

**GILFORD BOARD OF SELECTMEN'S MEETING**  
**August 8, 2007**  
**Town Hall**

The Board of Selectmen convened in a regular session on Wednesday, August 8, 2007, at 3:00 p.m., at the Gilford Town Hall, 47 Cherry Valley Road, Gilford, NH. Selectmen present were Chairman Alice H. Boucher, Connie Grant and Gus Benavides. Also present were Assistant Town Administrator Debra Shackett and Administrative Secretary Sandra Bailey. Absent was Town Administrator Evans Juris.

1. **Pledge of Allegiance** – The Selectmen recited the Pledge of Allegiance.
2. **Review/Approval of Minutes** – The Board of Selectmen approved the regular and non-public minutes of the Selectmen's meetings of July 25 and July 31, 2007.
3. **Appointments**
  - 3.1. **Newt Gardner – 42 Alpine Drive** – Georgie Johnson of Harold E. Johnson Surveying was in attendance, on behalf of Mr. Gardner, to explain a plan of his property and provide photographs of the area in question. She showed how a portion of his stone wall is located within the Town's right-of-way. Part of the reason for the construction of the stone wall is to protect a water valve that is located near the road.

Ms. Johnson further stated that the road is now fully developed and asked the Board to consider allowing the wall to remain, with the understanding that a document could be recorded indicating various conditions involved with allowing the wall to remain.

Chairman Boucher stated that she aware of Mr. Gardner's plight, but this issue has come before the Board before and the Board has stood by the Ordinance. DPW Operations Manager Dustin Muzzey stated that at this time, DPW has no issues with the location of the wall, as it does not impede their operations on the road.

At this time, Mr. Gardner stated that he did build the wall to protect the water valve and has already dismantled a portion of the wall. He stated that he began working on the wall two years ago, with the intention of it being functional and aesthetically pleasing. Mr. Gardner further stated that he misinterpreted the property pins and believed them to be side property bounds and the error in the placement of the wall was not intentional. He also pointed out that the stone wall is in line with the tree line, mailboxes and utility poles.

Chairman Boucher advised Mr. Gardner that the Board understands that the error was unintentional. Selectman Benavides asked Mr. Gardner if his abutters have any issues with the wall. Mr. Gardner stated no. Selectman Benavides then asked DPW Operations Manager Muzzey if DPW has any issues with the stone

wall. Mr. Muzzey replied that the issue lies with the fact that the Board has supported the Ordinance with other stone walls that have been constructed within the Town's right-of-way.

Further discussion ensued on the construction of the road, which is located within Gunstock Acres and was accepted by the Town in 1983. Selectman Grant stated that she would like to support the Ordinance but is wondering if the matter could be tabled to explore any other options. Attorney Rod Dyer, also representing Mr. Gardner, suggested that the Board take the matter under advisement and look into other alternatives, such as the Town leasing the land to the Gardners.

Selectman Benavides moved to table the matter to the September 12, 2007 Board of Selectmen meeting. Selectman Grant seconded. Motion carried.

- 3.2. Paul A. Little – 214 Sagamore Road** – Mr. Little addressed the Board relative to his request to install a 12" driveway culvert instead of the 15" that is currently required in the Minimum Road Standards. DPW Operations Manager Dustin Muzzey stated that the 12" culvert will be sufficient to handle the existing drainage conditions.

Selectman Grant moved to grant a waiver to Mr. Little under the Town of Gilford Minimum Road Standards, Section 15F – Pipe Size, Velocity and Type, allowing him to install a 12" driveway culvert, subject to the owner being responsible for maintenance of the culvert. Selectman Benavides seconded. Motion carried.

#### **4. New Business**

- 4.1. Vacant Sewer Meter Technician Position** – Dustin Muzzey was in attendance to recommend that the Board hire Leo A. Lavin IV, as a Sewer Meter Technician, subject to him passing his pre-employment physical and drug & alcohol test, at Labor Grade 3, Step 1 at \$12.15 per hour, and to be placed on a six (6) month probation period.

Selectman Grant moved to hire Leo A. Lavin IV, as a Sewer Meter Technician, subject to him passing his pre-employment physical and drug & alcohol test, at Labor Grade 3, Step 1 at \$12.15 per hour, and to be placed on a six (6) month probation period. Selectman Benavides seconded. Motion carried.

- 4.2. Gilford Historic District Commission Changes** – Chairman Boucher, who is the Board's representative to the HDC, provided a brief explanation of the requested changes, which will have Troy Schrupp become a regular member and Mary Curtis become an alternate member. Carmel Lancia will also be designed as an alternate member.

Selectman Grant moved to appoint Troy Schrupp as a regular member of the HDC and Mary Curtis and Carmel Lancia as alternate members. Selectman

Benavides seconded. Motion carried.

**5. Old Business**

**5.1. Driveway Permit Request – 112 Woodland Ave.** – Selectman Grant stated that the Department of Public Works and Department of Planning and Land Use are not recommending the request for a second driveway access. She feels that granting the driveway permit would create an undesirable situation.

Selectman Benavides moved to deny the request for a permit to construct a second driveway at 112 Woodland Ave. Selectman Grant seconded. Motion carried.

**5.2. Fiscal Year Change** – Chairman Boucher read TC/TC Morrissette’s memo regarding the fiscal year change. In her memo, TC/TC Morrissette clarified that “people flow” would not be an issue if the fiscal year were to change. She did state, however, that she would support the change if there is no upward spike in the tax rate. Chairman Boucher commended her for her memo.

Brief discussion ensued on the matter, with all Selectman in concurrence that it is vitally important to not impact the tax rate with this change. Assistant Town Administrator Shackett further clarified that this would apply to the fiscal year change only, as it is not possible to consider no tax increase with other factors.

Selectman Benavides reiterated the importance of advising the School Board of the fiscal year change and requesting no major expenditures during the transition.

**5.3. Ethics Code and Code of Conduct** – Chairman Boucher stated that changes have been made to the Ethics Code and Code of Conduct and are ready for adoption by the Board. She also stated that the Codes can be revised at anytime. Selectman Grant inquired who would be receiving the Code of Ethics and Assistant Town Administrator Shackett stated that it would be given to all public officials. There is a provision for each official to sign a statement that they have read and understood the Town of Gilford Code of Ethics, but there is no provision for enforcement.

Selectman Grant stated that the Code of Ethics should be a guideline only and officials should not be required to sign the statement. Selectman Benavides stated that a great deal of time has been spent on preparing these documents, but he also feels that they need to be given to all Boards and Committees as guidelines.

Further discussion ensued on how the Code would be distributed to Board/Committee members, as well as suggesting the removal of the signature page and distributing the Code as a tool to help people serve the community.

Selectmen Grant moved to adopt the Code of Ethics, subject to the removal of

the signature page (Page 5) and to use the Code of Ethics as a guideline only. Selectman Benavides seconded. Motion carried.

Discussion then ensued on the Code of Conduct, which pertains to the Board of Selectmen only. Selectman Benavides feels that this Code should also be used as a guideline for Board members. Selectman Grant thanked ATA Shackett for her work in producing the Code of Conduct.

Selectman Benavides moved to adopt the Code of Conduct and to use it as a guideline for all Board of Selectmen members. Selectman Grant seconded. Motion carried.

**5.4. Welfare Guidelines** - Assistant Town Administrator Shackett recommended that the Board adopt the Welfare Guidelines, which are long overdue.

Selectman Grant moved to adopt the Welfare Guidelines as written. Selectman Benavides seconded. Motion carried.

**6. Public Input**

DPW Operations Manager Dustin Muzzey and DPLU Director John Ayer advised the Board that the matter of the Gardner stone wall will require a variance from the Zoning Board of Adjustment since the violation concerns a Zoning Ordinance.

**7. Signatures**

<b><u>DATE SIGNED</u></b>	<b><u>DOCUMENT</u></b>	<b><u>MAP/LOT #</u></b>
05/09/07	Change of Status - Jensen	
06/20/07	Change of Status - Abbott	
07/16/07	Payroll Register	
07/17/07	Accounts Payable Manifest	
07/19/07	Accounts Payable Manifest	
07/19/07	Abatement - Laudien	224-049.000
07/23/07	Payroll Register	
07/24/07	Accounts Payable Manifest	
07/24/07	Payroll Register	
07/25/07	Abatement - Kelly & Ronan	201-009.126
07/25/07	Accounts Payable Manifest	
07/26/07	Letters of Recognition and Commendation - Beach staff	
07/26/07	Abatement - Rabinovitz	242-280.041
07/26/07	Abatement - Boulas	243-005.000
07/26/07	Abatement - Buell	219-008.000
07/26/07	Change of Status - Young	
07/27/07	Notice - Intent to Cut Timber	231-003.000
07/27/07	Veteran's Spouse Exemption - Moore	216-075.017
07/30/07	Abatement - Dickinson (2)	245-029.000

07/30/07	Abatement - Dickinson	245-031.000
07/30/07	Tax Collector's Warrant - Jeopardy Tax	224-044.006
07/31/07	Abatement - Meltzer (2)	242-280.048
07/31/07	Abatement - McKean (4)	219-001.000
07/31/07	Accounts Payable Manifest (3)	
07/31/07	Payroll Register	
08/02/07	Tax Collector's Warrant - Land Use Change	253-012.000
08/02/07	Tax Collector's Warrant - Land Use Change	225-029.001
08/06/07	Tax Collector's Warrant - Sewer Rents	
08/07/07	Letter to Ronny Bean	
08/07/07	Letter to TC/TC Morrissette	
08/20/07	Change of Status - Lavin	

**8. Selectmen Issues** – none.

**9. Administrator's Report**

**9.1 Non-Public Session – RSA 91:A-3 II (a)**

The Board of Selectmen on a roll call vote entered Non-Public Session at 4:11 p.m. Present were Selectmen Alice Boucher, Connie Grant and Gus Benavides, Assistant Town Administrator Debra Shackett and Administrative Secretary Sandra Bailey.

While in Non-Public Session, the Board discussed personnel matters. While in Non-Public Session, no action was taken.

The Board exited Non-Public Session at 4:43 p.m.

- 10.0 Next Meetings** - August 15, 2007 at 5:00 p.m. – Work Session  
August 15, 2007 at 7:00 p.m. – Summer Town Forum  
August 22, 2007 at 3:00 p.m. – Regular Meeting

- 11.0 Adjournment** – With no further business before the Board, the Board of Selectmen's August 8, 2007 meeting was adjourned at 4:43 p.m.

Respectfully submitted,

Sandra J. Bailey  
Administrative Secretary