

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

The Board of Selectmen convened in a regular session on Wednesday, October 13, 2010, at 6:00 p.m., at the Gilford Town Hall, 47 Cherry Valley Road, Gilford, NH. Selectmen present were Kevin Hayes, John O'Brien and Gus Benavides. Also present were Town Administrator Scott Dunn and Executive Secretary Sandra Bailey.

Staff members in attendance included Finance Director Geoff Ruggles, Director of Planning and Land Use John Ayer and DPW Operations Manager Dustin Muzzey.

- 1. Non-Public Session** - Selectman O'Brien moved to enter non-public session at 6:02 p.m., pursuant to RSA 91-A:3, II (c)(d)(a) to discuss matters which may adversely affect someone's reputation, sale of real estate and personnel issues. Selectman Benavides seconded. Motion carried on a roll call vote with all in favor. Present were Selectmen Kevin Hayes, John O'Brien and Gus Benavides. Also present were Town Administrator Scott Dunn, Executive Secretary Sandra Bailey, Police Chief John Markland and Deputy Police Chief Kevin Keenan.

While in non-public session, Police Chief Markland asked the Board to hire Kevin M. Baron of Laconia to fill the vacancy of Patrol Officer within the Department. Mr. Baron has successfully completed the background investigation and all requirements have been met to be in accordance with the hiring of police employees through the NH Police Standards & Training Council.

Selectman O'Brien moved to authorize the hiring of Kevin M. Baron as Patrol Officer effective November 1, 2010 at a wage rate of \$19.79 per hour. Selectman Benavides seconded. Motion carried with all in favor. Chief Markland and Deputy Chief Keenan then exited non-public session.

The Board discussed a request from Attorney Mark Beaudoin, on behalf of his client Peter DeLillo, to have the Board authorize the refund of a security deposit for property purchased at a tax sale on August 21, 2010. Attorney Beaudoin's position is that the Town did not have legal right to convey the property.

Selectman O'Brien moved to refund the \$2,000 security deposit to Peter DeLillo for property located off of Gilford Glen Road, known as Tax Lot #230-015.000. Selectman Benavides seconded. Motion carried with all in favor.

Chairman Hayes moved to authorize the sale of the former mobile home property of Heidi Lilley to the Lakeshore Cooperative Park for the sum of \$300. Selectman O'Brien seconded. Motion carried with all in favor.

Other matters were discussed and these minutes were sealed upon a motion by Selectman O'Brien. Selectman Benavides seconded. Motion carried with all in favor. Selectman O'Brien moved to exit non-public session at 6:52 p.m. Selectman Benavides seconded. Motion carried with all in favor.

The Board re-convened in regular session at 7:00 p.m.

- 2. Pledge of Allegiance** – The Selectmen recited the Pledge of Allegiance.
- 3. Announcements/Presentations**

3.1. Rae Mello-Andrews – EMS Educator of the Year – Chairman Hayes read aloud a letter from Fire Chief John Beland, informing the Board of the recent recognition of Fire-Rescue Paramedic Rae Mello-Andrews as EMS Educator of the Year.

4. Review/Approval of Minutes

4.1. Selectman O'Brien moved to approve the minutes of the regular and non-public sessions of September 22, 2010 and the budget work session of September 29, 2010. Selectman Benavides seconded. Motion carried with all in favor.

5. Consent Agenda

5.1. Selectman O'Brien moved to approve the Consent Agenda for the period September 20, 2010 through October 8, 2010. Selectman Benavides seconded. Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
11/19/09	Change of Status - Beupre	
08/03/10	Change of Status - Morgan	
08/11/10	Change of Status - Harris	
08/13/10	Change of Status - Beupre	
08/26/10	Abatement - Tilton Manor	214-032.000
08/28/10	Change of Status - Jacques	
08/31/10	Tax Collector's Warrant - Jeopardy Tax - Bergeron	252-016.304
09/07/10	Accounts Payable Manifest	
09/07/10	Payroll Register	
09/08/10	MS-1 (3)	
09/08/10	Accounts Payable Manifest	
09/08/10	Sewer Abatement - Wasik	252-016.915
09/13/10	Payroll Register	
09/13/10	Change of Status - Lavin	
09/14/10	Change of Status - Raus	
09/15/10	Accounts Payable Manifest	
09/17/10	Release of Lien - Olsen	201-009.046
09/20/10	Payroll Register	
09/20/10	Sewer Abatment - Hanson	252-016.822
09/20/10	Change of Status - Vallor	
09/21/10	Accounts Payable Manifest	
09/22/10	Appointment - EMD - Beland	
09/22/10	Appointment - Dept. EMD - Carrier	
09/22/10	Tax Collector's Warrant - 2010 Water Rent	
09/24/10	TC Warrant - Land Use Change - Curtis	240-106.000
09/27/10	Payroll Register	
09/29/10	Change of Status - Buckner	
09/30/10	Change of Status - Hayes	
10/01/10	Change of Status - Beland	
10/01/10	Change of Status - Carrier	

6. Appointments

6.1. Dustin Muzzey – Department of Public Works Update – DPW Operations Manager Dustin Muzzey was in attendance to provide a quarterly update to the Board. He provided them with a brief overview of each of the Department's divisions, beginning with the Highway Division. He stated that the construction season is coming to an end with work being completed on Ridgewood Avenue and Hoyt Road. The Glen Bridge upgrades will begin next week, with the Alvah Wilson Sidewalk project also coming to a close. He also pointed out that repair work has begun at the Glendale Docks. The Sewer Division is in the process of performing

their quarterly reads and will be assisting the Recreation Department in closing down the beach for the season.

The Buildings and Grounds Division is preparing for winter, as is the case with the Vehicle Maintenance Division. Brief discussion ensued regarding the upcoming single stream recycling that will be commencing within the Solid Waste Division.

The Board thanked Operations Manager Muzzey for his presentation.

7. Old Business

- 7.1. NH DOT Response to Crosswalk Requests** – Town Administrator Dunn outlined some of the options available to the Board after NH DOT did not approve a crosswalk in front of Marina Bay Condominiums on Route 11-B. As far as the crosswalk request from Beans & Greens, NH DOT did not approve the request. However, Town Administrator Dunn indicated that the situation at Beans & Greens has been better this year, with participants being driven across the street in a tractor-pulled trailer.

Following brief discussion, Chairman Hayes recommended that the matter of the Marina Bay Condominium crosswalk be deferred to DPW Director Sheldon Morgan for review. In addition, he recommended that Town Administrator Dunn ascertain if Marina Bay is willing to expend funds for the improvements required by NH DOT.

8. New Business

- 8.1. Results of Audit RFP** – Finance Director Ruggles reviewed the memo he prepared for the Board regarding the results of the recent RFP for audit services. He pointed out that although all of the bids are quite close, the lowest one was received from Plodzik & Sanderson, who are our current auditors. He suggested that the Board could conduct interviews to assist them in choosing a firm, since all of the firms have extensive knowledge and experience auditing municipalities.

General discussion ensued regarding the audit process and the figures presented by each firm. Following this discussion, Selectman O'Brien moved to select Vachon Clukay and Company to complete the Town's 2010 audit, at a cost not to exceed \$18,634, with the ability to extend the contract for an additional four (4) years. Selectman Benavides seconded. Motion carried with all in favor.

- 8.2. Cotton Hill Road Drainage Easement** – DPW Operations Manager Muzzey provided the Board with background information regarding the request from White Mountain Land Company to take care of drainage issues at 230 Cotton Hill Road. The proposal from White Mountain Land Company calls for one of the landowners to fix the situation and grant a formal easement to the Town, provided the Town is willing to donate the needed materials of culvert and stone. Chairman Hayes inquired about any permits that might be required, to which Operations Manager Muzzey replied that no DES permits are required, only a Dig & Trench Permit and Driveway Permit from Gilford DPW.

Selectman O'Brien moved to accept the easement after construction has taken place in consideration of the Town DPW donating on-hand materials for the reconstruction of this drainage system, provided that the work is supervised and approved by the Director of Public Works or his designee. Selectman Benavides seconded. Motion carried with all in favor.

- 8.3. Storage Request for Garage Located on Library Property** – Library Director Katherine Dormody was in attendance regarding this request from James Howe. She asked the Board to reconsider their earlier decision to not allow this storage, since the revenue would benefit the Library. Selectman Benavides pointed out that 100% of the money for rentals would go to the Library.

Town Administrator Dunn added that he had intended for this space to be used by the Police Department for the storage of impounded vehicles, but they have chosen not to do that. He also stated that the Use of Municipal Facility Request Form includes a waiver of liability.

Selectman O'Brien moved to approve the request by James Howe to store cars and boats at the storage shed located on Library property, at a cost of \$300 per vehicle, upon completion of the Use of Municipal Facility Request Form. Selectman Benavides seconded. Motion carried with all in favor.

- 8.4. Department of Planning and Land Use Fee Schedule** – Director John Ayer provided the Board with an overview of the proposed changes to the Department's Fee Schedule. He stated that he looked at several other towns in researching the new fee structure. On average, he anticipates the fees increasing 50%.

A public hearing on the proposed Department of Planning and Land Use Fee Schedule will be held on Wednesday, October 27, 2010 at 7:00 p.m.

- 8.5. Proposed Acceptance of Judge's Way** – DPW Operations Manager Dustin Muzzey provided background information on this request from Attorney Stephan Nix, on behalf of his clients, Mark Robinson and Betsy Simon. Mr. Robinson and Ms. Simon are possibly interested in having the Town of Gilford accept Judge's Way, a private road.

Operations Manager Muzzey stated that the Department of Public Works' primary question regarding this matter is whether or not the road should meet the requirements of the regulations at the time of the subdivision or be held to current standards. He added that in 1977, the Board of Selectmen waived the requirement for the road to be paved, but there were other standards at that time that were not met. Following discussion on this matter, the Board members concurred that Judge's Way would need to be built to the current Minimum Road Standards.

- 8.6. Acceptance of 2011-2016 Capital Improvement Plan** – Selectman O'Brien moved to accept the 2011-2016 Capital Improvement Plan and thank the CIP Committee for their hard work in developing the plan. Selectman Benavides seconded. Motion carried with all in favor.

- 8.7. Heights Road – Driveway Permit Waiver** – DPW Operations Manager Dustin Muzzey stated that the only issue with this Driveway Permit is the sight distance to the northeast, which is calculated at 180 feet, rather than the required 250 feet. The owners of the property, Mr. and Mrs. Bedner, would like to use the second entrance to access their new garage. Mr. Bedner pointed out that the speed limit on Heights Road is 25 mph, it is a limited-access road and fewer than 10% of the residents on Heights Road are year-round residents, limiting traffic flow on the road.

Selectman O'Brien moved to grant a waiver for 120 Heights Road for the Minimum

Road Standards, 18. A, to allow a sight distance of less than 250 feet to the northeast. Selectman Benavides seconded. Motion carried with all in favor.

- 8.8. Fire-Rescue Department Copy Machine Lease/Purchase** – Town Administrator Dunn briefly described a request from Fire Chief John Beland seeking authorization to purchase a new copy machine. He is recommending the Option 1 proposal from Conway Office Products. This option is for the Xerox color 7120P copier, at a cost of \$5,891, with a \$880 down payment at installation and payment of \$1,504 per year from 2011 through 2014.

Selectman O'Brien moved to accept the proposal of Conway Office Products to provide a Xerox 7120P copy machine for \$5,891 to be financed over a 4-year period. Selectman Benavides seconded. Motion carried with all in favor.

- 8.9. Acceptance of Donations** – Selectman O'Brien moved to accept, with sincere appreciation, the following donations: \$805 for the Fire Training Center, \$153.04 for Old Cemetery Restorations and \$2,500 from the NH Electric Coop for the Fire Training Center. Selectman Benavides seconded. Motion carried with all in favor.

- 8.10. Conservation Land Mowing/Haying Contract** – Chairman Hayes provided an explanation of this request. By deed, the Town-owned field between Given Drive and Hoyt Road must be kept farmable. In order to accomplish this, the ditch must be dredged to allow for the field to be hayed. Resident Andy Howe is looking to hay the field and seeks a 10-year contract for the mowing.

Selectman O'Brien moved to approve the request from Andy Howe for a 10-year mowing contract of the Town-owned field located between Given Drive and Hoyt Road, at no cost to the Town of Gilford. Selectman Benavides seconded. Motion carried with Chairman Hayes abstaining.

- 9. Public Input** – Joe Polovick of Countryside Drive brought forward additional information regarding the 3-way stop signs at Ridgewood Avenue/Sunset Drive, which he claims is a nuisance. He thinks that a better solution to the speeding issues on Ridgewood Avenue would be to lower the speed limit to 25 mph. In addition, Mr. Polovick read aloud from two Department of Transportation manuals that stop signs should not be used to control speed.

George Whalley of Belknap Point Road was in attendance concerning a situation on his property line with a tarp being used as fencing by an abutter. Mr. Whalley conveyed his frustration in having this matter addressed by the Code Enforcement Officer over the past few years. He would appreciate a solution to this problem.

Town Administrator Dunn stated that he has addressed this matter with Mr. Whalley and it falls under the State Statute for "spite fences" and it is the responsibility of Mr. Whalley to file an action against the abutter, not the Town of Gilford. Mr. Whalley further stated that he has contacted legal counsel on this matter and been advised that the Town must have an ordinance in place that addresses this situation.

Chairman Hayes stated that the Board will take this matter under advisement.

- 10. Selectmen's Issues** – Selectman Benavides reported the recent DES decision to stand by the 100% removal of the coal tar at the Liberty Hill Road site. He encouraged the public to still voice their concerns regarding this matter and thanked the Town for supporting the 100% removal.

- 11. Administrator's Report** – A Road Safety Audit was recently conducted on the intersection of Belknap Mountain Road/Schoolhouse Hill Road/Route 11-A, which will address both short-term and long-term solutions. It appears that the possibility of crosswalks at this location is very unlikely.

Town Administrator Dunn stated that his thoughts are with two Town of Gilford employees who are dealing with cancer issues in their families.

Town Administrator Dunn stated that problems continue with the Fairpoint telephone system. He is in the process of obtaining new proposals and hopes to have a recommendation for the next meeting.

The Towns associated with the Winnepesaukee River Basin Project are continuing to work at re-defining the role of the Advisory Board.

Town Administrator Dunn is very pleased with the NH DES support for the 100% removal of coal tar at the Liberty Hill Road site.

A meeting has been scheduled with the health insurance provider of Belknap County, and the Town Administrators within the County, to look into the possibility of pooling their health insurance needs.

The Town Clerk/Tax Collector is seeking assistance from the Board in asking the Laconia Postmaster to reinstate the past practice of date stamping certified mail receipts.

The LGC Annual Conference is scheduled for November 17-19, 2010. Town Administrator Dunn plans to attend some sessions and invited the Board members to also participate.

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

- 13. Adjournment** – With no further business before the Board, the Board of Selectmen's October 13, 2010 meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Gus Benavides
Clerk