

GILFORD BOARD OF SELECTMEN'S MEETING
May 9, 2012
Town Hall

The Board of Selectmen convened in a regular session on Wednesday, May 9, 2012, at 7:00 p.m., at the Gilford Town Hall, 47 Cherry Valley Road, Gilford, NH. Selectmen present were Gus Benavides, John O'Brien and Kevin Hayes. 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, DPW Director Sheldon Morgan, Police Lieutenant Jim Leach, Fire Chief Steve Carrier and Recreation Director Herb Greene.

1. **Pledge of Allegiance** – The Selectmen recited the Pledge of Allegiance.
2. **Announcements/Presentations**
 - 2.1. Chairman Benavides read aloud the schedule of events for Gilford's Memorial Day Commemoration on Monday, May 28, 2012.
 - 2.2. Chairman Benavides announced that volunteers are needed to serve on the Historic District Commission and Zoning Board of Adjustment.
3. **Review/Approval of Minutes**
 - 3.1. Selectman Hayes moved to approve the minutes of the April 25, 2012 meeting. Selectman O'Brien seconded. Motion carried with all in favor.
4. **Consent Agenda**
 - 4.1. Selectman Hayes moved to approve the previously signed items for the period April 23, 2012 through May 4, 2012. Selectman O'Brien seconded. Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
01/30/12	Change of Status - LaFond	
02/06/12	Change of Status - Beland	
03/14/12	Change of Status - Hart	
04/01/12	Change of Status - Craver	
04/08/12	Change of Status - Shute	
04/15/12	Change of Status - DeCarli	
04/15/12	Sewer Abatement - Hurst	252-016.254
04/16/12	Payroll Register	
04/16/12	Accounts Payable Manifest	
04/16/12	Tax Collector's Warrant - Jeopardy Tax	242-169.018
04/19/12	Abatement - Hastings	229-007.000
04/23/12	Release of Lien - Pangburn	209-007.100
04/23/12	Payroll Register	
04/23/12	Abatement - Edgar	210-022.000
04/24/12	Accounts Payable Manifest	
04/25/12	Elderly Exemption	224-049.054
04/25/12	Veteran's Tax Credit	224-081.302
04/25/12	Veteran's Tax Credit	213-065.000
04/25/12	Tax Collector's Warrant - 2012 Sewer Rents	
04/25/12	NOITC	228-003.300
04/25/12	Abatement Denial - Athanas	214-040.000
04/25/12	Abatement - Athanas	226-014.000
04/25/12	Abatement - Athanas	226-015.000

04/25/12	Abatement - Athanas	226-016.000
04/25/12	Veteran's Tax Credit - Marcoux	229-017.000
04/25/12	Elderly Exemption	252-016.002
04/25/12	Veteran's Tax Credit - Sherman	252-136.000
04/25/12	NOITE - Lyman	228-081.000
04/25/12	Veteran's Tax Credit - Hughes	202-024.000
04/25/12	Veteran's Tax Credit - Page	213-086.000
04/25/12	Appointment Form - Eddy	
04/25/12	Appointment Form - Knightly	
04/25/12	Appointment Form - Goodhue	
04/25/12	Appointment Form - Corrigan	
04/25/12	Appointment Form - McLaughlin	
04/25/12	Appointment Form - Nelson	
04/25/12	Appointment Form - Sibson	
04/25/12	Appointment Form - King	
04/25/12	Appointment Form - Jude	
04/25/12	Appointment Form - Manz-Buckley	
04/25/12	Appointment Form - Morgenstern	
04/25/12	Appointment Form - Carrier	
04/25/12	Appointment Form - W. Hall	
04/25/12	Appointment Form - Davis	
04/25/12	Appointment Form - Mulligan	
04/25/12	Appointment Form - Nix	
04/25/12	Appointment Form - Hopper	
04/25/12	Forest Fire Warden Appointment - Carrier	
04/25/12	Forest Fire Warden Appointment - Clarenbach	
04/25/12	Forest Fire Warden Appointment - LeMay	
04/25/12	Forest Fire Warden Appointment - Hanson	

5. Appointments

5.1. Geoff Ruggles - Finance Department Update – Director Ruggles reported that the new accounting software has enabled them to run reports that were previously unavailable. As a result, he noted that in 2011, 5,100 invoices were paid, 2,600 accounts payable checks were issued and 5,700 payroll checks were issued. Of the 5,700 payroll checks, 1,700 were actual checks and the rest were direct deposits.

They have now completed their second audit with the firm of Vachon & Clukay. This audit went extremely well and there were no adjusting entries necessary, due in large part to the more user friendly accounting software.

As a result of a change in the Town's electricity supplier, there has been a savings of approximately \$2,600 since November 2011, with an additional \$2,200-\$4,000 in savings anticipated until the end of October 2012.

In the Assessing Department, inspections on new construction have been completed. Director Ruggles anticipates that he will have the 2012 Tax Warrant for the Board to sign at their next meeting.

Director Ruggles reviewed some major technology upgrades that will be taking place, including new backup hardware. In addition, an air conditioning unit has been added to the Technology Office to keep all of the equipment at the correct operating temperature.

Brief discussion ensued on the changes being made with servers, as well as how the shared servers will operate. The Board also discussed the Town's cash flow with Director Ruggles.

Chairman Benavides asked Director Ruggles if he would notify the Board if deficiencies were detected during a State audit. Director Ruggles replied that although Finance is not subject to any State audits, if it were and deficiencies were detected, the State would notify the Town Administrator.

The Board thanked Director Ruggles for his update.

6. Old Business

6.1. Fire Engine 4 Replacement/Special Town Meeting – Chairman Benavides turned the meeting over to Town Administrator Dunn for an overview of the options that are available to the Board to hold a special town meeting. He outlined the two paths that are open to the Board – the first being to petition a judge and have the same warrant article that was defeated at Town Meeting this year. The second option would be to conduct a special town meeting that does not require any appropriation, but is structured around entering into a lease purchase agreement, with the first payment to be made in 2013. Town Administrator pointed out that there are pros and cons to both approaches. He noted there was a need to make an adjustment to the draft warrant article, changing the yearly payment commencing in 2013 from \$51,379 to \$52,727.

Town Administrator Dunn further stated that the Board needs to decide on dates and venue for whichever option they choose.

At this time, the Board requested that Fire Chief Carrier provide an update on the status of a “loaner” fire truck. Chief Carrier stated that the City of Laconia has offered a truck to Gilford on an “as needed” basis. They are requiring that the Town maintain insurance on the truck and training is underway for Gilford personnel. Chief Carrier clarified that this truck would only be available to Gilford if one of their trucks was out of service. He further stated that, as a result of this situation, he has adjusted the mutual aid response table. Chief Carrier reiterated that this is a short-term solution.

Chairman Benavides asked Chief Carrier if Laconia was charging Gilford for the use of this truck, to which he replied no.

Chief Carrier further stated that he considers the leasing option very palatable and the Department will begin the purchasing process as soon as possible after the vote is taken. He also supports seeking a simple majority, in lieu of a 60% vote.

Chairman Benavides asked Town Administrator Dunn about the financial difference between the two options. Town Administrator Dunn responded that the two options are very comparable financially, with interest rates around 3%.

Selectman Hayes inquired if the Town could purchase the truck with the undesignated fund balance and then pay themselves back, rather than endure costly interest expense. Town Administrator Dunn responded that this approach would require the Town to go back to a judge or receive approval from NH Department of Revenue because an appropriation would be necessary. Selectman Hayes further inquired about a timeframe for the process. Town Administrator Dunn stated that noticing would be required for Board of Selectmen and Budget Committee Public Hearings and the special town meeting would need to be held between 28-60 days after the Deliberative Session.

Town Administrator Dunn stated that he received word from DRA today that they have no

issues with the proposed 2012 Special Town Meeting Warrant draft on the lease proposal. Discussion ensued regarding the importance of the Town paying itself back if the funds were to be taken from the undesignated fund balance. Town Administrator Dunn stated that this could be accomplished by reducing the amount that is taken from the undesignated fund balance to reduce the tax rate or having a special warrant article in future years that designates the source of funds.

Town Administrator Dunn again reviewed the options available to the Board for a special town meeting. He emphasized that the final decision is in the hands of the Gilford voters. This led to brief discussion on the timeframes involved in posting and conducting meetings and hearings.

Selectman Hayes moved to approve the first option, whereby the Town would petition the Superior Court and present the same warrant article as the one that was previously not approved, necessitating a 60% affirmative vote for bonding. Selectman O'Brien seconded. Selectman Hayes added that he thinks that this is the best option for the Town.

Chairman Benavides asked Finance Director Ruggles when monies from the undesignated fund balance would be withdrawn. Director Ruggles stated that funds could be withdrawn as payments are made, with a final payment upon delivery of the truck. Director Ruggles pointed out that it may also be necessary to purchase a chassis separately.

Selectman Hayes asked Director Ruggles about potential cash flow problems. Director Ruggles replied that there might be some tight periods, depending upon when tax bills are mailed out. Selectman Hayes then asked if the Town would be obligated to make the lease payments every year, to which Town Administrator Dunn replied no, not if there is an escape clause in the warrant article and lease agreement. However, Town Administrator Dunn did add that if the vote is 60% approved, rather than 50%, it would obligate the Town to all future payments. It was pointed out that the recent Town Meeting vote on the new fire truck was at 43% approval rate. Town Administrator Dunn reminded Board members that the warrant article for the first option would be the same as the one that was rejected at Town Meeting.

At this time, Selectman Hayes withdrew his motion and Selectman O'Brien withdrew his second. Selectman Hayes then moved to approve a warrant article that would authorize the Town to enter into a ten-year lease/purchase agreement for the new fire engine, without an escape clause, requiring a 60% approval rate by the voters. Selectman O'Brien seconded. Town Administrator Dunn pointed out that the warrant article could be amended at the Deliberative Session.

In review, Chairman Benavides confirmed that this option would not require a judge, would include a 10-year lease with no escape clause, would necessitate two public hearings, and would require a first and second session Town Meeting. A vote indicated that the motion carried with all in favor.

It was the consensus of the Selectmen to proceed with a special town meeting on the following dates: 1st (Deliberative) Session on Wednesday, June 20, 2012; 2nd Session on Tuesday, July 31, 2012 from 7:00 a.m. to 7:00 p.m.

Chairman Benavides briefly commented on a recent fire at his place of employment in Littleton and commended that Fire Department for their professionalism. He also stated that it was a good opportunity to remind businesses about the importance of having updated keys

for their lock boxes available to the Fire Department.

- 6.2. Wesley Woods Non-Profit Charitable Housing Tax Exemption** – Chairman Benavides briefly reviewed the current situation with the tax status of Wesley Woods. Attorney Allison Ambrose was in attendance, filling in for Attorney Rodney Dyer and representing Wesley Woods. She introduced Reverend Herb Taylor and Stace Dicker-Hendricks from Wesley Woods, and pointed out that some residents of Wesley Woods were also in attendance.

Selectman Hayes moved to deny the application for a non-profit housing exemption as being untimely for the tax year 2011 and upon a finding that the applicant has not met the burden of proof that it has met the statutory eligibility requirements as a non-profit charitable housing project for the tax year 2012. Selectman O'Brien seconded. Motion carried by a vote of 2-1 with Chairman Benavides voting no.

Attorney Ambrose inquired if they could know where their application fell short, to which the Board declined to respond at this time.

- 6.3. Lakes Business Park Lighting** – Selectman Hayes stated that he is disappointed that the solar lighting was not recommended by the Lakes Business Park Commission, to which Town Administrator Dunn agreed.

Selectman Hayes moved to approve the installation of solar lighting at a cost not to exceed \$5,791.00, with funding to come from the Lakes Business Park Phase II Capital Improvement Fund, upon approval of the Laconia City Council. Selectman O'Brien seconded. Motion carried with all in favor.

- 6.4. Alvah Wilson Bridge Change Order** – DPW Director Sheldon Morgan passed out photos to Board members, showing the deterioration of concrete on the bridge. Although this is not an emergency, Director Morgan thinks that it makes sense to take care of the problem now. He would like to see it completed as soon as possible, since the contractor is available now but in greater demand during the summer.

Because of the impact on traffic in the area of the Gilford Middle High School, Director Morgan contacted the school bus company to determine if this would be a problem for them. The bus company expressed concern with the traffic flow at the corner of Belknap Mountain Road and Route 11-A, since they have time restrictions between bus routes. Director Morgan indicated that it would be helpful for the Police Department to assist with traffic at this intersection before and after school hours.

Discussion ensued regarding the timeframe for completing these repairs and why the concrete deteriorated. Police Chief Keenan stated that he would work with Director Morgan to ensure there are not traffic delays at the intersection. Chairman Benavides encouraged Director Morgan to communicate these issues with the School District also.

Selectman Hayes moved to approve a change order for the Alvah Wilson Bridge, not to exceed \$65,000, with funding to come from the Bridge Replacement Capital Reserve Fund. Selectman O'Brien seconded. Motion carried with all in favor.

- 6.5. Lincoln Park** – Brief discussion ensued regarding the matter of cutting trees at Lincoln Park. It was the consensus of the Board to have Town Administrator Dunn file a waiver request with NH DES and include the Conservation Commission in the process. Town

Administrator Dunn stated that he plans to attend the next Conservation Commission meeting to further discuss the matter.

7. **New Business**

7.1. New Playground Equipment Bid Award – Recreation Director Herb Greene advised the Board that the Recreation Commission received a variety of equipment offerings in their recent solicitation for bids for playground equipment. The Commission felt that the bid from Pettinelli & Associates offered them the best value and playground elements. Because Gametime offered a considerably lower bid, Selectman Hayes asked to see their proposed layout. Upon comparison, the Selectmen acknowledge the layout offered by Pettinelli & Associates offered much more than Gametime.

Selectman Hayes moved to accept the bid of Pettinelli & Associates in the amount of \$29,871.80, with funds to come from the Recreation Facilities Maintenance Capital Reserve Fund. Selectman O'Brien seconded. Motion carried with all in favor.

7.2. Recycling Center Goodies Shed – Extensive discussion took place regarding the policies and hours of operation of the Goodies Shed. DPW Director Morgan conveyed his opinion that this exchange of goods is intended more for families in need, and not intended to be sold by one individual for profit. Although both methods reduce the waste stream, Director Morgan thinks that the Town has a moral obligation to help those in need. The Board also discussed the difficulty that exists in regulating the use of the Goodies Shed. The Board concurred to make no changes to the policies or hours of the Goodies Shed.

7.3. NH Better Buildings Energy Efficiency Grant Opportunity – Town Administrator Dunn is seeking authorization from the Board to apply for this grant as part of the Town Hall renovation project for 2013. The Board concurred to not have him apply for the grant since the project had to be completed by March 31, 2013.

7.4. L.R.P.A. TV Membership – Selectman Hayes moved to approve the Town's membership in LRPA for the period July 1, 2012 through June 30, 2013, with funds to come from the Town's Franchise Fees and authorization for the Town Administrator to sign the contract. Selectman O'Brien seconded. Motion carried with all in favor.

7.5. Sale of Surplus Electronic Equipment – The Board concurred to authorize the Town Administrator to compile surplus electronic equipment to be sold at a public auction to the highest bidder.

7.6. Police Department Motorcycle Operation Policy – Selectman Hayes moved to approve the Motorcycle Operation Policy as presented. Selectman O'Brien seconded. Motion carried with all in favor.

7.7. Acceptance of Donations – D.A.R.E. – Selectman Hayes moved to accept a \$100 donation from the Laconia Elks Club with sincere appreciation for the D.A.R.E. Program. Selectman O'Brien seconded. Motion carried with all in favor.

8. **Public Input** – Kevin Leandro respectfully asked the Board to consider public input before decisions are made and not at the end of the meeting. Chairman Benavides responded that there will be ample opportunity for public comment on the fire truck.

Mr. Leandro further stated that he is disappointed with the Board's decision and thinks they are

doing an end run to have the special town meeting held. This is not an emergency situation because the voters made their decision in March.

Selectman O'Brien responded that he took Mr. Leandro's good points into consideration and took a gamble based on the information that was presented to him and lost. Now that he has heard more information from an expert at the last meeting he has changed his mind.

Mark Corry stated that he has reached his limit on the fire truck and is upset with recent editorials accusing Gilford Fire-Rescue of negligence. The safety of the fire truck affects the firefighters and lives of community members. He thinks that people who are qualified to do certain jobs should do those jobs and not be expected to do other jobs. People who are not qualified to work on trucks should not be doing that. The delay in purchasing a new fire truck has been caused by a select few experts.

Kevin Leandro responded that holding a CDL means that the firefighters should be greasing trucks.

9. **Selectmen's Issues** – none.
10. **Administrator's Report** – Town Administrator Dunn plans to have a 10-year road improvement plan for the Board at their next meeting.

Members of the Board of Selectmen are invited to attend a flag ceremony at the Laconia Elks Lodge on June 10, 2012.

No word has been received from NH DOT regarding the Town's petition regarding Routes 11-A/11-B.

11. **Next Meeting** –Regular Meeting – Wednesday, May 23, 2012
12. **Adjournment** – With no further business before the Board, the Board of Selectmen's May 11, 2012 meeting was adjourned at 8:56 p.m.

Respectfully submitted,

John T. O'Brien
Clerk