

**GILFORD BOARD OF SELECTMEN'S MEETING**  
**March 14, 2012**  
**Town Hall**

The Board of Selectmen convened in a regular session on Wednesday, March 14, 2012, 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, Police Chief Kevin Keenan, Police Lieutenant Jim Leach, Town Clerk/Tax Collector Denise Gonyer, DPW Director Sheldon Morgan, Police Lieutenant Kris Kelley, Communications Specialist Jason Fasshauer and Police Officers Adam VanSteensburg and Doug Wall.

1. **Non-Public Session – 6:00 p.m.** - Selectman Benavides moved to into enter non-public session at 6:00 p.m., pursuant to RSA 91-A:3, II (e) (a) (b) (c) to discuss pending litigation, personnel matters and matters that would likely affect adversely the reputation of any person. 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.

Selectman Benavides moved to authorize the hiring of Curtis Mailloux as Patrol Officer effective March 18, 2012 at \$18.84 per hour. Selectman Hayes seconded. Motion carried with all in favor.

Other matters were discussed and 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** – Chairman O'Brien made the following announcements:
  - 3.1. Town Meeting Results are available on the Town's website.
  - 3.2. Residential Spring Cleanup Days will be held from Saturday, April 21<sup>st</sup> through Sunday, April 29<sup>th</sup>, 2012.
  - 3.3. Town Administrator Dunn asked Communications Specialist Jason Fasshauer and Police Officers Adam VanSteensburg and Doug Wall to come forward to accept "Caught in the Act" Awards. He explained how Jason Fasshauer and Doug Wall went above and beyond the call of duty in assisting a homeless couple by providing them with gasoline and food. This action was brought to the attention of Town Administrator Dunn by Officer VanSteensburg. Town Administrator Dunn commended them and the Board of Selectmen came forward to individually congratulate the three members of the Gilford Police Department.
4. **Review/Approval of Minutes**
  - 4.1. Selectman Benavides moved to approve the minutes of the February 22, 2012 meeting. 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 February 20, 2012 through March 9, 2012. Selectman Hayes seconded. Motion carried with all in favor.

<b><u>DOCUMENT DATE</u></b>	<b><u>DOCUMENT</u></b>	<b><u>MAP/LOT #</u></b>
12/07/11	Change of Status - Campbell	
01/01/12	Change of Status - Greene	
01/14/12	Change of Status - Cutter	
01/26/12	Change of Status - Petrozzi	

01/30/12	Accounts Payable Manifest	
01/30/12	Payroll Register(2)	
01/31/12	Notice of Lien - Rowley	253-320.000
02/06/12	Payroll Register	
02/07/12	NOITC - Town of Gilford	232-002.000
02/07/12	Accounts Payable Manifest	
02/08/12	Release of Lien - Rowson	224-046.031
02/08/12	Tax Collector's Warrant - 2012 Sewer Rents	
02/10/12	Abatement - Gelotte	211-008.150
02/10/12	Abatement - Dobbins	252-016.294
02/13/12	Accounts Payable Manifest	
02/13/12	Payroll Register	
02/21/12	Accounts Payable Manifest	
02/21/12	Current Use Application - Retirement Time LLC	254-074.003
02/21/12	Veteran's Tax Credit - Evans	267-211.019
02/21/12	Veteran's Tax Credit - Keough	201-009.093
02/22/12	Appt. Form Deputy EM Director - Andrews	
02/22/12	Abatement - Hanlon	216-095.000
02/22/12	Abatement - Boyd	227-141.000
02/26/12	Change of Status - Madon	
02/26/12	Change of Status - Andrews	
02/26/12	Change of Status - DeCarli	
02/26/12	Change of Status - Skinner	
02/28/12	Change of Status - Lemay	
03/01/12	Change of Status - Andrews	
03/14/12	Boat Agent Authorization - Gator Signs	
04/01/12	Change of Status - Cammarota	

## 6. Appointments

**6.1. Herb Greene – Recreation Department Update** – Director Greene reviewed the Department’s activities since his last update in November 2011. Once again, they partnered with the Gilford Youth Center for their Santaland Christmas event in December. They also held basketball programs, which ended with the Francoeur Babcock Tournament this past weekend. Director Greene further stated that he would like to thank the many volunteers that made this tournament so successful.

The weather has proved challenging for winter sports activities. Although the Gunstock Ski Program was held, many snowshoe hikes had to be canceled. The conditions at the ice rink were also inconsistent and although several after-hours skating rentals took place, the curling program was affected. Other winter activities included volleyball, a trip to a Celtics game and cross country ski lessons.

Director Greene stated that he is anticipating having the tennis nets in place next week. Other upcoming spring activities include an egg hunt, breakfast with the Easter bunny and the Bike Safety Rodeo. This year’s Old Home Day celebration will focus on the Bicentennial Celebration and the first meeting will be held in early April.

Director Greene also updated the Board on the status of the matter of having Recreation Department brochures distributed in Gilford schools. The policy is being modified to accommodate Gilford Recreation programs only and program information will be distributed in the form of monthly newsletters.

The Board thanked Director Greene for his update.

- 6.2. Kevin Keenan – Police Department Update** – Chief Keenan advised the Board that the Police Department continues to be extremely busy. Activity has increased 25% over the same time period in 2011, which is a significant increase. Selectman Benavides inquired if the Department has tracked any trends in criminal activity that coincides with the state of the economy. Chief Keenan replied that this has not been done but he will have Technical Assistant Horan do an analysis.

The PWT (Park, Walk & Talk) Program has been implemented in Gilford, providing an opportunity for police officers to be “seen”. They are able to meet with small businesses, etc. who provide them with beneficial feedback. Chief Keenan further stated that the awards given out earlier this evening for going above and beyond the call of duty are not uncommon for the members of the Department.

The window in the booking room has finally been installed, creating a much safer environment. Discussion also ensued on the progress being made with the repeater system. In order to determine if locations are effective, it is necessary to place repeaters at various locations and then test the radios.

Chief Keenan introduced Curtis Mailloux to the Board, who has been recently hired and will be starting employment on Sunday, March 18<sup>th</sup>. He and Officer Callahan will be attending the Police Academy in June, which is advantageous to the Department because the SRO’s will be available to cover shifts. The Department is also participating in a fundraiser at the Margate in April that will benefit Special Olympics.

Brief discussion ensued regarding the radar trailer being back in service soon.

Chief Keenan thanked Ty Wolfe and Terry Clairmont of DPW for their assistance in cutting the hole through the concrete for the window in the booking room. He also thanked Dee Chitty and Jim Dinan of Buildings and Grounds for cleaning up the cement dust.

Town Administrator Dunn advised Chief Keenan that a resident of Cat Path would like to see the radar trailer utilized on that road.

The Board thanked Chief Keenan for his presentation.

## **7. Old Business**

- 7.1. Office of Town Clerk-Tax Collector Staffing** – Selectman Hayes moved to continue without the new part-time position until such time as a study is performed to determine the staffing needs of the Department. Chairman O’Brien seconded and stated that if this matter came up in a business that he would want an analysis done and read some specific items that he would like to know. TC/TC Gonyer stated that she does not understand why a study is necessary and why the Board needs additional information. Selectman Hayes responded that the Board would like an independent third party to evaluate the staffing needs of the department. Chairman O’Brien added that he would like more specific information than that which is contained in the 2004 MRI Study.

TC/TC Gonyer stated that she is trying to assess her staffing requirements for April and would like to know how to approach the matter. Town Administrator Dunn will meet with her tomorrow, Thursday, to share what has been determined. Motion carried by 2 to 1 with Selectman Benavides voting no.

- 7.2. Tax Exemption Request of Wesley Woods (d/b/a New England Deaconess Association) per RSA 72:23-k for non-profit, charitable housing** – Town Administrator Dunn stated that an application for tax exempt status and supporting documents have been received from the New

England Deaconess Association. The Board has reviewed these documents and consulted with Town Counsel, so Wesley Woods is now looking for a decision on their request.

Selectman Hayes moved to table the request until such time as further documentation is received. Chairman O'Brien seconded. Selectman Hayes further explained that after reading the materials that were presented, he does not think that Wesley Woods fits the criteria for tax-exempt status. Unless additional information is received, Selectmen Hayes further stated that he thinks that the application would have to be denied.

At this time, Attorney Rodney Dyer, representing Wesley Woods, provided the Board with a general overview of how the organization functions under RSA 72:23-k. Applicants must be at least 62 years of age with one exception of a handicapped former pastor. They must also qualify financially and this is negotiable. The charitable aspect is that NEDA could raise its fees to market rate but chooses not to do so in order to provide affordable housing for retired seniors.

Attorney Dyer stated that NEDA paid approximately \$80,000-\$90,000 in property taxes in 2011. Expenses in 2010 were approximately \$855,000, with only \$236,000 in gross revenue. The difference between these two figures further emphasizes their charitable status.

Selectman Hayes questioned how to compare business vs. charity because he thinks that the fact that revenues fall considerably short of expenses is the result of a business decision and does not qualify as a charitable matter. Attorney Dyer responded that making the units affordable for seniors is a charitable decision.

Brief discussion ensued regarding the fact that the land the units have been built on belongs to the Methodist Church and is subject to a long-term leasing agreement. Attorney Dyer then introduced Herb Taylor, Director of the New England Deaconess Association. Mr. Taylor advised the Board that the development is approved for forty (40) units and at this time, twenty-two (22) have been built and are occupied.

Attorney Dyer, who has also represented the Taylor Community in Laconia, thinks that this is a very similar situation where it is a charitable organization with a PILOT Agreement. The Taylor Home also expends charitable funds that makes it affordable for residents to live there and has a tax-exempt status under RSA 72:23-k.

Discussion ensued regarding the fact that approximately half of the \$855,000 in expenses in 2010 is comprised of debt service. Attorney Dyer also pointed out that an on-site director is on staff for 30 hours per week and there are several other expenses for maintenance and upkeep of the property.

Returning to the motion to table, the motion carried with all in favor. This matter will be placed on the agenda for the April 11, 2012 meeting.

- 7.3. **Memorandum of Understanding – Winnepesaukee River Basin Project** – Selectman Benavides moved to approve the M.O.U. as drafted and to authorize the Town Administrator to sign the document on behalf of the Town. Selectman Hayes seconded. Motion carried with all in favor.
- 7.4. **Approval of FY2012 Budget** – Town Administrator Dunn provided a brief explanation of the figures contained in the 2012 MS-2. The additional \$12,200 from the Deliberative Session, as well as the funding of various outside agencies, has been added to the total. Selectman Benavides moved to approve and sign the 2012 MS-2. Selectman Hayes seconded. Motion carried with all in favor.

## 8. New Business

- 8.1. Acceptance of Donation – D.A.R.E.** – Selectman Benavides moved to accept the donation of \$500 from the Gilford Police Relief Children’s Fund with thanks and to authorize the expenditure of these funds on the Police D.A.R.E. program. Selectman Hayes seconded. Motion carried with all in favor.
- 8.2. Request for Town Decal/Island Resident Decal** – Town Administrator Dunn provided the Board with a brief explanation of this request. A literal interpretation of the Glendale Regulations would require the Trustee of the property to acquire a free decal and then purchase a guest pass for Winthrop Hall. However, the guest pass would not enable Mr. Hall to utilize the dock that is designated for island residents. Selectman Hayes moved to approve the issuance of a town decal and island resident decal for Winthrop Hall of Jolly Island. Selectman Benavides seconded. Motion carried with all in favor.
- 8.3. Live Entertainment Permit – Contigiani’s Catering – Gilford Youth Center** – Selectman Benavides moved to approve a 1-day Entertainment Permit for Contigiani’s Catering for April 14, 2012, at the Gilford Youth Center and waive the fee. Selectman Hayes seconded. Motion carried with all in favor.
- 8.4. Appointment to BCEDC** - Selectman Benavides moved to nominate John O’Brien as BCEDC incorporator for another 1-year term. Selectman Hayes seconded. Motion carried with all in favor.
- 8.5. Meadowbrook Lane Street Lights** – Police Chief Keenan assured the Board that the installation of these street lights would have numerous safety benefits for the patrons and police officers during Meadowbrook concerts. Selectman Benavides moved approve the arrangement with Meadowbrook for five (5) new street lights, to be installed at their cost of \$4,600, with the Town paying the monthly lighting fee to PSNH of \$7.66 per unit per month. Selectman Hayes seconded. Motion carried with all in favor.
- 8.6. Ordinance Regulating Pawnbrokers – Review/Schedule Public Hearing** – Town Administrator Dunn stated that he has received legal opinion and discussed this proposed ordinance with members of the Police Department. The Police Department would like to see additional language added that requires licensees to furnish the department with weekly logs of their transaction records, while Town Administrator Dunn thinks that this requirement presents too much government interference.
- Chief Keenan stated that this practice would involve the business e-mailing their transaction records on a regular basis, which would then be submitted to a database where other law enforcement agencies could access them. This would reduce the amount of time that a police officer would need to spend at the business reviewing these records.
- The Board concurred to add the language requested by Chief Keenan. Town Administrator Dunn will include it in the ordinance and schedule a public hearing for Wednesday, March 28, 2012.
- 8.7. Ordinance Regulating Illegal Smoking Products** – Selectman Hayes stated that he suggested this proposed ordinance be considered, in response to a recent, ongoing problem with the use of synthetic marijuana within the Town of Gilford. Town Administrator Dunn explained the problems associated with the fact that the Town has no legal authority to adopt such an ordinance.

Police Chief Keenan stated that the main problem is the fact that the ingredients in these substances are frequently changed so that it makes the schedule of illegal or controlled

substances inaccurate. Chief Keenan thinks that a Town ordinance could better address the problem on a local level and further, introduced Deb Laliberte from the Gilford Drug and Alcohol Task Force. Chief Keenan advised the Board that this product is not available on any store shelves in Gilford, to the best of his knowledge.

Extensive discussion ensued regarding problems associated with enforcement of a Town ordinance prohibiting these substances. The City of Franklin did adopt an ordinance but their legal authority to do so is different because they are a city, but this has not yet been challenged in court. They also had a serious problem with these substances. Town Administrator Dunn stated that Town Counsel would not be willing to sign off on this ordinance because of the lack of legal authority, but the School Board may be able to prohibit the substance in schools, which would take care of the matter within school property. Chairman O'Brien asked Chief Keenan if the Selectmen are not authorized to develop a law like this if they would be open to a false arrest suit. Chief Keenan replied yes, probably.

Deb Laliberte stated that this is a community problem and she likes the message that the City of Franklin is sending to its residents. There would be benefits from a ban, primarily student safety. Chairman O'Brien suggested that the Police Department could get this information out to local stores so that they are aware of the problem. Town Administrator Dunn suggested that he could prepare a resolution. Deb Laliberte stated that she is happy to see the Board take a proactive position.

Selectman Hayes asked Town Administrator Dunn to prepare both an ordinance and a resolution for the Board's review at their next meeting.

- 8.8. Proposal for 2012 Road Reconstruction Contract & Request for Waiver of Town's Purchasing Policy** – Selectman Benavides moved to waive the purchasing policy requirement to solicit sealed bids for road reconstruction services and to accept the proposal of Wolcott Construction for pavement and other services dated March 6, 2012 as an extension of the 2011 contract. Selectman Hayes seconded. Motion carried with all in favor.
- 8.9. Contract for 2011 Audit Services** – Selectman Benavides moved to make the following amendments to the proposed audit contract for Vachon, Clukay & Company: (1) all sentences describing management responsibilities be restructured to indicate those items are not the responsibility of the auditor; (2) the two sentences that require the Town to include supplemental reports with any presentation be removed from the contract; and (3) the price be reduced from \$19,267 to \$19,000.05 to cover the extra cost of \$266.05 in the printing of the entire audit in the 2011 Annual Reports. Selectman Hayes seconded. Motion carried with all in favor.
- 8.10. Purchase of Police Cruiser** – Selectman Benavides to approve the purchase of a 2012 Ford Police Interceptor in the amount of \$25,224 from Hillsboro Ford. Selectman Hayes seconded. Motion carried with all in favor. Brief discussion ensued regarding service work on cruisers.
- 8.11. Purchase of Police Motorcycle** – Police Chief Keenan advised the Board that the Department is applying for grant funds from the NH Highway Safety Agency to offset the cost of leasing a Harley Davidson Police Motorcycle and radar unit. Before they can enter into a lease agreement with Seacoast Harley Davidson, grant approval must be received. However, to expedite this process when the grant approval is received, Chief Keenan is seeking authorization from the Board tonight to be able to enter into the lease agreement.

Selectman Benavides moved to grant authorization for the Town Administrator to enter into a lease agreement with Seacoast Harley Davidson when grant approval is received from the NH

Highway Safety Agency. Selectman Hayes seconded. Motion carried with all in favor.

- 8.12. LGC Health Trust Rates July 1, 2012 – June 30, 2013** – Town Administrator Dunn reported that the final rates for health insurance have come down by almost half of the projected guaranteed maximum rate. Finance Director Ruggles has calculated this savings to be approximately \$21,000.

Selectman Benavides moved to authorize the Town Administrator to sign the rate renewal agreement with the Local Government Center. Selectman Hayes seconded. Motion carried with all in favor.

- 9. Public Input** – Richard Miller of 235 Chestnut Drive praised the staff of the Town Clerk/Tax Collector's Office, along with the Police, Fire and Public Works Departments. He encouraged the Board to provide the Town Clerk/Tax Collector's Office with adequate staffing to provide service to the residents and taxpayers of Gilford.
- 10. Selectmen's Issues** – Selectman Hayes reported that voter turnout was 32% and suggested reducing the number of Town Reports printed next year. TC/TC Gonyer stated that Town Reports will be in demand during the summer when seasonal residents are in Gilford.
- 11. Administrator's Report** – Town Administrator Dunn reported that he has working to add two more speakers to the Conference Room and make improvements to the audio system.

A hearing has been scheduled by the NH Water Resources Board for October 18, 2012 to review the appeal filed by National Grid on the Lower Liberty Hill Disposal Site. The Water Resources Board is encouraging National Grid, DES and the Town to mediate a settlement.

As a result of the Town Meeting vote, Town Administrator Dunn is working on a deed to the McGrath's of Harris Shore Road.

He is also working on a petition for the Selectmen to sign for NH DOT Commissioner to abandon a portion of the Route 11-A/Route 11-B triangle. He is currently waiting for the survey plan.

- 12. Next Meeting** – Regular Meeting – Wednesday, March 28, 2012
- 13. Adjournment** – With no further business before the Board, the Board of Selectmen's March 14, 2012 meeting was adjourned at 8:50 p.m.

Respectfully submitted,

J. Kevin Hayes  
Clerk