

GILFORD BOARD OF SELECTMEN'S MEETING
May 23, 2012
Town Hall

The Board of Selectmen convened in a regular session on Wednesday, May 23, 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, Fire Chief Steve Carrier, Director of Planning and Land Use John Ayer, Deputy Fire Chief Rick Andrews, Police Lieutenant Kris Kelley, Fire Captain Mike Balcom and Firefighter Scott Mooney.

1. **Non-Public Session – 6:00 P.M.** - Selectman Hayes moved to enter non-public session at 6:00 p.m., pursuant to RSA 91-A:3, II (a)(e)(d) to discuss personnel matters, pending litigation and acquisition of real property. Selectman O'Brien seconded. Motion carried on a roll call vote with all in favor. Present were Selectmen Gus Benavides, John O'Brien and Kevin Hayes. Also present was Town Administrator Scott Dunn.

Selectman Hayes moved to exit non-public session at 7:00 p.m. and seal the minutes. Selectman O'Brien seconded. Motion carried with all in favor.

2. **Pledge of Allegiance** - The Selectmen recited the Pledge of Allegiance.
3. **Announcements/Presentations**
 - 3.1. Chairman Benavides announced that the Town's Memorial Day Commemoration will be held on Monday, May 28, 2012, beginning at 9:30 a.m.
 - 3.2. Chairman Benavides announced that volunteers are needed to serve on the Historic District Commission, Zoning Board of Adjustment, Recreation Commission and Planning Board.
 - 3.3. There will be a Budget Committee Public Hearing tomorrow night, May 24, 2012, at 7:00 p.m. regarding the lease/purchase of a fire truck at a Special Town Meeting.
 - 3.4. Selectman O'Brien announced that the Bicentennial Opening Day Ceremony will be held on Saturday, June 16, 2012.
4. **Review/Approval of Minutes**
 - 4.1. Selectman Hayes moved to approve the minutes of the May 9, 2012 meeting as presented. Selectman O'Brien seconded. Motion carried with all in favor.
5. **Consent Agenda**
 - 5.1. Selectman Hayes moved to approve the previously signed items for the period May 7, 2012 through May 18, 2012 as listed. Selectman O'Brien seconded. Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
12/31/11	Change of Status - Adams	
02/07/12	Change of Status - McGinley	
03/01/12	Change of Status - S. Mooney	
04/01/12	Change of Status - Aselton	
04/03/12	Change of Status - Merrill	
04/23/12	Payroll Register	

04/24/12	Accounts Payable Manifest	
04/27/12	Notice of Lien - Messier	203-130.000
04/30/12	Payroll Register (2)	
05/01/12	Accounts Payable Manifest	
05/03/12	Abatement Denial - Aichinger	221-007.000
05/03/12	Abatement Denial - Aichinger	221-007.001
05/03/12	Abatement - Straight	208-014.000
05/03/12	Abatement Denial - Dunn	207-001.001
05/03/12	Abatement - Leccesse	252-199.000
05/03/12	Abatement - George	216-040.000
05/07/12	Payroll Register (2)	
05/08/12	Accounts Payable Manifest	
05/09/12	Certificate of Appreciation - Waitt	
05/09/12	Audit Agreement - Vachon & Clukay	
05/09/12	Certificate of Appreciation - Curtis	
05/09/12	Letter to Gilford Veterans	
05/09/12	Timber Tax Levy	
05/09/12	Certification of Yield Taxes Assessed	242-371.000
05/09/12	Certification of Yield Taxes Assessed	232-002.000
05/09/12	Elderly Exemption	201-012.002
05/09/12	Veteran's Tax Credit Denial - Williams	252-016.002
05/09/12	Elderly Exemption	224-074.203
05/09/12	Veteran's Tax Credit Denial - Wernig	268-015.000
05/09/12	Elderly Exemption Denial	252-053.006
05/09/12	Tax Collector's Warrant - 2012 Water Rents	
05/10/12	Elderly Exemption	224-049.003
06/01/12	Change of Status - Attar	
06/01/12	Change of Status - Bos	
06/01/12	Change of Status - Cappello	
06/01/12	Change of Status - Clough	
06/01/12	Change of Status - DeProsopo	
06/01/12	Change of Status - Dobbins	
06/01/12	Change of Status - Macone, Jenna	
06/01/12	Change of Status - McCarthy	
06/01/12	Change of Status - Melendez, Alanna	
06/01/12	Change of Status - Menton	
06/01/12	Change of Status - O'Brien	
06/01/12	Change of Status - Silloway	
06/01/12	Change of Status - King	
06/01/12	Change of Status - Hooker	
06/01/12	Change of Status - Kezer	
06/01/12	Change of Status - Macone, Janelle	
06/01/12	Change of Status - Melendez, Alyssa	

6. **Public Hearing**

6.1. Issuance of Bonds or Notes in Excess of \$100,000 – Fire Truck – Chairman Benavides read aloud the notice that was published concerning the public hearing. He emphasized that the purpose of tonight’s public hearing is to discuss the financing of the fire truck, not the need for the fire truck. The need for the fire truck can be discussed at tomorrow night’s Budget Committee public hearing. Chairman Benavides also stated the importance of all speakers acting in a polite and professional manner.

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

Jack Stephenson thinks that the Town should use current funds for purchases and not borrow money, which increases the costs.

Kevin Leandro inquired if the quote from E-One dated October 20, 2011 would be extended past the sixty days stated in the proposal. Fire Akerley responded that it was extended.

Jay Ellingson thinks that the Gilford voters have already spoken loud and clear and does not understand why the Board is pursuing a special town meeting.

Phil Cook asked about any residual value of the existing Engine 4. Chief Carrier stated that a quote of a market value of \$3,500 was quoted by Shawn Mulcahy of Lakes Region Fire Apparatus. Town Administrator Dunn added that there is a potential for there to be trade-in value with the purchase of a new truck, or the existing Engine 4 could be sold at auction.

George Hurt asked if the Town would own the truck after the 10-year lease, to which the response was that they would own it.

Skip Murphy agreed with Mr. Ellingson. He stated that the voters have spoken and why is the Board attempting to override that vote. Chairman Benavides cautioned him that this was not relevant to financing and could be brought up under public comment.

Barbara Aichinger thinks that the cost of the new fire truck should be taken from the Fire Department's budget. She also stated that she visited the Fire Station today and observed a lack of rigor in their recordkeeping. She does not think that the cost of the fire truck should be taken from the taxpayers, to which Chairman Benavides responded that the taxpayers would be paying for the truck either way. Ms. Aichinger further clarified that she thinks that the Fire Department's operating budget should be reduced by the amount of the truck payment each year.

David Weidner expressed concern that the warrant article did not reflect the entire purchase price after financing. He also questioned if the truck went out to bid and why a used fire truck was not considered. He thinks all of this information should be available to the public.

Chairman of the Board of Fire Engineers Bill Akerley then provided an overview of the process involved with the purchasing of a replacement fire truck, which began in January 2011 with the formation of a Fire Engine Replacement Committee. At that time, specifications were drawn up and an RFP was sent out. Five proposals were received and the Committee felt that their needs were best met by E-One of Ocala, FL. E-One was the low bid and the original cost was subsequently reduced by \$21,000. He also stated that all of this information is available from Gilford Fire-Rescue for the public.

Selectmen O'Brien added that it has been the intent of the Town to replace Engine 4 all along, during the course of the normal rotation of equipment.

Kevin Leandro then offered to purchase Engine 4 for \$3,500, since he thinks the value is much higher. He also commented that E-One flew the Fire Chief to Florida to see the plans for the new truck.

There being no further questions or comments, Chairman Benavides closed the public hearing at 7:22 p.m.

7. Appointments

- 7.1. **John Ayer – Department of Planning and Land Use Update** – Director Ayer stated that the Department is still adjusting to their reduced staffing. However, they have been able to spend time on zoning enforcement, enabling them to address concerns such as abandoned, bank-owned properties.

Director Ayer then provided statistics on 2012 building permits and Planning Board applications. He also stated that the Planning Board is already looking at possible zoning amendments for 2013 and provided an overview of the upcoming Wal-Mart expansion.

The Board thanked Director Ayer for his update.

- 7.2. **Geoff Ruggles – Financial Update** – Director Ruggles provided the Board with the financial reports for April 2012. He stated that revenues continue to consistently track higher than last year, with expenditures tracking lower. The decreased expenditures are largely due to the 2013 budget reductions. Director Ruggles anticipates tax bills will be mailed within the next 2-3 weeks.

The Board thanked Director Ruggles for his update.

8. **Old Business**

- 8.1. **Special Town Meeting Warrant** – Selectman Hayes moved to approve Draft 3 of the 2012 Special Town Meeting Warrant: Shall the Town vote to authorize the Board of Selectmen to enter into a long term lease/purchase agreement for an amount not to exceed four hundred forty-one thousand eight hundred twenty dollars (\$441,820) payable over a term of ten years for a new fire engine to replace the 1987 Ranger Fire Engine #4, provided that no funds are required to be raised or appropriated during the current fiscal year for the first year's payment for that purpose. The estimated lease payments beginning in 2013 will be \$50,901 per year. (3/5 vote required) He further moved that the Board meet again on Wednesday, May 30, 2012 at 6:00 p.m. to sign the warrant, after the outcome of the Budget Committee recommendation. Selectman O'Brien seconded.

Selectman Hayes further explained that this amended warrant article reduces the capital cost of the fire truck. A vote on the motion showed that it carried with all in favor.

- 8.2. **Wildlife Habitat Restoration Contract – Kimball Wildlife Forest** – Selectman Hayes moved to approve the Wildlife Habitat Contract with Martin Forestry Consulting as presented. Selectman O'Brien seconded. Motion carried with all in favor.

9. **New Business**

- 9.1. **Acceptance of Donations** – Selectman Hayes moved to accept the following donations with sincere gratitude:

\$80.02 cash for child car seats
\$100 from Franklin Savings Bank for the Bicentennial Fund
\$100 from Watermark Marine for the Bicentennial Fund
\$24 from Thomas & Karen Bates for the Bicentennial Fund
\$75 from John & Sandra Beland for the Bicentennial Fund
\$15 from Wayne & Carole Hall for Bicentennial Fund
\$30 cash for Bicentennial Fund
\$25 from Maureen Peterson for the Fire Training Center
\$400 from LRMFA for the Fire Training Center
\$25 from Elinor Lewis for the Fire Training Center

\$150 from William Firth for the Fire Training Center
\$23.02 cash for the Fire Training Center
\$350 from Gilford Rotary for Cemetery Restoration
\$500 from NH Local Government Center for a health & safety grant
\$4,593 from Meadowbrook Musical Arts Center for Meadowbrook Lane street lights

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

- 9.2. Bicycle Rack Donation at Glendale** – Chairman Benavides briefly reviewed the offer made by Daniel Muskat to donate a bicycle rack at the Glendale Docks. Selectman Hayes asked DPW Director Morgan if he had a preference. Director Morgan replied that he prefers a metal bike rack because of easier maintenance than wood. Town Administrator Dunn stated that it is up to the Board to decide on type of material and location of the rack.

Chairman Benavides asked if the Glendale Committee had been contacted regarding the acceptance of the bicycle rack. Town Administrator Dunn replied yes. Chairman Benavides further asked Director Morgan if the placement of a bicycle rack at Glendale would impede the flow of people and vehicles at Glendale. Director Morgan replied no.

Chairman Benavides further asked Town Administrator Dunn if the bicycle rack would bring liability for the Town. Town Administrator Dunn replied that the Town has good insurance coverage and the bicycle rack does not present a significant risk.

Director Morgan commented that it is his preference to not have the rack placed on the lawn, since it would impede the grass cutting there. He also stated that he preferred the tubular metal rack over the traditional metal rack. Selectman Hayes moved to approve the tubular metal bicycle rack for placement where concrete and asphalt is already in place. Selectman O'Brien seconded. Motion carried with all in favor.

- 9.3. Entertainment Permit – Patrick's Pub** – Selectman Hayes moved to approve the Live Entertainment License for Patrick's Pub for the period May 23, 2012 through May 22, 2013, as recommended by staff, on the condition that crowd size shall not exceed 99 persons unless otherwise approved by the Fire Chief. Selectman O'Brien seconded. Town Administrator Dunn provided an explanation of the 99 person limit, also known as the "Nightclub Rule", and that the Fire Chief has the authority to waive the limit. Motion carried with all in favor.

- 9.4. Entertainment Permit – Boston Culinary Group (Gunstock Recreation Area)** – Selectman Hayes moved to approve the Live Entertainment License for Boston Culinary Group for the period May 23, 2012 through May 22, 2013, as recommended by staff, on the condition that crowd size shall not exceed 99 persons unless otherwise approved by the Fire Chief. Selectman O'Brien seconded. Brief discussion ensued between the Board and Fire Chief Carrier on how the "Nightclub Rule" applies to Gunstock. Motion carried with all in favor.

- 9.5. Asphalt Crushing Contract** – Selectman Hayes moved to accept the proposal of Custom Crushing Company of Meredith, NH for a not to exceed price of \$15,000 for the crushing of asphalt at the Recycle Center. Selectman O'Brien seconded. Motion carried with all in favor.

- 9.6. Conservation Commission Alternate Member Appointment** – Selectman Hayes moved to appoint Paul Kiely as an alternate member of the Conservation Commission, for a term to

expire as of April 30, 2013. Selectman O'Brien seconded. Motion carried with all in favor.

9.7. 2012-2013 Appointments for Special Officers – Selectman Hayes moved to appoint Karen E. Craver and Charles O. Hopkins as Special Police Officers to terms to expire as of June 30, 2013. Selectman O'Brien seconded. Motion carried with all in favor.

9.8. CAMA Software Support Contract – Selectman Hayes moved to accept and approve the annual CAMA appraisal software support agreement with Tyler Technologies in the amount of \$6,000, plus \$1,400 for website hosting and \$1,000 for landisc support. Selectman O'Brien seconded. Selectman Hayes asked Finance Director Ruggles about the website hosting, to which Director Ruggles replied that it only pertains to the appraisal database. Motion carried with all in favor.

9.9. Amended Document Fee Schedule – Selectman Hayes moved to approve the amended document fee schedule as presented. Selectman O'Brien seconded. Motion carried with all in favor.

9.10. Tax Lien Notices to Mortgagees – Selectman Hayes moved to direct the collector of taxes to notify persons holding mortgages within 45 days of execution of a tax lien as otherwise set forth in RSA 80:65, and to sign a memorandum relating thereto as presented. Selectman O'Brien seconded. Motion carried with all in favor.

10. **Public Input** – Jack Stephenson commented on the need to have additional days available that the Goodie Shed at the Recycling Center is open. Chairman Benavides was able to assure Mr. Stephenson that donations are accepted on all days that the Recycling Center is open. He also stated that any resident with an urgent need would be accommodated on any day the Recycling Center is open.

Barbara Aichinger asked the Board what will happen if the warrant article for the fire truck is not approved. The Board responded that they would not be purchasing a fire truck.

Skip Murphy asked if the Board would attempt a third vote if the warrant article is not approved.

Chairman of the Board of Fire Engineers Bill Akerley reiterated that Engine 4 is not viable and when sent out for repair, it was determined to be too costly to fix for a 25-year old truck.

11. **Selectmen's Issues** – Selectman O'Brien commented on press accountings of the last Selectmen's meeting. He stated that it was not the intent of the Board to do an "end run" of the special town meeting process, but rather, they wanted to use the most expedient method.

He also commented on the report of the short amount of time taken in deciding about the Wesley Woods tax status. The Board has been reviewing this matter since November 2011 and spent a great deal of time reviewing documents. Chairman Benavides reiterated that the job of a Selectman is seven days a week and many hours are spent reading and preparing for meetings.

Selectman Hayes moved to accept the resignation of Dennis Corrigan as an alternate to the Planning Board, with regret. Selectman Benavides seconded. Motion carried with all in favor.

12. **Administrator's Report** – Town Administrator Dunn stated that the action that was approved at Town Meeting regarding Harris Shore Road is proceeding. The transfer has proved more costly for the McGraths than originally anticipated. He expects it to be closed out within the next few weeks.

No word has been received from NH DOT regarding the Town's petition regarding Routes 11-A/11-B. Town Administrator Dunn asked the Board if they would like him to involve Councilor Burton. The Board replied for him to wait at this time.

Town Administrator Dunn and DPW Director Morgan continue to work on the 10-year road improvement plan.

Town Administrator Dunn has met with the Conservation Commission regarding the tree cutting issue at Lincoln Park. They would like to see a plan of the proposed tree cutting at Lincoln Park, so a local landscape architect has been consulted. Regarding a request to have a large oak tree removed, it is the recommendation of Director Morgan and Town Administrator Dunn to not do this.

It has recently been discovered that there is no grease trap in the bathhouse at the Town Beach and additionally, there is a broken pipe that has caused flooding. The lack of a grease trap into the sewer interceptor is a code violation. An estimate of \$1,012 has been received from Alton Bay Mechanical to repair both items. Selectman Hayes moved to authorize the expenditure of \$1,012 to Alton Bay Mechanical to install a grease trap and repair a broken pipe, with funds to come from the Recreation Facilities Maintenance Capital Reserve Fund. Selectman O'Brien seconded. Motion carried with all in favor.

The Gilford Police Relief Association is raffling a Harley Davidson motorcycle as a fundraiser for their charitable purposes. They have asked to be able to display the motorcycle within the Town Hall. The Board concurred to allow them to do this. Selectman Hayes commended the police officers for the time that they contribute to charitable causes.

Town Administrator Dunn is participating in the Laconia Airport Master Plan Update.

The Rowe House is experiencing issues with problems with crumbling mortar at the base of the chimney. They have received four repair proposals, with the lowest being to Godbout Masonry, in the amount of \$1,200.00. Selectman Hayes moved to authorize the \$1,200 expenditure from the Building Maintenance Capital Reserve Fund, since it was not included in the 2012 Town budget. Selectman O'Brien seconded. Chairman Benavides questioned if there were any concerns with the historic value of the Rowe House with these repairs. Town Administrator Dunn replied that it is a simple repair job and will look authentic. Motion carried with all in favor.

Town Administrator Dunn has been working with the Gunstock General Manager to create a Payment in Lieu of Taxes (PILOT) agreement for the manufactured homes that remain there year after year. The law entitles the Town to tax any home that is on the premises for at least ten weeks and is not registered as a motor vehicle. They are proposing a flat fee of \$250 per unit and the Gunstock Commissioners will be voting on that matter tonight.

Word was received today from Attorney Peter Millham that the redistricting case has been moved up to the Supreme Court. It has been ruled that the Town does not have standing in this lawsuit, but two residents of Gilford who also signed on do have standing as voters. A hearing has been scheduled for June 6, 2012 and Town Administrator Dunn and Selectman O'Brien are planning to attend.

The new police cruiser arrived this week and has received its decals. They are hopeful to have all

of the equipment installed and have the cruiser on the road within two weeks. It was noted that the cages cannot transition from the Crown Victorias to the Police Interceptors.

13. **Next Meeting** –Regular Meeting – Wednesday, June 13, 2012

14. **Adjournment** – With no further business before the Board, the Board of Selectmen’s May 23, 2012 meeting was adjourned at 8:18 p.m.

Respectfully submitted,

John T. O’Brien
Clerk