

**GILFORD BOARD OF SELECTMEN'S MEETING**  
**September 23, 2009**  
**Town Hall**

The Board of Selectmen convened in a regular session on Wednesday, September 23, 2009, at 6:08 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. **Non-Public Session**– Selectman Hayes moved to enter Non-Public Session pursuant to RSA 91-A:3 II (e)(a)(d)(c) to discuss pending litigation, personnel issues, disposition of real property and matters which may adversely affect someone's reputation. Selectman O'Brien seconded. Motion carried on a roll call vote with all in favor.

Selectmen Hayes moved to exit Non-Public Session and seal the minutes at 7:05 p.m. Selectman O'Brien seconded. Motion carried with all in favor.

**Regular Session**

Chairman Benavides reconvened the regular session of the meeting at 7:07 p.m.

Finance Director Geoff Ruggles, Recreation Director Herb Greene, Director of Public Works Sheldon Morgan and Deputy Police Chief Kevin Keenan were also in attendance.

Members of the public in attendance included Doug Lambert, Kevin Roy, Mark Corry and Dale Dormody.

2. **Pledge of Allegiance** – The Selectmen recited the Pledge of Allegiance.
3. **Announcements** – none.
4. **Review/Approval of Minutes**
  - 4.1. Selectman Hayes moved to approve the minutes of the regular session of the September 9, 2009 meeting and the non-public session of the September 8, 2009 special session. Selectman O'Brien seconded. Motion carried with all in favor.
5. **Consent Agenda**
  - 5.1. Selectman Hayes moved to approve the Consent Agenda for the period September 8, 2009 through September 18, 2009. Selectman O'Brien seconded. Motion carried with all in favor.

<b><u>DOCUMENT DATE</u></b>	<b><u>DOCUMENT</u></b>	<b><u>MAP/LOT #</u></b>
07/22/09	Change of Status - Ruggles	
08/12/09	Abatement - Srnec-Dolder	213-013.014
08/18/09	Change of Status - Dunn	
08/31/09	Abatement - Persons	212-052.000
08/31/09	Certification of Yield Taxes Assessed - Morin	213-021.000
08/31/09	Payroll Register	
09/02/09	Accounts Payable Manifest	
09/02/09	GVK - Phase III Letter	
09/02/09	Certificate of Appreciation - Phillips	

## 6. Public Hearing

### 6.1. Appropriation of Unanticipated Funds – Edward Byrne Memorial Justice Assistance

**Grant** – Chairman Benavides read the notice of the public hearing aloud and opened up the public hearing for public comment or questions. Doug Lambert began his remarks by stating that his concerns regarding this grant are no reflection on the Gilford Police Department, but of the process used by Belknap County. He specifically cited the use of the grant administration fee by Belknap County to purchase items.

Mr. Lambert expressed concern with the fact that the Belknap County SWAT Team does not have any civilian oversight. He also pointed out that there are some issues regarding this grant that have not been legally resolved, since he currently has the matter under litigation at the County level, which is scheduled to be heard in February 2010. In addition, at the Federal level, three different agencies have opened audits on the grant. He encouraged the Board of Selectmen to do the right thing.

There being no further questions or comments, the public hearing was closed at 7:18 p.m.

Selectman O'Brien feels that despite this information, the Police Chief should still be authorized to spend the unanticipated grant funds. Doug Lambert stated that this grant process began on April 1<sup>st</sup> and the process should have been done correctly from the beginning, starting at the local level with budget review.

Brief discussion ensued on the funding of the Belknap County SWAT Team. Selectman Hayes asked Deputy Police Chief Keenan if the Department has any immediate need of the grant funds. Deputy Keenan replied that that \$12,050.10 for computer technology is an immediate need because the existing server is antiquated. It was pointed out that the grant funds must be surrendered if they are not spent on the approve purposes.

Selectman Hayes asked about a timeframe for spending the grant funds. Deputy Keenan replied that the grant states "immediately", although there is no deadline. Further discussion ensued on how other neighboring communities plan to utilize their grant funds. Doug Lambert expressed further concern beyond the fact that the Budget Committee did not review this grant. He feels that this situation has implications statewide.

Selectman Hayes asked Finance Director Ruggles if the Town has \$12K to spend on a server for the Police Department. Finance Director Ruggles replied yes. More discussion ensued regarding the 10% fee portion of Gilford's grant money that is earmarked for Belknap County. Selectman Hayes asked Deputy Keenan if the Board can defer acceptance of the grant money. Deputy Keenan replied no. He also explained how the grant money would be spent by the Town and reimbursed by the County. Finance Director Ruggles provided further clarification on the budgetary process when processing grant money.

Selectman Hayes moved to accept the \$24,725 from the Edward Byrne Memorial Justice Assistance Grant for the Gilford Police Department, authorizing the Police Department to spend \$12,050.10 for computer technology and the remaining funds to be spent upon the resolution of the court case scheduled for February 2010. Selectman O'Brien seconded. Motion carried with all in favor.

## 7. Appointments

7.1. **Herb Greene – Parks and Recreation Department Quarterly Update** – Director Greene provided the Board with program highlights since his last presentation. The Parks and

Recreation Department had a very busy summer season and Director Greene provided various enrollment figures for summer programs. He also highlighted the upcoming events that have been scheduled for the fall season.

Brief discussion ensued on Old Home Day. Since the rainy weather impacted this year's activities, the discussion focused on any alternatives that could be explored if the weather is inclement again.

The Board thanked Director Greene for his update.

- 7.2. **Geoff Ruggles – Financial Update** – Director Ruggles provided budget figures through the end of August 2009. The budget continues to track normally with revenues for the month of August remaining flat, although remain at a pace to come in close to year end estimates.

The Board thanked Director Ruggles for his report.

8. **Old Business**

- 8.1. **Sewer Abatement Request** – Selectman Hayes moved to deny the sewer abatement request from Daniel J. O'Brien of the Scenic Heights Condo Association. Selectman O'Brien seconded. Motion carried with all in favor.

- 8.2. **Abatement Request – Dennis Michaud** – Selectman Hayes moved to deny the abatement request of Dennis Michaud, for the same reasons as outlined in their letter of December 23, 2008. Selectman O'Brien seconded. Motion carried with all in favor.

- 8.3. **Corporal Prosecutor Job Description** – Town Administrator Dunn stated that the Corporal Prosecutor Job Description that was approved at the last meeting needs to be rescinded and the revised version approved. Since there were no in-house candidates who met the minimum requirements, the requirement for a college degree has been eliminated and substituted with a requirement for completion of prosecutor school at the NH Police Academy.

Selectman Hayes moved to rescind the Corporal Prosecutor Job Description approved at the September 9, 2009 meeting and approve the revised job description as presented. Selectman O'Brien seconded. Motion carried with all in favor.

9. **New Business**

- 9.1. **Glen Bridge Engineer Selection** – DPW Director Sheldon Morgan was in attendance requesting authorization from the Board to solicit a proposed scope of services and fee schedule from Dubois and King. Selectman Hayes inquired what would happen if the method proposed by Dubois and King does not work. Director Morgan replied that then it would need to be a complete rehab, similar to that method proposed by H.E.B.

Selectman Hayes moved to authorize the Director of Public Works to solicit a proposed scope of services and fee schedule from Dubois and King based on the QBS process that was utilized in accordance with State law. Selectman O'Brien seconded. Motion carried with all in favor.

- 9.2. **Inclusionary Zoning Implementation Program (IZIP) Grant** – Town Administrator Dunn explained that the Town has been awarded a \$8,775.23 grant for consultant services for zoning assistance related to workforce housing. A public hearing will need to be held prior to spending any of the unanticipated grant funds.

Selectman Hayes moved to authorize Planning Director John Ayer to sign the agreement from the New Hampshire Housing Authority as presented. Selectman O'Brien seconded. Motion carried with all in favor.

- 9.3. Draft Agreement with Gilford Community Church** – Chairman Benavides asked Board members to be sure that they would like the Town to continue to plow the Church parking lot in exchange for free use of the facilities. Selectman Hayes inquired who is responsible for determining the polling place for elections. Town Administrator Dunn replied that this is determined by the Board of Selectmen. A draft Memorandum of Understanding has been prepared by Town Administrator Dunn which provides a rational basis to justify the agreement, so the issue before the Board is whether or not they would like to pursue this option and have the draft document submitted to Town Counsel for review.

Brief discussion ensued on the method used to plow porous pavement. Selectman Hayes reiterated that the Town has no obligation to provide sanding or sweeping services for the parking lot, as well as the fact that the Town does not have any liability for plowing.

Chairman Benavides feels that the Gilford Community Church is good for the community but has concerns with crossing the line between church and state. He recommended having the draft document reviewed by Town Counsel, but it is also very important to hear from the public on this matter. He also has concerns with plowing other churches in Gilford.

Town Administrator Dunn will send the MOU to Town Counsel for review and then meet with representatives from the Community Church for their input. A second legal review will be necessary if the Church proposes any changes. Following this review, a public hearing could be held. If possible, it will be scheduled for the October 14<sup>th</sup> meeting.

- 9.4. Appointment of Representative to Lakes Region Planning Commission** – Selectman Hayes moved to appoint Town Administrator Scott Dunn as the Town's second representative. Selectman O'Brien seconded. Motion carried with all in favor.

- 10. Public Input** – Doug Lambert stated that he has zero interest in voting at the Community Church and is opposed to moving elections to that location. He also has concern with the liability of using the Church's Community Center.

He also stated that he has learned from a very knowledgeable person in the fire service that the Town can use the Fire Training Center located in Concord on Route 106, eliminating the need for a training center at the Town's property on Kimball Road.

Mr. Lambert is concerned with the growth of the Recreation Department and does not feel that they need to meet every need. He is also opposed to the Recreation Department sponsoring ski programs at Gunstock when it is located right down the street. He also questions the need of having a Senior Call-in program through the Police Department, as well as programs for babies at the Library. In summary, he is philosophically opposed to cradle to grave programming within the Town.

Mr. Lambert stated that he does not think that Police Chief Markland read the letter dated July 29<sup>th</sup> that was signed by the Sheriff and local Police Chiefs. If he had read it, he does not believe he would have signed it. He is also opposed to Police Chiefs being able to voice their opinions in this manner.

- 11. Selectmen's Issues** – Selectman O'Brien responded to Mr. Lambert's comments. As far as the Fire Training Facility, the goal of the Fire Department is to have a local training facility so that

they are ready and able to respond to calls while training. If the Concord facility were utilized the Town would need to schedule mutual aid coverage during that period. Mr. O'Brien wishes that his mother's town had a Senior Call-in Program.

Chairman Benavides would like to schedule a work session to review the Glendale Ordinance at the end of October. The work session was scheduled for Tuesday, October 27, 2009 at 8:00 a.m.

12. **Administrator's Report** – Town Administrator Dunn reported that he has received ten (10) proposals for Town engineering services. The review process will begin shortly.
13. **Next Meeting** – Wednesday, October 14, 2009 at 7:00 p.m. – Regular Meeting
14. **Adjournment** – With no further business before the Board, the Board of Selectmen's September 23, 2009 meeting was adjourned at 8:30 p.m.

Respectfully submitted,

John T. O'Brien  
Clerk