

GILFORD BOARD OF SELECTMEN'S MEETING
February 10, 2010
Town Hall

The Board of Selectmen convened in a regular session on Wednesday, February 10, 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 was Executive Secretary Sandra Bailey. Town Administrator Scott Dunn was absent due to a vacation.

Staff members in attendance included Finance Director Geoff Ruggles, Police Chief John Markland, Planning and Land Use Director John Ayer, Building Inspector David Andrade 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 Town Offices and Library will be closed on Monday, February 15, 2010 for President's Day
 - 2.2.** Chairman Benavides announced that three members of the Department of Public Works have advanced in their status with the Roads Scholar Program through the University of NH Technology Transfer Center. Dustin Muzzey has advanced to the status of Master Roads Scholar and Kirk Young and Richard Abbott have advance to the status of Senior Roads Scholar. He commended these employees for their effort and commitment to this program.
- 3. Review/Approval of Minutes**
 - 3.1.** Selectman Hayes moved to approve the minutes of the regular session of January 27, 2010 and the special work session of January 26, 2010. 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 January 25, 2010 through February 5, 2010. Selectman O'Brien seconded. Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
01/14/10	Abatement - Lynch	225-075.016
01/14/10	Abatement - Knightly	267-190.200
01/19/10	Payroll Register	
01/21/10	Abatement Denial - Provost	203-108.000
01/21/10	Abatement - Preston	227-108.000
01/21/10	Abatement - Schenk	263-036.002
01/21/10	Sewer Abatement - Brookside Crossing Homeowners (2)	252-053.000
01/21/10	Revised Sewer Abatement (2)	252-016.154
01/21/10	Letter to Belknap County Commissioners	
01/22/10	Abatement - Alpert	249-039.000
01/25/10	Payroll Register	
01/26/10	Accounts Payable Manifest	
01/27/10	Veteran's Tax Credit - Dixon	205-006.006

02/01/10 Memorandum of Understanding - Community Church
02/01/10 Boat Trailer Parking Regulations

5. Public Hearing

5.1. Policy Regulating Temporary Commercial Signs in Town Rights-of-Way –

Chairman Benavides stated that the Board conducted a work session on January 26, 2010, in order to finalize Draft #6 of this policy. He further stated that he will open the public hearing for comment, but the Board will not be making a final decision on the Policy tonight.

Jerry Gagnon stated that he has verbally discussed this policy with two different attorneys, who feel it is unenforceable. They did state, however, that the policy does not interfere with the existing Zoning Ordinance. He further asked if Town Counsel had reviewed the policy and Chairman Benavides replied yes.

There being no further comments, the public hearing was closed at 7:05 p.m.

6. Appointments

6.1. Ronny Bean – Concerns with Saltmarsh Pond Road Property – Ronny Bean was in attendance to express his concerns with the property located at 150 Saltmarsh Pond Road. Mr. Bean feels that this property is in violation of their approved site plan and the Town should admit the error that occurred in this approval and “make it right”.

Mr. Bean provided a history of his concern with the property, going back to the previous owner Beege Dolloff, and advised the Board that he appealed the decision of the Planning Board to the Zoning Board of Adjustment in July 2009. His appeal was denied. Mr. Bean also pointed out that he has met resistance from the Department of Planning and Land Use in trying to obtain information that pertains to this matter.

Ronny Bean also pointed out that the 1984 Ordinance on Home Occupation states that activity cannot be in plain view. Because of this, he does not feel that Mr. Dolloff ever met the criteria for a Home Occupation and therefore, it could not be considered a grandfathered use. Mr. Bean also thinks that this use, regardless of its status, was discontinued when Mr. Dolloff passed away and therefore, Mr. Gleeson should not have been granted approval for a Home Occupation.

Mr. Bean provided the Board with detailed information regarding the property at 150 Saltmarsh Pond Road, following the passing of Mr. and Mrs. Dolloff. He further stated that when he brought his concerns to the Building Inspector David Andrade, that he was not willing to look into the matter any further for Mr. Bean, since the period of appeal has long since passed. Mr. Bean expressed concern regarding who should actually be enforcing the approved site plan.

Selectman O’Brien asked Ronny Bean when he constructed his house, to which he replied 1997. Selectman O’Brien further questioned a bulldozer that is in plain view on an adjacent property. Ronny Bean replied that this is the land of his parents, but they have no abutters who are affected by it. He further stated that as a result of the Conservation Easement, they are required to maintain the fields, which is why there is a bulldozer on the property.

Selectman Hayes asked Mr. Bean if he ever had issues with Mr. Dolloff's construction business. Mr. Bean replied yes, but since Mr. Dolloff's business was operating when he built his house, plus the fact that Mr. Dolloff was well known within the Town of Gilford, he did not complain. Selectman Hayes further asked about Mr. Bean's property value at the time he built his house, given Mr. Dolloff's construction business. Mr. Bean replied that when his house was built, the value could have been higher had it not been for Mr. Dolloff's construction business on the adjacent property.

Ronny Bean is also concerned that the current owner, Steve Gleeson, will be able to sell this property as a commercial listing, making it profitable for him and a further loss to Mr. Bean's property value. Chairman Benavides questioned why these matters were not brought forward during the appeal process and Mr. Bean replied that no one in the Planning Department assisted him. Mr. Bean does not feel that he should have had to go looking for information – he feels it should have been provided for him.

Ronny Bean also expressed concern with the status of the floor drain in the commercial building. When Chairman Benavides brought up his appeal to the Zoning Board in July 2009, Ronny Bean stated that the information he needed for the appeal was just received on Tuesday, February 9, 2010. He did not have this information in July. Chairman Benavides further asked Mr. Bean what he would like to the Board of Selectmen to do in this matter.

Mr. Bean replied that he would like the Board to “step up to the plate” and admit that an error was made regarding the interpretation of “discontinued use”. He would also like the property to not be able to be sold as commercial. Selectman O'Brien asked Mr. Bean about any noise issue, to which he replied that the noise before 7:00 a.m. is a concern, but he is primarily worried about his property value.

At this time, Steve Gleeson asked to respond to some of Mr. Bean's comments. He pointed out that the property could not be sold as commercial since it is located within a residential zone, not a commercial zone. He further added that the property was not abandoned since Mr. Dolloff's son, Kevin, kept equipment there and continued to operate a construction business.

Mr. Gleeson further stated that when he was interested in purchasing the property, he was advised that in order to have it considered a home occupation, he would have to live on the property, which was not his original intent. However, to comply with the Town's ordinances, he did relocate his residence to 150 Saltmarsh Pond Road. He pointed out that he received Planning Board approval and the Zoning Board upheld the decision of the Planning Board.

Steve Gleeson stated that he is tired of Mr. Bean's harassment and may be compelled to take civil action. Chairman Benavides asked him if he is aware if someone was always living at the residence. Mr. Gleeson replied that he is not sure, but knows that two different people resided there following the passing of Mr. and Mrs. Dolloff. He further questioned Mr. Gleeson regarding the violation notice he received from Building Inspector Dave Andrade. Mr. Gleeson explained that in one instance, his truck is parked in such a way to have access to an electrical outlet for an engine heater. He further pointed out that Mr. Dolloff had considerably more equipment than he does, located all over the property, and there are no complaints on

file regarding his construction equipment.

Chairman Benavides further questioned Mr. Gleeson regarding the allegations that some of his equipment is still in plain view, making it a violation of the Planning Board approval. Mr. Gleeson responded that although he has tried hard to comply, it is difficult to keep everything from plain view in all directions. Mr. Gleeson also pointed out that the property is much cleaner than it was with the previous owner. He plans to provide additional screening in the spring. Selectman Hayes inquired about the matter of the floor drain and Mr. Gleeson replied that it has been discontinued (plugged) and the bank had no problem with this when they inspected the property for financing. Mr. Gleeson reiterated that he does live on this property and would not want to see any type of pollution.

Ronny Bean stated that he has nothing personal against Mr. Gleeson, but this property was never approved as a home occupation prior to Mr. Gleeson's ownership. He further stated that if a tenant lived in the house, it would further eliminate the grandfathering of the home occupation. Mr. Bean also pointed out that Mr. Gleeson is stockpiling material, although he did credit him for doing a great job with the landscaping of the property. Mr. Gleeson then explained that the "stockpiling" is actually the use of material for his own property.

At this time, Dave Andrade distributed copies of the decision letters from the Planning Board and Zoning Board of Adjustment, as well as the statute regarding the appeal process. Selectman O'Brien asked Planning Director John Ayer if Beege Dolloff did, in fact, have a home occupation on this property, to which Director Ayer replied yes. Dave Andrade further stated that he has spoke with some of the neighbors in the area and they are pleased with the improvements Mr. Gleeson has made to the property. He added that Mr. Gleeson will be installing more fencing, in the spring, that can be used to further screen the property.

In closing, Mr. Bean strongly encouraged the Board to read through the 1984 Ordinances that he provided for them.

- 6.2. John Ayer – Department of Planning and Land Use Update** – Director Ayer provided a membership update for the various land use boards, indicating very lengthy years of service for some members. He also briefly reviewed the upcoming Zoning Ordinance amendments that will be voted on at Town Meeting.

After advising the Board that Julie McConnell does not wish to be reappointed to the Historic District Commission, Chairman Benavides commended her for her many years of service. He also commended Rudi Lehr, who recently resigned from the Conservation Commission, for his many years of service.

7. Old Business

- 7.1. Plowing of Community Church Parking Lot** – Chairman Benavides stated that the effective date for the Memorandum of Understanding for the plowing the Community Church parking lot is being changed to February 11, 2010.

Selectman Hayes moved to change the effective date of the Memorandum of Understanding with the Gilford Community Church to February 11, 2010. Selectman O'Brien seconded. Motion carried with all in favor.

Derek Tomlinson thanked the Board for changing the date.

7.2. Energy Committee Mission Statement – Energy Committee Chair Howard Epstein reviewed the past goals of the Committee. He also expressed concern for the lack of tax exemptions for renewable energy sources within the Town of Gilford. He suggested that the Committee now focus on upgrading the Town Hall, including the roof, thermal envelope and heating system. He also recommended that the Town be prepared for the next round of grant funding, if it becomes available.

7.3. Water Quality Issues at Town Hall, DPW & Fire-Rescue – DPW Director Sheldon Morgan briefly reviewed a report received from Secondwind Water Systems, regarding the water quality issues at Town buildings. Selectman Hayes asked Director Morgan to look into what would be involved for the Town buildings to connect to the Village Water District.

8. New Business

8.1. Approval of Private Road Name – Sara’s Way – Selectman Hayes moved to approve the naming of a private road, as requested by surveyor Dean Clark, to Sara’s Way. Selectman O’Brien seconded. Motion carried with all in favor.

Planning Director John Ayer noted that the sign for the private road will not have an apostrophe in the name.

8.2. 5K Walk/Run Event – Gilford Middle School Eighth Grade Class – Police Chief Markland has recommended that this group obtain a permit from NH DOT for the event. Selectman Hayes is concerned with the participants crossing Route 11-A in two places on a busy Saturday morning.

Following discussion on the proposed event, Police Chief Markland and the Board expressed safety concerns. They will seek additional information to clarify the event and possibly recommend changing the route to not cross over Route 11-A. Chief Markland will check into this matter further for the Board, who tabled it until their next meeting on February 24, 2010.

8.3. Resignation of Rudolf Lehr – Conservation Commission – Selectman Hayes moved to accept the resignation of Rudi Lehr with regret and gratitude for his years of service. Selectman O’Brien seconded. Motion carried with all in favor.

8.4. Rubbish Removal Contract – DPW Director Sheldon Morgan provided a brief explanation of why he is recommending that the contract be awarded to Bestway Disposal.

Selectman Hayes moved to award the Town’s yearly rubbish removal contract to Bestway Disposal, for the 2-year cost of \$22,852.00, with a one year extension clause. Selectman O’Brien seconded. Motion carried with all in favor.

8.5. Perambulation of the Common Bound – Gilford and Alton – DPW Director Morgan provided a brief presentation of the perambulation between Gilford and Alton and asked the Board to sign both copies he has provided.

8.6. Acceptance of Donations – Fire Training Center and Cemetery Restoration – Selectman Hayes moved to accept donations in the amount of \$520 for the Fire

Training Center and \$19.49 for Old Cemetery Restoration. Selectman O'Brien seconded. Motion carried with all in favor.

9. **Public Input** – Howard Epstein encouraged the Board to look into 911 compliance issues within the Town of Gilford.

10. **Selectmen's Issues** – Selectman O'Brien stated that it would be a good time to emphasize the Town's safety concerns at the corner of Belknap Mountain Road and Route 11-A following this afternoon's accident.

11. **Administrator's Report**

12. **Next Meeting** – Regular Meeting – February 24, 2010 at 7:00 p.m.

13. **Non-Public Session**– Selectman Hayes moved to enter Non-Public Session at 8:47 p.m., pursuant to RSA 91-A:3 II (a)(b), to discuss the hiring/promotion/dismissal of Town employees. 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 Police Chief John Markland and Executive Secretary Sandra Bailey.

While in Non-Public Session, the Board discussed a personnel matter with Chief Markland. While in Non-Public Session, no action was taken.

Selectman Hayes moved to exit Non-Public Session at 9:13 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 February 10, 2010 meeting was adjourned at 9:13 p.m.

Respectfully submitted,

John T. O'Brien
Clerk