

GILFORD BOARD OF SELECTMEN'S MEETING

May 25, 2011

Town Hall

The Board of Selectmen convened in a regular session on Wednesday, May 25, 2011, at 7:00 p.m., at the Gilford Town Hall, 47 Cherry Valley Road, Gilford, NH. Selectmen present were John O'Brien, Gus Benavides and Kevin Hayes. Also present were Town Administrator Scott Dunn and Executive Secretary Sandra Bailey.

Staff members in attendance included Finance Director Geoff Ruggles, Director of Public Works Sheldon Morgan, Deputy Police Chief Kevin Keenan, Police Sgt. Jim Leach and Deputy Town Clerk/Tax Collector Jennifer Mooney.

1. Non-Public Session (6:30 p.m.)

- 1.1. Selectman Benavides moved to enter non-public session at 6:30 p.m., pursuant to RSA 91-A:3, II (c) to discuss matters which may adversely affect someone's reputation. Selectman Hayes seconded. Motion carried on roll call vote with all in favor. Present were Selectmen John O'Brien, Gus Benavides and Kevin Hayes. Also present was Town Administrator Scott Dunn.

Selectman Hayes moved to authorize the hiring of Roger Trof as Glendale Attendant, at a rate of \$10.50 per hour. Selectman Benavides seconded. Motion carried with all in favor.

Selectman Benavides moved to exit non-public session at 7:00 p.m. and seal the rest of the minutes. Selectman Hayes seconded. Motion carried with all in favor.

2. Pledge of Allegiance – The Selectmen recited the Pledge of Allegiance.

3. Announcements/Presentations

- 3.1. Chairman O'Brien announced that the Town's Memorial Day Commemoration will take place on Monday, May 30, 2011, with the parade commencing at 9:30 a.m.
- 3.2. Chairman O'Brien announced that all Town Offices will be closed on Monday, May 30, 2011, in observance of Memorial Day.

4. Review/Approval of Minutes

- 4.1. Selectman Benavides moved to approve the minutes of the regular and non-public sessions of May 11, 2011. Selectman Hayes seconded. Motion carried with all in favor.

5. Consent Agenda

- 5.1. Selectman Benavides moved to approve the previously signed items for the period May 9, 2011 through May 20, 2011. Selectman Hayes seconded. Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
03/14/11	Change of Status - deSousa	
04/21/11	Sewer Abatement - Dobbins	252-016.294
04/21/11	Abatement - Abbott	214-051.000
04/21/11	Abatement - Kingsley	227-225.006
04/25/11	Payroll Register	
04/26/11	Tax Collector's Warrant - Jeopardy Tax	252-016.712
04/26/11	Accounts Payable Manifest	
04/27/11	Change of Status - Mini	
04/27/11	Change of Status - Maheux	
04/29/11	Sewer Abatement - Burchell	242-119.000
05/02/11	Accounts Payable Manifest	
05/02/11	Payroll Register	
05/05/11	Letter to Winter Harbor Yacht Club	

05/09/11	Change of Status - D. Hewitt	
05/10/11	Municipal Work Zone Agreement	
05/10/11	Veteran's Tax Credit - Chesebrough	228-073.000
05/10/11	Veteran's Tax Credit - McCaughey	216-075.004
05/10/11	Veteran's Tax Credit - Snow	226-087.000
05/10/11	Veteran's Tax Credit - Wiley	227-100.000
05/10/11	Veteran's Tax Credit - Vlk	201-009.074
05/11/11	2011 Renewal Contract - Tyler Technologies	
05/11/11	Hardship Abatement	224-046.021
05/11/11	Hardship Abatement	213-087.020
05/11/11	Hardship Abatement	224-046.028
05/18/11	2011 Water Rents	

6.0 Appointments

6.1 Deputy Town Clerk/Tax Collector Jennifer Mooney – Deputy Town Clerk/Tax Collector Jenn Mooney provided the Board with a Department update. She stated that since the last update to the Board, they successfully tested the ballot machine for the March election and worked with the Town's new auditing firm for a week. She added that the auditors were very happy with the work that is being done by the Department.

Both Deputy Mooney and TC/TC Gonyer attended a spring workshop on bankruptcies and foreclosures and found the information they received very helpful and informative.

Deputy Mooney provided the Board with a number of statistics on town decals, guest passes, boat registrations and commercial launching permits. She also provided information regarding the amount of unpaid taxes vs. the same period last year and advised the Board that many residents and taxpayers are utilizing e-mail, fax and on-line services. The Department is currently receiving payment on sewer bills, tax bills and Gunstock Acres Water District bills.

The Board thanked Deputy Town Clerk/Tax Collector Mooney for her presentation.

6.2 Geoff Ruggles – Financial Update – Finance Director Ruggles reported that revenues continue to lag and expenditures are running at approximately 4% over last year. The most significant laggards continue to be motor vehicle revenue and interest on deposits. The 98% tax collection rate is a very positive factor in the 2011 cash flow projections.

The Board thanked Director Ruggles for his report.

7.0 Old Business

7.1 China Bistro – Entertainment Permit – Owner Lin Bi and his attorney, David Allen, of Sheehan, Phinney, Bass & Green, were in attendance to request a temporary Entertainment Permit. Attorney Allen proceeded to respond to the items listed in Town Administrator Dunn's letter of May 12, 2011, regarding what would be required to bring China Bistro into compliance. As far as the conditional site plan approval that was issued on October 18, 2010, he indicated that the conditions have been met and it is a misunderstanding with the surveyor regarding the submission of a revised plan.

Attorney Allen stated that item #2, regarding Unusual Entertainment, has been withdrawn. He further stated that item #3, which pertains to noise complaints, is no longer an issue because that was geared towards outside entertainment. Chairman O'Brien and Selectman Hayes countered that many complaints were directed at entertainment inside the club.

Regarding the numerous police calls, Lin Bi stated that this matter has been taken care of because rival groups, who were causing the problems, have been banned from China Bistro. He also stated that he employs bouncers and the parking lot has been quiet over the last few months since the rival groups were banned. He also pointed out that he has numerous surveillance cameras in the parking lot.

Chairman O'Brien asked Mr. Bi what has changed over the past few years to make the situation at China Bistro worse. Mr. Bi replied that it was the rival groups and he should have banned them earlier. He also indicated that his busiest night is Thursday and he employs four (4) bouncers on that night. His bouncers have been instructed to bar members of these groups from the club. Mr. Bi added that he has had live entertainment since 1988.

Attorney Allen stated that Mr. Bi has over 4,000 friends on Facebook and he wants to comply with what the Town requires of him. Town Administrator Dunn read a portion of his May 12, 2011 letter, in which he advised Mr. Bi that the Board would consider the issuance of a Temporary Entertainment Permit if he came before them with a definitive plan to address the site plan issues, contain the noise within the building and control the illegal conduct that takes place on the premises. Although the site plan issue is being worked on, the other matters have not been addressed.

Lin Bi responded that he spoke with his bouncers and asked them to pay more attention to what is going on in the parking lot. He stated that police calls have gone down over the past two months. Mr. Bi further stated that he will do the best he can to control the noise, but his business will never be perfectly quiet and there will always be complaints. He also cited the noise situation at Meadowbrook.

Attorney Allen stated that they could reduce the decibel level and hire a police detail if problems further escalate. Mr. Bi stated that he tried to hire police for a special detail recently, but no one was available. Chairman O'Brien also pointed out numerous sign violations that have occurred. Mr. Bi responded that he did not know this was an issue and he only had the signs out for three weekends. He apologized for this violation and stated that he did not deliberately put the signs out while the Building Inspector is not working.

Selectman Hayes emphasized that it cannot be business as usual for China Bistro because they must find a way to reduce police calls and noise. He further stated that the Board needs to see evidence of change.

Selectman Benavides moved to deny a Temporary Entertainment Permit for China Bistro. Selectman Hayes seconded. Selectman Benavides commented that the Board of Selectmen wants to work with local business owners and is, in fact, very pro-business. However, China Bistro has a number of issues and must comply with Town ordinances. When they are in compliance, the Board will support them.

Selectman Benavides continued, stating that the Board also represents the taxpayers and residents of Gilford. Once a clear plan has been presented, he will be the first to support China Bistro. In the meantime, safety and noise concerns must be addressed.

Lin Bi stated that he will do the best he can, but people will always complain. He reiterated that he has over 4,000 friends on Facebook who support him. He also pointed out that the Margate has a live band on most weekends during wedding receptions. He thinks that this music is too loud and has made his windows shake. Selectman Benavides responded that the noise problem is not the only issue and there are several issues that need to be addressed with a definite plan. Selectman Hayes encouraged Attorney Allen to review the police reports for China Bistro since January 1st of this year.

Motion carried with all in favor.

8.0 New Business

8.1 Petition to Restrict Traffic on Cat Path – DPW Director Sheldon Morgan stated that the residents of Cat Path have presented a petition to the Board of Selectmen, requesting that Cat Path be made a dead-end road that does not allow for through traffic. Director Morgan further stated that Chairman O'Brien, Town Administrator Dunn and the Police Department have met with the residents and would like to know what the Board would like to do next.

Brief discussion ensued regarding the two, undeveloped lots that are at the southern end of Cat Path.

Chairman O'Brien pointed out that when someone is traveling from Route 11-B to Gunstock, that GPS directs them to utilize Cat Path as the shortest route. Town Administrator Dunn added that he has seen tour busses on Cat Path. Director Morgan pointed out that the residents of Cat Path are willing to make some concessions to alleviate the traffic issue. If the traffic pattern changes it would be necessary for some residents to travel further than they would with unrestricted traffic.

Selectman Benavides expressed concern with Director Morgan taking the role of presenting this petition. He also asked for the approximate cost of constructing a cul-de-sac would be. Director Morgan estimated that it would run between \$6,000 and \$10,000. Selectman Benavides then asked Deputy Chief Keenan if designating a road as having no through traffic is enforceable. Deputy Chief Keenan replied yes, but it requires the use of two cruisers.

Selectman Benavides moved to accept the Petition to Restrict Traffic on Cat Path and schedule a public hearing for Wednesday, June 8, 2011 at 7:00 p.m. Selectman Hayes seconded. Motion carried with all in favor.

8.2 Acceptance of Donation – LGC Health and Safety Program – Selectman Benavides moved to accept the \$500 unanticipated grant from the Local Government Center to be used by the Joint Loss Management Committee for the purposes of developing employee programs to promote healthier and safer lifestyles. Selectman Hayes seconded. Motion carried with all in favor.

8.3 Entertainment Permit – Centerplate/Boston Culinary Group – Selectman Benavides moved to approve the Entertainment Permit for Centerplate/Boston Culinary Group for dancing and live entertainment at the Gunstock Recreation Area for the period May 14, 2011 through May 14, 2012. Selectman Hayes seconded. Motion carried with all in favor.

8.4 Personnel Policy Amendments – Selectman Benavides moved to approve the proposed amendments to the Personnel Policies effective July 1, 2011, regarding changes in the terms and conditions of employment, including employee benefits, changes in health and dental plan contributions and a new plan to reward healthy employees who do not use sick leave. Selectman Hayes seconded. Motion carried with all in favor.

Selectman Benavides moved to approve the Revised Non-Union Wage & Salary Classification Plan effective January 1, 2012. Selectman Hayes seconded. Motion carried with all in favor.

Selectmen Benavides moved to table the proposed change in non-union Dental Plans, effective July 1, 2011, so that a representative of the Employee Benefits Committee can be in attendance at the next meeting to answer questions that the Board has. Selectman Hayes seconded. Motion carried with all in favor.

8.5 Property Liability Insurance Renewal – 7/1/2011 – Selectman Benavides moved to authorize the Town Administrator to sign a Certificate of Authorizing Resolution and the Application and Participation Agreement for a multi-year agreement with the NH Local Government Center Property-Liability Trust, LLC. Selectman Hayes seconded.

Selectman Hayes inquired if Finance Director Ruggles had calculated the potential high end cost of each proposal received, one from LGC and one from Primex. Selectman Hayes further stated that his quick calculations indicate a savings of approximately \$10,000 over the period of four years for the Primex proposal.

Following brief discussion, the Board asked Finance Director Ruggles to calculate the maximum cost of each proposal over a 4-year period.

8.6 Winnepesaukee River Basin – UV Disinfection Project – DPW Director Sheldon Morgan provided the Board with an overview of the NH DES recommendation concerning the bid results for the proposed UV Disinfection/Plant Water/SCADA Improvements project. The upgrades to the disinfection system will be necessary in the near future and Director Morgan indicated that supporting

the project is the right thing to do, despite the fact that it will result in increased sewer rates. He clarified that DES does not need approval, but would like input from the affected communities.

Selectman Benavides asked what the financial impact would be to sewer users and Director Morgan replied that it would be approximately \$20 per year. It was the consensus of the Board to support the proposed project.

9.0 Public Input – none.

10.0 Selectmen's Issues – none.

11.0 Administrator's Report – Town Administrator Dunn reported that Governance Group of the WRBP has completed the Memorandum of Understanding.

The Cable TV Consortium will meet with the attorney that they have hired on June 2, 2011.

Town Administrator Dunn recently attended seminars on Collective Bargaining and Improving Employee Performance.

Returning to **Item 8.5, Property Liability Insurance Renewal**, Finance Director Ruggles stated that the savings over a period of four years for the Primex proposal would result in a savings of approximately \$10,800, taking into account the potential high end costs.

Selectman Benavides withdrew his previous motion and Selectman Hayes withdrew his previous second. Selectmen Benavides then moved to accept the proposal of Primex in the amount of \$103,318 as part of a multi-year agreement. Selectman Hayes seconded. Motion carried with all in favor.

12.0 Next Meeting – Regular Meeting – June 8, 2011 at 7:00 p.m.

13.0 Adjournment – With no further business before the Board, the Board of Selectmen's May 25, 2011 meeting was adjourned at 8:15 p.m.

Respectfully submitted,

J. Kevin Hayes
Clerk