

**GILFORD BOARD OF SELECTMEN'S MEETING**  
**October 22, 2008**  
**Town Hall**

The Board of Selectmen convened in a regular session on Wednesday, October 22, 2008, at 7:00 p.m., at the Gilford Town Hall, 47 Cherry Valley Road, Gilford, NH. Selectmen present were Connie Grant, Gus Benavides and Kevin Hayes. Also present were Town Administrator Scott Dunn and Administrative Secretary Sandra Bailey.

1. **Pledge of Allegiance** – The Selectmen recited the Pledge of Allegiance. Chairman Grant announced that the meeting would be videotaped and broadcast on Lakes Region Public Access TV.
2. **Announcements** – none.
3. **Review/Approval of Minutes** – Selectman Benavides moved to approve the minutes of the regular and non-public sessions of the meeting of October 8, 2008; and the special budget work session of October 2, 2008. Selectman Hayes seconded. Motion carried with all in favor.

4. **Public Hearing**

- 4.1. **Sale of Land at 43 Potter Hill Road** – Chairman Grant read aloud the public notice on tonight's hearing. She pointed out that this is the sixth (6<sup>th</sup>) public hearing that the Board has held regarding this property. She opened the hearing for public comment at 7:03 p.m.

Everett McLaughlin stated that he would like to see the property sold to Gilford Village Knolls. He pointed out that they currently have a long waiting list. Jack Stephenson stated that he would like to see the property sold by open bid.

Town Administrator Dunn pointed out that any vote by the Board of Selectmen on this issue must be made not less than seven (7) and not more than fourteen (14) days from this date.

There being no further comments, the public hearing was closed at 7:04 p.m.

- 4.2. **Disposition of Old Library** – Chairman Grant advised the public that Town Counsel Walter Mitchell would be speaking first to provide an overview of the process and new information that has been received. Town Counsel Mitchell stated that the property was deeded to the Town of Gilford in 1922, with the condition that if it were to cease being a library that ownership would revert to the heirs. This property has functioned as a library for over eighty (80) years.

Mr. Mitchell pointed out that NH law, as of 2004, establishes this gift as a charitable trust. Therefore, the use of the property can be changed with the approval of the Attorney General's Office and the courts. The Board of Selectmen would like to file a petition so that this property can be used to address other needs of the Town or School District.

Mr. Mitchell also stated that according to NH law, the reverter clause is not valid after the death of the donors or twenty-one (21) years, whichever is longer. At this time, the Town does have title to the property, which is free of the reverter clause. Chairman Grant stated that the Board of Selectmen sincerely appreciates this generous gift from Wilbur and Louise Harding.

Everett McLaughlin stated that he feels the heirs should have been contacted as a matter of common courtesy. Next, Joe Hoffman proceeded to point out various matters pertaining to the sale of the Glendale Fire Station in 1995. After Mr. Hoffman was warned several times to be discussing the old library, he was escorted from the meeting room by Police Chief Markland.

Marshall Faye stated that he is a descendant of Wilbur and Louise Harding and he is disappointed with the Board of Selectmen. He reviewed some of the events that have transpired over the past four (4) years and feels that bad decisions have been made. He likened the situation to theft. Mr. Faye feels that the heirs should be fairly compensated.

Chairman Grant stated that no decision will be made tonight and the purpose of the public hearing is to allow public input.

Merrill Fay, who is a distant cousin of Marshall Faye, feels that the best interests of the Town would be served by treating the heirs fairly.

There being no further questions or comments, the public hearing was closed at 7:25 p.m.

## **5. Appointments**

**5.1. Michelle Leone – National Grid** – Ms. Leone stated that National Grid would be launching a website on October 31, 2008, with information on the Liberty Hill site. The address will be [www.lowerlibertyhillsite.com](http://www.lowerlibertyhillsite.com). Ms. Leone reviewed the course of events over the past several months regarding the progress of the remediation by NH DES. After additional test data is compiled, National Grid is hopeful to be able to report to DES in April or May of 2009.

Selectman Benavides asked for further clarification on the timeframe involved in remediation. Following more discussion, Chairman Grant thanked Ms. Leone for her presentation.

**5.2. Rhonda Bergman – Stonewall Village Condo Association** – Ms. Bergman was in attendance on behalf of the thirty-seven (37) homeowners at Stonewall Village, who have serious concerns about unresolved issues related to the “as-built” site plan.

Ms. Bergman provided a very detailed history of the events and correspondence that has taken place over the past several years regarding Stonewall Village. She further stated that Stonewall Village has received contradictory information on these matters and a resolution is long overdue. These issues primarily related to the retention pond and emergency spillway.

Ms. Bergman stated that there are issues with the “as-built” site plan that need to be addressed. She also claimed that the retention pond has never properly functioned. Ms. Bergman stated that these issues are the Town’s responsibility.

Ms. Bergman also inquired about the matter of the bond for the property. Stonewall Village would like a direct answer on the releasing of this bond. Ms. Bergman continued with her presentation, citing numerous correspondence from the Department of Public Works and Department of Planning and Land Use.

**5.3. Connie Moses – Supervisor of Checklist** – Both Connie Moses and Chairperson Mary Lou Grevatt were in attendance to address the Board on the compensation and workload of the Supervisors of the Checklist.

They provided a very detailed and thorough presentation on the responsibilities of the Supervisors of the Checklist and how they have changed over the years. They are hopeful that the Board of Selectmen will recognize the problems that exist and help them to come to a resolution on them. Many issues were created by State and Federal mandates.

Extensive discussion ensued on the various duties of the Supervisors, their compensation and working conditions. The Supervisors provided Board members with examples of the varying workload, depending upon which year of the election cycle we are in. Discussion also focused on the extensive voter turnout that is anticipated for November 4<sup>th</sup>.

The Board will meet again to address the compensation matters. Chairman Grant stated that we should be able to also address their space and equipment needs.

**5.4. John Markland – Police Department Update** – Police Chief Markland provided the scheduled update for the Board of Selectmen. He reviewed various calls the Department has recently had, as well as many ongoing projects being handled by the Department.

**5.5. Doug Hill – Evvard Conservation Easement** – Doug Hill, representing the Gilford Conservation Commission was in attendance to request that the Board approve a conservation easement that is being donated by Jean Evvard. Mr. Hill provided a map for the Board to view all of the conservation land that is located in the same area, providing 7,000 acres of contiguous conservation land. This easement was accepted by the Conservation Commission on October 21, 2008 and has been reviewed by Town Counsel Walter Mitchell. This property can be walked but motorized or wheeled vehicles will not be permitted.

Attorney Hill also briefly described a small parcel of Town land that is adjacent to the Gunstock Ski Area, and provides an easement to the County for the ski trail and snow pipe. He is proposing that this parcel be offered to Gunstock if they will assume the costs of a boundary line adjustment. This matter would then be proposed as a warrant article to the voters in March 2009. This type of vote is required because it is conservation land.

Selectman Benavides moved to approve the Conservation Easement offered by Jean Evvard, located on Weeks Road, with sincere thanks for her donation. Selectman Hayes seconded. Motion carried with all in favor. Town Administrator Dunn will write a letter to Mrs. Evvard, thanking her on behalf of the Board.

Selectman Benavides moved to authorize Doug Hill to contact the Gunstock Ski Area regarding a boundary line adjustment for a parcel of land to be conveyed to them by vote of a 2009 Warrant Article. Selectman Hayes seconded. Motion carried with all in favor.

**6. New Business**

**6.1. D.A.R.E. Donation** – Selectman Benavides moved to accept a donation on behalf of the D.A.R.E. Program, in the amount of \$240.00, from Lawrence and Mary Routhier. Selectman Hayes seconded. Motion carried with all in favor.

**6.2. Pole and Petition License – Bedford Avenue** – Selectman Benavides moved to approve the Pole and Petition Licenses for Young Road and Old Lakeshore Road, as submitted. Selectman Hayes seconded. Motion carried with all in favor.

**6.3. Right-of-Way Permit - Ferry** – Town Administrator Dunn provided the Board with a draft copy of a permit to allow a sewer line to pass under Boardview Terrace to the residence of William Ferry. This cannot be done by easement because the Board does not have the authority to grant an easement without Town Meeting approval.

Selectman Benavides moved to approve the Right-of-Way Permit, as written, to William Ferry of 55 Broadview Terrace. Selectman Hayes seconded. Motion carried with all in favor.

**6.4. MAAP User Agreement Update** – Selectman Benavides moved to approve the updated MAAP User Agreement and to authorize Town Administrator Dunn to sign the document on behalf of the Town of Gilford. Selectman Hayes seconded. Motion carried with all in favor.

**6.5. Items in State of NH Rights-of-Way** – Upon a recommendation from Building Inspector David Andrade, Town Administrator Dunn has prepared a letter to NH DOT, requesting their cooperation regarding the removal of unregistered vehicles and dilapidated trailers within the Route 11-A right-of-way. The Board concurred to sign this letter to NH DOT.

**6.6. Alvah Wilson Road Sidewalk Project - Engineering** – DPW Director Sheldon Morgan asked the Board to accept the ranking of the three firms who responded to the RFQ on the sidewalk project and to allow him to negotiate with them, starting with DuBois & King, the first ranked firm.

Selectman Benavides moved to allow DPW Director Sheldon Morgan to enter into negotiations with the three firms who responded to the RFQ on the sidewalk project. Selectman Hayes seconded. Motion carried with all in favor.

**6.7. Gilford Outing Club Warm-up Hut Donations** – Selectman Benavides moved to accept a \$1,000 donation from Laconia Savings Bank and \$503 from Mary Kay, to benefit the Gilford Outing Club Warm-up Hut. Selectman Hayes seconded. Motion carried with all in favor.

**7. Old Business**

**7.1. Acceptance of Police Station Addition/Renovation Proposal** – Selectman Hayes asked FPC Chair Jim Mull to provide the Board with a brief review of his memo dated October 21, 2008. Chairman Mull stated that state of the economy has caused the cost of the project to decrease, although this same factor may affect voter approval. Chairman Mull further stated that he is looking to the Board of Selectmen to authorize the FPC to continue negotiations on the project. Chairman Mull also commented that it has been extremely beneficial for the Committee to have a member of the Board of Selectmen and the Town Administrator attending their meetings.

Selectman Hayes moved to accept the proposal of Glen Builders, Inc. of Conway, NH, in the amount of \$1,200,000 for the Police State Addition/Renovation Project and authorize the Town Administrator and Facility Planning Committee to proceed with the remaining work necessary to develop a warrant article for 2009; and furthermore, to recommend a total project budget for the Police Station Renovations in the amount of \$1,750,000, to include a geothermal energy system. Selectman Benavides seconded. Motion carried with all in favor.

**7.2. September Budget Summary** – Finance Director Ruggles provided the Board with a September Budget Summary. He reported that revenues are tracking at higher than anticipated and expenses are tracking lower than anticipated. Selectman Benavides thanked Finance Director Ruggles for the 2009 Budget Presentation on an Excel spreadsheet. Brief discussion ensued on the matter of unanticipated increase in the room and meals tax.

**8. Public Input** – None.

**9. Selectmen's Issues** – None.

**10. Administrator's Report**

Town Administrator Dunn reported that the Town Hall repairs are almost completed. He has been busy soliciting copier bids, as well as working on both union contracts. He will be attending a labor law seminar tomorrow and is working on the vendor policy, personnel policy and updated pay scales. Town Administrator Dunn praised the Gilford Department Managers for their hard work and cooperative spirit.

**11. Non-Public Session under RSA 91-A:3 II (a) (d)**

Selectman Benavides moved to enter Non-Public Session at 9:23 p.m. Selectman Hayes seconded. Motion carried on a roll call vote with all in favor. Present were Selectmen Connie Grant, Gus Benavides and Kevin Hayes. Also present were Town Administrator Scott Dunn, Administrative Secretary Sandra Bailey and Conservation Commission members Doug Hill and Everett McLaughlin.

While in Non-Public Session with Doug Hill and Everett McLaughlin, the Board discussed potential land acquisition.

While in Non-Public Session, no action was taken.

After Doug Hill and Everett McLaughlin exited Non-Public Session, the Board discussed personnel matters and legal matters.

The Board exited Non-Public Session at 10:18 p.m.

**12. Signatures**

<b><u>DATE SIGNED</u></b>	<b><u>DOCUMENT</u></b>	<b><u>MAP/LOT #</u></b>
07/02/08	Change of Status - Worster	
09/15/08	Payroll Register	
09/17/08	Accounts Payable Manifest	
09/22/08	Payroll Register	
09/22/08	Abatement - Bossie	213-068.003
09/24/08	Accounts Payable Manifest	
09/29/08	Payroll Register	
10/02/08	Abatements - Lockes Hill Betterment	
10/02/08	Tax Collector's Warrant - Sewer	223-408.200
10/06/08	Sewer Abatement - Bertholdt	223-541.000
10/08/08	Accounts Payable Manifest	
10/08/08	Change of Status - Shute	
10/09/08	Tax Collector's Warrant - Sewer	253-390.000
10/09/08	Notice of Lien - Gray	201-009.044
10/22/08	Change of Status - Hewitt	
10/22/08	Veteran's Tax Credit - Garvey	201-009.051

**13. Next Meeting** – Wednesday, November 12, 2008 at 7:00 p.m.

**14. Adjournment** – With no further business before the Board, the Board of Selectmen's October 22, 2008 meeting was adjourned at 10:18 p.m.

Respectfully submitted,

Sandra J. Bailey  
Administrative Secretary