman Hayes moved to appoint John O'Brien as the Board's Historic District alternate. Chairman Benavides seconded. Motion carried with all in favor.

Selectman Hayes moved to appoint Gus Benavides as the Board's AFSCME Negotiations representative. Selectman O'Brien seconded. Motion carried with all in favor.

Chairman Benavides moved to appoint Kevin Hayes as the Board's Teamsters Negotiations representative. Selectman O'Brien seconded. Motion carried with all in favor.

There were no Ad-Hoc representatives appointed at this time.

Selectman Hayes moved to appoint Gus Benavides as the Board's CIP Committee representative. Selectman O'Brien seconded. Motion carried with all in favor. Chairman Benavides moved to appoint Kevin Hayes as the Board's CIP Committee alternate. Selectman O'Brien seconded. Motion carried with all in favor.

**2.3. Meeting Schedule** – The Board concurred to continue having their regular meetings on the second and fourth Wednesdays of the month at 7:00 p.m.

**2.4. Goals and Objectives** – Town Administrator Dunn briefly reviewed the Board's 2009 Goals and Objectives. He advised the Board that he would like to add one more to the list, that being to interact with State elected officials. Selectman Hayes moved to approve the 2009 Goals and Objectives, with the addition to interact with State elected officials. Selectmen O'Brien seconded. Motion carried with all in favor.

**3. Announcements**

**3.1. Local Road Weight Postings** – Chairman Benavides read a notice concerning Spring Road Postings.

**3.2. Letter of Appreciation to Gilford Fire Department** – Chairman Benavides read a letter of appreciation for Gilford Fire-Rescue from Superintendent of Schools Paul DeMinico, regarding their assistance during the recent flooding at Gilford Middle School.

**4. Review/Approval of Minutes**

**4.1.** Selectman Hayes moved to approve the minutes of the regular and non-public sessions of the March 11, 2009 meeting. Chairman Benavides seconded. Motion carried with John O'Brien abstaining.

**5. Public Hearings**

**5.1. Sewer Fees** – Town Administrator Dunn briefly reviewed the proposed change in sewer fees, which reflects monies needed for the Sewer Department to be self-funded, rather than being funded from tax dollars. Selectman Hayes expressed concern with the flow charge not being enough and Town Administrator Dunn replied that it was based on the formula used in the current Ordinance. Chairman Benavides opened the hearing to the public at 7:18 p.m.

Mike Normandin, representing the Edge of Woods Mobile Home Park, stated that he was stunned to see the proposed rate increase since his park has no connection to the Town of Gilford. He asked for an explanation of the Administrative Fee and pointed out that many of his residents are senior citizens living on fixed incomes.

DPW Director Sheldon Morgan advised Mr. Normandin that a determination has been made that each living unit is a chargeable unit, and this per unit administrative fee covers the cost of office administration. The flow charge covers the cost of sewer maintenance. Town Administrator Dunn further explained that the sewer system needs "X" dollars to operate and those costs must be passed on to the users, not the taxpayers. Further discussion ensued on how condominium units are billed.

Mr. Normandin stated that Edge of Woods needs relief and their sewer system has no Town involvement. Mark Corry, representing the condominiums at 336 Intervale Road,

also does not feel this is a fair method of billing since there is only one connection to the Town.

The public hearing was closed at 7:33 p.m.

Town Administrator Dunn stated that the Town does not like having to raise sewer rates, but it is necessary to avoid passing these costs onto taxpayers and utilizing the undesignated fund balance. He also pointed out that the costs must be covered, but the way that the costs are arrived at could be all flow charge, without an administrative fee. Currently, the dwelling units pay for the administrative (fixed) costs and the flow charge varies as necessary. The quarterly sewer bills do need to be processed for April 1, 2009.

Selectman Hayes moved to adopt the proposed Sewer Fees as presented for 2009, and to study an alternate method of billing for 2010. Selectman O'Brien seconded. Motion carried with all in favor.

- 5.2. Police & Fire Detail Rates** – Chairman Benavides opened the public hearing for comment. RJ Harding of Meadowbrook Musical Arts Center asked how the proposed rates relate to the Police Department's union contract. Town Administrator Dunn replied that the rates are contained in the union contract and various costs are included in this rate. Mr. Harding further stated that the proposed rate increase is substantial and Meadowbrook is also affected by the state of the economy. He feels that the police officers' raises are being passed onto Meadowbrook, who represent a major portion of the Special Details of the Police and Fire Departments. Town Administrator Dunn suggested that Mr. Harding meet with Chief Markland and if the economy is affecting the attendance at Meadowbrook then the number of officers could possibly be reduced.

Further discussion ensued on the importance of public safety and the possibility of Meadowbrook employing private details. It was concluded that Mr. Harding will meet with Chief Markland and Deputy Chief Keenan to work out a compromise that is agreeable to public safety and Meadowbrook's financial concerns.

The public hearing was closed at 7:49 p.m.

Selectman Hayes moved to adopt the proposed Police and Fire Detail Rates as presented. Selectman O'Brien seconded. Motion carried with all in favor.

## **6. Appointments**

- 6.1. Police Department Update – Chief John Markland** – Police Chief Markland provided information on training that his department has undergone, as well as various police activity statistics. He also pointed out an arrest made by Officer Stiegler in January.

Deputy Chief Keenan then advised the Board that he has new information regarding police cruisers. The Ford Expedition cruiser has transmission problems and needs a replacement, which has been researched to cost \$2,800.00. Deputy Chief Keenan provided the Board with two possible suggestions on how to handle this unexpected issue. First, is to continue with the plan in place to take delivery of a 2009 Ford Crown Victoria in April and spend \$2,800.00 from the Vehicle Maintenance account to replace the transmission. The second alternative is to replace the Ford Expedition with a Ford Explorer and cancel the order for the second Crown Victoria.

The Board briefly discussed the two options and concurred to stay with the purchase of the Crown Victoria and replace the transmission in the Ford Expedition.

**7. New Business**

**7.1. Donation Acceptance – Shaw’s Supermarket** – Selectman Hayes moved to accept a donation from Shaw’s Supermarket in the amount of \$511, to be deposited in the Recreation Revolving Fund, with sincere thanks. Selectman O’Brien seconded. Motion carried with all in favor.

**7.2. Review Amended Glendale Facility Regulations** – Selectman Benavides stated that this is the first time that the Board has done a review of the Glendale Facility Regulations. The intent of the regulations is to protect Glendale from being over utilized and help business owners. Selectman Hayes asked what drove the changes in the regulations that have been recommended. Town Administrator Dunn replied that it is the intent for the Town decal eligibility requirements in the Glendale Regulations to mirror the Town Beach Regulations, as well as the fact that the Glendale Committee recently met and voted that guest passes not be used for boat launching. Selectman Hayes further stated that he feels the \$2,500 fee proposed for commercial marinas is too high and the commercial marinas are not the problem at Glendale. Parking is the issue at Glendale.

General discussion ensued on the origination of the Glendale Regulations and how frequently they have been updated. Selectman Hayes asked Chief Markland to comment on the problems he has encountered with Glendale. Chief Markland stated they meet periodically with island residents and have found no major issues, other than parking. Selectman Hayes then asked about limiting guest passes to island residents. Town Administrator Dunn explained one of the problems with guest passes is that if a parcel is owned equally by a number of persons, such as four (4), each one receives a tax bill and the parcel would be eligible for a total of twelve (12) guest passes. Chief Markland further stated that the Glendale Officers keep an orderly flow of traffic at Glendale and over the years, various options have been looked at for additional parking.

Extensive discussion ensued on guest passes. Various options were considered. Town Administrator Dunn will prepare the final draft to limit guest passes to two (2) per season for every residential property owner, at a cost of \$25.00 each, not including boats or trailers. Commercial marina fees will be \$1,000.00 for up to three (3) vehicles per marina. Selectman Hayes reiterated his position that the commercial marinas are not the problem and the limitations for them should be removed.

The matter of commercial construction permits was addressed next. It is proposed that this be regulated through the Building Inspector, rather than the Department of Public Works, at a \$100 fee. DPW Director Sheldon Morgan briefly described the existing process and the only problem he has encountered is the use of Glendale as a staging area when supplies are dropped off. Selectman Hayes feels the fee is excessive and proposed \$50 as a compromise.

It was determined that a work session would be conducted on Tuesday, March 31, 2009 at 8:00 a.m. The Glendale Committee will be invited to attend this work session.

**7.3. Review Amended Entertainment Ordinance** – Town Administrator Dunn briefly described the proposed amendments to the Entertainment Ordinance, which deal

primarily with changing the one year period of the permit from the date of approval instead of having all permits valid from May 1 to April 30. A public hearing will be held on Wednesday, April 8, 2009. Selectman Hayes offered some suggestions on other language changes.

- 7.4. Financial Report – Finance Director Geoff Ruggles** – Mr. Ruggles briefly reviewed his revenue and expenditure summary reports through the end of February 2009. Revenues continue to remain flat or have declined. Expenditures are tracking at or below the average budget amount. The winter has brought no major unanticipated expenses.

**8. Old Business**

- 8.1. Police Station and Facility Planning Committee Status** – Selectman Hayes recommended that Town Administrator Dunn obtain updates on energy improvements for the plan and have the existing Committee remain active, on an “as needed” basis. He suggested that the Committee could take 3-4 months off and then reactivate. Following discussion, the Board directed Selectman Hayes as their representative to the FPC, and to have the Town Administrator notify the Committee members and advise them of this action.

- 8.2. S.A.U Town Hall Lease Status** – Selectman Hayes feels that the Board’s letter of January 21, 2009 still holds true and as a result, the SAU does need to relocate. Chairman Benavides asked if the old library building is still an option. Town Administrator Dunn stated that it is a Town building and there are risks associated with its use if a court rules it should revert to the Harding heirs, although the law is clear that the reverter clause is not longer valid.

Chairman Benavides stated that it is important to provide the SAU with as much notice as possible and that there will be no long term lease renewal. Selectman Hayes suggested that the SAU be permitted to use the old library building at no cost, but to assume responsibility for building maintenance and other costs. He proposed advising the School Board that this is something the Town envisions and if the building heirs issue is resolved, do they want use of the building?

Selectman Hayes further suggested that the SAU could stay until the Court decides on the matter of the heirs, or until July 31, 2009. He thinks that the Town Hall space needs should be studied. Selectman O’Brien suggested the assistance of a professional space planner, but Chairman Benavides is not in favor of spending any additional funds for this.

The Board concurred that they would offer the library to the SAU, if it is available, and the SAU would assume all responsibility, except for the oil tank and snow plowing. (Snow shoveling and mowing would be assumed by the SAU.)

**9. Public Input** – none.

- 10. Selectmen’s Issues** – Selectman Hayes asked the status of the Town owned land on Potter Hill Road. Town Administrator Dunn explained that Gilford Village Knolls is currently looking at funding, to be followed by an appraisal. Selectman Hayes asked Town Administrator Dunn to initiate formal correspondence.

**11. Administrator's Report** – Town Administrator Dunn reported that the 1994 ambulance has sold on E-bay for \$3,119. He also welcomed John O'Brien to the Board of Selectmen and informed the public that he welcomes input and questions from them.

**12. Non-Public Session – RSA 91-A:3, II (a) (c)**

Selectman Hayes moved to enter Non-Public Session on a roll call vote at 9:16 p.m. 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 were Town Administrator Scott Dunn and Executive Secretary Sandra Bailey.

While in Non-Public Session, the Board discussed a tax deferral, tax deeds and employee compensation matters.

While in Non-Public Session, action was taken.

Selectman Hayes moved to exit Non-Public Session at 9:30 p.m. and seal the minutes. Selectman O'Brien seconded. Motion carried with all in favor.

**13. Old Business (Continued)**

Selectman Hayes moved to return to Public Session at 9:31 p.m. Selectman O'Brien seconded. Motion carried with all in favor. Chairman Benavides stated that the Board did not discuss Agenda Item #12.2, Board & Committee Applications during Non-Public Session.

Selectman Hayes moved to appoint John Goodhue and Everett McLaughlin as regular members of the Conservation Commission for a three-year term. Selectman O'Brien seconded. Motion carried with all in favor.

Selectman Hayes moved to appoint Carole Hall and Terry Stewart as alternate members of the Conservation Commission for a three-year term. Selectman O'Brien seconded. Motion carried with all in favor.

Selectman Hayes moved to appoint Polly Sanfacon and Richard Vaillancourt as regular members of the Planning Board, for a one-year term. Selectman O'Brien seconded. Motion carried with all in favor.

Selectman Hayes moved to appoint Richard Waitt and John Morgenstern as regular members of the Planning Board, for a three-year term. Selectman O'Brien seconded. Motion carried with all in favor.

Selectman O'Brien moved to appoint Dennis Corrigan as an alternate member of the Planning Board for a three-year term. Selectman Hayes seconded. Motion carried with all in favor.

Selectman Hayes moved to table the matter of the appointments to the Recreation Commission until the next regular meeting in two weeks. Selectman O'Brien seconded. Motion carried with all in favor.

Selectman Hayes moved to appoint Robert Dion, Connie Grant and Ellen Mulligan as regular members of the Zoning Board of Adjustment for a three-year term. Chairman Benavides seconded. Motion carried by a vote of 2-1. Selectman O'Brien voted no.

Selectman Hayes moved to appoint Mark Corry as an alternate member of the Zoning Board of Adjustment for a three-year term. Selectman O'Brien seconded. Motion carried with all in favor.

Selectman Hayes moved to appoint Mary Curtis and Carole Hopper as regular members of the Historic District Commission for a three-year term. Selectman O'Brien seconded. Motion carried with all in favor.

Selectman Hayes moved to appoint Judith Cott as a Cemetery Trustee for a one-year term. Selectman O'Brien seconded. Motion carried with all in favor.

#### **14. Signatures**

<b><u>DATE SIGNED</u></b>	<b><u>DOCUMENT</u></b>	<b><u>MAP/LOT #</u></b>
01/06/09	Change of Status - Bredbury	
03/08/09	Change of Status - Balcom	
03/09/09	Payroll Register	
03/11/09	Accounts Payable Manifest	
03/12/09	Tax Collector's Warrant - Land Use Change	208-003.004
03/12/09	Accounts Payable Manifest	
03/16/09	Payroll Register	
03/17/09	Notice of Lien	224-046.033
03/19/09	Accounts Payable Manifest	
03/23/09	Change of Status - Tanner	
03/23/09	Payroll Register	
03/23/09	Payroll Register	
03/24/09	Notice of Intent to Cut Timber - Gunstock	254-139.000
03/25/09	Change of Status - Andrade	
03/25/09	Tax Deferral	211-028.000
03/25/09	Revised Special Detail Rates	
03/25/09	Revised Sewer Fees	
03/25/09	Notice of Intent to Cut Timber - Wood	231-001.000
03/25/09	Veteran's Tax Credit - Willis	224-051.000
03/25/09	Veteran's Tax Credit - Payne	225-032.000
03/25/09	Elderly Exemption	211-028.000
03/25/09	Veteran's Tax Credit - Gilson	224-049.122
03/25/09	Veteran's Tax Credit - Gault	226-058.00
03/25/09	Veteran's Tax Credit - Holman	227-115.000
03/25/09	Veteran's Tax Credit - Sikora	203-137.000
03/25/09	Sewer Abatement - St. Hilaire	267-178.000
03/25/09	MS-2 (3)	
03/25/09	Sewer Abatement - Cook	203-224.000

03/25/09	Sewer Abatement - Bossie	213-068.003
03/25/09	Abatement - Cyr	224-046.043
03/25/09	Abatement - Fuller	213-013.010
03/25/09	Accounts Payable Manifest	
04/01/09	Change of Status - Chitty	
04/01/09	Change of Status - Dinan	
04/01/09	Change of Status - Abbott	
04/01/09	Change of Status - Clairmont	
04/01/09	Change of Status - Cutter	
04/01/09	Change of Status - Denver	
04/01/09	Change of Status - DuVerger	
04/01/09	Change of Status - Heinz	
04/01/09	Change of Status - Merrill	
04/01/09	Change of Status - Silva	
04/01/09	Change of Status - Wolfe	
04/01/09	Change of Status - Young	
04/01/09	Change of Status - Hewitt	
04/01/09	Change of Status - DeNutte	
04/01/09	Change of Status - Lavin	

15. **Next Meeting** – Wednesday, April 8, 2009 at 7:00 p.m.

16. **Adjournment** – With no further business before the Board, the Board of Selectmen’s March 25, 2009 meeting was adjourned at 9:55 p.m.

Respectfully submitted,

John T. O’Brien  
Clerk