

**GILFORD BOARD OF SELECTMEN'S MEETING
November 18, 2009
Town Hall**

The Board of Selectmen convened in a regular session on Wednesday, November 18, 2009, at 6:00 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 was Town Administrator Scott Dunn.

1. **Non-Public Session** – Selectman Hayes moved to enter Non-Public Session on a roll call vote at 6:00 p.m. pursuant to RSA 91-A:3 II (e)(d) to discuss pending litigation and disposition of real property. Selectman O'Brien seconded. Motion carried with all in favor.

While in Non-Public Session, action was taken.

Selectmen Hayes moved to exit Non-Public Session at 7:00 p.m. Selectman O'Brien seconded. Motion carried with all in favor.

The regular session resumed at 7:04 p.m. Staff members in attendance included Finance Director Geoff Ruggles, Director of Planning and Land Use John Ayer and Executive Secretary Sandra Bailey.

2. **Pledge of Allegiance** – The Selectmen recited the Pledge of Allegiance.
3. **Announcements**
 - 3.1. **2009 Second Issue Tax Bills** – Chairman Benavides announced the 2009 second issue tax bills were mailed on November 10, 2009 and the due date is December 10, 2009.
 - 3.2. **December 16, 2009 Regular Selectmen's Meeting at Library** – Chairman Benavides stated that the December 16, 2009 Selectmen's Meeting will be held at the Gilford Library at 7:00 p.m.
 - 3.3. **Town Offices and Library Closed November 26 and 27, 2009 for Thanksgiving Holiday**
4. **Review/Approval of Minutes**
 - 4.1. Selectman Hayes moved to approve the minutes of the regular and non-public sessions of the November 4, 2009 meeting. 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 November 2, 2009 through November 13, 2009. Selectman O'Brien seconded. Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
08/20/09	Change of Status - Ayer	
09/23/09	Change of Status - DeNutte	
10/24/09	Change of Status - Jacques	
11/02/09	Certificate of Appreciation - Knightly	
11/03/09	Abatement - Bigelow	224-049.123
11/03/09	Abatement - Case	213-013.322
11/03/09	Abatement - Cavanaugh	227-135.000
11/03/09	Abatement - Gilson	224-049.122
11/03/09	Abatement - Laudien	224-049.044
11/03/09	Abatement - Lindlau	224-049.090
11/03/09	Abatement - LRGHealthcare	211-002.006

11/03/09	Abatement - Rosa	224-049.011
11/03/09	Abatement - Stockhausen	201-009.036
11/03/09	Abatement - Sullivan, Morse	224-049.082
11/04/09	Veteran's Tax Credit - Noble	266-034.039
11/04/09	Change of Status - Vansteenburgh	
11/04/09	Change of Status - Sankey	

6. Public Hearing

6.1. Policy Regulating Commercial Signs in Town Rights-of-Way – Chairman Benavides read aloud the notice for this public hearing, which is being held to provide the Board of Selectmen with input regarding the proposed Policy Regulating Commercial Signs in Town Rights-of-Way.

He opened the hearing for public comments at 7:06 p.m.

Jerry Gagnon asked about RSA 41:11, which was referred to in the public hearing notice. Town Administrator Dunn explained that this is a provision for the Board of Selectmen to regulate the use of all public highways and sidewalks. Mr. Gagnon further questioned that the Town had jurisdiction over State highways. Further discussion on this matter ensued and Town Administrator Dunn stated that this policy should not apply to anything other than Town rights-of-way.

Mark French of Masiello Better Homes and Garden Real Estate in Tilton asked the Board why they had proposed this new policy. Chairman Benavides explained to Mr. French that the Town of Gilford has been inundated with various business signs within the public rights-of-way. Mr. French further questioned why the fines are so stiff. Town Administrator Dunn stated that the fines are tied to the Zoning Ordinance, where the State statutes set the fine of \$275 per day.

Mark French then asked who set the fourteen day limit for directional signs and the reply was that it was the Board of Selectmen. Mr. French stated that the signs are costly and this fourteen day limit is too severe and too frequent.

Judy McShane of Coldwell Banker has lived in Gilford for twenty-five years and finds this policy shocking. She pointed out that her agency hires one person to handle their signage requirements. She feels that the fourteen day restriction is ludicrous because no one can sell a house in two weeks. She further stated that prospective out-of-state clients will often come to the area and drive around looking at properties, based on directional signage.

Selectman O'Brien then asked the public what would be a reasonable period of time to have a directional sign in the right-of-way. The unanimous response from the public was to have the sign up until the property is sold. Judy McShane further stated that perhaps one generic directional sign could be placed at street corners, indicating the direction of the house for sale. Mark French would like to have the signs permitted for a period of six months, which is the same time period as the listing.

Dick Vaillancourt stated that people sell their homes for many reasons – illness, divorce, death, etc., and regulation of this signage will take away a valuable tool from local realtors. Shawn Bailey is concerned with who would monitor the signage. Chairman Benavides replied that monitoring the signage would be ongoing and be done primarily by the Department of Public Works and the Building Inspector. Selectman O'Brien pointed out that Section 4.3 states that the Policy may be enforced by the Selectmen, employees of the Department of Planning and Land Use, employees of the Department of Public Works and/or any Police Officer.

John Goodhue of Roche Realty thinks that Section 3.1 (b) should be changed from fourteen days to ninety days. He also stated that the large number of realtor signs at street corners gives a false perception that the “entire town is for sale”. He also feels that the fines are too high. Mr. Goodhue agrees that the Board of Selectmen should regulate the use of signage within the Town rights-of-way because many of them are not maintained. Mike Keeler of Coldwell Banker brought up the matter of being able to have off-premise signage during open houses.

Mr. Keeler suggested that the Lakes Region Board of Realtors work with the Board of Selectmen to try to find middle ground on this issue. This would help alleviate some of the eyesores within the Town. He also feels that the fine structure is too high. Town Administrator Dunn elaborated on the process that is involved with fines. He reiterated that the fines are tied to the Zoning Ordinance.

Michele Engel, who is the President of the Lakes Region Board of Realtors, stated that she thinks the fourteen day time period is insufficient and the fines are too high. She also questioned, under Section 4.2, why the signs could not be stored, rather than destroyed, if confiscated. Selectman O’Brien stated that he would like to hear the suggestions of the LRBR on these matters.

Director of Planning and Land Use John Ayer stated that the fines are set by the State of NH and cannot be modified. He also reiterated that real estate signs are not the only signs in question – there are also signs for various other businesses and services. Jerry Gagnon suggested that there be one sign per realtor, which could be purchased from LRBR. He also pointed out that the signs create problems for the Department of Public Works when mowing and during snow removal.

Brief discussion ensued regarding the matter of signage on private property. Chairman Benavides clarified that this policy would only apply to the Town’s rights-of-way and it would have no bearing on signs placed on private property. He further stated that in the interests of open and transparent government, it is important for the Board of Selectmen to hear from the public when a policy, such as this one, is proposed. He recommended another public hearing be held with any amendments.

Dick Vaillancourt is concerned that the existing sign ordinance is not being enforced and asked about the enforcement of this policy. Chairman Benavides replied that the Board has created this policy in order to be able to provide better enforcement.

Further discussion ensued regarding the possibility of having generic directional signs from LRBR or the Multiple Listing Service. Betty Ann Ouelette feels that the Board also needs to get the word out to the general public regarding this policy, since parties other than realtors are involved. Chairman Benavides asked Michele Engel for her opinion regarding a ninety day limitation for signs and she replied that she had a Board meeting the next morning and would bring this matter up. She generally feels that 90 days is too short of a time period and 180 days would be fairer. John Goodhue agrees that there should be a time limit, since the clutter created by them is an issue.

Various concerns were then raised regarding the use of generic signs, such as the renewal process and how a person could tell if they had found the exact house they were looking for. In closing, Betty Ouelette believes that there is a definitive difference with real estate signs and other signs located within the Town’s rights-of-way. There being no further questions or comments, Chairman Benavides closed the public hearing at 8:00 p.m. and stated that this matter would have further review by the Board.

7. Appointments

- 7.1. John Ayer – Department of Planning and Land Use Quarterly Update** – Director Ayer reported that in general, building is slow in Gilford, as it was last year. He did list some of the commercial projects that have recently been completed. They are also working on the 2010 Zoning Ordinance Amendments, some of which deal with unregistered vehicles, fire ponds and nuisances. A petition is expected to be coming in regarding involuntary lot mergers.

They have recently hired a consultant for the IZIP project and Director Ayer looks forward to working with the new Town Engineer.

The Board thanked Director Ayer for his presentation.

- 7.2. Geoff Ruggles – Financial Update** – Finance Director Ruggles stated that the budget has continued to run smoothly through the month of October. Expenses continue to be down and revenues have declined, particularly for motor vehicle registrations and building permit applications. Despite this, he anticipates coming in very close to the projected revenue for 2009. Selectmen O'Brien inquired as to why motor vehicle registrations are down. Finance Director Ruggles responded that it is due to reduced turnover with motor vehicles and residents purchasing smaller, fuel efficient vehicles, which are less costly to register.

8. Old Business

- 8.1. Glendale Decals – Winter Harbor Yacht Club** – Chairman Benavides briefly reviewed the request from the Winter Harbor Yacht Club, located on Welch Island, to be issued four (4) island boat passes and be allowed to purchase up to ten (10) guest passes. Selectmen Hayes moved to authorize the Town Administrator, through the Town Clerk's Office, to issue four (4) island boat passes and allow the purchase of up to ten (10) guest passes by the Winter Harbor Yacht Club for the 2010 season, subject to review at the end of the season. Selectman O'Brien seconded. Motion carried with all in favor.

- 8.2. Recommendation for Town Engineering Services** – Chairman Benavides reported that the screening panel, which was established to recommend the engagement of a Town Engineer, unanimously chose the firm of DuBois & King. He clarified that the Town is not hiring an employee, but the services of an engineering firm that will be available to assist with Town engineering projects. The engineering costs for all projects that relate to subdivision and site plan approval will be paid by the applicant. In addition, there are some projects requiring engineering expertise for the Town that will be paid for from the various accounts tied to the projects.

Selectman Hayes moved to appoint DuBois & King as the Town Engineers for the period December 1, 2009 through November 30, 2011, in accordance with the terms and conditions of their proposal dated September 11, 2009. Selectman O'Brien seconded. Motion carried with all in favor.

- 8.3. Technology Services Contract Renewal** – Chairman Benavides stated that a contract has been received from Mainstay Technologies, who are requesting that the Town exercise its second year option on a contract with Mainstay Technologies. Finance Director Ruggles is recommending that the contract be converted from hourly based fees to a fixed amount of \$44,688. Selectman Hayes moved to approve the 2010 contract with Mainstay Technologies, in the amount of \$44,488. Selectman O'Brien seconded. Motion carried with all in favor.

9. New Business

- 9.1. Application for State Bridge Aid Construction** – Selectman Hayes moved to approve an Application for State Bridge Aid Construction in the amount of \$327,823.26 for Bridge #184/098 on Belknap Mountain Road. Selectman O'Brien seconded. Motion carried with all in favor.

9.2. Town Beach Access for Ice Fishing Use – The Recreation Commission has recommended that the gates to the Town Beach be closed this winter for ice fishing use. This is because of damage that has occurred at the Town Beach, as well as injuries to swimmers from broken glass and other debris. Selectman Hayes moved to accept the recommendation of the Recreation Commission to close the gates to the Town Beach during this winter, subject to review in the spring. Selectman O'Brien seconded. Motion carried with all in favor.

9.3. Disposition of Surplus Vehicles – Selectman Hayes moved to declare the 2001 Astro Van and 2007 Crown Vic as surplus vehicles and be sold to the highest bidder. Selectman O'Brien seconded. Motion carried with all in favor.

9.4. Old Library Roof Repairs – Town Administrator Dunn reported that roof repairs that are necessary on the old library building will be paid with an anticipated surplus through the budget of the Building and Grounds Department. The lowest bid was received from Rooftop construction of Laconia, in the amount of \$15,300. Selectman Hayes moved to accept the bid of \$15,300 from Rooftop Construction in Laconia, for the repair of the old library roof, subject to the following amendment to the terms: \$10,000 will be paid upon delivery of materials and the balance will be paid upon completion. Selectman O'Brien seconded. Motion carried with all in favor.

9.5. Acceptance of Donations – Selectman Hayes moved to accept the following donations with a sincere thank you:

- \$100 from Jason Ellingson for the Fire Training Center
- \$500 from NH Charitable Foundation for warm-up hut restoration
- \$200 from Dr. Robert MacDonald for warm-up hut restoration
- \$27.70 from cash donations for cemetery restoration

Selectman O'Brien seconded. Motion carried with all in favor.

10. Public Input – none.

11. Selectmen's Issues – Selectman O'Brien reported that he will not be in attendance at the December 2nd Board meeting.

12. Administrator's Report – Town Administrator Dunn reported that he is attending the LGC Annual Convention in Manchester this week. He anticipates that, for the next meeting, he will have a new purchasing policy and changes to the Personnel Policy.

13. Next Meeting – Wednesday, December 2, 2009 at 7:00 p.m. – Regular Meeting

14. Adjournment – With no further business before the Board, the Board of Selectmen's November 18, 2009 meeting was adjourned at 8:30 p.m.

Respectfully submitted,

John T. O'Brien
Clerk