

**GILFORD BOARD OF SELECTMEN'S MEETING**  
**October 9, 2013**  
**Town Hall**

The Board of Selectmen convened in a regular session on Wednesday, October 9, 2013, at 6:00 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 was Town Administrator Scott Dunn.

Staff members in attendance included Finance Director Geoff Ruggles, DPW Director Sheldon Morgan, Fire Chief Steve Carrier, Acting Police Chief Jim Leach and Executive Secretary Sandra Bailey.

1. **Non-Public Session** – Selectman O'Brien moved to enter non-public session at 6:00 p.m., pursuant to RSA 91-A:3, II, to discuss the conveyance of real property, matters which would likely adversely affect the reputation of any person, personnel issues and legal issues. Selectman Benavides seconded. Motion carried on a roll call vote with all in favor. Present were John O'Brien and Gus Benavides. Also present was Town Administrator Scott Dunn.

Selectman O'Brien moved to sign the deed with no covenants for Unit 50 at the Lakeshore Mobile Home Park to Old Lakeshore Coop, Inc., as presented. Selectman Benavides seconded. Motion carried with all in favor.

Selectman O'Brien moved to withdraw the appointment of Everett McLaughlin to the Kimball Wildlife Forest Committee, at his request. Selectman Benavides seconded. Motion carried with all in favor.

Selectman O'Brien moved to approve James Leach's temporary out of service rank to Acting Police Chief, resulting in a 5% pay increase, effective September 1, 2013. Selectman Benavides seconded. Motion carried with all in favor.

Selectman O'Brien moved to approve Kristian Kelley's temporary out of service rank to Acting Deputy Police Chief, resulting in a 5% pay increase, effective September 1, 2013. Selectman Benavides seconded. Motion carried with all in favor.

During non-public session, other matters were discussed.

Selectman O'Brien moved to exit non-public session at 6:50 p.m. and seal the rest of the minutes. Selectman Benavides seconded. Motion carried with all in favor.

2. **Pledge of Allegiance** - The Selectmen recited the Pledge of Allegiance.
3. **Announcements/Presentations**
  - 3.1. Chairman Hayes announced that the Town Hall and Library would be closed on Monday, October 14, 2013 for Columbus Day.
  - 3.2. October 23-31, 2013 is Drug & Alcohol Task Force Awareness Week
  - 3.3. Gilford Fire-Rescue will hold an Open House on Saturday, October 26, 2013 from 11:00 a.m. to 2:00 p.m. at the Fire Station. In addition, LRGHealthcare/Gilford Fire-Rescue will sponsor a Senior Safety Day, from 8:00 am to 11:00 am, also on October 26, prior to the Open House. Any senior wishing to have their smoke detectors checked, batteries changed, or new detectors installed should contact either the hospital or the fire station. Fire personnel will be visiting homes that morning.
  - 3.4. Trick or Treat has been scheduled for Thursday, October 31, 2013 from 5:00-8:00 p.m.
  - 3.5. Belknap Mountain Road will be closed for Trick or Treat from 4:30-8:00 p.m. on October 31<sup>st</sup> and during the Annual Candlelight Stroll on December 14<sup>th</sup> (inclement weather date December 21<sup>st</sup>) from 4:30-7:30 p.m.

**4. Review/Approval of Minutes**

**4.1.** Selectman O'Brien moved to approve the minutes of September 25, 2013, as presented. Selectman Benavides seconded. Motion carried with all in favor.

**5. Consent Agenda**

**5.1.** Selectman O'Brien moved to approve the previously signed items for the period September 23, 2013 through October 4, 2013, as listed. Selectman Benavides seconded. Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
07/13/13	Change of Status - Fasshauer	
09/16/13	Payroll Register	
09/22/13	Change of Status - Morrisson	
09/22/13	Change of Status - Brown	
09/23/13	Payroll Register	
09/24/13	Accounts Payable Manifest	
09/25/13	Pole & Petition License 403B/17A	
09/25/13	Sewer Abatement - Laconia Airport Authority	214-027.000
09/25/13	Sewer Abatement - Martellini	213-068.010
09/25/13	Sewer Abatement - Onofrio	252-025.000
09/25/13	Toy Box Marine	242-136.200
09/25/13	Sewer Abatement - Della Selva	223-015.000
09/25/13	Sewer Abatement - LaBonte	253-375.000
09/25/13	Veteran's Tax Credit - Weeks	228-072.000

**6. Public Hearings**

**6.1 Town Acceptance of Rowe Farm Road as Class V Highway** – Karen Feltham of Blue Sky

Enterprises began her presentation with an overview of what has transpired to date with Rowe Farm Road. At the Board's meeting on September 11<sup>th</sup>, the road name was accepted and the speed limit set to 30 miles per hour. In addition, they provided DPW Director Morgan with an "As-Built Plan" and Town Administrator Dunn with a proposed deed. Also, a letter from the engineer was presented, indicating that the road was built to Town specifications. On September 25<sup>th</sup>, the Board voted to release their letter of credit with Franklin Savings Bank.

Work on the Rowe Farm Subdivision began in 2010, where they re-claimed the pit and re-shaped the land to be more level terrain. They also worked with the Department of Public Works to re-route the Cotton Hill drainage into the drainage system that they constructed. Next, the road was built and lots were laid out. In March 2013, the subdivision plan was recorded at the Registry of Deeds, with paving completed in July 2013. They also provided Director Morgan with payment for the signage for Rowe Farm Road.

The next matter is the acceptance of the road. Ms. Feltham indicated that it is her understanding that the construction of the road is acceptable to the Town. She further stated that she learned from Town Administrator Dunn, after submitting a letter for road acceptance, he would like to see three (3) houses built on the road prior to acceptance. Ms. Feltham then provided the Board with detailed information on some of the contradictions that exist within the Zoning Ordinance and Subdivision Regulations which would prevent them from proceeding with the construction of three houses prior to road acceptance. She offered some suggestions on how some of these contradictions with definitions could be remedied.

Although the subdivision plan has been recorded at the Registry of Deeds, a zoning issue will exist if the road is not accepted by the Town. Mr. Feltham pointed out that the lots are in current use and will remain that way until they are sold. At this time, they are paying \$68 a year for taxes on the entire parcel. Once each lot is sold, it will be removed from current use and a penalty will be paid to the Town. In addition, the value of each lot will increase dramatically and result in approximately \$1,500 per year, per lot, in tax revenues, prior to any home being built. Ms. Feltham thinks that this would be

a financial benefit to the Town and added that it would be beneficial to her to be able to provide buyers with an assurance that the Town will be accepting the road, with a date for acceptance if possible. One of the ways to accomplish this assurance to buyers would be to grant conditional approval.

Ms. Feltham presented a proposal that Blue Sky Enterprises maintain Rowe Farm Road this winter, with the Town accepting the road as of May 1, 2014. The benefit is that it will assist her in selling lots to know that the road will be accepted at a certain date. She offered this as a compromise.

DPW Director Sheldon Morgan stated that he has no concerns with this road. As he previously stated, everything is in place and it is ready to be accepted.

With no comments from the public, Chairman Hayes closed the public hearing at 7:23 p.m.

Selectman O'Brien moved to find that there is a public need to accept Rowe Farm Road as dedicated, and to sign and record the deed upon approval of the final language by the Town Attorney, as of May 1, 2014. Selectman Benavides seconded. Chairman Hayes stated that while he appreciates the offer made by Ms. Feltham to have the Town take over the road as of May 1, 2014, he would prefer to take over the road now and have the Town assume responsibility for plowing and maintenance.

Brief discussion ensued regarding whether the road should be accepted now, or wait until after the winter season. Director Morgan added that the Town would qualify for additional funds under the State Highway Block grant for additional road mileage. He further stated that he prefers to accept the road now so that the road can be under the auspices of the Department of Public Works immediately. At this time, Selectman O'Brien withdrew his motion and Selectman Benavides withdrew his second.

Chairman Hayes moved to find that there is a public need to accept Rowe Farm Road as dedicated, and to sign and record the deed upon approval of the final language by the Town Attorney. Selectman O'Brien seconded. Motion carried with all in favor.

**6.2 Adoption of Traffic Regulation to Establish 4-Way Stop Intersection at the Junction of Cotton Hill Road, Swain Road and Young Road** – Chairman Hayes read this citizen petition aloud, requesting the installation of additional stop signs at the intersection.

Kristin Snow of 90 Cotton Hill Road spoke to the safety issues that exist at this intersection and encouraged the Board to consider this request.

There being no other public comments, Chairman Hayes closed the public hearing at 7:30 p.m.

Selectman O'Brien moved to approve and adopt the Traffic Regulation establishing the intersection of Cotton Hill Road, Young Road and Swain Road as a four-way stop, effective October 10, 2013. Selectman Benavides seconded. Both DPW Director Morgan and Acting Police Chief Jim Leach support this change. Motion carried with all in favor.

**7.0 Appointments**

**7.1 Laura Poole – Presentation of Thesis on “The Lady of the Lake”** – Mrs. Poole reminded that Board that two years ago, they granted permission for her daughter, Stephanie, to utilize the Glendale Docks for a period of one week. Stephanie brought a team of divers to New Hampshire from Florida, including their equipment, to document the present day condition of The Lady of the Lake. The thesis has been compiled into a book and they now would like to donate a copy of the book to the Town, with their thanks.

Mrs. Poole proceeded to read some excerpts from the book, as well as highlighting parts of the dive.

The Board thanked Mrs. Poole for her presentation and donation of the book to the Town Library.

**7.2 Denise Gonyer – Town Clerk/Tax Collector Update** – Ms. Gonyer did not attend due to illness.

## **8.0 Old Business**

**8.1 Live Entertainment License Application – Lakes Region Café and Tavern** – Attorney David Bownes stated that, in response to Town Administrator Dunn’s letter that he received today, he is disheartened that they would not be addressing exotic dancing tonight. They had anticipated being able to do that at tonight’s meeting. He then reminded the Board that when they applied for their Live Entertainment License in July 2012, all of the questions posed by Town Administrator Dunn were addressed. However, he stated that he would address the questions again and put his responses in writing.

Attorney Bownes then read aloud the conditions of the July 2012 Live Entertainment License and asked that the Board approve these same conditions tonight and he will address Town Administrator Dunn’s concerns regarding exotic dancing. He considers this to be a reasonable request. In regards to the status of their liquor license, the State inspected the venue today and the Department of Health will perform an inspection tomorrow. Attorney Bownes also anticipates the issuance of the liquor license on Friday or Monday and asked if it would be acceptable to show the license to the Town Administrator, rather than have to return to a Board meeting.

Attorney Bownes further stated that he would like to return to a November Board meeting to resolve the matter of exotic dancing. In response to a question from Chairman Hayes, Attorney Bownes elaborated on how having this business up and running would be beneficial to the Town of Gilford.

Selectman Benavides moved to approve a Live Entertainment Permit for Lakes Region Café and Tavern to include DJ, bands, duos, single performers, comedians, karaoke contests, blues jams, burlesque skits, hot legs contests, wet t-shirt contests and amateur nights, with no exotic dancing. Brief discussion ensued regarding the approval that was granted at the last Board meeting. Attorney Bownes reiterated that they would like to have the same approvals as granted in July 2012 and he will come back to the Board for approval of the exotic dancing component. More discussion ensued regarding the matter of approval for the serving of alcoholic beverages and exotic dancing. Selectman O’Brien seconded. Motion carried with all in favor.

Selectman Benavides moved to allow the Live Entertainment License for the Lakes Region Café and Tavern to serve alcoholic beverages upon receipt of the liquor license by the Town. Chairman Hayes seconded. It was clarified that this motion would not be effective until such time as the liquor license is received. Motion carried with all in favor.

**8.2 Route 11-A Speed Limit** – Chairman Hayes reported that NH DOT has responded to the Town’s request to lower the speed limit on Route 11-A and determined that it does not need to be lowered. Chairman Hayes asked that steps be taken to relocate the pole at the intersection of Hoyt Road and Route 11-A that obstruct visibility at the intersection.

## **9.0 Other Business**

**9.1 Gilford Village Speeding** – Gretchen Gandini expressed concern with motorists who speed throughout Gilford Village, particularly in regards to child pedestrians, although she does not have a suggested solution to the problem. Discussion ensued between Ms. Gandini and Board members.

**9.2 Petition and Pole License – Sleeper Hill Road** – Selectman O’Brien moved to approve and sign the Pole License Petition for a replacement of Pole #264/11 and the installation of a new pole #264/11½ on Sleeper Hill Road. Selectman Benavides seconded. Motion carried with all in favor.

**9.3 Letter to Belknap County Commissioners regarding Lakes Region Mutual Fire Aid** – Selectman O’Brien moved to sign the letter as drafted. Selectman Benavides seconded. Motion carried with all

in favor.

**9.4 FEMA Grant Application** – Selectman O’Brien moved to authorize the Town Administrator to sign the Acceptance of Audit Requirements and the Project Completion & Certification Report. Selectman Benavides seconded. Motion carried with all in favor.

**9.5 Glendale Paving** – DPW Director Morgan confirmed that the Town’s 30 foot right-of-way in the Glendale Parking Lot is in need of improvement and explained the existing problems. Selectman O’Brien moved to authorize the expenditure of up to \$12,000 from the Glendale Maintenance Capital Reserve Fund for paving. Selectman Benavides seconded. Motion carried with all in favor. Town Administrator Dunn noted that the yearly appropriation to the Glendale Maintenance CRF is completely offset by revenues from boat registrations.

**9.6 Acceptance of Donations**

(a) Selectman O’Brien moved to accept \$780 for the Candlelight Stroll and to authorize the use of those unanticipated funds for their intended purpose. Selectman Benavides seconded. Motion carried with all in favor.

(b) Selectman O’Brien moved to accept \$400 for the purchase of two Liberty Elm Trees and to authorize the use of those unanticipated funds for their intended purpose.

(c) Selectman O’Brien moved to accept the \$1,320 USTA grant for tennis court resurfacing and to authorize the use of those unanticipated funds for their intended purpose. Selectman Benavides seconded. Motion carried with all in favor.

(d) Selectman O’Brien moved to amend the Board’s previous vote to spend \$9,650 from the Recreation Facilities CRF for resurfacing of courts at the Village Fields and by authorizing the expenditure of \$8,330 from the Recreation Facilities CRF, to be combined with the \$1,320 grant for a total of \$9,650. Selectman Benavides seconded. Motion carried with all in favor.

(e) Selectman O’Brien moved to amend the Board’s previous vote to spend \$613 from Account #4194-535 and to instead authorize that \$613 come from the Recreation Facilities CRF. Selectman Benavides seconded. Motion carried with all in favor.

**9.7 Renewal of Contract with Mainstay Technologies** – Selectman O’Brien moved to approve a 3-year contract with Mainstay Technologies for maintenance and support of all computer and networking hardware and related software for the period January 1, 2014 through December 31, 2016, and to authorize the Town Administrator to sign the agreement. Selectman Benavides seconded. Motion carried with all in favor.

**9.8 Driveway Permit Waiver – 121 Scenic Drive** – Selectman O’Brien moved to approve a waiver to the Town’s Minimum Road Standards by allowing the construction of a driveway that is 8 feet from the property line as shown on a plan entitled Proposed Site Plan for Rob Luschenant dated September 17, 2013. Selectman Benavides seconded. Motion carried with all in favor.

**10.0 Other Business** – None.

**11.0 Public Input** – None.

**12.0 Selectmen’s Issues** – None.

**13.0 Administrator’s Report** – Town Administrator Dunn and Director Morgan met with the Town Engineer to review the Gunstock Acres drainage project and he expects to have a final recommendation for the Board to consider at their meeting on October 23<sup>rd</sup>.

The Town Hall renovation project is going well and a great deal of water damage was discovered at the rear of the building when the vinyl siding was removed.

Town Administrator Dunn is optimistic that the tax rate will be set in the next couple of weeks. He

also anticipates some FY2014 budget revisions for the Board's consideration at their October 23<sup>rd</sup> meeting.

The Warming Hut project is going well and they are looking for volunteers for painting this Saturday.

The Recreation Commission has brought forward a concern regarding contractors using the parking area at Lincoln Park. Following brief discussion, the Board recommended that Town Administrator Dunn reach out to make sure this is not abused.

**14.0** **Next Meeting** – Wednesday, October 23, 2013 at 7:00 p.m. at the Town Hall

**15.0** **Adjournment** – With no further business before the Board, the Board of Selectmen's October 9, 2013 meeting was adjourned at 8:24 p.m.

Respectfully submitted,

Gus Benavides  
Clerk