

GILFORD BOARD OF SELECTMEN'S MEETING

June 8, 2011

Town Hall

The Board of Selectmen convened in a regular session on Wednesday, June 8, 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, DPW Operations Manager Dustin Muzzey, Deputy Police Chief Kevin Keenan, Police Sgt. Jim Leach, Fire Chief John Beland and Recreation Director Herb Greene.

1. **Pledge of Allegiance** – The Selectmen recited the Pledge of Allegiance.
2. **Announcements/Presentations**
3. **Review/Approval of Minutes**
 - 3.1. Selectman Benavides moved to approve the minutes of the regular and non-public sessions of May 25, 2011. Selectman Hayes seconded. Motion carried with all in favor.
4. **Consent Agenda**
 - 4.1. Selectman Benavides moved to approve the previously signed items for the period May 23, 2011 through June 3, 2011. Selectman Hayes seconded. Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
02/07/11	Change of Status - McGinley	
03/28/11	Change of Status - J. Mooney	
05/09/11	Payroll Register	
05/10/11	Accounts Payable Manifest	
05/25/11	Hardship Abatement (3)	224-074.015
05/25/11	Loss Mitigation Agreement Resolution - Primex	
05/25/11	Change of Status - Tropf	
06/01/11	Change of Status - Levesque	
06/01/11	Change of Status - Babcock	
06/01/11	Change of Status - Bos	
06/01/11	Change of Status - Cappello	
06/01/11	Change of Status - Shea	
06/01/11	Change of Status - Perry	
06/01/11	Change of Status - McCarthy	
06/01/11	Change of Status - Anderson	
06/01/11	Change of Status - Attar	
06/01/11	Change of Status - Cappello	
06/01/11	Change of Status - H. Clough	
06/01/11	Change of Status - Dahl	
06/01/11	Change of Status - Dobbins	
06/01/11	Change of Status - Macone	
06/01/11	Change of Status - Melendez	
06/01/11	Change of Status - Menton	
06/01/11	Change of Status - O'Brian	
06/01/11	Change of Status - B. Clough	

5. **Appointments**

- 5.1. **Chief John Beland – Fire-Rescue Department Update** – Chief Beland provided the Board with a quarterly department briefing. Beginning with Emergency Response, he stated that calls are down by

approximately 5% over the same period last year, which is due in part to the better ski conditions at Gunstock this past winter. The Department's boat is now in service and Chief Beland extended a special thank you to the Department of Public Works and Dave Ewing for assisting with this. Motorcycle Week is coming and the Department has seen this event change over the years and has adjusted their services downward accordingly.

Many school children have recently toured the Fire Station and Chief Beland stated that this is a very effective means of educating children and their families about smoke detectors and evacuation plans. The Fire Training Center is currently 90% complete and liability insurance and fee schedules are being developed. The Department is considering conducting a citizen's academy for interested residents.

Executive Secretary Catherine Tokarz has returned to work half time and hopes to return to full-time within the next couple weeks. Mike Thevenin has completed his 2-year Paramedic Program, which brings the Department to eight Paramedics. Nick Mercuri recently completed the Lakes Region Leadership Academy and Chief Beland graduated from the NH Certified Public Supervisor's Program.

The Gunstock Recreation Area's stone cellar has recently been certified as an emergency evacuation shelter, which brings the number of certified shelters in Gilford to two. The Department is active with the Lakes Region Partnership for Public Health and also recently began revising the Hazard Mitigation Plan. In closing, Chief Beland thanked the Board for their support of the St. Baldrick's Day fundraiser. The Board thanked Chief Beland for his presentation.

Selectman Benavides asked Chairman O'Brien if Agenda Item **8.6 Purchase of Ambulance Defibrillator/Waiver of Purchasing Regulations** could be taken up at this time and upon Chairman O'Brien's concurrence, moved to waive the provisions of Article 22, Section 3.C of the Purchasing Regulations to allow for the purchase of an E-Series Cardiac Monitor-Defibrillator from Zoll Medical Equipment Corporation for the not to exceed price of \$24,000, using money from the Ambulance Revolving Fund, and to further authorize Fire Chief Beland to sign for the purchase. Selectman Hayes seconded. Motion carried with all in favor.

- 5.2. **Susan Laverack – Programs of the Partnership for Health** – Executive Director Lisa Morris was in attendance to update the Board on the programs being offered. Those programs included Service Link, Healthy Eating Active Living (HEAL), Partners in Prevention, Public Health Emergency Preparedness, Immunization, Neighbor 2 Neighbor and various other volunteer opportunities.

Selectman Hayes inquired where the LRPPH receives its funding. Ms. Morris replied that it is primarily Federal grant funding through the State of NH. Funding also comes from private foundations and all sources of funding are grant based. The Board thanked Ms. Morris for her presentation.

- 5.3. **Michelle Andrews – Gilford High School Robotics Team** – Chairman O'Brien stated that this appointment will be re-scheduled at a later date.

- 5.4. **Susan Terzakis – Office of U.S. Senator Kelly Ayotte** – Ms. Terzakis began by reading a brief statement from Senator Ayotte, after which she proceeded to detail many services that are available from Senator Ayotte's office. She also provided information on the various offices that Senator Ayotte maintains throughout the state.

Selectman Hayes asked how e-mails are handled that are sent to Senator Ayotte and Ms. Terzakis briefly reviewed the screening process, noting they were assigned to a staff member. Town Administrator Dunn questioned the Senator's vote to not repeal oil subsidies. He also recommended that steps be taken to make the US Postal Service a more viable and competitive service.

Skip Murphy inquired about a recent news story where an action was carried out by the Department of Education SWAT Team.

Ms. Terzakis stated that she would pass the various concerns onto Senator Ayotte and a response would be forthcoming.

6. Public Hearing

6.1. Proposed Traffic Regulations for Cat Path – Chairman O'Brien provided a brief update on the proposed traffic regulations. He stated that the road cannot be closed (discontinued) without Town Meeting vote. He also advised the public that recent traffic counts indicate that over 1,100 cars travel the road daily, after which he opened the public hearing.

Kat Stewart of Cross Lane stated that she uses this road and does not think that spending additional money on it is the best approach. She does agree with lowering the speed limit and restricting large vehicles from traveling on Cat Path.

DPW Director Sheldon Morgan reviewed some notes he compiled on Cat Path, including traffic counts, lane widths and vehicle weights. He is aware of the issues that exist with Cat Path but does not know how to solve them. He estimated a sign package would cost approximately \$200-300.

Bruce Wright of Cat Path provided a brief history of the evolution of Cat Path, which began in the late 60's as a dirt road to access lots, with very limited use. Over the years it has been one-way and improvements to the road have brought additional traffic. He thinks that the traffic counts on Cat Path can be much higher than indicated by Director Morgan during peak times. The residents of Cat Path have concerns for noise, deterioration of the road and safety. The road is unsuitable for through traffic and was only meant for local residents. He added that by today's standards, this road would not have been approved as it is. He urged the Board to make changes for it to return to being a local traffic roadway.

Tom Drouin of Cat Path stated that he has had several trees hit and replaced numerous mailboxes. He further stated that he timed the additional time required to use only Routes 11-A and 11-B and it added 53 seconds. He does not think this is an unreasonable amount of time to avoid use of Cat Path.

Bill Roderick of Burr Lane is not in favor of closing Cat Path. In light of its increased usage, he suggested that it might be best to improve the road so that it can be used safely. Dan Bono of Chestnut Drive uses Cat Path frequently and is more concerned about the mileage involved in going the longer way, rather than the time involved. He estimated that he will travel an additional 1,000 miles per year not being able to travel on Cat Path. He agrees with lowering the speed limit and restricting the weight limit.

Corey Lofblad of Cat Path stated that there are serious safety issues on the road. It is dangerous and over-used and he thinks through traffic should use Routes 11-A and 11-B, not Cat Path.

Skip Murphy of Gilford Glen suggested that Cat Path be made a private road and the residents could take care of the costs associated with it. Lulu Sears has concerns with traffic entering Route 11-B from Cat Path not stopping at the stop sign there. Kirk Dougal pointed out that the residents of Governor's Island had their speed limit reduced but the residents of Potter Hill Road were not able to have their speed limit reduced. Fire Chief John Beland pointed out that with Cat Path being a rural water supply area, the most effective means of delivering water during a fire is one way in a circular motion. If the road were ever closed, this would be difficult to accomplish. He asked that if closing the road is ever considered that Gilford Fire Rescue be involved in considering all of the available options.

Brief discussion ensued regarding the water supply for other dead-end roads in Gilford. While Chief Beland acknowledged that there are other dead-end roads that they must work with, he would hate to see the efficiency of water delivery for Cat Path go backwards.

Mark Corry stated that he agreed with Skip Murphy and thinks that the road should be made private and the residents maintain it. In its present state, however, it is a public road and the public should be

able to drive on it. Leslie Cyr does not agree with making Cat Path a private road because other dead-end roads are utilized by the public.

Deputy Police Chief Kevin Keenan stated that on Cat Path only, since 2006, there have been twelve accidents and another ten motor vehicle complaints. He clarified that this does not include the intersections of Cat Path at Route 11-A or 11-B. He also provided an explanation of how “Local Traffic Only” is enforced by the Laconia Police Department.

Chairman O’Brien closed the public hearing at 8:23 p.m.

Selectman Benavides stated that there have been ongoing traffic problems on Cat Path and out of respect to the residents who live there, he does not travel on it. He also clarified that the Board of Selectmen did not initiate the action to close the road. He supports lowering the speed limit, restricting the weight limit and posting Cat Path “Local Traffic Only”. He also stated that it is unrealistic for the Police Department to be patrolling Cat Path all the time.

Selectman Hayes would like to meet with Deputy Police Chief Keenan, Fire Chief Beland, DPW Director Sheldon Morgan and Town Administrator Scott Dunn to devise appropriate signage for the speed limit and weight restriction, with other recommendations to come back to the Selectmen. He also asked that all vegetation be cut back immediately. Director Morgan stated that they can only cut to property lines and to go beyond that, the owner of the property must grant approval.

Selectman Benavides moved to reduce the speed limit on Cat Path to 25 miles per hour. Selectman Hayes seconded. Motion carried with all in favor. Following brief discussion on weight limits, Selectman Benavides moved to restrict vehicles traveling on Cat Path to a 6-ton limit, subject to exemptions for emergency vehicles, service vehicles to the residents of Cat Path or school busses. Selectman Hayes seconded.

7. Old Business

7.1. China Bistro – Entertainment Permit – Owner Lin Bi and his attorney, David Allen, of Sheehan, Phinney, Bass & Green, were in attendance. Attorney Allen stated that they have prepared a specific plan that addresses the concerns expressed at previous meetings. The concerns addressed included eliminating all outdoor music, reducing overall sound and vibration levels and adding outdoor security staff to monitor the parking lot and reduce ingress and egress into the nightclub area.

Selectman Hayes stated that he has monitored the sound levels and the noise from the traffic was in excess of the music coming from the nightclub. Chairman O’Brien noted that he visited the site with the Town Administrator & Deputy Chief Keenan. Noise levels at the street were hardly noticeable.

Selectman Benavides moved to approve a temporary 60-day Entertainment Permit for China Bistro, to expire on August 9, 2011, in accordance with the plan submitted to address noise, security, site plan and signage issues. Selectman Hayes seconded. Selectman Benavides commented that he wants China Bistro to show daily vigilance in adhering to the plan. Attorney Allen replied that China Bistro will stand by and execute this plan, but will appeal that they did not receive their annual permit. Motion carried with all in favor.

At this time, China Bistro owner Lin Bi stated that he has been treated unfairly and should receive an annual permit. Selectman Hayes countered that if he remains in compliance that he can return to the Board in July for the annual permit. He reminded Mr. Bi that the noise issue was only one of the concerns.

Town Administrator Dunn stated that the Board asked China Bistro for a specific plan to address various issues immediately after the May 12th meeting. This plan was not received until June 7th and the site plan issues were not addressed until June 7th.

7.2. Cable Television Franchise Renewal – Selectman Benavides moved to designate the Town Administrator as the Town’s negotiator for informal cable television franchise renewal proceedings; and that a public hearing be scheduled for June 22 to begin the formal process of ascertainment into

the cable television needs of the community; and that a letter be sent to MetroCast informing them of these decisions. Selectman Hayes seconded. Motion carried with all in favor.

8. **New Business**

- 8.1. Economic Revitalization Zone Tax Credits** – Selectman Benavides moved to authorize the Town Administrator to apply for the designation of an Economic Revitalization Zone, on behalf of the Town, for all of the properties within the corporate limits of Gilford that are situated in the Lakes Business Park. Selectman Hayes seconded with comment. He stated that he has a concern with making the Lakes Business Park more competitive and favorable than other private commercial lots in Gilford. Town Administrator Dunn acknowledged this was true, but further stated that since the Town owns the lots it has a need to make them more marketable; therefore, returning them to the taxable property rolls. Motion carried by a vote of 2/1 with Selectman Hayes voting no.
- 8.2. Request for Donations – Landmark Flagpole** – The Board tabled this item to the next meeting.
- 8.3. Appointments of Special Police Officers** – Selectman Benavides moved appoint Karen E. Craver and Charles O. Hopkins as Special Police Officers for the period July 1, 2011 through June 30, 2012. Selectman Hayes seconded. Motion carried with all in favor.
- 8.4. Resignation of Glendale Committee Member** – Selectman Benavides moved to accept the resignation of Peter Sutcliffe from the Glendale Committee with regret and appreciation. Selectman Hayes seconded. Motion carried with all in favor.
- 8.5. LRPA Television Municipal Public Access Agreement** – Selectman Benavides moved to approve the Municipal Public Access Agreement between the Town of Gilford and Lakes Region Public Access Television for the period July 1, 2011 through June 30, 2013 as presented, with dues to be paid from cable television franchise fee revenues; and to authorize the Town Administrator to execute the agreement on behalf of the Board of Selectmen. Selectman Hayes seconded. Motion carried with all in favor, following brief discussion on the fact that there are no issues with the timing of this agreement and the franchise agreement with Metrocast.
- 8.6. Purchase of Ambulance Defibrillator/Waiver of Purchasing Regulations** – previously addressed under Item 4.1.
- 8.7. Establishment/Approval of Parks & Recreation Technical Assistant Position** – Selectman Benavides moved to approve the establishment of a Parks & Recreation Technical Assistant Position pursuant to the job description as presented. Selectman Hayes seconded. Motion carried with all in favor.
- 8.8. Resignation of Police Dispatcher/Vacancy Recruitment** – Selectman Benavides moved to accept the resignation of Jacqueline Feehily as Police Communications Specialist effective July 15, 2011, with regret. Selectman Hayes seconded. Motion carried with all in favor.
- Selectman Benavides moved to waive the requirement to advertise for a new Communications Specialist by authorizing the Police Department to evaluate candidates that were recently vetted through the Laconia Police Department Dispatch recruiting process, or other means, for the purposes of submitting a hiring recommendation to the Selectman if a suitable candidate is identified. Selectman Hayes seconded. Motion carried with all in favor.
- 8.9. Purchase of DPW Front End Loader** – This item was tabled to the June 22, 2011 meeting for additional information on American-made products.

9. **Public Input** – Mark Corry of Intervale Road agrees with Selectman Hayes' comments that the designation of the ERZ to the Lakes Business Park lots is unfair for other owners of commercial lots. He further stated that he is disappointed with the vote taken by the Board on this matter.

Town Administrator Dunn clarified that these tax incentives are available as business tax credits. He also

stated that the Board has the authority to apply for this designation in other parts of Gilford, including private property.

10. **Selectmen's Issues** – none.

11. **Administrator's Report** – Town Administrator Dunn reported that the Winnepesaukee River Basin Project Advisory Board approved the UV Project by a vote of 8-2.

Next Wednesday through Friday Town Administrator Dunn will be attending the NHMMA Conference.

He is hopeful of receiving a reply from NH DES by June 30th regarding the Liberty Hill Road site.

A subject who stole from the Town's Recycling Center has received a one-year jail term.

The Police Department Mission State Committee still has an opening for one more citizen.

In closing, he stated that the Hazard Mitigation Plan is currently under revision and Sandy Bailey also recently graduated from the NH Certified Public Supervisors Program.

He reminded Board members that the Belknap County Commissioners would be attending the next meeting.

12. **Next Meeting** – Regular Meeting – June 22, 2011 at 7:00 p.m.

13. **Adjournment** – With no further business before the Board, the Board of Selectmen's June 8, 2011 meeting was adjourned at 9:08 p.m.

Respectfully submitted,

J. Kevin Hayes
Clerk