

GILFORD BOARD OF SELECTMEN'S MEETING

September 25, 2013

Town Hall

The Board of Selectmen convened in a Budget Work Session on Wednesday, September 25, 2013 at 8:00 a.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 was Town Administrator Scott Dunn.

1.0 Budget Work Session

In Attendance: Town Clerk/Tax Collector Denise Gonyer and Supervisor of the Checklist Irene Lachance. Both departed after discussions on their budgets.

Town Clerk/Tax Collector

Selectman Benavides moved to add 3% to the Town Clerk/Tax Collector's salary. Selectman O'Brien seconded. Motion carried with all in favor.

Consensus to fund at \$365,978

Elections & Registrations

Consensus to fund at \$15,981

Elected Officials

Selectman Benavides moved to recommend \$5,816. Selectman O'Brien seconded. Motion carried with all in favor.

Administration

Consensus to fund at \$252,567

Boards & Committees

Consensus to fund at \$1,452

In Attendance: Finance Director Geoff Ruggles, who departed after discussion on his budgets.

Finance, Appraisal & Technology

Consensus to fund at \$587,940

Insurances

Consensus to fund at \$210,547

Welfare

Consensus to fund at \$81,669

Debt

Consensus to fund at \$136,058

Other Governments

Consensus to fund at \$16,295

Legal

Consensus to fund at \$49,000

In Attendance: Director of Planning and Land Use John Ayer, who departed after discussion on his budget.

Department of Planning and Land Use

Consensus to fund at \$288,244

Look to purchase one file cabinet in 2013 and one file cabinet in 2014

In Attendance: Director of Public Works Sheldon Morgan, who departed after discussion on his budgets.

Department of Public Works

Building & Grounds

Selectman Benavides moved to eliminate 5 hours per week for the Library Custodian. There was no second to his motion.

Consensus to fund at \$255,852 after further discussions with Sheldon Morgan and Katherine Dormody.

DPW Administration

Consensus to fund at \$276,853

Highway

Need to explore alternatives for sand pile cover

Need to evaluate staffing after discussion with Library

Bridges & Street Lights

Consensus to fund at \$27,500

Vehicle Maintenance

Consensus to fund at \$251,348

Solid Waste

Consensus to fund at \$604,707

Health

Consensus to fund at \$3,119

Sewer

Need to obtain cost estimate for design of sewers on Governor's Island

Consensus to fund at \$782,115

DPW CIP

\$266,500 OK for two vehicles

\$ 20,000 Sand pile

\$ 10,000 Sewer CRF

\$ 0 Sidewalk fund
\$ 20,000 Building repairs CRF
\$ 0 Bridges
\$ 12,000 Technology (GIS) Fund
\$ 10,000 Glendale CRF
\$ 10,000 Recreation Facilities CRF

In Attendance: Director of Public Works Sheldon Morgan, Cemetery Trustees Dee Chitty and Geoff Ruggles, who departed after discussion on this budget.

Cemeteries

Selectman Benavides moved to eliminate the full-time position, to be shared with DPW. Selectman O'Brien seconded. Motion carried with all in favor.

Consensus to fund at \$40,387

In Attendance: Parks & Recreation Director Herb Greene, who departed after discussion on his budgets.

Parks & Recreation

Consensus to fund at \$226,695

Skating Rink

Consensus to fund at \$8,115

Patriotic Purposes

Consensus to fund at \$125

In Attendance: Lieutenant Jim Leach and Lieutenant Kris Kelly, who departed after discussion on the Police budget.

Police Department

Add 18th officer at \$51,004 (starts May 1)
Reduce overtime from 8½% to 7½%
Offset by revenues of \$25,502 (50%)

Selectman Benavides moved to recommend \$2,435,320. Selectman Hayes seconded. Motion carried with all in favor.

Selectman Benavides moved to recommend \$1,213,000 for the new police station. Selectman Hayes seconded. Motion carried with all in favor.

In Attendance: Chief Steve Carrier, who department after discussion on his budgets.

Fire Department

Consensus to fund at \$1,682,083

Emergency Management

Consensus to fund at \$3,545

Fire Protection

Consensus to fund at \$123,162

Forestry

Consensus to fund at \$2,266

Water Supply Capital Reserve Fund

Consensus to fund at \$10,000

A letter will be written from the Board of Selectmen to County Commissioners regarding the LRMFA dues re-distribution.

Fire Equipment Capital Reserve Fund

Consensus to fund at \$50,000

Building Repairs

Consensus to fund at \$50,000

Ambulance Fund

Consensus to fund at \$59,000 from closing out Capital Reserve Fund.

Conservation Commission

Consensus to fund at \$21,900

In Attendance: Library Director Katherine Dormody and Trustees Kate Hamel, Daryl Thompson and Mike Marshall, who departed after discussion on the Library budget.

Library

Chairman Hayes moved to recommend \$491,271 but there was no second to the motion.

Selectman O'Brien moved to fund the two part-time positions and eliminate the new full-time position. Selectman Benavides seconded. Motion carried by a vote of 2-1 with Chairman Hayes voting no.

Consensus to fund at \$485,578

Consensus to not fund Outside Agencies

Consensus to fund Fire Engine 2 rehab at \$50,000

Consensus to fund Library custodian at 25 hours per week

Selectman Benavides moved to recommend the budget at \$7,514,801. Selectman O'Brien seconded. Motion carried with all in favor.

Selectman Benavides moved to enter non-public session at 3:30 p.m., pursuant to RSA 91-A:3, II, to discuss legal matters and personnel issues. Selectman O'Brien seconded. Motion carried on a roll call vote with all in favor.

Selectman Benavides moved to exit non-public session, seal the minutes and recess the meeting until 6:00 p.m. Selectman O'Brien seconded. Motion carried with all in favor.

2.0 Public Information Meeting – Lower Liberty Hill Hazardous Waste Disposal Site

In attendance were Mike McCluskey, John Regan and Ralph Wixson from NH DES, Mary Casey and Deb Hale from Liberty Utilities and Jim Ashe from GEI. Mike McCluskey reported that the last time they met was in January 2013 and he would like to pick up tonight's meeting from that point. In January, it was reported that DES had approved the conceptual remedial action plan and authorized Liberty Utilities and GEI to move forward with the design that they had proposed.

Since that time, they have put together the design for the site and DES has commenced their review of it. Jim Ashe from GEI then proceeded to discuss the PowerPoint presentation of the project, and stated that he is pleased to be able to provide some details of the actual construction at tonight's meeting. He added that construction is expected to commence in March 2014 and he will providing a rough schedule of the construction and what residents can expect to see.

They also plan to hold another public meeting in February 2014 to go over the final details of the plan, prior to construction.

During the spring of 2013, 78 test borings were drilled, which assisted in determining the exact extent of the proposed excavation. He provided a detailed site plan of these borings, which indicate the soil that met the criteria for excavation. This site plan shows that the actual results closely match their estimates. Mr. Ashe also showed the proposal to complete the excavation in two phases, with the first in 2013 and the second in 2014.

Mr. Ashe emphasized that they have endeavored to save as much vegetation as possible around the perimeter of the project area, providing screening and protection to Jewett Brook. In addition, a chain-link fence with fabric screening will surround the entire site, providing a wind barrier and dust deterrent.

Nearly 40,000 cubic yards of soil meets the criteria for transport and treatment, and they have added a contingency of 15% to accommodate any excess soil. Mr. Ashe added that nearly 54,000 cubic yards of soil does not meet the criteria for off-site treatment, and this soil will be stockpiled and re-used on-site. As a result, some material will leave the site in trucks and some will remain stockpiled.

As far as truck traffic is concerned, they estimate there will be four trucks per hour, with a maximum of 40 truckloads per day. However, they estimate an average of 12-16 truckloads per day, due to varying conditions on the site. They will not be specifying to the contractor what type of truck has to be used, so it is possible that a combination of different types of trucks will be seen during the excavation.

Mr. Ashe then explained how the decon station will function and what site controls will be in place during the project. The site controls, such as VOC's, dust, odors, vibrations and noise, are very important and are constantly monitored. As a result of the constant monitoring, the contractor will be compelled to make modifications if any of the acceptable levels are exceeded. In addition, there will be gates and flaggers – with one

flagger at the gate and one at the corner of Liberty Hill Road and Country Club Road. As an example, soil stockpiles can be treated with foam to reduce dust and odors. In addition, water cannot leave the site until it is determined to be at a safe level.

The existing structures are scheduled to be demolished in October 2013 and other items on the fall schedule included pre-qualifying all contractors and completing the permitting process. Mr. Ashe reminded persons in attendance that there would be another informational meeting in February 2014 and the purpose is for them to be able to hear any concerns from residents of the area.

In response to a question from a member of the public, Mr. Ashe specified that a normal work week of Monday-Friday from 7 a.m. to 6 p.m. will be followed. As far as construction work on the weekends, there will be times when work is being carried out on Saturdays, but at a shorter day of 9 a.m. to 5 p.m. Mr. Ashe emphasized that the more restrictions that are placed on the project, the longer it will take to have it completed.

Brief discussion ensued regarding the documentation and any necessary repairs to Liberty Hill Road. There will be no trucks parked on the side of the road and there will always be two-lane access on Liberty Hill Road. There are no plans for detours or any re-directing of traffic. Mr. Ashe will assure that the contractor is aware of the timing of school buses on Liberty Hill Road.

The informational meeting concluded at 7:00 p.m.

3.0 Regular Business – Public Meeting

The Board of Selectmen convened in a regular session on Wednesday, September 25, 2013 at 7:06 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, Police Lieutenant Jim Leach, Police Lieutenant Kris Kelley, Director of Public Works Sheldon Morgan, Director of Planning and Land Use John Ayer and Fire Chief Steve Carrier.

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

5.0 Announcements/Presentations

5.1 Chairman Hayes announced that the Budget Committee's 2014 Town Budget Review commences on Thursday, October 3, 2013 at 6:30 p.m. at the Town Hall.

5.2 The Town Hall and Library will be closed on Monday, October 14, 2013 for Columbus Day.

6.0 Review/Approval of Minutes

6.1 Selectman O'Brien moved to approve the minutes of September 11, 2013, as presented. Selectman Benavides seconded. Motion carried with Chairman Hayes abstaining.

7.0 Consent Agenda

7.1 Selectman O'Brien moved to approve the previously signed items for the period September 9, 2013 through September 20, 2013. Selectman Benavides seconded.

Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
07/12/13	Change of Status - Crowell	
08/13/13	Change of Status - Jensen	
09/03/13	Payroll Register	
09/04/13	Release of Lien - Nicoll	224-074.002
09/09/13	Payroll Register	
09/19/13	Change of Status - LeClaire	
09/10/13	Accounts Payable Manifest	
09/11/13	Current Use Lien Release - Smith	
09/11/13	Sewer Abatement - Singing Press	216-030.000
09/11/13	Sewer Abatement - Boles	254-029.000
09/11/13	NOITC - Houle	234-002.000
09/12/13	Veteran's Tax Credit - Kober	223-541.703
09/12/13	Veteran's Tax Credit - Leary	252-016.711

8.0 **Appointments** – none scheduled.

9.0 **Old Business**

9.1 **Kimball Castle**

(a) The Board took no action regarding the proposal from Steve Davis to relocate the Kimball Castle to The Witches in Lake Winnepesaukee.

(b) Selectman O'Brien moved to deny support for the cy pres petition as drafted, pending any future decisions to be made by the voters at the March 2014 Annual Town Meeting. Selectman Benavides seconded. Motion carried with all in favor.

(c) Selectman O'Brien moved to authorize the Building Inspector to extend his deadline for compliance with the Kimball Castle demolition or fence order until April 30, 2014. Selectman Benavides seconded. Motion carried with all in favor.

Selectman O'Brien moved to temporarily discontinue the public easement over the castle property; and to enact a temporary no parking zone with signage on both sides of the Class VI portion of Lockes Hill Road, until such time as the castle is fenced or demolished, to prevent unauthorized trespassers from this attractive nuisance. Selectman Benavides seconded. Motion carried with all in favor.

(d) Selectman O'Brien moved to authorize David Jodoin to install a gate across the Class VI portion of Lockes Hill Road, at his expense, to further deter public access to the castle property, at a final location to be approved by the Director of Public Works, with a key to be provided to the Town. Selectman Benavides seconded. Brief discussion ensued regarding the fact that the State statute had been changed in 1999 to allow the installation of a gate on a Class VI road. Motion carried with all in favor.

(e) Selectman Benavides moved to deny the request of David Jodoin to spend public funds for improvements or repairs to his private driveway. Selectman O'Brien seconded. Motion carried with all in favor.

9.2 **Route 11-A Speed Limit** – The Board concurred to table this matter to the next meeting.

9.3 **Rowe Farm Road** – Selectman O’Brien moved to release the letter of credit that was used to ensure the road would be constructed with the Town’s Minimum Road Standards. Selectman Benavides seconded. Motion carried with all in favor.

The Board concurred to schedule a public hearing on Wednesday, October 9, 2013 at 7:00 p.m. to act on the written request for road acceptance.

9.4 **Region 6 Public Health Council** – Selectman Benavides moved to appoint Geoff Ruggles as the Town’s representative to this agency. Selectman O’Brien seconded. Motion carried with all in favor. Selectman O’Brien also expressed his appreciation for Alida Millham for offering to serve on the Council.

10.0 **New Business**

10.1 **Set Dates for November and December Meetings** – The Board concurred to hold the November meetings on November 6th and 20th, and December meetings on December 4th and 18th. If an additional meeting is necessary, it can be held on Monday, December 30th.

10.2 **Acceptance of Capital Improvement Plan for 2014-2019** – Selectman O’Brien moved to accept and approve the Capital Improvement Plan for 2014-2019 as presented. Selectman Benavides seconded. Motion carried with all in favor.

10.3 **Request to Spend from Ambulance Revolving Fund** – Brief discussion ensued regarding the necessity of this request. Fire Chief Carrier explained that this is the specific product line and that by maintaining it, all of their equipment would be compatible.

Selectman O’Brien moved to waive the Town’s Purchasing Policies and to approve the use of the Ambulance Revolving Fund for the purchase of a Zoll X Series Autopulse Resuscitation Bundle, in the amount of \$38,107.24. Selectman Benavides seconded and commented that he is not in favor of being locked into one particular manufacturer so that all products must be purchased from them. Chief Carrier responded that Zoll provides good service and the brand is very dependable. In addition, this monitor will be replacing a 12-year old model. Motion carried with all in favor.

10.4 **Petition to Install a 4-Way Stop Sign at Cotton Hill, Swain and Young Roads** – DPW Director Sheldon Morgan stated that this appears to be the appropriate measure to take at this intersection. The Board concurred to schedule a public hearing for Wednesday, October 9, 2013 at 7:00 p.m. to consider Traffic Ordinance.

10.5 **Live Entertainment License Application – Lakes Region Café & Tavern** – Attorney David Bownes was in attendance representing the applicant. He stated that Wil Drew and his partner, Tom Lyons, are seeking the same approval that was granted in 2012, with the addition of exotic dancing.

Attorney Bownes stated that, at this time, the request for a liquor license is still pending and has not yet been granted. He is seeking approval tonight, contingent upon the receipt of the liquor license. Attorney Bownes further stated that he received a letter today from Director of Planning and Land Use John Ayer, who has stated that the adult entertainment use had been considered a non-conforming use and had been allowed to continue on that basis. Now a year has lapsed without the use, he determined that this use may not be resumed. Attorney Bownes disputed that the use was discontinued for a period of one year and will appeal to the Zoning Board of Adjustment.

He elaborated that during the spring of 2013, much time and effort was placed in the establishment of a partnership with Mr. Drew and Mr. Lyons to be able to re-open as the Lakes Region Café & Tavern. Because of Mr. Ayer's determination, however, he does not think that the Board of Selectmen can act on the Application for Adult Live Entertainment. As a result, at this time, Attorney Bownes would like to move forward with a Live Entertainment Permit without the exotic dancing and liquor.

Attorney Bownes emphasized that it is their intention to conduct a clean and safe business facility and conform to all laws and rules of the State of NH, Town of Gilford and Federal government. He further stated that he anticipates with issuance of a liquor license within 30 days.

At this time, Selectman Benavides asked Tom Lyons to come forward and provide with the Board with some information on himself and his business experience. Mr. Lyons lives in Hampton, is a retired fisherman and currently owns a vending business. Both Mr. Lyons and Mr. Drew will be actively involved in running the business. Mr. Lyons stated that he would like to avoid a "DJ-type" atmosphere within the club. He also stated that he is in favor of starting out small and taking it slow, as far as the development of the club is concerned.

Selectman O'Brien asked Town Administrator Dunn for his input on the matter. Town Administrator Dunn expressed concern with several specific issues that were addressed in his letter to Mr. Drew on July 26, 2012. To date, Mr. Drew has not responded to these issues and he encouraged the Board to look at them before considering the issuance of an Adult Live Entertainment License.

Selectman Benavides moved to approve the application, with the exception of exotic dancing, allowing the applicants to open the establishment without a liquor license and once it is received, have the ability to serve liquor. Selectman O'Brien seconded.

John Ayer clarified that although the Live Entertainment License was approved in part last year, which permitted wet t-shirt contests, etc., his opinion was based on the fact that the permit was never issued because it was subject to the applicant coming in and paying the \$450 fee.

Chairman Hayes stated that he does not support the existing motion because he

would like to be able to see the liquor license before alcohol is served. However, he is not opposed to issuing the Live Entertainment License without liquor, at this time. He then offered an amendment to the main motion that the Live Entertainment License can be approved without alcohol and once the liquor license is received, the Board can act upon the request to have live entertainment with liquor being served. Selectman O'Brien seconded the amendment. Motion for the amendment carried with Selectman Benavides voting no.

Town Administrator Dunn pointed out that Director Ayer's position on the grandfathered use includes wet t-shirt contests, etc. and the Board's current motion would approve those uses. At this time, Chairman Hayes withdrew his motion and amendment and recommended that, in light of the conflict between the letter and the existing motion, a new motion be brought forward.

Town Administrator Dunn indicated that he did have a proposed motion for the Board, but further commented on Mr. Lyons statement that he did not want to have a DJ as entertainment because of the problems that are created. He also pointed out that with regards to Attorney Bownes' comments on the timing of Director Ayer's letter, this application was fast-tracked at the request of Mr. Drew so that it could be placed on tonight's agenda. Normally, the application would not have been reviewed at tonight's meeting, because it was only received at the end of last week.

Selectman O'Brien moved to approve the Live Entertainment License for Lakes Region Café and Tavern for bands, karaoke, open mikes and amateur and comedy acts on the main stage, with no provision for adult entertainment, for no more than 99 patrons, provided that no alcohol is served until the applicant returns with a valid NH Liquor License. Selectman Hayes seconded. Motion carried with all in favor.

10.6 Petition and Pole License – Sleeper Hill Road – Selectman O'Brien moved to approve the pole license for pole #403B/17A on Sleeper Hill Road. Selectman Benavides seconded. Motion carried with all in favor.

10.7 Road Closure – Belknap Mountain Road – Selectman O'Brien moved to approve the closing of Belknap Mountain Road on December 14, 2013 from 4:30 p.m. to 7:30 p.m., for the second annual Candlelight Stroll, with an inclement weather date of December 21st. Selectman Benavides seconded. Motion carried with all in favor.

11.0 Other Business – Town Administrator Dunn stated that he and DPW Director Sheldon Morgan met with Gunstock General Manager Greg Goddard yesterday to discuss the Area Road layout. He is now looking for guidance from the Board on how to proceed with this project. Chairman Hayes offered that he would like to see the cul-de-sac at the end of the road, paving is not necessary and all improvements must be paid by Gunstock, with no expense to the Town. The Board members concurred with Chairman Hayes' recommendation.

12.0 Public Input – Fred Wernig of Belknap Mountain Road recommended that the Board consider closing a portion of the road for Halloween night. Both the Police Department

and Fire Department indicated that they have no concerns with this proposed road closing. Selectman Benavides moved to close Belknap Mountain Road between Potter Hill Road and the Gilford Elementary School on Thursday, October 31, 2013 from 4:30 p.m. to 8:00 p.m. Selectman O'Brien seconded. Motion carried with all in favor.

Sandra McGonagle of Potter Hill Road inquired about the disposition of the matters concerning the Kimball Castle. Chairman Hayes reviewed the decisions made earlier in the meeting for her.

Gail Ober of the Laconia Daily Sun inquired if there would be any announcements after the non-public session. Chairman Hayes responded that the non-public session was held earlier today because the budget work session was completed early. There are no announcements to be made.

13.0 Selectmen's Issues – none.

14.0 Administrator's Report – none.

15.0 Next Meeting – October 9, 2013 Regular Meeting at 7:00 p.m.

16.0 Adjournment – With no further business before the Board, the Board of Selectmen's September 25, 2013 meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Gus Benavides
Clerk