

**GILFORD BOARD OF SELECTMEN'S MEETING
December 4, 2013
Town Hall**

The Board of Selectmen convened in a regular session on Wednesday, December 4, 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, DPW Operations Manager Mia Gagliardi, Acting Police Chief Jim Leach, Acting Deputy Police Chief Kris Kelley, Town Clerk/Tax Collector Denise Gonyer, Fire Chief Steve Carrier and Executive Secretary Sandra Bailey.

1. **Pledge of Allegiance** - The Selectmen recited the Pledge of Allegiance.
2. **Announcements/Presentations**
 - 2.1. The Gilford Village Candlelight Stroll will be held on Saturday, December 14th, from 5:00 p.m. to 7:00 p.m., at which time Belknap Mountain Road will be closed.
 - 2.2. Chairman Hayes encouraged Gilford residents to participate in the upcoming community survey that is being offered by the Drug and Alcohol Task Force.
3. **Review/Approval of Minutes**
 - 3.1. Selectman O'Brien moved to approve the minutes of November 20, 2013, as presented. Selectman Benavides seconded. Motion carried with all in favor.
4. **Consent Agenda**
 - 4.1. Selectman O'Brien moved to approve the previously signed items for the period November 18, 2013 through November 29, 2013, as listed. Selectman Benavides seconded. Motion carried with all in favor.

<u>DOCUMENT DATE</u>	<u>DOCUMENT</u>	<u>MAP/LOT #</u>
11/03/13	Change of Status - Harris	
11/08/13	Accounts Payable Manifest	
11/12/13	Payroll Register (2)	
11/13/13	Accounts Payable Manifest	
11/13/13	Boat Agent Appointment - Silver Sands Marina	
11/14/13	2013 Equalization Survey	
11/18/13	Payroll Register	
11/19/13	Payroll Register	
11/19/13	Accounts Payable Manifest	
11/20/13	Abatement - Gilford Chalet Trust	253-238.000
11/20/13	Boat Agent Appointment - Gonyer	
11/20/13	TC Warrant - 2013 Sewer Rents	
11/20/13	Veteran's Tax Credit - Shanley	213-068.020
11/20/13	TC Warrant - 2013 Property Tax	
11/22/13	Change of Status - Keenan	
12/01/13	Change of Status - Labarre	
12/01/13	Change of Status - Blake	
12/01/13	Change of Status - Powell	
12/09/13	Change of Status - MacKinnon	

5. Public Hearing

5.1 Highway Layout of Area Road – Chairman Hayes stated that Area Road is the first access into Gunstock and the Gunstock Area Commission and several residents of Area Road have petitioned the Town to take over the maintenance and regulation of the road. He read the petition aloud, opened the public hearing and turned the meeting over to Gunstock General Manager, Greg Goddard, for further explanation.

Greg Goddard stated that the proposed layout of Area Road closely mirrors the description of the 50 foot Right-of-Way from the deed of Clarence Sawyer, during the 1930's. The layout also includes an area for a cul-de-sac, which would allow plow trucks and emergency vehicles a space for turning around. He added that the Gunstock Area Commissioners asked him to look into the ownership of Area Road approximately five years ago.

Greg Goddard continued, and stated that their attorney determined that this road was not owned by the County, but rather was a private road with shared ownership by all of the property owners on the road. As a result, it was decided that the best course of action was to ask the Town to take over Area Road as a Town-maintained highway. Greg Goddard also pointed out that the land needed for the construction of the cul-de-sac will be taken from property owned by Belknap County.

DPW Director Sheldon Morgan stated that the layout for the cul-de-sac is not perfect, but is better than what exists there now. In addition, he has concerns with people parking within the cul-de-sac during the winter, since this area is frequented by walkers and hikers. Chairman Hayes suggested that the cul-de-sac be posted for "no parking".

Selectman O'Brien questioned whether Director Morgan would recommend a larger cul-de-sac area. Director Morgan responded that he is more concerned with having a snow storage area than with the ability of vehicles to turn around. He thinks that the proposed cul-de-sac will be satisfactory as a turnaround and overall, the road layout is acceptable.

Michele Palella advised the Board that even though Area Road is not heavily traveled, when Gunstock has an event, there can be constant bus and RV traffic, which means that the road is subjected to heavy vehicles. Nancy Beaudette inquired if property owners would be losing any property with the expansion of the road. Chairman Hayes responded that there would be no change in the footprint of the pavement. Discussion ensued regarding the fact that the Town would have the right to increase the size of the pavement, but has no plans in the immediate future to do so. It was also pointed out that the right-of-way is approximately fifty (50) feet wide.

John Hall asked if the Town taking over the road would affect the taxes of the Area Road property owners. Chairman Hayes replied no. Gunstock Commissioner Bob Durfee clarified that the 50-foot right-of-way is superimposed on the County's 50-foot easement. In addition, drainage easements exist for culverts that lie outside of the 50-foot right-of-way. Mr. Durfee also clarified that it is the intent of Gunstock and Belknap County to keep their 50-foot easement, for the purpose of access. He stated that Gunstock would like to be able to plow and treat Area Road, in addition to the Town's doing so, in the event of a winter storm when Gunstock is being heavily used. Chairman Hayes

questioned why an easement would be needed for a public road. Town Administrator Dunn replied that the best way to think of it is that the Town's layout is an overlay on their easement, so they both exist. Gunstock's easement is pre-existing and therefore, it is permanent. Extensive discussion ensued regarding this matter, with Mr. Durfee further explaining that keeping the easement will allow Gunstock to have a certain degree of control over the road. He cited the possibility of the Town restricting trucks or placing a weight limit on the road and reiterated the importance of Gunstock having this second means of access and egress.

Chairman Hayes clarified that he has no issue with Gunstock being able to plow and sand the road as needed, but is still struggling to understand the need of having an easement over a Town road. Town Administrator Dunn stated that it is not unusual for several layers of ownership interest to exist on a road, but the Town of Gilford would have the final say in all matters regarding Area Road. DPW Director Morgan agreed that he had no problem with Gunstock plowing or sanding the road, but would not want to see repairs being made or gravel being added, etc.

Following a question from Nancy Beaudette, Chairman Hayes advised her that the usage of Area Road as a secondary access to Gunstock would not be changing and the other roadway would be the primary access. The only change would be that the Town would now own and maintain the road.

Director Morgan brought up the matter of the speed limit. Although Gunstock has the road posted as 20 mph limit, the Town's minimum speed limit would be 25 mph. Chairman Hayes then suggested that the other access road to Gunstock be renamed, since the entire road is known as the Area Road loop.

Chairman Hayes closed the public hearing at 7:35 p.m.

Brief discussion ensued regarding where the responsibility lies for constructing the cul-de-sac. Town Administrator Dunn offered two options for this – to take no action until the construction is completed by the County or have the County secure a bond for the construction. Town Administrator Dunn further stated that if the Town takes over the road tonight, any construction would be done at Town expense. Although this was not the intent of the Town taking over the road, it is more urgent at this point to resolve the matter because the winter season is upon us.

Discussion then took place on waiting until spring to accept the road. Director Morgan pointed out that there are also two potholes that need repairs, as well as two washed out areas. Discussion then centered on who was responsible for constructing the cul-de-sac and making necessary repairs.

Selectman O'Brien moved to layout Area Road as a Class V Highway, effective immediately, in accordance with the findings and layout description as set forth, in the Draft Return of Layout, and that the Board sign the Return of Layout as drafted, conditioned upon finishing the cul-de-sac and repairing the two potholes and washed out areas, for it to be recorded at the Belknap County Registry of Deeds upon all necessary signatures being obtained. Town Administrator Dunn stated that this motion would not

be acceptable because once the Town takes ownership, they are responsible for maintenance. Another approach would be to ask for reimbursement and rely on the good faith of Gunstock to make that reimbursement. At this time, Gunstock Commissioner Bob Durfee stated that Gunstock will commit to good faith construction of the cul-de-sac and other repairs to Area Road, whether it is in the form of reimbursement or working cooperatively with the Department of Public Works.

Selectman O'Brien changed his motion to: moved to layout Area Road as a Class V Highway, effective immediately, in accordance with the findings and layout description as set forth, in the Draft Return of Layout, and that the Board sign the Return of Layout as drafted, conditioned upon Gunstock reimbursing the Town for expenses to construct the cul-de-sac and make necessary road repairs, for it to be recorded at the Belknap County Registry of Deeds upon all necessary signatures being obtained. Selectman Benavides seconded. Motion carried with all in favor.

Town Administrator Dunn stated that the Town would start taking care of the road immediately. In addition, the road layout needs to be signed by the Gunstock Commission, County Commissioners and County Delegation Clerk, followed by recording at the Registry of Deeds, so there is a bit of a process involved.

6. Appointments

6.1 Sheldon Morgan – Department of Public Works Update – Director Morgan provided the Board with a written report, which is an update of the report he gave during spring 2013. He began by advising the Board that the FM radio upgrades are continuing and he is hopeful that they will be able to use the repeater system sometime later this winter.

Gilford partnered with Laconia this year to receive a better price for road striping. Director Morgan is considering asking another community to participate for even better pricing next year. The Town rented a mid-sized excavator from M&B tractor for six weeks to do roadside ditching that was beyond the capability of the CAT backhoe.

Director Morgan stated that the trash removal contract was awarded to BestWay Disposal (now Casella) for a period of two years, with a third year roll-over option. He is also looking forward to making the DPW website more current and interactive.

The NH High Risk Rural Road Sign Program has been completed, while safety improvements on Route 11-A will be commenced during the spring of 2014. The new dump truck is expected to be delivered in mid-January, to replace the 1999 Mack dump truck, and Director Morgan would like to see the new truck put into operation by mid-winter.

The Department is currently interviewing for their clerical assistant position, which received 20 applications. They are hopeful to have a candidate chosen for the next Board meeting. The Town's new Highway Superintendent is scheduled to begin on Monday, December 9th.

The Board thanked Director Morgan for his presentation.

7. Old Business

7.1 Driveway Waiver – 121 Scenic Drive – Town Administrator Dunn provided background information on the driveway waiver that was granted at 121 Scenic Drive. After placing a plan of the property on the wall, he stated that the Board had granted a waiver for one driveway and although a subsequent waiver was requested and then withdrawn, it has been installed without permission. There is a plan in place to eliminate the unpermitted driveway, since it is only being used during construction.

Abutter Jonathan Carlson of 127 Scenic Drive was in attendance and relayed his concerns on this driveway waiver to the Board. He began by advising the Board that his driveway is actually a right-of-way to several other properties and he was surprised to learn that none of the abutters were advised of this waiver request, which does affect their properties. He continued, stating that his primary concern, however, is the fact that there is a large wetland area that becomes a river during heavy rains. He then provided a detailed explanation of the water flow within the area and how this driveway waiver affects it.

The construction of Mr. Luschenat's new house disrupts the normal flow across his property to Reed Brook, leaving the only course to flow between the driveways of Mr. Luschenat and Mr. Carlson onto Scenic Drive. Because of the waiver that allowed Mr. Luschenat's driveway to be constructed 8 feet from the property line, instead of the required 15 feet, Mr. Carlson thinks that there will definitely be an impact.

Discussion ensued regarding the effect of drainage through the Brookside Crossing development and how the water will eventually run across Scenic Drive to the Greystone Motel parking lot. Chairman Hayes suggested that running a swale from the wetland area to Reed Brook could be a viable solution. Responding to an inquiry from Chairman Hayes, Mr. Carlson stated that he is a civil engineer.

Director Morgan stated that he thinks an agreement between the abutters is necessary to rectify the situation to both parties' satisfaction. Town Administrator Dunn stated that he thinks the Town's obligation is going to be to make sure that any water flowing stays within the ditch on Scenic Drive, to the greatest extent possible. Any issues between the water flowing from the property of Mr. Luschenat to Mr. Carlson would be a civil matter. Town Administrator Dunn also pointed out that Mr. Carlson's driveway is 7 feet from the property line.

Mr. Carlson reiterated his concern about not being notified about the driveway waiver request, so he was unable to bring forth his concerns. He does not want to see the matter litigated. Town Administrator Dunn responded that the Town needs to be able to work with Mr. Luschenat so that the water issue is addressed adequately.

Selectman Benavides asked Mr. Carlson if it were not for the water issue, would he have a problem with the location of the driveway. Mr. Carlson replied that he has no issue with the location of the driveway. Town Administrator Dunn stated that the Town has the right to seek resolution from Mr. Luschenat if his property creates a water problem. Chairman Hayes reiterated his previous suggestion to build a swale behind Mr. Luschenat's house to channel water into Reed Brook.

Director Morgan suggested contacting Mr. Luschenat and letting him know of the Town's concern with the water flow on his property and that the Town cannot tolerate water from his property impeding Scenic Drive. Chairman Hayes suggested some positive mitigation suggestions before his driveway is paved.

In closing, Chairman Hayes advised Mr. Carlson that the Board appreciates his concerns and is now aware of a flaw in their process of granting waivers.

7.2 Lakes Business Park Broadband – Following brief discussion on the timeframe of the Lakes Business Park, Selectman O'Brien moved to authorize the expenditure of up to \$30,000 for cable and fiber to be installed in the Lakes Business Park from the Lakes Business Park Capital Trust Fund. Selectmen Benavides seconded. Motion carried with all in favor.

8. New Business

8.1 Cartographics Tax Map Update Contract – Selectman O'Brien moved to approve the 2014 tax map update contract with Cartographic Associates for \$4,000, plus an additional \$12.75 per parcel fee for building footprints as recommended by the Finance Director. Selectman Benavides seconded. Motion carried with all in favor.

8.2 Budget Surpluses and Shortages – Finance Director Ruggles highlighted some of the surpluses and shortfalls of the 2013 budget, leaving approximately \$86,000 in surplus funds at the end of the year, should the Board wish to make some minor unbudgeted purchases. Town Administrator Dunn presented three possible expenditures as follows: TC/TC Copy Machine @\$7,400; Police Department fixed radar sign @ \$6,500; and Planning and Land Use file shelves @\$2,100 = \$16,000 total. He asked the Board for direction on these proposed expenditures.

Selectman Benavides stated that he would like to hear further from the Police Department on the matter of the fixed radar sign, as far as the cost and benefit. Chairman Hayes agreed with Selectman Benavides, particularly where construction is planned on Route 11-A in the spring, which may take care of some of the speed issues in that area.

Selectman Benavides authorized the Town Clerk/Tax Collector to spend up to \$7,000 on a copy machine. Selectman O'Brien seconded. Motion carried with all in favor. Town Administrator Dunn advised the Board that a vote was not necessary on the DPLU shelving because the amount is under \$5,000.00.

9. Other Business – none.

10.0 Public Input – none.

11.0 Selectmen's Issues – none.

12.0 Administrator's Report – Town Administrator Dunn advised the Board that the Belknap County Commissioners would be attending the Selectmen's meeting on December 18th to discuss their 2014 budget.

Town Administrator Dunn brought up the matter of the public hearing on the bond issuance for the proposed police station renovations. Chairman Hayes suggested that rather than having two presentations, that the Budget Committee be invited to the Selectmen's public hearing.

Following a meeting yesterday with Emergency Management, Town Administrator Dunn advised the Board that there is a possibility of receiving grant funds for the police station renovations.

Town Hall renovations are going well and the contractors are anticipating starting on the roof this week.

There has been a lot of interest in the Police Chief Search Committee, as well as applications for the Police Chief position.

13.0 Next Meeting – Wednesday, December 18, 2013 at 7:00 p.m. at the Town Hall

14.0 Adjournment – With no further business before the Board, the Board of Selectmen's December 4, 2013 meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Gus Benavides
Clerk