

GILFORD BOARD OF SELECTMEN'S MEETING

August 24, 2011

Town Hall

The Board of Selectmen convened in a regular session on Wednesday, August 24, 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 was Town Administrator Scott Dunn.

Staff members in attendance included Finance Director Geoff Ruggles, Deputy Police Chief Kevin Keenan, Fire Chief John Beland, DPW Director Sheldon Morgan, Police Sergeant Jim Leach, Police Corporal/Prosecutor Eric Bredbury, DPW Executive Secretary Mia Gagliardi and DPLU Technical Assistant Stephanie Verdile-Philibotte. Conservation Commission members in attendance included Chuck Coons, Larry Routhier, Lee Duncan, Everett McLaughlin and John Goodhue. Zoning Board of Adjustment members in attendance included J. Scott Davis and Mark Corry.

1. **Pledge of Allegiance** – The Selectmen recited the Pledge of Allegiance.
2. **Announcements/Presentations**
 - 2.1. Chairman O'Brien announced that Gilford Old Home Day will be held on Saturday, August 27, 2011.
 - 2.2. Chairman O'Brien announced that Town Offices will be closed on Monday, September 5, 2011, in observance of Labor Day.
 - 2.3. Chairman O'Brien announced the resignation of Fire Chief John Beland, effective September 30, 2011.
3. **Review/Approval of Minutes**
 - 3.1. Selectman Benavides moved to approve the minutes of the regular and non-public sessions of August 10, 2011 and the minutes of the Summer Town Forum of August 10, 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 August 8, 2011 through August 19, 2011. Selectman Hayes seconded. Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
05/28/11	Change of Status - Kelley	
06/20/11	Change of Status - Abbott	
07/01/11	Change of Status - Baron	
07/27/11	Accounts Payable Manifest	
07/28/11	Abatement - Touma	222-002.000
08/01/11	Accounts Payable Manifest	
08/01/11	Payroll Register	
08/08/11	Payroll Register	
08/09/11	Accounts Payable Manifest	
08/10/11	Abatement - Sholock	242-169.006
08/10/11	NOITC - Pierce	234-001.000
08/10/11	Eviction Notice - Gerner	224-046.045
08/10/11	Eviction Notice - Jacob	224-046.045
08/10/11	Eviction Notice - LaFleur	201-009.076
08/10/11	Eviction Notice - Ham	201-009.005
08/10/11	Certificate of Appreciation - R. Dion	
08/21/11	Change of Status - Adams	
08/21/11	Change of Status - Archibald	
08/21/11	Change of Status - Barrett	
08/21/11	Change of Status - Beaupre	
08/21/11	Change of Status - Davis, J.S.	

08/21/11	Change of Status - Davis, S.
08/21/11	Change of Status - Decoff
08/21/11	Change of Status - Doucette
08/21/11	Change of Status - Griffin
08/21/11	Change of Status - Hannafin
08/21/11	Change of Status - Hildreth-Brown
08/21/11	Change of Status - Latosek, L.
08/21/11	Change of Status - Low
08/21/11	Change of Status - Mello-Andrews
08/21/11	Change of Status - Sanborn
08/21/11	Change of Status - Wilson

5.0 Appointments

5.1 Sheldon Morgan – DPW Quarterly Report – Director Morgan began his presentation by stating that the recycling container at Glendale is working out quite well and it is emptied right on site. He also provided information on the amount of tonnage that has been processed through the Solid Waste Facility. The Highway Division is currently finishing up their final major project for 2011 on Swain Road, where extensive drainage work is being completed to alleviate past water concerns.

The new custodial van has been placed in service, which frees up the existing van for use in the cemeteries. In addition, Director Morgan has received his new vehicle from the Fire Department and his existing vehicle will be sent out to bid in the near future.

As Health Officer, Director Morgan is keeping active with various concerns within the community. As Cemetery Custodian, he is also active with the two summer hires that are working in the cemeteries. They are doing a fantastic job at Pine Grove and are also making repairs in some of the old cemeteries, including the painting of old gates.

Director Morgan pointed out that the Town may be hit by a Category 2 hurricane this weekend and the Department is preparing for that. He pointed out that New Hampshire has not had a hit such as this one in quite some time, if it continues to track towards the state. Once the hurricane has past, DPW will continue to work on fall maintenance and eventually winter maintenance.

Selectman Benavides inquired about the uneven paving that has recently been done on Route 11 near Ellacoya State Park. He asked Director Morgan to check with the State on what their plans are for this portion of road. Selectman Benavides further asked about the matter of having work-released prisoners work as highway laborers. Director Morgan replied that the problem with this proposal is transportation of the laborers. Although he spoke with the Jail Superintendent, who is in favor of work release, DPW found this concept to be too labor intensive in managing the laborers. Selectman Benavides encouraged him to continue to work with the County in setting up this program for work-released prisoners, resulting in savings to the taxpayers.

Selectman Hayes asked Director Morgan to take care of a cut-out in the pavement on Longridge Road near Hoyt Road. Brief discussion then ensued on the possibility of the Town performing small tasks on State-owned roads.

5.2 Geoff Ruggles – Financial Report – Finance Director Ruggles provided a year-to-date budget summary and analysis as of July, 2011. He noted that motor vehicle registrations have increased slightly, although he still does not anticipate meeting the 2011 estimates. As far as expenditures are concerned, now that the majority of road construction has been completed for the year, expenditures are slightly over the same period in 2010. He also reported that at the beginning of August the NH Retirement Board has set the rates for police and fire personnel, which are slightly higher than anticipated. As a result, an additional \$24,000 will be needed to offset this additional expense. The rate of other personnel has gone down slightly, saving approximately \$11,000.

Tax payments continue to remain strong, and at the end of July 94.3% was collected. As a result,

cash balances remain strong, along with the current income and spending patterns.

5.3 Deputy Police Chief Keenan and Fire Chief John Beland – Deputy Chief Keenan asked for a few minutes to fill the Board in on an incident that occurred on Saturday during the Timberman Triathlon. He stated that one of the participants, riding a bicycle, had a medical condition that resulted in him having an accident and crashing to the ground. This person was subsequently airlifted to a Massachusetts hospital and had it not been for several Town employees, particularly Patrick McGonagle, the outcome could have been quite different. Pat McGonagle was participating in the race and saw the accident occur. His actions, most likely, saved the life of the individual. The quick response and professionalism of the Fire Department played a huge part in saving this life.

Chief Beland stated that this incident is a prime example of the tiered EMS response structure where all of the pieces fit together. The necessary medical treatment was recognized immediately and started within one minute, followed by the actions of the EMT's and paramedics. He stated that he thinks that the family would be receptive to some sort of formal ceremony to recognize the responsible personnel. Selectman Benavides encouraged Chief Beland to recommend Patrick McGonagle for meritorious performance of duty pay recognition.

Selectman Benavides pointed out that members of the Gilford Fire Department are constantly training and commended them for their abilities and professionalism.

Deputy Chief Keenan further stated that the Laconia Police Department has made two arrests regarding the recent overnight burglaries that have occurred in the area. He noted that Gilford's detectives have been actively involved in the investigation.

At this time, the Board took up the matter of **7.1 Renewal of Employment Contract with Town Administrator**. Selectman Benavides moved to approve the proposed renewal of the employment agreement with the Town Administrator as presented. Selectman Hayes seconded. Motion carried with all in favor.

6.0 Old Business

6.1 Public Works Department Staffing Organization – Chairman O'Brien stated that the resignation of a Public Works employee has brought forth a change in the structure of the Department. He asked Town Administrator Dunn to brief the Board on the proposed changes. Town Administrator Dunn stated that the Operations Manager has resigned and in an effort to save the Town money going forward, it has been proposed to not fill that position and divide the duties between the Director of Public Works, DPW Executive Secretary and Town Administrator. In addition, it is suggested that to fill some of the gaps that will occur, that the Town reinstate the position of Highway Superintendent. Additional personnel for snowplowing will be handled by part-time, on-call personnel, with no benefits to them. Also, because a truck driver is about to take an extended medical leave, this position will need to be filled by a seasonal employee without benefits.

Selectman Hayes questioned if ordering uniforms couldn't be done by the Executive Secretary. Town Administrator Dunn replied that the investigation and evaluation of uniform requests would be better suited for this to be handled by a fellow worker, although the Executive Secretary will most likely be involved in the actual placing of orders.

Selectman Benavides commented that the Town would like to take advantage of this resignation and pass the savings onto the taxpayers and confirmed his understanding that the Highway Superintendent would be a newly advertised position. Town Administrator Dunn responded that the position was in existence prior to having an Operations Manager and would most likely be filled by an existing employee. He further stated that it is the goal of this position to assume some of the duties of the Operations Manager and have a "second in command" employee who is not part of the Collective Bargaining Unit. He told Selectman Benavides that the creation of this position would not result in an additional employee.

Selectman Benavides further questioned if the Highway Superintendent should be groomed to take over the position of DPW Director when Sheldon Morgan retires. Town Administrator Dunn replied that he does not foresee the Highway Superintendent being groomed to take over the position of DPW Director. If it is the goal of the Board to groom someone for that position, he suggested that they not eliminate the position of Operations Manager. Selectman Hayes stated that, at this time, he does not want to be concerned with finding a replacement for the DPW Director.

Selectman Benavides moved to approve the job description for the Highway Superintendent, as presented, at pay grade 6 (\$17.50 - \$23.50) and to advertise this vacancy for internal applications. Selectman Hayes seconded. Motion carried with all in favor.

Town Administrator Dunn requested the Board authorize solicitation for two (2) Laborer positions that he would like to advertise. One is to cover an employee on medical leave and the other is for evening, weekend and parking lot plowing. Neither of these employees would be part of the Collective Bargaining Unit.

Selectman Benavides moved to advertise for a full-time, temporary Laborer (6 months with no benefits) to plow roads using a pick-up truck at pay grade 4 (\$12.75 - \$17.12). Selectman Hayes seconded. Motion carried with all in favor.

Selectman Benavides moved to advertise for a part-time, on-call Laborer at pay grade 4 (\$12.75 - \$17.12) with no benefits. Selectman Hayes seconded. Motion carried with all in favor.

7.0 New Business

7.1 Renewal of Employment Contract with Town Administrator – This item was addressed prior to **6.0 Old Business**.

7.2 Entertainment Permit – Ellacoya Barn & Grille – Selectman Benavides moved to approve the Live Entertainment Permit for the Ellacoya Barn & Grille for the period June 25, 2011 through June 25, 2012. Selectman Hayes seconded and questioned Mr. Buzzotta as to why his permit is two months out of date. Mr. Buzzotta replied that it was an oversight, and further, suggested that the fee scale be adjusted to reflect how minimal his Live Entertainment is, compared to some other venues. Motion carried with all in favor.

7.3 Resignation/Appointment – Glendale Committee – Selectman Benavides moved to accept the resignation of Peter Sutcliffe from the Glendale Committee with regret. Selectman Hayes seconded. Motion carried with all in favor.

Selectman Benavides moved to appoint Steven Grant of Morrill Street and Welch Island to complete the current vacant term on the Glendale Committee. Selectman Hayes seconded. Motion carried with all in favor.

7.4 Acceptance of Donations – Selectman Benavides moved to accept donations in the amount of \$1,555 for the Fire Training Center; \$325 for the Flag Fund and \$400 for bunting for the Bicentennial Celebration and authorized the expenditure of the funds for the purpose in which they were intended. Selectman Hayes seconded. Motion carried with all in favor.

7.5 Bid Award – DPW Skid Steer Machine – Selectman Benavides moved to accept the low bid for a skid steer loader with a hydraulic snow blower attachment from Bobcat of NH in the amount of \$33,944 with an extended power train warranty; and to authorize the payment using \$5,156 from donated funds for this purpose, with the balance of \$28,788 to come from line item 4902-737. Selectman Hayes seconded. Motion carried with all in favor.

8.0 Public Input – Chuck Coons of the Conservation Commission read a prepared statement in support of Stephanie Verdile-Philibotte, whom the Board of Selectmen has recently laid off as of September 2, 2011. He provided a brief background of his time as a volunteer in Gilford and employee of the City of Laconia and is familiar with municipal government. He thinks that the decision made by the Board

is a mistake and praised Stephanie for her knowledge and professionalism in assisting Land Use Boards.

Steve Buzzotta of Island Support Services stated that he would like to add to the remarks just made by Chuck Coons. He also expressed concern with office coverage if this layoff takes place. In closing, he also praised Building Inspector Dave Andrade.

John Goodhue of the Conservation Commission stated that he has been involved with the Town of Gilford in various capacities over a period of 52 years. He stated that the Conservation Commission's role to oversee the natural resources of Gilford is much more complicated than it used to be. He praised Stephanie for taking on this responsibility and correctly directing the Commission. He then referred to a memorandum to John Ayer dated March 17, 2009 from Town Administrator Scott Dunn.

In that memo, John Ayer is relieved of his technical assistance duties to the Conservation Commission and that responsibility is now given to Stephanie. Mr. Goodhue added that since Stephanie has taken over in that capacity, the operation of the Conservation Commission has run very smoothly. Without her guidance he is concerned for the wellbeing of the Conservation Commission, as well as other Boards.

Mr. Goodhue then read a copy of a letter from Conservation Commission member Doug Hill, the longest running member of the Commission, who has been instrumental in the Town acquiring several different conservation easements. Mr. Hill stated his strong support for Stephanie, who is the most effective assistant who has ever been assigned to the Commission. The expanded responsibilities of the Conservation Commission cannot be accomplished without her support. The fact that the Board of Selectmen have decided to lay Stephanie off indicates their lack of support for the efforts of the Conservation Commission, he continued. As a result, Doug Hill stated that he will resign as a member of the Conservation Commission if this action is carried out.

In closing, Mr. Goodhue stated that in the opinion of the Conservation Commission, Stephanie is the backbone of the Department of Planning and Land Use.

Everett McLaughlin of the Conservation Commission stated that this decision was a total surprise to the Conservation Commission and they were not even consulted regarding the layoff. Stephanie is incredibly important to the Conservation Commission and other Land Use boards. He urged the Board of Selectmen to look at what is in the best interests of the Town of Gilford and this layoff is not in the best interests of the Town.

Scott Davis of the Zoning Board of Adjustment was in attendance to express his personal opinion on the matter of Stephanie's layoff. He concurred with previous comments and other letters of support written by various board/committee members. He further stated that even though the Zoning Board is volunteers, they are still professional and finding out about this in the manner that they did is not treating them as professionals. Stephanie has been invaluable and has filled in for the Town Planner as the ZBA's technical advisor. He realizes that this step was taken as a cost saving measure but her support cannot be measured in dollars. In addition, this termination was very abrupt for a position that is funded throughout the rest of year and the notice given is very short. He asked to Board to reconsider their decision.

Larry Routhier of the Conservation Commission stated that they did have a meeting earlier today and a motion was made and seconded, with a unanimous affirmative vote, to demonstrate to the Selectmen their complete confidence in Stephanie's ability to perform her duties as their technical advisor and she should be retained. He added that she is a pleasure to work with and is the strongest advisor they have had in a long time.

Lee Duncan of the Conservation Commission pointed out Stephanie's grant writing ability, which the Board may not be aware of. She is able to take care of writing grants, which no one else in the Department is able to do. He asked the Board to reconsider their decision and allow Stephanie to remain in her position as Technical Assistant.

Peter Morrisette of the Glendale Cove Association and Gilford Milfoil Committee reported that great progress has been made with the removal of milfoil and Stephanie has assisted them. He is not sure if the Board is looking at the correct position in order to save money. As an example, the Planning Board gave approval for a marina on Gail Woods' property last November. He stated that in the spring of 2011, he inquired about the plan and learned that it had not yet been signed and sent to the Tax Assessor's Office. This marina would have resulted in considerably more tax revenue if it had been properly taken care of and yet, the Board is trying to save a few thousand dollars by laying Stephanie off. He reiterated that he is not sure if the Board chose the correct person and there is no excuse for this plan not being signed and passed onto the Tax Assessors.

Mark Corry of the Zoning Board of Adjustment stated that he was aware of several letters being written by the Board of Adjustment and would like them read aloud now. Selectman Benavides stated that he would read the letters. Mr. Corry pointed out the serious repercussion of Doug Hill resigning if this action is taken, as well as the possibility of other repercussions. He further stated that when he became a member of the ZBA, he was overwhelmed by the amount of technical information required by the Board members. Stephanie provided him with support by way of manuals to read and has guided the entire Board with motions that are correct and minimize the possibility of litigation. She has provided the ZBA with the information necessary to function efficiently and promptly.

Mr. Corry's concern is who will be taking care of these functions if Stephanie is gone? He thinks that this decision is shortchanging the residents of Gilford and the volunteers to the Town need to have support.

Selectman Benavides read aloud letters of support from ZBA members Ellen Mulligan, Stephan Nix, Bill Knightly and Paul Kiely for Stephanie Verdile-Philibotte. They praised her administrative and technical knowledge and urged the Board to reconsider their position.

- 9.0** **Selectmen's Issues** – Selectman Benavides expressed concern with vehicles leaving the Village Field prior to 10:00 p.m., due to extensive pedestrian traffic. Recreation Director Herb Greene stated that the Old Home Day Committee just met and he has spoken to Deputy Police Chief Keenan about posting the area that no one can leave that area until 10:00 p.m. Barricades will also be moved during the day. Flyers will be placed on cars that are parked on the Village Field and lights will be turned on at the Cal Ripken Field and Tennis Courts.

Selectman Benavides stated that Stephanie Verdile-Philibotte has requested to meet with the Board in non-public session. He stated that he personally, will make a motion for the Board to reconsider the decision for the layoff and if his motion receives a second, he will vote to keep her on staff.

- 10.0** **Administrator's Report** – Town Administrator Dunn stated that in anticipation of the upcoming hurricane, he has spoken with the Town's Emergency Management Director and preparations are being made for regional shelters and transportation.

- 11.0** **Next Meeting** – Regular Meeting – September 14, 2011 at 7:00 p.m.

- 12.0** **Non-Public Session**

Selectman Benavides moved to enter non-public session at 8:25 p.m., pursuant to RSA 91-A:3, II (d) (c) (a) to discuss the consideration of the sale/acquisition of real estate, matters which may adversely affect someone's reputation and personnel issues. Selectman Hayes seconded. Motion carried on a 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 and DPLU Technical Assistant Stephanie Verdile-Philibotte.

Stephanie Verdile-Philibotte gave the Selectmen a summary of her duties. After a brief exchange of questions, she exited non-public session.

Chairman O'Brien moved to rescind the pending layoff and reconsider the issue on September 14, 2011. Selectman Hayes seconded. Motion carried with all in favor.

Other matters were discussed, however.

Selectman Benavides moved to seal the remaining minutes and exit non-public session at 10:00 p.m. Selectman Hayes seconded. Motion carried with all in favor.

13.0 **Adjournment** – With no further business before the Board, the Board of Selectmen's August 24, 2011 meeting was adjourned at 10:00 p.m.

Respectfully submitted,

J. Kevin Hayes
Clerk