

GILFORD BOARD OF SELECTMEN'S MEETING
April 9, 2014
Town Hall

The Board of Selectmen convened in a regular session on Wednesday, March 26, 2014, at 7:00 p.m., at the Gilford Town Hall, 47 Cherry Valley Road, Gilford, NH. Selectmen present were John O'Brien and Richard Grenier. Also present was Town Administrator Scott Dunn. Absent was Selectman Benavides, who was on vacation.

Staff members in attendance included Finance Director Geoff Ruggles, Parks & Recreation Director Herb Greene, Fire Chief Steve Carrier, Acting Police Chief Jim Leach, Acting Deputy Police Chief Kris Kelley, Director of Public Works Sheldon Morgan, DPW Operations Manager Mia Gagliardi and Executive Secretary Sandra Bailey.

- 1. Non-Public Session – 6:00 p.m.** Selectman Grenier moved to enter into non-public session at 6:00 p.m., pursuant to RSA 91-A:3, II, (a)(b)(c) to discuss matters which would likely adversely affect the reputation of any person and personnel matters. Chairman O'Brien seconded. Motion carried on a roll call vote with all in favor. Present were John O'Brien and Richard Grenier. Also present was Town Administrator Scott Dunn.

Selectman Grenier moved to hire Michelle Crumb at \$11.50 per hour, effective April 28, 2014, as DPW Clerical Assistant/Receptionist. Chairman O'Brien seconded. Motion carried with all in favor.

While in non-public session, other matters were discussed.

Selectman Grenier moved to exit non-public session at 6:45 p.m. and seal the rest of the minutes. Chairman O'Brien seconded. Motion carried on a roll call vote with all in favor.

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

- 3. Announcements/Presentations**

- 3.1.** Acting Police Chief Leach presented a plaque of appreciation, on behalf of the Gilford Police Department, to former Selectman Kevin Hayes for his years of service as a Selectman. He thanked him for being supportive of Town employees and being approachable and understanding.

- 4. Review/Approval of Minutes**

- 4.1.** Selectman Grenier moved to approve the minutes of March 26, 2014, as presented. Chairman O'Brien seconded. Motion carried with all in favor.

- 5. Consent Agenda**

- 5.1.** Selectman Grenier moved to approve the previously signed items for the period March 24, 2014 through April 4, 2014 as listed. Chairman O'Brien seconded. Motion carried with all in favor.

DOCUMENT DATE

DOCUMENT

MAP/LOT #

11/19/13	Change of Status - Denver	
01/01/14	Change of Status - Crowell	

01/01/14	Change of Status - Doris	
01/01/14	Change of Status - LeClaire	
01/01/14	Change of Status - VanSteensburg	
01/14/14	Change of Status - Cutter	
03/18/14	Payroll Register (2)	
03/18/14	Accounts Payable Manifest	
03/23/14	Change of Status - Hanson	
03/24/14	Payroll Register	
03/25/14	Payroll Register	
03/26/14	Memo to Town Treasurer re: Transfer of Fund Balance	
03/26/14	MS-232 (3)	
03/26/14	Accounts Payable Manifest	
03/26/14	Sewer Abatement - Demers	267-211.031
03/26/14	Sewer Abatement - McFadden	267-146.000
03/26/14	NOITC - Warren	232-002.001
03/26/14	Elderly Exemption	213-012.000
03/26/14	Elderly Exemption	213-013.048
03/26/14	Elderly Exemption	224-074.004
03/26/14	Elderly Exemption	214-035.000
03/26/14	Elderly Exemption	201-009.014
03/26/14	Elderly Exemption	227-174.000
03/26/14	Elderly Exemption	253-367.000
03/26/14	Elderly Exemption	215-021.000
03/26/14	Elderly Exemption	224-074.021
03/26/14	Elderly Exemption	224-049.078
03/26/14	Elderly Exemption	203-007.000

6. Public Forum

6.1. Kimball Castle – Chairman O’Brien began the forum by providing rules of decorum. He stated that the forum would begin with a presentation by Sandra McGonagle, followed by questions/comments from Gilford residents, and if time permits, the forum will be opened up for questions/comments from residents of other communities. He asked members of the public to be concise and limit their comments to five minutes, as well as requested no repetitive points.

Sandra McGonagle, Chairman of the Kimball Forest Wildlife Committee, announced that she was in attendance to speak on behalf of the Committee. She announced the names of the current Committee members and stated that the Committee was formed in 1990 to manage the remaining Kimball Castle land and fulfill some of the wishes of Charlotte Kimball. The Committee has overseen the construction of over two miles of trails, the trail head parking lot off Route 11 and conducted timber harvests. In addition, during the summer and fall, the trails average between 700 and 800 hikers per week.

She continued, stating that she is here to convey the recommendations of the Committee, which were made a few weeks ago. The first consideration is to re-purchase the castle and its land and re-merge it with the remaining land, which is managed by the Kimball Wildlife Forest Committee. Secondly, the Committee requested that the Board of Selectmen conduct an appraisal of the castle and its 20 acres of land. One of the main reasons for requesting the appraisal is that they were looking into sources of funding, with one of the primary sources being LCHIP grants. LCHIP grants can only fund 50% of the appraised value.

Other sources of funding were looked at, including local fundraising and the Kimball Forest Trust Fund. The final recommendation of the Committee to the Board of Selectmen was that they realized the importance of the Building Inspector's order to either fence or raze the castle, and think that the best solution is to fence the castle and let it decay naturally. Sandra McGonagle further stated that they understand the concerns of the Board of Selectmen, relative to public safety concerns and vandalism, and are willing to work the Board whichever plan is chosen. They will honor the choice of the Board of Selectmen, if they choose to have the castle removed and the land sold for a single family home, and help to establish a memorial to the Castle.

She continued, stating that the Kimball Wildlife Forest Committee has been working closely with State historical agencies, which have also made some suggestions to consider. If the Castle is demolished, some of the walls and/or foundation could be left on the site to show the scale and composition of the building. In addition, a kiosk could be created with brochures for the public and a website could be created. Also, a preservation easement could be considered.

The Castle could be documented for its historic value, which the Committee thinks should be done by professionals and at the expense of the owner. It was also suggested that the Board considered holding a public commemoration of the loss of the Castle, marking the end of an era, as well as establishing a trust fund with the monies that are still owed to the Town by the owner. If the Board chooses to have the Castle removed and the land sold for a single family home, the Committee would like the existing right-of-ways left intact. She pointed out the limited access that is available from the westerly side.

In closing, the Committee appreciates the support of the Board of Selectmen and Town Administrator Dunn. Chairman O'Brien thanked Sandra McGonagle for the information she presented during her presentation and proceeded to read aloud the February 5, 2014 press release regarding the Castle. He then opened up the Public Forum for comments from residents of Gilford.

Victor Nicolas of 55 Farmer Drive interprets the issue here as keeping income or keeping its history, and questions if gaining the income is worth losing the history. He suggested a compromise, where the land is divided and the part with Castle is preserved and the rest can be sold for a single family residence.

Chairman O'Brien clarified that the financial issue is more than just income from taxes – it is how to pay to purchase it. He added that the Town has had layoffs and cut back on road repairs, due to the economy. Mr. Nicolas suggested that the public contribute and use a large thermometer to track donations. Chairman O'Brien reminded Mr. Nicolas that the public was invited to submit a petition for a special warrant article for the Castle and it was not done.

Everett McLaughlin of Belknap Mountain Road, stated that he is the Chair of the Land Conservation Task Force and a member of the Conservation Commission. The Conservation Commission oversees a Conservation Fund which is available for land

acquisition. Both the Conservation Commission and Land Conservation Task Force voted unanimously to not approve the use of these funds to purchase the Kimball Castle and its land. He explained the extensive Natural Resource Inventory that was conducted by the Town a few years ago. Detailed maps are created for each natural resource and when overlaid, they show areas where more than one resource occurs, known as a co-occurrence. These are the areas that the Town wants to protect.

He explained how funds are acquired for the Conservation Fund, as well as the fact that these funds are limited. In pointing out the area on the Natural Resources Inventory map where the Kimball Castle is located, it is not designated as an area of importance. When questioned as to his personal opinion, Everett McLaughlin stated that he thinks that the Castle does need to come down, but a professional documentation should be done of what is there. He reiterated that the Castle is private property and not owned by the Town.

Discussion ensued regarding potential trail accesses to the Castle, including the New England Forestry Foundation (NEFF) land. Sandra McGonagle responded that the primary access to the property is through a trail coming off of Lockes Hill Road, which is mostly wetland. She also stated that the Committee has been working with Boy Scouts who, through Eagle Scout projects, have been working on a trail systems from the meadows, through the NEFF land.

Robert Heinrich of Belknap Point Road stated that in 1995, he was approached by representatives of the Historic Inns of New England to invest in the Castle, in order to support it as a functioning facility. This would bring tourism and tax dollars to the Town of Gilford. He provided additional details on this transaction and pointed out that the worst deterioration has occurred under the watch of the current owner and he does not believe that he has been a good steward. He also thinks that the Town has an obligation to see that the original intent of the Kimballs is deviated from as little as possible. As a result, he is opposed to the use of the property for a single family residence.

Jim Sherman stated that he is a proponent of preserving historical buildings and providing land that is available to the public. He further stated that LCHIP money is hard to come by and the Kimball Castle property is not an environmentally precious piece of property. For the same price as the Castle property, 250 acres of land could be purchased for property that would benefit the public to a much greater extent. He agrees that the castle must come down and does not consider it to be a historical building and, as a result, thinks that the Town should work with the potential buyers to have the property sold.

Kathy Lacroix of Liberty Hill Road supports historic buildings, but is not in favor of tax dollars going towards the Kimball Castle. She likes the idea of keeping a footprint of the Castle, having a kiosk and preserving the trails. After she commented that the present owner is behind on his mortgage payments, Town Administrator Dunn corrected her and stated that the owner is not behind on his mortgage payments or taxes.

John Goodhue stated that the Conservation Commission has discussed this matter at length. He stated that the Town has given the owner three extensions to fence or raze

the building, but he is concerned with the safety factor of the Castle in its present condition. However, the present owner is asking just under \$800,000 for the property and John Goodhue stated that it is the consensus among realtors he has spoken with that it is worth approximately \$350,000. He further reiterated that without the necessary return on investment it is unlikely the property will sell at its current listed price.

John Goodhue also reiterated the comments made earlier by Everett McLaughlin that the Conservation Commission cannot justify spending its funds on this property. He also pointed out that the Castle is 115 years old and there are approximately 200 structures within the Town at least double the Castle's age.

Jonathan Carlson of Scenic Drive responded to some of the questions raised in the Public Forum Notice. He thinks that another extension should be granted in having the Castle demolished, which could allow funding to become available for the Town to purchase the property. However, should the Town go forward with its order, he thinks that demolishing the Castle makes better sense than fencing it, since it would remove the liability issues. Mr. Carlson also elaborated on how the Castle might be purchased if the price were to come down and additional funding became available. He also suggested encouraging tourism development with the Castle.

Karin Landry asked if the current owner has complied with all of the terms of the sale and, if not, could that be a negotiating point for the Town to acquire the property. She also pointed out that, even though the Castle is only about 100 years old, the builder of the Castle has a significant place in the history of NH. After inquiring about the value of the property, Town Administrator Dunn stated that it is appraised at \$375,000.

Chairman O'Brien then opened up the Public Forum to non-residents. Priscilla Farrell of Alton reminisced about her enjoyment of the Castle during her childhood and is very sad that the Town has never taken it over and preserved it for the public.

Sumner Dole of Canterbury stated that he has been involved with this property since 1980. He was the County Forester for many years and has always considered scenic views to be a valuable asset. He detailed his involvement in the development of the Kimball Castle Wildlife Forest. He added that, since Mrs. Kimball passed away, the Castle has been decaying.

When the Castle property was sold in 1990, he continued, it was the perfect opportunity to restore it, but funding was not available. After that, it fell into the current owner's hands, where it was purchased as an investment. Mr. Dole thinks that the current owner is in default and the Board of Selectmen, as Trustees, should pursue some legal remedy. He also stated that the Board should not consider amending any of the stipulations that exist, including rights-of-way. In closing, Mr. Dole thinks that the Board of Selectmen needs to enforce their order to have the Castle demolished or fenced in.

Linda Phelps stated that she has seen a problem with society, where people don't care anymore. As a result more and more historic buildings are being demolished.

To summarize, Chairman O'Brien stated that the only deadline in place, at this time, is the order to have the Castle demolished or fenced by April 30th. Also, the Selectmen are proposing to take some stone from the Castle and build a memorial somewhere on the trail. Chairman O'Brien closed the Public Forum at 8:13 p.m. and thanked everyone for their comments.

7. Appointments

7.1. Herb Greene – Parks and Recreation Department Update – Director Greene provided the Board with a quick narrative recap on the Parks & Recreation Department. Since his last update to the Board, he stated that Sue King has rejoined the Department as a Program Assistant. He also provided the Board with a rundown of the key winter programs, as well as a recap of the excellent conditions at the ice rink.

Next, he reviewed upcoming spring programs, including Easter activities, April vacation activities and various other sports programs. The beach replenishment program should be completed prior to the opening of the beach and planning has already begun for the 2014 Old Home Day.

Selectman Grenier inquired about the spring cleanup at the beach, as well as the Department's involvement in pickle ball. Director Greene responded that the Town is not involved in pickle ball but they do allow the use of the tennis courts for it. Chairman O'Brien inquired about bob house issues. Director Greene responded that this has not been a problem over the past few years with the involvement of the sportsmen's club and snowmobile club. He further replied that on the morning of April 2nd, he was able to lock the beach gate because all of the bob houses had been removed, complying with the April 1st deadline.

The Board thanked Director Greene for his update.

8. Old Business

8.1. Personnel Policy Amendments – After Chairman O'Brien stated that the amendments have undergone legal review, Selectman Grenier moved to approve the Personnel Policy Amendments as presented. Chairman O'Brien seconded. Motion carried with all in favor.

8.2. 2014 Goals and Objectives – The Board concurred to table this matter until the return of Selectman Benavides.

8.3. Amendment to Ordinance Regulating Outdoor Vendors and Transient Sales – Selectman Grenier moved to approve the amended policy as presented. Chairman O'Brien seconded. Motion carried with all in favor.

9. New Business

9.1. Petition and Pole License – Ryswick Street – Selectman Grenier moved to accept the petition and approve the pole license as drafted. Chairman O'Brien seconded. The Board directed Town Administrator to write a letter to the utility companies, advising them that the Board will no longer approve licenses retroactively, except in the event of an emergency. Selectman Grenier asked to see a draft of the letter prior to it being sent.

Motion carried with all in favor.

- 9.2. Request for Abatement - McCann** – Selectman Grenier moved to approve the request for an abatement. There being no second to the motion, it failed.

Chairman O'Brien moved to deny the motion for abatement. Selectman Grenier seconded. Motion carried with all in favor.

- 9.3. Liberty Utilities Highway Permit Contract** – Selectman Grenier moved to approve the contract as presented and to authorize the Town Administrator to sign on behalf of the Town. Chairman O'Brien seconded. Motion carried with all in favor.

- 9.4. Police Department Training Agreement** – Selectman Grenier moved to mandate the use of this agreement for all future hires required to attend and graduate from the full-time police academy. Chairman O'Brien seconded. Motion carried with all in favor.

- 9.5. Town Hall Insulation Proposal** – Town Administrator Dunn stated that even though the Town has installed a new metal roof to address the icing problem that exists, the heat loss issue has not been resolved. As a result, he has received a proposal from an insulation contractor, outlining the available options. Because no funds were allocated for this project in 2014, he suggested that the Board include it in the 2017 Town Hall Phase 2 upgrades that are planned. The Board concurred with this suggestion.

- 9.6. 2014 Board and Commission Appointments** - The Board concurred to table this matter until the return of Selectman Benavides.

- 9.7. Approval of Job Description for Cemetery Caretaker/Maintenance** – Selectman Grenier moved to approve the job description as presented. Chairman O'Brien seconded. Motion carried with all in favor.

- 9.8. Police Motorcycle Lease Agreement** – Lt. Kelley provided a brief explanation of why the Department chose to lease a new motorcycle. Selectman Grenier moved to approve the new one year lease of a new Harley Davidson motorcycle in the amount of \$3,900 for the first year and to authorize Lt. Kris Kelley to sign the lease agreement. Chairman O'Brien seconded. Motion carried with all in favor.

- 9.9. Computer Server Upgrade Contract** – Selectman Grenier moved to accept the computer server upgrade contract proposal as presented by Mainstay Technologies and recommended by the Finance Director in the amount of \$15,873.37. Chairman O'Brien seconded. Motion carried with all in favor.

- 9.10. Health & Dental Insurance Rates 7/1/14-6/30/15** – Selectman Grenier moved to accept the rate proposals from NH HealthTrust for medical, dental, disability and life insurance effective July 1, 2014, with an average rate decrease in the amount of 2.4% for health insurance, and to authorize the Town Administrator to sign the enrollment documentation on behalf of the Town. Chairman O'Brien seconded. Motion carried with all in favor.

10. Other Business – none.

11. Public Input – Karin Landry suggested that the Board provide the public with a sentence or two or explanation, prior to taking action on agenda items.

12. Selectmen's Issues – Selectman Grenier announced the birth of his first grandchild on Sunday.

13. Administrator's Report – Town Administrator Dunn reported that he attended an all day class with the NH DOT on Tuesday and will attend another class next week. Upon completion, he will be certified as a Local Public Agency Trainee by NH DOT, which then makes the Town eligible to receive Federal transportation grants.

There is a snag in the Federal grant process in the construction of the Police Station. The Town is in the process of satisfying a requirement to FEMA that the new construction will not be located in a 500-year floodplain. A conference call was held last Friday, which consisted of several members of the Town staff, Federal government staff and State government staff. In addition, the Town has hired a surveyor to do some additional work.

Town Administrator Dunn stated that he nominated DPW Operations Manager Mia Gagliardi for a Primex leadership program and she has been selected for this 6-month process.

14. Next Meeting – April 23, 2014.

15. Adjournment – With no further business before the Board, the Board of Selectmen's April 9, 2014 meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Richard Grenier
Clerk