

**GILFORD BOARD OF SELECTMEN'S MEETING**  
**July 11, 2012**  
**Town Hall**

The Board of Selectmen convened in a regular session on Wednesday, July 11, 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, Police Lieutenant Jim Leach, Fire Chief Steve Carrier and Town Clerk/Tax Collector Denise Gonyer.

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)(b)(c)(d) to discuss personnel matters, matters that would likely adversely affect someone's reputation and the 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.

While in non-public session, action was taken.

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 Cemetery Trustees are sponsoring a Bicentennial "Gravestones Come to Life" on Saturday, July 21, 2012 from 4:00 to 6:00 p.m. at the Pine Grove Cemetery.
  - 3.2. Chairman Benavides announced that the Lakes Region Hazardous Waste Collection will be held on Saturday, July 28, 2012 from 8:30 a.m. to 12:00 p.m. at the Gilford Public Works Garage.
  - 3.3. The Selectmen's annual Summer Town Forum will be held on Wednesday, August 8, 2012, at 6:00 P.M. at the Gilford Town Hall.
4. **Review/Approval of Minutes**
  - 4.1. Selectman Hayes moved to approve the minutes of the June 27, 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 June 25, 2012 through July 6, 2012 as listed. 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>
06/02/12	Change of Status - Bettez	
06/13/12	Sewer Abatement - Retirement Time	254-074.001
06/14/12	Abatement - Morris	242-136.204
06/14/12	Change of Status - Kloetz	
06/15/12	Release of Lien - Majewski	224-046.018

06/18/12	Payroll Register	
06/18/12	Abatement Denial - Savery/Williams	203-201.000
06/18/12	Abatement - Roux	208-003.003
06/19/12	Accounts Payable Manifest	
06/20/12	Release of Lien - Murphy	264-001.000
06/20/12	Abatement - Brady Sullivan York Village - various	
06/25/12	Payroll Register (2)	
06/25/12	Abatement - Zach	242-280.044
06/25/12	Abatement - KRB Holdings	210-014.001
06/25/12	Abatement - KRB Holdings	210-014.201
06/26/12	Accounts Payable Manifest	
06/27/12	Entertainment License Approval - Cackling Crow	
06/27/12	Appointment Form - Ferruolo	
06/27/12	Petition and Pole License (3) Cat Path	
06/27/12	Abatement - Nyberg	245-012.000
06/27/12	Timber Tax Levy 2012	264-007.000
06/27/12	Timber Tax Levy 2012	234-002.000
06/27/12	NOITC - Bolotin	264-007.000
06/27/12	NOITC - Bolotin	266-007.000
06/27/12	Deed Waiver - Waterway Realty	253-130.000
07/01/12	Change of Status - Parent	
07/03/12	Change of Status - DeCarli	

## 6. Public Hearing

- 6.1. Issuance of Bonds or Notes in Excess of \$100,000 per RSA 33:8-a** – Chairman Benavides read the notice aloud and opened the public hearing at 7:03 p.m. There being no comments from the public, he closed the public hearing at 7:04 p.m.

Chairman Benavides asked the Board if they had any questions or comments. Selectman O'Brien inquired about the procedure that would be required if the Board wanted to change the terms of the warrant article in the future. Town Administrator Dunn responded that it would require another warrant article seeking authorization from the Gilford voters.

## 7. Appointments

- 7.1. Denise Gonyer – Town Clerk-Tax Collector Update** – Town Clerk-Tax Collector Gonyer provided the Board with an update of the status of the Department since her last update on February 22, 2012. Since that time, they have had the Town audit conducted and held Town elections. The Department has also undergone staffing changes with the departures of Renee Cammarota and Bonnie Malin. However, Town Clerk-Tax Collector Gonyer was pleased to be able to re-hire Gayle Cook as a part-time employee.

They have recently undergone a server upgrade which went quite well, with the exception of the on-line tax files. Once these issues have been resolved, she would like to be able to have tax history on-line.

Town Clerk-Tax Collector Gonyer stated that her staff is compiling a list of e-mail addresses for dog owners so that reminders can be sent out via e-mail. The fact that the Department was unable to make reminder phone calls to dog owners contributed to the Police Department having the twice the normal number of civil forfeitures. Next year, they will not be sending out postcard reminders, which will save her staff time and the Town money.

Town Clerk-Tax Collector Gonyer has been working on liening and deeding, along with some bankruptcy issues that have come up. They have also contacted a shredding company

to come in so that they will have room for the records associated with this year's elections.

Town Clerk- Tax Collector Gonyer briefly reviewed staff training. In addition, she stated that some of the issues the Department is facing are that they are delinquent in running motor vehicle notices and are unable to answer the phone during peak periods. Also, daily correspondence and minutes are not being filed in a timely manner, as well as Dredge & Fill Permits and tax receipts. Monthly reconciliations with the Finance Department are also affected.

As of today, 79% of the 2012 first issue property taxes have been collected, which should significantly increase by the end of the week. The staff is receiving the brunt of the angry dog owners and Glendale parking tickets. One Glendale parking fine was recently paid in coins.

Selectman Hayes stated that it is obvious that the Department goes above and beyond the call of duty, but asked what would happen if the Department only did what was required by law and not the extras. Town Clerk-Tax Collector Gonyer replied that it is a trickle-down effect, where the Police Department gets twice as much work because they did not do reminders. She further stated that the tone in the Department has changed and is very negative.

The Board thanked Town Clerk-Tax Collector Gonyer for her update.

## 8. **Old Business**

**8.1. Regionalized Police Dispatch/Letter to Belknap County Commissioners** –Chairman Benavides stated that the Board's concern with the police dispatch services by Belknap County has been an ongoing concern. A draft letter has been prepared for the Board and Chairman Benavides opened discussion regarding the letter.

Selectman Hayes moved to sign the draft letter as presented and have the Town Administrator send the letter to the County Commissioners and County Delegation. Selectman O'Brien seconded. Motion carried with all in favor.

**8.2. Disposition of Properties Acquired by Tax Collector's Deed** – Selectman Hayes moved to sign the following deeds with no covenants: Map/Lot 224-046.008 to Roger Gerner; Map/Lot 224-046.005 to Old Lakeshore Coop, Inc.; Map/Lot 224-046.044 to Old Lakeshore Coop, Inc.; and Map/Lot 213-013.020 to Tyler Gargano. Selectman O'Brien seconded. Motion carried with all in favor.

**8.3. Memorial Triangle, Routes 11-A & 11-B** – Chairman Benavides stated that the State of NH DOT will not discontinue their interest in the Town's triangle land at the intersection of Routes 11-A and 11-B and further, they do not want to see a flagpole on the property. One of the options for the flagpole would be to have it erected at the Town's property with the Warming Hut, which is located across the street from the triangle.

Selectman O'Brien stated that he is not in favor of erecting the flagpole on the Warming Hut property, but would prefer to see the original plan carried through. However, given the State's opposition to this plan, he is concerned with the potential liability associated with placing the flagpole in the triangle.

Selectman Hayes stated that he was at the recent meeting with NH DOT and although he would like to, he does not think that this is an issue worth fighting over. He then moved to

erect the flagpole at the Town's property adjacent to the Warming Hut on Route 11-A. Chairman Benavides seconded. Selectman O'Brien then asked Town Administrator Dunn if the Town had exhausted its appeal process to erect the flagpole on the triangle. Town Administrator Dunn replied that the Town has never submitted a formal application for the flagpole but has been clearly told that NH DOT does not favor that location. Brief discussion ensued regarding this situation. Town Administrator Dunn further stated that given the wording of Section 236:43, he believes that the Town would have a very strong case if ever challenged in court.

Selectman O'Brien expressed concern with liability if the flagpole were to be erected against the wishes of the State DOT. However, he pointed out the irony that there is currently a telephone pole at the site of the proposed flagpole. A vote on the motion showed 2-yes and 1-no, with Selectman O'Brien opposed.

**8.4. Town Clerk-Tax Collector Study** – Selectman Hayes moved to authorize the start of this study as previously contracted with MRI, Inc. Selectman O'Brien seconded. Selectman Hayes commented that after hearing from the Town Clerk-Tax Collector tonight, it is obvious that there are some issues there that need to be addressed. Motion carried with all in favor.

**8.5. Request for Glendale Island Boat Decal – Lake Winnepesaukee Sailing Association** – Chairman Benavides briefly reviewed a letter from Tom Mullen of the Lake Winnepesaukee Sailing Association regarding his request for an island decal. Town Administrator Dunn provided further explanation on the situation, where there may be sometimes that it is difficult for them to work within the 3-hour time constraints at the public docks.

Following further discussion, the Board concurred to not take any action and encourage LWSA to utilize the 3-hour docks.

## 9. New Business

**9.1. Pawnbroker & Secondhand Dealer License Application - Gamestop** – Selectman Hayes moved to table this application until July 25, 2012, when it can be fully completed. Selectman O'Brien seconded. Police Chief Keenan commented that Gamestop is very cooperative and he will have Chris Jacques reach out to them to complete the form, if the Board would like to table the application until the next meeting in two weeks. Chairman Benavides pointed out that the purpose of this license is to protect Gilford's residents. Motion carried with all in favor.

**9.2. Pawnbroker & Secondhand Dealer License Application – Lakes Region Auction Services** – Selectman Hayes moved to table this application to the July 25, 2012 meeting, until such time as the Police Department is able to make a favorable recommendation on the license. Police Chief Keenan stated that with this application, he can also have Chris Jacques reach out to the owner so that the issue with their recordkeeping can be rectified. Selectman O'Brien seconded.

Dave Byer, of Lakes Region Auction Services, introduced himself to the Board. He stated that he is also the owner of Capital City Pawn in Laconia and he set up the auction service to be able to sell goods from the pawn shop. He further stated that he came before the Planning Board and received approval, thinking that was the only required approval. He underestimated the timeframe involved in receiving approval and as a result, conducted an auction and received a violation complaint from the Police Department.

He had one more auction since that time, but stated he would not have any further auctions until he receives all approvals. He needs to conduct the auctions so that he can produce revenue and keep his business going. He asked the Board to not table his application and approve the request for the license tonight. Mr. Byer further stated that he does not understand what the concerns are of the Police Department.

Chief Keenan began by stating that he does want to work with Mr. Byer and had contact with him in the past on a case. That case remains unsolved because of Mr. Byer's recordkeeping. Although Mr. Byer is cooperative, the accuracy in his recordkeeping is lacking. As with the previous situation with Gamestop, Chief Keenan is willing to have Chris Jacques meet with Mr. Byer to address their concerns.

Chairman Benavides stated that he is pro-business, but businesses need to follow all of the rules and ordinances that are in place. He strongly recommended that Mr. Byer seek out the members of the Police Department who can help him to acquire his license. That way, the Board can review the matter again at their meeting on July 25<sup>th</sup>.

Mr. Byer stated that this is the first time he has learned about the Police Department's concern with his recordkeeping and no one from the Department contacted him. He does not feel that he should be put off for two weeks for something he was not aware of.

Chief Keenan responded that it is not the Police Department's responsibility to seek out Mr. Byer so that he can obtain a license. He further reiterated that Mr. Byer was summoned by Lieutenant Leach for operating his auction without a license. He was also clearly advised by the Town Administrator that he needed to obtain a license before conducting auctions.

Dave Byer stated that he was in close contact with Town Administrator Dunn throughout the process. He stated that he is a member of the community and does not want stolen goods. He has acquired very expensive software to make sure that issues, such as this, do not come about. If he had known there was an issue, he would have addressed it. He begged the Board to not table the issuance of the license.

Chairman Benavides stated that there is a motion on the table and called for the vote, indicating that the motion carried with all in favor.

**9.3. Purchase of 2012 F678 4x4 Chassis** – Selectman Hayes moved to approve the purchase of a 2012 Ford F-series 4x4 super duty chassis from Hillsboro Ford for \$39,992 under the State of New Hampshire's bidding contract #8001066. Selectman O'Brien seconded. Motion carried with all in favor.

**9.4. Live Entertainment License – Kelsey's at the Grant** – Selectman Hayes moved to table the issuance of a license pending the disposition of the Liquor Commission's hearing and fines for previous violations. Selectman O'Brien seconded. Selectman Hayes further stated that this is the first of two motions that he will propose. Chairman Benavides offered Will Drew, the owner of Kelsey's at the Grant, an opportunity to speak. Attorney David Bownes stated that he was representing Mr. Drew and offered a status update on the Liquor Commission. He stated that there have been recommendations made by both sides, ranging from fines and a 3-day suspension of his liquor license from the Liquor Chief and fines only from Mr. Drew. At this time, there has been no final decision reached.

Attorney Bownes stated that the current agreement with the Town allows the serving of beer and wine, with limited entertainment. He stated that tabling the application is not an issue as

long as they can have the Board act on it as soon as the Liquor Commission has reached a decision. Chairman Benavides asked Attorney Bownes if he had an idea of when the State would make their decision. Attorney Bownes responded that the recommendations from both parties were due this past Monday, July 9<sup>th</sup>, so he thinks the decision should be reached fairly soon.

Attorney Bownes stated that he is not aware of the recommendations made by Department Managers for the issuance of the license and would like to know what they are. Willard Drew stated that the previous infractions are not going to result in him losing his liquor license. Further, he does not think that application should be tabled because his penalty will either be just a fine, or a suspension and a fine. Chairman Benavides asked Attorney Bownes to verify that the possible penalties stated by Mr. Drew are the most severe that can be issued.

Attorney Bownes replied that it is unlikely that the Liquor Commission would adopt any other recommendation, but they can make any decision that they want. There are no absolute guarantees. Mr. Drew stated that based on the fact that the Department Heads have signed off on the application, he would like the Selectmen to proceed with making a decision.

Town Administrator Dunn stated that Mr. Drew has submitted two separate applications, one is with alcoholic beverages and one is without alcoholic beverages. This was done because of the uncertainty of the pending action of the NH Liquor Commission. Since one of these applications will not be utilized, he thinks it is appropriate for the Board to wait for a final decision from the Liquor Commission.

Town Administrator Dunn further stated that both of the applications have been favorably acted upon by the Police Chief, Fire Chief and Department of Planning and Land Use. At this time, he read his own recommendation into the record: "I recommend the Board deny approval of exotic dancing. My reason for this recommendation is due to the fact that I observed all three days of a NH Liquor Commission public hearing on 6 violations that were cited against Mr. Drew. During these proceedings, I learned first-hand about the activities of the performers, which included sales of illegal drugs to undercover police officers and consumption of alcoholic beverages while working. I find these activities to be inconsistent with the standards of decency as outlined in the purpose of the Town's Entertainment ordinance. In addition, I learned during the recent hearings that Mr. Drew's role as the most recent NH Liquor Licensee and Town of Gilford Entertainment Permit holder was a complete sham, because he had leased his business to a contracted operator and had no direct role in the hiring of employees or enforcement of the rules."

Returning to the motion and second to table the application, the motion carried with all in favor.

Selectman Hayes moved to allow Mr. Drew to continue to for two more weeks under the extension that was granted at the last meeting. Selectman O'Brien seconded. Motion carried with all in favor.

**9.5. Live Entertainment License – Ellacoya Barn & Grille** – Selectman Hayes moved to approve the License as requested. Selectman O'Brien seconded. Motion carried with all in favor.

**9.6. Live Entertainment License - Meadowbrook** – Selectman Hayes moved to approve the License as requested. Selectman O'Brien seconded. Motion carried with all in favor.

**9.7. Request for Tax Abatement – Lisa Lafontaine** – Selectman Hayes moved to approve the request for abatement from Lisa Lafontaine, provided that the past due taxes are paid by July 20, 2012. Chairman Benavides seconded. Selectman O'Brien stated that he looks at this as a due diligence issue and thinks they should have looked at all of the requirements. Motion carried by a vote of 2-yes and 1-no, with Selectman O'Brien opposed.

10. **Public Input** – Police Chief Keenan asked about the status of the improvements at Route 11-A, Belknap Mountain Road and Schoolhouse Hill Road. Town Administrator Dunn stated that the State will be doing a presentation on August 22, 2012.

Chief Keenan further stated that he met with the Belknap County Sheriff today about dispatching and he was very cooperative with discussing the concerns of the Board.

Chief Keenan also announced that on July 24, 2012 between the hours of 5:00 p.m. and 8:00 p.m., Patrick's Pub will be conducting a 50% fundraiser to defray the cost of upcoming preventative surgery to the Department's new K-9 officer.

11. **Selectmen's Issues** – Selectman Hayes commented on how well the front of the Town Hall looks with the brush that was recently cut. He also asked the status of the brush cutting at Lincoln Park. Town Administrator Dunn stated that they are waiting for a survey to be completed on which trees can be cut without a permit.

12. **Administrator's Report** – Town Administrator Dunn stated that he is soliciting nominations for the Boston Post Cane and has completed an RFP for custodial services at the Library. He hopes to have a plumbing and HVAC proposal sent out next week.

He met with Metrocast yesterday and they have requested that the Town restate their request for a payment in the amount of \$4,000.00 to be used for the purchase of a character generator for the use of programming a community bulletin board on one of the PEG Access channels. He has prepared a letter accordingly.

Town Administrator Dunn received a notice this afternoon from NH DOT that they are planning to sell a 2.37 acre lot to Traditional Catholics of NH, along the Bypass, for \$13,000.00. DOT would like to know if the Town has any objections to this sale. The Board concurred that they have no objection.

The Selectmen must sign the Special Town Meeting Warrant, with a deadline of July 24, 2012, which must be done at a public meeting. The Board will meet on Monday, July 16, 2012 at 10:00 a.m. to sign the warrant.

13. **Next Meeting** – Regular Meeting – Wednesday, July 25, 2012

14. **Adjournment** – With no further business before the Board, the Board of Selectmen's July 11, 2012 meeting was adjourned at 8:10 p.m.

Respectfully submitted,

John T. O'Brien  
Clerk