

**GILFORD BOARD OF SELECTMEN'S MEETING**  
**February 12, 2014**  
**Town Hall**

The Board of Selectmen convened in a regular session on Wednesday, February 12, 2014, at 7:00 p.m., at the Gilford Town Hall, 47 Cherry Valley Road, Gilford, NH. Selectmen present were Kevin Hayes, John O'Brien and Gus Benavides. Also present was Town Administrator Scott Dunn.

Staff members in attendance included Finance Director Geoff Ruggles, DPW Director Sheldon Morgan, Acting Police Chief Jim Leach, Fire Chief Steve Carrier, DPW Operations Manager Mia Gagliardi, DPW Highway Superintendent Paul MacKinnon, Town Clerk-Tax Collector Denise Gonyer, Director of Planning and Land Use John Ayer and Executive Secretary Sandra Bailey.

- 1. Non-Public Session (10:45 a.m.)** Selectman O'Brien moved to enter non-public session at 10:45 a.m., pursuant to RSA 91-A:3, II, (b) to discuss the hiring of a public employee. Selectman Benavides seconded. Motion carried on a roll call vote with all in favor. Present were Kevin Hayes, John O'Brien and Gus Benavides. Also present were Town Administrator Scott Dunn, Paul Ardizzoni, Richard Grenier and Steve Hodges. Kathleen Merriam joined the group at 12:30 p.m.

Paul Ardizzoni, Richard Grenier, Steve Hodges and Kathleen Merriam exited non-public session at 4:00 p.m.

Chairman Hayes moved to approve the hiring of Mary Kim Lavery as part-time Account Clerk at \$14.00 per hour, beginning on March 3, 2014. Selectman O'Brien seconded. Motion carried with all in favor.

Selectman O'Brien moved to exit non-public session at 4:00 p.m. and seal the rest of the minutes. Selectman Benavides seconded. Motion carried with all in favor.

In public session, the Board then met with Kimball Wildlife Forest Committee Chair Sandra McGonagle and Maggie Stier, representing the NH Preservation Alliance, regarding the Kimball Castle. The Board concurred to postpone the public forum on the Kimball Castle until the April 9, 2014 meeting, to allow for additional study of alternatives for the Castle.

The Board recessed at 4:45 p.m., re-convening at 6:00 p.m. for the Lower Liberty Hill Hazardous Waste Disposal Site public information meeting.

- 2. Public Information Meeting (6:00 p.m.) – Presentation by Liberty Utilities and NH DES on Lower Liberty Hill Hazardous Waste Disposal Site** – Mary Casey of Liberty Utilities welcomed everyone in attendance at tonight's Public Information Meeting. She stated that the actual cleanup of the site will begin this spring and Liberty Utilities has put together an outstanding team of firms to perform the work. Each firm has sent their senior representative to tonight's meeting, and Ms. Casey proceeded to introduce them, as well as representatives from Liberty Utilities, GEI and NH DES.

Ms. Casey reiterated the high priority of Liberty Utilities to complete the project in a safe and timely manner. In addition, it is a high priority to keep the community and neighbors fully informed about the project as it moves forward. She pointed out that Deb Hale will be in Gilford virtually full-time once the project commences. Also, a telephone hotline will be set up for any neighbors with questions, during the project. The website will also be updated on a weekly basis.

At this time, Ms. Casey turned the meeting over to Jim Ash of GEI, who provided a PowerPoint presentation on the major elements of the project. Mr. Ash described the progress that has been made since the last meeting and the proposed scheduling and controls that would be used. He indicated that NH DES granted full and final approval of the construction plan in December 2013 and outlined the permitting process. He also described how the construction will take place in two phases, shutting down during the winter of 2014-2015, followed by a detailed presentation of site security, air, noise and vibration monitoring and truck traffic.

Mr. Ash then described how they would like to be able to conduct pre-construction screenings of the nearby buildings so that they can document their condition. Inspections will take place by a licensed NH Home Inspector and will offer protection in the interests of residents and Liberty Utilities, in the event any damage occurs.

A brief Q & A session followed before the informational meeting concluded at 6:50 p.m.

**3. 7:00 p.m. – Convene Regular Business – Public Meeting**

**4. Pledge of Allegiance** – The Selectman led the assembly in reciting the Pledge of Allegiance.

**5. Announcements/Presentations**

**5.1.** The Town Hall and Library will be closed on Monday, February 17, 2014 for Presidents’ Day.

**5.2.** Town Elections will be held on Tuesday, March 11, 2014 from 7:00 a.m. to 7:00 p.m. at the Gilford Youth Center on Potter Hill Road

**6. Review/Approval of Minutes**

**6.1.** Selectman O’Brien moved to approve the minutes of January 22, 2014, as presented. Selectman Benavides seconded. Motion carried with all in favor.

**6.2.** Selectman O’Brien moved to approve the minutes of January 31, 2014, as presented. Selectman Benavides seconded. Motion carried with all in favor.

**7. Consent Agenda**

**7.1.** Selectman O’Brien moved to approve the previously signed items for the period January 21, 2014 through February 7, 2014 as listed. Selectman Benavides seconded. Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
07/03/13	Change of Status - Dion DeCarli	
09/28/13	Change of Status - Dinan	
11/01/13	Change of Status - Baron	
11/30/13	Change of Status - Wall	

01/01/14	Change of Status - Wall	
01/11/14	Accounts Payable Manifest	
01/13/14	Payroll Register (3)	
01/17/14	Change of Status - Maxwell	
01/21/14	Payroll Register	
01/22/14	Accounts Payable Manifest (2)	
01/22/14	Payroll Register	
01/22/14	Elderly Tax Deferral	211-028.000
01/22/14	Accounts Payable Manifest	
01/22/14	Sewer Abatement - Rabuck	252-016.335
01/22/14	Veterans Tax Credit - Aloise	201-009.113
01/22/14	Veterans Tax Credit Denial - Paquette	252-016.825
01/22/14	Veterans Tax Credit - Page	203-202.000
01/22/14	Veterans Tax Credit - Farrell	267-179.000

## 8. Public Hearing

**8.1. Proposed Fireworks Ordinance** – Chairman Hayes opened the public hearing for comments on the proposed ordinance. Walt Stockwell of Wesley Woods spoke in support of the ordinance. He is opposed to fireworks and cited several reasons, including the effect on animals, sleep disruption and the noise effect on people with sensitive hearing or P.T.S.D. Mr. Stockwell also expressed concern that, in the event a waiver was to be granted to display fireworks, no permissible hours are specified. Town Administrator Dunn clarified that the provision for granting a waiver has been removed from the most recent draft.

Matt Shea of Atlas Fireworks stated that the company sells fireworks – both display and consumer. As a result, he is aware of many of the concerns that citizens have regarding fireworks. Mr. Shea also stated that he is aware that the Town of Gilford banned fireworks within the Town in 1988, as well as many other NH communities. This was during a time when fireworks were not legal within the State of NH, as well as most of New England.

In addition, consumer fireworks did not undergo the type of inspection by the Federal government that exists today. Following 1988, the State of NH adopted guidelines for the sale and display of fireworks. Mr. Shea added that consumer fireworks are designed to be able to be displayed by consumers on their own property. He stated that many communities have come up with smart ways to regulate consumer fireworks. He cited a noise ordinance as having the ability to limit when fireworks could be displayed. This would provide an opportunity for fireworks to be displayed within certain hours and still respect the rights of privacy and quiet for others.

Matt Shea then described the possibility of a permitting process within Gilford. This would allow people to use fireworks, which are legal and safe when used properly. He urged the Board to consider a permitting process, rather than a ban on consumer fireworks. This would provide the Town with control over fireworks and allow residents the opportunity to use consumer fireworks.

Chairman Hayes then read a letter from Nancy Paterno, who is also opposed to having consumer fireworks. Walt Stockwell addressed the Board again and asked if there had been any discussion on how to educate the public regarding fireworks. Chairman Hayes

agreed with Mr. Stockwell's assessment that once an ordinance is approved, getting the word out to the public will follow.

Chairman Hayes closed the public hearing at 7:23 p.m. Selectman O'Brien moved to adopt the ordinance as presented. Chairman Hayes seconded. Selectman O'Brien commented that he considers protection of the public to be the most important aspect of his job as Selectman. This would include and noise and scare factors associated with fireworks. He pointed out that the ban on fireworks has been in place for many years and the proposed ordinance will assist with enforcement.

Selectman O'Brien added that there is no regard for fire potential with discharging fireworks for both homes and woods. In addition, there appears to be a lack of common sense when alcoholic beverages and fireworks come together. There is also the potential for injury and Selectman O'Brien pointed out the fireworks injuries that were detailed at the last meeting by a representative of the State Fire Marshall's Office.

Selectman O'Brien reminded that public that there are numerous public fireworks displays within the area during the summer months. He also feels that police officers should be able to exercise discretion when going to a complaint call regarding fireworks.

Selectman Benavides then read from a prepared statement, indicating why he is opposed to the ban on fireworks. (copy attached)

Selectman O'Brien reiterated that he considers protecting the citizens as his most important role. He further stated that if Gilford were the only Town within the State to ban fireworks, then he could see the concern with legal action. In closing, he stated that if he were the attorney defending the situation on behalf of the Town, he would hold up a picture of the little girl that was burned over most of her body from a sparkler.

A vote on the motion indicated it carried by a vote of 2 to 1 with Selectman Benavides voting no.

## **9. Appointments**

- 9.1. Denise Gonyer – Town Clerk-Tax Collector Update** – TC/TC Gonyer stated that the year-end reports for the Town Clerk and Tax Collector have been given to Town Administrator Dunn. Motor vehicle revenue has increased for the second consecutive year, which is hopefully a sign of a recovering economy.

TC/TC Gonyer thanked the Board and Town Administrator for the new copier that was received for the Department.

Credit cards are being used every day. The 2014 guest cards will start being sent out during the month of March. The 2014 Town decals began being distributed in November 2013. Dog tags for 2014 are also available.

There are three elections being held on March 11<sup>th</sup> – Town, School District and Special Election for Executive Councilor.

Selectman O'Brien asked TC/TC Gonyer if she were aware of what the penalty would be if there was a challenge to the change on the ballot. TC/TC Gonyer responded that she did not know.

The Board thanked TC/TC Gonyer for her update.

## 10. Old Business

- 10.1. Smith Farm Road** – Director of Planning and Land Use John Ayer stated that it is up to the Board of Selectmen to make a determination on whether to make a change to the name of the road, which the State of NH Bureau of Emergency Communications has not approved. The State would like the road to be changed to Smith Farm Lane. The Board concurred to take no action to change the name of the road.
- 10.2. NH Emergency Management Performance Grant – EOC Upgrade and Generator Project** – Selectman O'Brien moved to approve a grant application packet as submitted, and accept the EMPG grant application terms as presented for Police Station security improvements, the purchase and installation of radio consoles in a new dispatch center, the construction and furnishing of an emergency operations center and the purchase and installation of an emergency generator at a total cost of \$338,848 with 50% or \$169,424 to be funded by the Town upon approval of Town Meeting, contingent upon the scheduling of a public hearing on February 29, 2014 as required by RSA 31:95-b. Selectman Benavides seconded. Motion carried with all in favor. (Note: Hearing re-scheduled to March 12, 2014.)

## 11. New Business

- 11.1. Cartographic Online Maps Proposal** – Selectman O'Brien moved to approve the 2014 Internet Services Maintenance Agreement with CAI Technologies, as presented, in the amount of \$1,800. Selectman Benavides seconded. Motion carried with all in favor.
- 11.2. Current Conditions Report – Wilson Weeks Town Forest** – Selectman O'Brien moved to approve and sign the Wilson Weeks Forest Baseline Documentation Report as presented. Selectman Benavides seconded. Motion carried with all in favor.
- 11.3. Approval for Reach for the Beach Relay** – Selectman O'Brien moved to approve the NH-DOT Parade Permit Application for the Reach the Beach Relay Race on September 12-13, 2014 and to authorize the Acting Chief of Police to sign the applicable form. Selectman Benavides seconded. Motion carried with all in favor.
- 11.4. Warrant – Election for Executive Councilor** – Selectman O'Brien moved to approve and sign the Warrant for the Special Election to bring in votes for Executive Councilor. Selectman Benavides seconded. Motion carried with all in favor.
- 11.5. 2014 Deputy Forest Fire Warden Appointments** – Selectman O'Brien moved to approve the appointment of Janet Fabian as an Issuing Agent for the issuance of Fire Permits and the appointments of Timothy Johnson and Bradley Ober as Deputy Forest Fire Wardens. Selectman Benavides seconded. Motion carried with all in favor.

**11.6. Pole License – Dockham Shore Road** – Selectman O’Brien moved to approve Pole License #41-0463 for pole # 94/12-1A on Dockham Shore Road. Selectman Benavides seconded. Motion carried with all in favor.

**12. Other Business** – none.

**13. Public Input** – none.

**14. Selectmen’s Issues** – none.

**15. Administrator’s Report** – none.

**16. Next Meeting** – February 26, 2014. Chairman Hayes announced that the Kimball Castle Public Forum that was originally scheduled for February 26, 2014 has been rescheduled for April 9, 2014.

**17. Adjournment** – With no further business before the Board, the Board of Selectmen’s February 12, 2014 meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Gus Benavides  
Clerk