

**GILFORD BOARD OF SELECTMEN'S MEETING**  
**January 13, 2010**  
**Town Hall**

The Board of Selectmen convened in a regular session on Wednesday, January 13, 2010, at 7:00 p.m., at the Gilford Town Hall, 47 Cherry Valley Road, Gilford, NH. Selectmen present were Gus Benavides, Kevin Hayes and John O'Brien. Also present were Town Administrator Scott Dunn and Executive Secretary Sandra Bailey.

Staff members in attendance included Finance Director Geoff Ruggles, Town Clerk/Tax Collector Denise Morrissette, Police Chief John Markland, Deputy Police Chief Kevin Keenan and DPW Director Sheldon Morgan.

1. **Pledge of Allegiance** – The Selectmen recited the Pledge of Allegiance.
2. **Announcements**
  - 2.1. Chairman Benavides announced that the Budget Committee Public Hearing on the Town Budget will be held on Thursday, January 14, 2010 at Gilford High School at 6:30 p.m.
  - 2.2. Chairman Benavides announced that the Town Offices and Library will be closed on Monday, January 18, 2010 for Martin Luther King, Jr. Day.
  - 2.3. Chairman Benavides announced that the filing period for Town officers is from January 20, 2010 through January 29, 2010. He also announced the vacant positions for the upcoming Town Meeting election.
3. **Review/Approval of Minutes**
  - 3.1. Selectman Hayes moved to approve the minutes of the regular session of December 16, 2009 and the special session of December 31, 2009. Selectman O'Brien seconded. Motion carried with all in favor.
4. **Consent Agenda**
  - 4.1. Selectman Hayes moved to approve the Consent Agenda for the period December 14, 2009 through January 8, 2010. Selectman O'Brien seconded. Motion carried with all in favor.

<b><u>DOCUMENT</u></b>	<b><u>DATE</u></b>	<b><u>DOCUMENT</u></b>	<b><u>MAP/LOT #</u></b>
	10/22/09	Change of Status - Hewitt	
	11/12/09	Change of Status - DuVerger	
	11/18/09	Change of Status - Beaulieu	
	12/07/09	Change of Status - Campbell	
	12/07/09	Payroll Registers (2)	
	12/07/09	Permit for Maintenance of Green Space	228-016.011
	12/08/09	Boat Agent Letters (3)	
	12/09/09	Accounts Payable Manifest	
	12/14/09	Notice of Lien - Kinsley	228-067.000
	12/14/09	Change of Status - Tidd	
	12/14/09	Payroll Register	

12/15/09	Veteran's Tax Credit - Cowdrey	252-016.048
12/15/09	Veteran's Tax Credit - Plowman	241-077.000
12/16/09	Elderley Tax Deferral	211-028.000
12/16/09	Accounts Payable Manifest	
12/16/09	Sewer Abatement - Town of Gilford	213-091.000
12/16/09	Sewer Abatement - Rowe	227-141.000
12/16/09	Sewer Abatement - Ladd	227-175.000
12/16/09	Pole & Petition License - Young Road	
12/19/09	Veteran's Exemption Denial - Beland	252-016.813
12/19/09	Change of Status - Bailey	
12/20/09	Change of Status - Cook	
12/20/09	Change of Status - Verdile-Philibotte	
12/21/09	Payroll Register	
12/22/09	Accounts Payable Manifest	
12/28/09	Payroll Register	
12/30/09	Accounts Payable Manifest	
12/31/09	Veteran's Tax Credit - Killen	224-049.038
12/31/09	Appointment Form - Hanley	
12/31/09	Work Agreement with Forest Land Improvement	

## **5. Public Hearing**

**5.1. Plowing Agreement – Gilford Community Church Parking Lot** – Chairman Benavides provided a brief overview of this situation for the audience. The Board of Selectmen feels that it is important to hear from both sides on whether or not the Town should plow the parking lot of the Gilford Community Church. Town Counsel has reviewed the Memorandum of Understanding and found it to be compliant. There is one change from the original MOU, in that the language concerning declaration of an Emergency Lane has been deleted.

Chairman Benavides stated that he is personally acquainted with Pastor Graham and appreciates the example set by the Community Church in focusing on an active community. Selectman Hayes added that no decision will be made tonight regarding this Memorandum of Understanding. It is an opportunity for the Board to hear from the public.

Chairman Benavides opened the public hearing at 7:08 p.m.

Sue Allen, a member of the Church, stated that the Community Center is a separate entity than the Church and is open to all members of the community. She urged the Board to consider plowing the parking lot.

Armand Bolduc stated that he is against the Town plowing the parking lot because of the RSA's. He feels that the Board should take these seriously, as he does in Laconia. He also stated that he spoke with the Town's insurance company and they are opposed to the Town plowing it. The Board of Selectmen should make decisions following the RSA's and what is in the best interests of the Town. Mr. Bolduc further stated that the City of Laconia had a similar situation with St. Joseph's Church and the Laconia Library.

As far as insurance is concerned, Armand Bolduc stated that the Town's insurance company has stated that if the Town plows this parking lot, their insurance premiums will increase. Mr. Bolduc produced a document from the Local Government Center. At this time, he read the Oath of Office that the Selectmen took and told them that they have to abide by it. In addition, if someone other than the Town plows the parking lot it would provide a job for someone who is unemployed.

He does not feel that this is the proper way to conduct business and the Laconia City Manager would have never produced a document like this to get around the RSA's. He also pointed out that the Gilford Community Church pays no property taxes. If the Town plows their parking lot, they will need to plow all of the parking lots and driveways in Gilford. He urged the Board to consider this and thanked them for the opportunity to speak.

Alice Boucher, who is not a member of the Gilford Community Church, spoke in favor of plowing the parking lot. She reiterated that Town Counsel has provided an opinion on this Memorandum of Understanding. She also pointed out that the G.A.L.A (Gilford – A Look Ahead) recommended that the Town have a community center. Gilford does have a community center now, but it has been constructed on the Church's property. A community center would have been much more costly if it had been built elsewhere. In closing, she thinks that the Community Center is an asset to the Town of Gilford.

Bill Roderick, who is not a member of the Gilford Community Church, does not support the Town plowing the parking lot because he does not feel the Town should supply services to private property. He recommended that a written document be created if the Town were to plow the parking lot.

Doug Hill, who is a member of the Gilford Community Church, does not believe that RSA 231:59, as cited by Armand Bolduc, applies to this situation. He encouraged the Board to seek further legal counsel on this matter. Mr. Hill encouraged the Board to execute the MOU because it is comprehensive and protects the interests of both parties. He stated that the Community Center is open to all and provides a critical service to the Town, sponsoring after-school activities for students.

Doug Hill also pointed out that "separation of Church and State" does not apply in this situation. He further elaborated that during the time George W. Bush was in office, he encouraged church-based entities to provide essential social services. Plowing the Church parking lot would be for the common good and the Town has legitimate justification to do so.

Derek Tomlinson, who is a member of the Gilford Community Church and Gilford School Board, pointed out the excellent working relationship between the school and the church. There is continual, ongoing discussion between the Youth Center and this exemplifies the community spirit within Gilford.

Dale Dormody, who is a member of the Gilford Community Church, does not

want the Town to break the law and reiterated that Town Counsel has reviewed this MOU. He also pointed out that a bus route goes through the Church parking lot and the Library uses the lot for overflow parking. When the Library was constructed, this shared parking arrangement was included in their site plan. The Town also benefits by having this parking lot available as a staging area for parades.

Jack Stephenson, who is a member of the Gilford Community Church, although inactive, stated that the Church does many good things. He provided some brief history between the Church and the old Town Hall, who merged their buildings for the benefit of the community. Plowing the church parking lot was a continuation of this. Mr. Stephenson stated that it is easier to plow both parking lots as one, rather than having to be concerned with dividing it between two different entities. He encouraged this cooperation and commended Gilford's Department of Public Works.

Walter Flynn, who is a member of the Gilford Community Church, although not a resident of Gilford, also provided some history of the arrangement between the Town of Gilford and the Gilford Community Church. He praised the Church's community interest and encouraged the Board to support this MOU.

There being no further questions or comments, Chairman Benavides closed the public hearing at 7:43 p.m.

Selectman O'Brien responded to Armand Bolduc's comment regarding his oath of office. He stated that he knew the oath he took and it was not to go to the insurance company for legal advice. When the Board reiterated that they would not be making a decision on this matter tonight, Derek Tomlinson asked them to consider that the Church budget must be finalized by January 31, 2010, and knowing the status of the plowing situation would be very beneficial to them.

**5.2. Boat Trailer Parking Facility Regulations** – Chairman Benavides opened this public hearing at 7:44 p.m. Jim MacBride, representing the Gilford Island Association, reiterated the points he made in his recent e-mail to Town Administrator Dunn, particularly that of providing a location for guest trailer parking. Selectman Hayes asked Mr. MacBride why it was the Town's responsibility to provide a location for guest trailer parking and he replied that the 1971 Town Warrant provided for guests. He also stated that many condominium associations do not allow storage of boat trailers and need to be accommodated.

Merrill Fay spoke regarding the history of the ice rink property. He cautioned the Board that the area being proposed for boat trailer parking is part of the ice rink property and if the rink is expanded for summer usage, such as indoor soccer, the area would be needed for parking for those activities. He also commented on the type of vegetation in the area and how Fay's Boat Yard provides free trailer parking with a \$20 launching fee.

Merrill Fay suggested increasing the fee for trailer parking to reduce the number of people who would purchase the permit. He also thanked the Selectmen for re-

opening Gilford Beach for ice fisherman, etc. and offered the assistance of his staff to assist in keeping the beach clean as the ice goes out.

Dave Ewing thinks it is important to make sure trailers have current registration plates. Town Administrator Dunn replied that this is covered in Section 15.3.3. Merrill Fay added that he is not in favor of a lottery for boat trailer parking, but feels it should have an increased fee instead.

There being no further questions or comments, the public hearing was closed at 8:03 p.m. Chairman Benavides announced that the Board would re-visit this issue at its next meeting.

Brief discussion ensued regarding the lottery process. Town Administrator Dunn plans for it to be held in April, which would be early enough for people to make other arrangements for boat trailer storage, if needed. This would also eliminate a huge demand on the Town Clerk's office when the permits are ready to be sold. The number of permits that would be available has increased from 50 to 62.

## **6. Appointments**

**6.1. Sheldon Morgan – Department of Public Works Update** – Director Morgan reported that there have been eight (8) storm events to date and all equipment is running well. In addition, the January sewer meter reads have been completed. Following a question from Selectman Hayes, brief discussion ensued regarding some recently approved sewer abatements that were the result of meters being misread. Finance Director Ruggles provided an explanation of how some of these errors have occurred due to the billing system software.

## **7. Old Business**

**7.1. 2010 Town Meeting Warrant** – Town Administrator Dunn stated that Article 32, as indicated in Draft #4 dated 1/13/10, is a new petition article. Following brief discussion, it was the consensus of the Board to remove Article 31 from the Warrant. A special Board meeting was scheduled for January 19, 2010 at 9:00 a.m. to finalize the Warrant.

**7.2. Traffic Analysis on Potter Hill Road** – The Board briefly discussed the speed and volume of traffic issues on Potter Hill Road. Chief Markland reported that radar patrols are difficult at this time of year due to snow banks. It was also mentioned that both the Town's radar and traffic counter are currently out of service. Chief Markland stated that once the equipment has been repaired and the snow banks are gone, he will be able to resume the radar patrols.

**7.3. Winter Use of Gilford Beach** – Chairman Benavides thanked the Belknap County Sportsmen's Association and the Belknap Snowmobiler's Club for their offer to be responsible for trash cleanup and appropriate signage at the Beach.

Selectman Hayes moved to accept the recommendation of the Recreation Commission to re-open Gilford Beach for winter use, based on input from affected groups and a commitment for better enforcement. Selectman O'Brien seconded. Motion carried with all in favor.

**8. New Business**

**8.1. Acceptance of Donations** – Selectman Hayes moved to accept \$455 in donations for the fire training facility. Selectman O’Brien seconded. Motion carried with all in favor.

Selectman Hayes moved to accept \$74.04 in donations for cemetery restoration. Selectman O’Brien seconded. Motion carried with all in favor.

**9. Public Input** – Evans Juris commented on the increased health insurance rates from LGC. Town Administrator Dunn stated that the 28.3% is a guaranteed maximum rate. Mr. Juris further commented that often, the final rates from LGC are lower than the GMR.

Brian Winslow of Community Health and Hospice requested information on tomorrow night’s Budget Committee Public Hearing. Selectman Hayes informed him that it would be advantageous to have someone from the organization at the public hearing and any handouts would be valuable, particularly those concerned with their finances. Selectman O’Brien added that a percentage comparison of money spent for services vs. administrative costs would also be helpful, as well as a percentage of what services are reimbursed by insurance.

Doug Hill, as a member of the Gilford Conservation Commission, pointed out that the winter re-opening of Gilford Beach could present problems to the Adder Hole, a wetland filter adjacent to the Beach. He recommended that signage be placed to prohibit vehicles and snowmobiles from accessing this area, which is a vital public resource.

**10. Selectmen’s Issues** – none.

**11. Administrator’s Report** – Town Administrator Dunn reported that he testified at a public hearing at the Statehouse today, regarding a proposed bill that could have unintended consequences to elected officials.

**12. Next Meeting** – Regular Meeting – January 27, 2010 at 7:00 p.m.

**13. Non-Public Session**– Selectman Hayes moved to enter Non-Public Session at 8:41 p.m., pursuant to RSA 91-A:3 II (c)(e), to discuss matters which may adversely affect someone’s reputation and pending litigation. Selectman O’Brien seconded. Motion carried on a roll call vote with all in favor. Present were Selectmen Gus Benavides, Kevin Hayes and John O’Brien. Also present were Town Administrator Scott Dunn and Executive Secretary Sandra Bailey.

While in Non-Public Session, the Board discussed a matter which may adversely affect someone’s reputation with Town Clerk/Tax Collector Denise Morrissette and Deputy Police Chief Kevin Keenan. While in Non-Public Session, action was taken.

Selectman Hayes moved to exit Non-Public Session at 8:54 p.m. and seal the minutes. Selectman O’Brien seconded. Motion carried with all in favor.

14. **Adjournment** – With no further business before the Board, the Board of Selectmen’s January 13, 2010 meeting was adjourned at 8:54 p.m.

Respectfully submitted,

John T. O’Brien  
Clerk