

**GILFORD BOARD OF SELECTMEN'S MEETING**  
**November 20, 2013**  
**Town Hall**

The Board of Selectmen convened in a regular session on Wednesday, November 20, 2013, at 7:00 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, Acting Police Chief Jim Leach, Acting Deputy Police Chief Kris Kelley, Police Officers Doug Wall, Adam VanSteensburg, Jason Fasshauer, Dustin Parent and Curtis Mailloux, Police Dispatcher Priscilla LeClaire, Town Clerk/Tax Collector Denise Gonyer, Library Director Katherine Dormody 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 consideration of pending litigation. Selectman Benavides seconded. Motion carried on a roll call vote with all in favor. Present were Kevin Hayes, John O'Brien and Gus Benavides. Also present was Town Administrator Scott Dunn.

Selectman O'Brien moved to exit non-public session at 7:00 p.m. and seal 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. The Board of Selectmen will be meeting on December 4 & 18, due to the holidays.
- 3.2. The Town Hall and Library will be closed on Thursday and Friday, November 28 & 29, 2013 for Thanksgiving. The Library will be open on Saturday, November 30<sup>th</sup>, from 10:00 a.m. to 2:00 p.m.
- 3.3. There will be a Public Hearing on the Layout of Area Road on Wednesday, December 4, 2013 at 7:00 p.m.
- 3.4. The Gilford Village Candlelight Stroll will be held on Saturday, December 14<sup>th</sup>, from 5:00 p.m. to 7:00 p.m., at which time Belknap Mountain Road will be closed.
- 3.5. At this time, Acting Police Chief Jim Leach came forward to introduce the Department's new Communications Specialist, Priscilla LeClaire, and announce the promotion of Communications Specialist Jason Fasshauer to Police Officer. Town Clerk/Tax Collector Denise Gonyer proceeded to swear in Officer Fasshauer and his mother pinned his badge on his uniform shirt.
- 3.6. Harrison Haas of the Laconia Citizen thanked the Board for their courtesies to him over the past five years and he advised them he has accepted new employment in the field of IT consultant. The Board congratulated him and wished him the best in his new endeavor.

**4. Review/Approval of Minutes**

**4.1.** Selectman O'Brien moved to approve the minutes of November 6, 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 November 4, 2013 through November 15, 2013, as listed. Selectman Benavides seconded. Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
06/25/13	Change of Status - Cook	
07/28/13	Change of Status - Gagliardi	
08/26/13	Change of Status - Horan	
08/30/13	Change of Status - O'Connor	
10/28/13	Payroll Register	
10/29/13	Payroll Register	
11/03/13	Change of Status - Hopkins	
11/04/13	Change of Status - Jarvi	
11/04/13	Payroll Register(2)	
11/05/13	Accounts Payable Manifest(2)	
11/05/13	Abatement - Old Lakeshore Coop.	224-046.034
11/06/13	Veteran's Tax Credit - Cormier	224-049.024
11/06/13	Sewer Abatement - Rocheleau	252-016.131
11/06/13	Appointment Form - Ober - Dep. Emerg. Mgmt. Director	
11/10/13	Change of Status - Ober	

**6.0 Public Hearing**

**6.1 Appropriation of Unanticipated Funds** – Chairman Hayes stated that this revenue is the result of health and dental insurance premium refunds, which is proposed to be allocated between the Town, employees and retirees. Town Administrator Dunn further elaborated that the refund was in the amount of \$129,436.62.

Chairman Hayes opened up the public hearing for comment. Hearing none, he closed the public hearing.

Selectman O'Brien moved to accept the \$129,436.62, whereby \$12,260.43 is to be paid directly to retirees, \$10,881.81 is to be paid to employees, and the balance of \$106,287.38 is to be retained by the Town and placed in the general fund to offset property taxes. Selectman Benavides seconded. Motion carried with all in favor.

**7.0 Appointments**

**7.1 Kevin Keenan** – Kevin Keenan read a prepared statement and tendered his resignation as Gilford Police Chief. See copy attached.

Selectman O'Brien moved to accept the resignation of Kevin Keenan, with regret. Chairman Hayes seconded. Selectman Benavides stated that he has not spoken publically, as a Selectman, on this issue. However, at this time, he stated he will share

publically what he has stated privately. Selectman Benavides believes in Kevin Keenan and knows he has treated the residents of Gilford with respect, courtesy and professionalism. He has personally anguished over the past few months and will not be voting to accept Kevin Keenan's resignation. He also clarified that he has not voted to bring the Board to the point it is now at with this issue.

A vote on the matter indicated a vote of 2-1 with Selectman Benavides voting no.

**7.2 Katherine Dormody – Gilford Public Library Update** – Director Dormody provided the Board with year-to-date statistics for circulation. She stated that the Library continues to set records with the number of items going out of the Library during the month of October 2013. In addition, the number of people requesting library cards continues to increase, as do participation in programming.

The Library will be participating in the 2013 Candlelight Stroll, which replaces the Open House they previously held during the annual Holiday Fair.

Director Dormody then highlighted some the activities taking place in the Children's Room. Because the month of December is typically one of their least busy months, the staff uses this time to catch up on inventories and database management.

The Board thanked Director Dormody for her update.

**7.3 Geoff Ruggles – Financial Update** – Director Ruggles reported that revenues continue exceed estimates for 2013 and expenditures are tracking lower than in October 2012, due largely to the timing of road construction work payments. Overall, expenditures continue to track slightly above last year's levels, due primarily to the transfer of funds to capital reserves (\$350,000) and modest increases in wages and benefits.

Property tax collections were slightly below last year's levels, most likely due to the fact that outstanding tax balances continue to be at lower levels than previous years. Director Ruggles then explained the potential cash flow issue that could exist if tax bills are not sent out by the end of November. He clarified that NH DRA was late in setting tax rates, which has resulted in bills being sent out later than usual.

At the request of Chairman Hayes, Director Ruggles explained why NH DRA was late in setting tax rates. The delay was caused by a change in the Department of Education method of calculating State Aid funding that is distributed to municipalities.

The Board thanked Director Ruggles for his update.

## **8.0 Old Business**

**8.1 Live Entertainment License – Lakes Region Café and Tavern** – Attorney David Bownes stated that the liquor license has been received and the Town is now in possession of a legal opinion regarding the Live Entertainment Application of Lakes Region Café and Tavern. He further stated that Willard Drew and Tom Lyons are both in attendance tonight and are willing to answer any questions that the Board may have.

Selectman O'Brien moved to approve the issuance of a live entertainment license for DJ's, bands, karaoke, comedians, exotic entertainers – including dancers & burlesque performers, hot legs contests, wet t-shirt contests and amateur nights, for the period November 21, 2013 through November 20, 2014, provided that no entertainment is permitted outdoors or in private rooms. Selectman Benavides seconded.

Selectman O'Brien reminded everyone that after making the motion for approval, the Board of Selectmen has been in support of local businesses. However, there are businesses that, he personally, would not like to see as a part of the local economy. He cited examples of businesses that he would not like to see in Gilford.

Continuing, he stated that it has become apparent that the Board cannot exclude businesses that they would prefer not be located in Gilford. He suggested that other social organizations exist to support lonely people, in opposition to one of the reasons previously given to grant approval for the Lakes Region Café and Tavern. Selectman O'Brien concluded by saying that he is aware there are no legal grounds for opposing this live entertainment license.

Chairman Hayes stated that he has frequently heard from residents that this type of entertainment does not belong in their neighborhood or anywhere else in Gilford. He also cited some of the many violations that have existed over the years at this property. He continued, stated that morally he does not support exotic dancing, but is opposed to the costs associated with reviewing, approving and enforcing the live entertainment license.

In closing, Chairman Hayes stated that he is hopeful that, if the business is successful, some of the funds will be used to upgrade the property. He also hopes that the business would be run cleanly and legitimately.

Attorney Bownes stated that, while he appreciates the Board's comments, he is a strong believer in First Amendment rights. He thanked the Board for their consideration. Next, Willard Drew asked to make a brief statement to the Board. He stated that he has been in business in Gilford for 22 years and, since that time, has invested over \$300,000 into the property. He then addressed Chairman Hayes' comments about upgrading the property and informed the Board that he has been fighting with the Town since 2004 to stay open, when the first lawsuit took place.

Mr. Drew cited issues brought forward by the Police Department and Fire Department. He particularly expressed his displeasure with the fact that he was compelled to reduce his occupancy to 99, due to the lack of sprinklers, while another restaurant in Gilford has a much larger occupancy with no sprinklers. He also expressed his frustration with the zoning designation of Route 11-B, between the two Dockham Shore Roads, as being residential.

Mr. Drew also cited that during the 1970's, the Gilford Playhouse had burlesque performers. In closing, he stated that his inability to stay open and keep his business viable has been the cause of the deterioration of the buildings.

A vote on the motion showed that it carried unanimously.

**8.2 FY2014 Budget and Annual Town Meeting Warrant** – The Board concurred to hold the 2014 Town Deliberative Session on Wednesday, February 5, 2014 at Gilford High School at 7:00 p.m., as well as to hold the 2014 Annual Town Meeting at the Gilford Youth Center.

## **9.0 New Business**

**9.1 Approval of 2014 Holiday Schedule** – Selectman O’Brien moved approve the 2014 Holiday Schedule as presented. Selectman Benavides seconded. Motion carried with all in favor.

**9.2 2013 Town Report** – Selectman O’Brien moved to accept the low bid of \$4,211.22 from The Country Press of Lakeville, MA for the printing of the 2013 Annual Report. Selectman Benavides seconded. Motion carried with all in favor.

**9.3 Flexible Spending Account Year End Settlement/Acceptance of Unanticipated Revenue** – Selectman O’Brien moved to accept the \$479.48 as unanticipated revenue and to authorize the expenditure of that amount for employee wellness programs. Selectman Benavides seconded. Motion carried with all in favor.

**9.4 Memorandum of Understanding – GAVWD** – Chairman Hayes stated that approval of this document would permit the installation of radio system transmitter equipment on GAVWD property, effective December 1, 2013. Selectman O’Brien moved to approve the Memorandum of Understanding with GAVWD, as drafted, to permit the installation of radio system transmitter equipment on their property, effective December 1, 2013. Selectman Benavides seconded.

Chairman Hayes stated that he is concerned that the Town would have to pay to access the equipment during non-business hours for emergency services. Town Administrator Dunn replied that he was also concerned with this condition of the agreement. These conditions were imposed by the landowner; however, it is the Town’s intent to install as much of the equipment as possible on the exterior of the building, including a generator panel.

Chairman Hayes further inquired why this was a concern for GAVWD. Town Administrator Dunn replied that security for water systems is at a higher standard than it used to be, in our post-911 world. A vote on the motion indicated it carried by a vote of 2-1, with Chairman Hayes voting no.

**9.5 Petition to Amend Pole Licenses** – Selectman O’Brien moved to accept the petition, upon the advice of Town Counsel, and to schedule a public hearing for December 18, 2013. Selectman Benavides seconded. Motion carried with all in favor.

**9.6 Job Description – DPW Clerical Assistant/Receptionist** – Selectman O’Brien moved to approve the new job description for the position of DPW Clerical

Assistant/Receptionist as presented. Selectman Benavides seconded. Motion carried with all in favor.

- 10.0 Other Business** – Town Administrator Dunn stated that he has received a request for an abatement of a GAVWD bill, in the amount of \$14.08, for Gilford Chalet Trust. Selectman O'Brien moved to approve an abatement for the Gilford Chalet Trust, in the amount of \$14.08. Selectman Benavides seconded. Motion carried with all in favor.

A request has been received to appoint Town Clerk/Tax Collector Denise Gonyer as a Boat Agent for 2014. Selectman O'Brien moved to appoint Town Clerk/Tax Collector Denise Gonyer as a Boat Agent for 2014. Selectman Benavides seconded. Motion carried with all in favor.

Town Administrator Dunn has been approached by the residents of the Old Lakeshore Cooperative, with a dilapidated water and sewer system, which they would like to replace with a Community Development Block Grant. Selectman O'Brien moved to support the project and authorize Town Administrator Dunn to proceed. Selectman Benavides seconded. Motion carried with all in favor.

The Lakes Business Park has been dealing with the lack Internet service. Although there are stubs at both ends of the Park, the lots in the middle portion do not have Internet service. The Lakes Business Park Board of Directors solicited bids to install Internet service and they voted at their meeting, held earlier today, to award the contract to Metrocast, in the amount of up to \$30,000, from their Trust Fund. Because this vote requires the approval of the Gilford Board of Selectmen and Laconia City Council, Town Administrator Dunn asked the Board for their approval.

Selectman O'Brien moved to authorize the expenditure of up to \$30,000 to Metrocast, from the Lakes Business Park Trust Fund, for the installation of Internet service throughout the Park. Selectman Benavides seconded. Chairman Hayes questioned why this service was not taken care of at the time that the Park was developed. This led to further discussion on the matter, and as a result, Selectman O'Brien rescinded his motion and asked that further conversations take place with Metrocast regarding this issue. Selectman Benavides withdrew his second to the motion. Chairman Hayes reiterated that he would like more information from Metrocast on the cost and why it was not installed before now.

- 11.0 Public Input** – Town Clerk/Tax Collector Denise Gonyer reported that a special election would be held, as a result of the passing of Executive Councilor Ray Burton. Brief discussion ensued regarding the filing period and dates for a primary and special election. TC/TC Gonyer clarified that if there is no competition within the parties, the final election will be held in January on the proposed primary date, rather than waiting until Town Meeting day in March for the final election.

Tim Sullivan of Bedford Avenue emphasized the importance of the Board of Selectmen being keenly aware of what is happening with NH Retirement System contributions, as they enter into collective bargaining negotiations. He provided them with statistical information on the performance of the NHRS.

12.0 **Selectmen's Issues** – none.

13.0 **Administrator's Report** – none.

14.0 **Next Meeting** – Wednesday, December 4, 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 November 20, 2013 meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Gus Benavides  
Clerk