

Wolfeboro Board of Selectmen
Workshop Meeting Minutes
December 7, 2009
Amended

Members present: Chairman Dave Senecal, Vice-Chairman Kristi Ginter, Linda Murray, Sarah Silk, Marge Webster

Staff Present: Town Manager, David Owen, Recording Secretary Terry Tavares

Chairman Senecal called the Workshop meeting to order at 7:00 PM at the Wolfeboro Community Center.

Non- Public session RSA 91-A: 3II

Mr. Owen stated a Non-Public session will not be needed.

➤ **Public Input**

Robert Hanson spoke saying by holding meetings at the Wolfeboro Community Center it is a violation of the Americans with Disability Act as this building is not ADA compliant because of a lack of handicap parking spaces.

Joyce Davis, asked the Board if there will be public input allowed after the Selectmen finished their work session?

Mr. Senecal stated there will be public input allowed.

Joyce Davis, would also like to remind the Board in 2008, the Board approved a request from Richard O'Donnell to apply for the NH Preservation Alliance Seven to Save list for the Brewster Memorial Hall . It was not chosen at that time, but the application was re-reviewed by the NH Preservation Alliance in 2009 and chosen at that time.

Jim Ladd read a letter to the Board of Selectmen regarding the Wolfeboro Historic District (see attached) as to whether or not the voters were in favor of a Warrant Article to abolish the Historic District Commission.

Sharon O'Donnell would like to say there was a study done as to whether the people wanted to preserve the Brewster Memorial Town Hall building.

Ms. Ginter stated that, if the Town offices were moved, there are other things that could be done with the Town Hall building.

Sharon O'Donnell said she would like to see Brewster Memorial Town Hall building updated and reused as the Town Hall as it is a vital part of the downtown. She is concerned that the Board will not restore the Warrant Article to complete the repairs on the Town Hall building.

Richard O'Donnell stated at the last Board of Selectmen meeting the Board approved 6 different Warrant Articles: for Fence and Lighting at the Town Dock; Upgrades to the Railroad Station Building; to replace HD-10; ADA upgrades to bathrooms at the Pop Whalen Ice Arena; ADA upgrades to Bathrooms at Carry and Brewster Beach; and the replacement of Tennis & Basketball courts. If I was on the Board I would have also voted for these items. But the Warrant Article for the repairs to the Brewster Memorial Town Hall building for \$110,000 was not approved.

Steve Davis, referred to his letter sent to the Board of Selectmen (see attached). The Brewster Memorial Hall was built in 1890 it is 110 years old. It was built to be the Town Offices. It was sold by the Trustees to be used as the Town Hall. It is a valuable property, we need to protect and maintain it. As long as we own it, we need to take care of it.

Roger Murray, speaking for Chip Maxfield, stated last March 73.6% of the voters voted for the long term parking lot on Lehner Street. This was to fill a need for more long term parking. To find a place to park on Lehner Street is difficult, and the proposed Town Hall building shows no parking. The Town Hall proposal needs to provide its own parking. If we no longer own the Brewster Memorial Town Hall building, we will lose the parking provided at this building. The Board needs to take the loss of this parking into consideration.

Gary Baker provided the Board with a handout (see attached) regarding Warrant Articles from past years and the results of the voting on these articles pertaining to Town Hall Related Warrant Articles. The majority of the voters voted to keep the Town Hall where it is. The Warrant Article for the site evaluation for Lehner Street was not approved by the voters. He asked what kind of support do you think there will be for a \$4.5 million Warrant Article to build a New Town Hall? Mr. Baker quoted the Editor of the Granite State News "The very idea of building New Town Offices seems to be off the table".

Bob Smart stated when he and his wife Betty moved here we were shocked at Wolfeboro's infrastructure. The Town is not trying to figure out what to do with the Town Hall building. They need to decide what to maintain it and to stop the deterioration. He stated he is not an Architect or a Civil Engineer, he is a Tax Payer. The Brewster Memorial Town Hall is a prominent and outstanding building in the Town. It is not only the historic value of this building we need to look into the long term use. By restoring the old buildings you keep the historic building, and you save money. The Oldest Summer Resort in America needs to keep the Brewster Memorial Town Hall building.

Bob Hughes stated he had a real estate prospect for the Brewster Memorial Town Hall building. Regardless of what you are going to do with the building, it will take \$3 million of work to the building before you can do anything with it. You need to find someone who will spend the money on the building. You cannot leave this building with out something being done with it. All the posters of downtown Wolfeboro all show the Brewster Memorial Town Hall building in the pictures. If the voters vote to move Town Hall to another location, make sure that there is someone ready to take care of Brewster Memorial Hall building.

Judy Breuninger stated it makes no sense at all to put the Town Hall on a depressed street like Lehner Street. It is not feasible. This has gone on too long and the Public is sick of it. We want decisions. She would also like to state when she was the Recording Secretary for the Historic District Commission she typed up her minutes and turned them into the Chairmen.

Bob Lemaire stated the last Warrant Article for the Town Hall on the ballot did not get the 60% of the needed vote. We need to do something about the stated needs of the Brewster Memorial Town Hall building. The employees are being held hostage this building. The \$4.5 million price tag to build a New Town Hall is not feasible and the \$3 million to renovate the existing Town Hall is not credible. It is great to talk about a building a New Town Hall, but you need to get together and come up with a plan. The employees are the ones who are suffering during this process. Keep the ADA cops out of this. The \$3 million project you have will not fly, the people will not vote for the project. You had everything going for you the last time and you didn't get the 60% vote. You need to come up with a credible plan that the voters will vote for.

Richard O'Donnell said that Mr. Lemaire made the comment that the Architect Mr. Grosvenor's plan was not credible. Mr. Grosvenor is one of the foremost Architects in his field. And stated there is a \$3.5 million cap on the project for the Brewster Memorial Town Hall building. Mr. Grosvenor had stated that he had done many building projects like the proposed work to the Town hall building and they have all come in under budget.

Mr. Senecal said he did not understand that in his presentation Mr. Grosvenor was proposing a \$3.5 million cap.

Mr. O'Donnell stated that it is in the agreement.

Michael Cooper stated he is in support of the renovations to the Brewster Memorial Town Hall building and it is not doing the building justice if we shut it down, we will be shirking our responsibility.

Lucille Clouthier asked does the \$3.5 million include money to move the employees out while the work is being done.

Ms. Ginter asked if this included in your proposal of \$3.5 million for the temporary relocation of the employees?

Mrs. Murray stated *that when the Board of Selectmen had Mr. Grosvenor here the Board did not allow him to answer questions and we didn't take the time to get all the information that we needed from him.(Changes as per 1-6-2010 BOS Meeting)*

Mr. Senecal closed the Public Input at 7:45 PM.

➤ **Appointment of the Historic District Commission Member**

Mr. Senecal stated there are four applicants for the position of full time member on the Historic District Commission: Richard Murray, Jim Ladd, Eric Keim, and Charlene Seibel.

Marge Webster made the motion to appoint Jim Ladd as a full time member of the Historic District Commission, seconded by Kristi Ginter.

Discussion

Mrs. Murray stated there are a few issues about needing new blood on the Commission and she is having a hard time with a alternate member who wears arm band that says "Ellen". Also in his statement he read it says that "We need fewer regulations. Let us decide for ourselves how our houses should look. We want guidance, discussion, and compromise, not dictates, and judgments". I agree with this. He needs to understand the Historic District Commission is dictated by RSA's and they have to be followed. What this group is looking for is an community consensus of how these building should be and not have all this bureaucracy. I do not believe that you really believe in the Historic District and that is why I have a hard time moving you to a full time member.

Ms. Silk stated at the last meeting I had a set of 4 questions I asked each of the candidates and one of these question I asked everyone was do you agree with Historic District Zoning Ordinance and Regulations. This refers to the purpose of RSA 673.4 II "That HDC members shall appreciate and promote the purposed of the Historic District Commission. It would be contrary to statutes to appoint a member who does not support the stated purposes or who would work at odds with the purposes of the Historic District Commission under the notation of achieving diversity of opinion". I received two complaints over the weekend of people being approached at the post office with this survey, and they said that they thought it was very clear that this person did not support the Historic District Commission. In the end of October we had a Historic District Commission meeting about procedures with our Attorney present and it was very clear that certain people did not understand the fact that there are certain regulations that have to be followed. I would have to vote against this nomination.

Ms. Ginter wanted to say I think Jim Ladd has at heart the spirit and intent of the Historic District. What has been brought to this Board are issues that are ongoing. What I have seen is someone who is committed and open minded, but also has the courage of his convictions and is not afraid to bring issues to the table. I think this is what this is really about. That is what makes him look like a more controversial applicant.

Ms. Silk would like to bring up the same point as she did at the last meeting, in that one of our Board members still has a outstanding court case with the Town and the Historic District that has not been resolved. I would like to say with all respect she has consistently stepped down every time Historic District issues have come up until last week. I would respectfully request that she step down again. I would like to quote the 2009 Ethical Behavior of all Public Officials and Employees, "It is of significant concern to everyone. Not only is it critical for Officials and Employees to act ethically, it is important to avoid even the appearance of unethical behavior. It is understandable therefore that Towns & cities want to take appropriate steps to maintain the highest level of conduct." I appreciate the fact that she has consistently stepped down and would encourage her continue her to do that until this case is officially settled which at this point it is not.

Ms. Ginter stated two years ago, when this was an active case, this Board or two Board Members plus the applicants themselves including Suzanne Ryan, when I choose to step down, actively encouraged me to not step down because we would not have a quorum. The only reason I did not step down at that time was so that these other two members could appoint the Board Member, I abstained from these votes. So I do not think this can be a issue of convenience of some Board Members at one time and not at another. This is a court action and the Town and the Ginter's have come to a settlement agreement and that is on record at the Courthouse. And I am not going to step down from this appointment. I do not have any more of a conflict than anyone else on this board.

Mr. Senecal said we all signed that agreement and to me that court case is over. And if she does not want to step down that is her prerogative.

VOTE: Marge Webster, Kristi Ginter, Dave Senecal voted to approve. Sarah Silk and Linda Murray opposed. The motion passed.

Mrs. Murray would like to make a comment about this appointment. The petition that Jim was going out to get signatures for was to get rid of the Historic District Commission which he has now been asked to be put on.

Ms. Ginter also commented that the petition to get rid of the Historic District Commission is something that these neighbors don't want to do. And I think that Jim wants to try and work with the Board for changes.

Mr. Owen said he would also like to hand out to the Board a copy of the report from Attorney Bernie Waugh in reference to the Historic District Commission. He would like to know if the Board would like to discuss it at the next meeting.

Mrs. Murray stated that she was disappointed that the Board of Selectmen did not provide the needed mediation (changes as per the 1-6-10 BOS Meeting). We sent this letter back twice to try and get what we were asking for. And my understanding was we were going to have him review tapes and then meet with the Historic District Commission and then give us a report. What we have is a report, and we have a Historic District that is about to have the Commission removed.

Ms. Ginter read this fact from the Q & A List, Q: Where there is a vacancy after a member resigns an alternate can be designated to fill in at the next meeting? This is wrong. Under RSA 673.11, an Alternate may be designated to act only when a regular member is absent or disqualified. Not in the event of vacancy. This highlights the importance of the Board to act in a timely manner in the event of vacancies.

Linda Murray made the motion to put Charlene Seibel on the Historic District Commission as an alternate.

Ms. Ginter asked if we need to re-advertise.

Seconded by Sarah Silk. Members Sarah Silk , Linda Murray voted to approve, Dave Senecal, Marge Webster, Kristi Ginter voted against. The Motion Failed.

Ms. Silk asked the Board members if they felt Mrs. Seibel was not qualified?

Mrs. Murray pointed out that they had asked Richard Murray if he would be an alternate and he said no. Eric Keim is already an alternate. We have a person who is qualified and we don't want to approve her. I have an issue with this.

Ms. Ginter stated she did not want to answer this question. Ms. Ginter stated that I think that there is an issue and it was brought up by a ZBA member itself in a letter to the former chairman of the board. It was discussed in a non public; I'm not sure what the outcome of that was. I know that the issue that I personally have with this when another member has complained about a blatant disregard for the respect and position. This was written by Mark Pierce and, uh, like I said, I don't know what the actual outcome was. Since this was the complaint that was brought to the board, that was my issue with it, and that is my answer to the question as to my position (Changes as per the 1-6-10 BOS Meeting).

**See attached: Charlene Seibel's letter to BOS dated 12/16/09 in response to Selectmen's Ginter's allegations against her.*

Ms. Webster stated it is very unfortunate that this issue and the Town Hall issue has become personal issues. I think it is becoming very apparent that it is a personal issue.

Kristi Ginter made the motion to advertise for new alternate members for the Historic District Commission, seconded Marge Webster. Members voted Marge Webster, Dave Senecal, Kristi Ginter, Linda Murray voted to approve the motion. Sarah Silk abstained.

➤ **Town Offices**

Mr. Senecal stated basically we have two proposals. One is to renovate the existing Brewster Memorial Town Hall building and the second is to build a New Town Hall on Lehner Street.

Mrs. Murray asked don't we have 3 proposals with the last being to do the maintenance?

Mr. Senecal said we will take that up separately. There are people here that have made some comment and we should address them. There were many comments for the Brewster Memorial Town Hall building. And the questions I had in reference to the Town Hall building were answered by Mr. O'Donnell. One was the cap issue and the other was what are they going to do with the employees during the renovations. Are they going to stay in the building? Mr. Hughes stated they are going to be moving them out while they do one area and then moving them back and moving out another department and moving them back when they are done. I think the issue to me is that Mr. Hughes stating our employees are being held hostage is true. Our predecessors have not spent any Town money to maintain our buildings. The Railroad Station is a good example, we now have to go back and ask for more money to finish the work. I feel that we should put some money into the budget for maintenance. The \$3.5 million for the Town hall and the \$4.5 million is

for Lehner Street. The Lehner Street building is for 20,000 sq. ft. and the Town hall is for 20,000 sq. ft. We are talking the functionality of the two different building.

For any of you who have done renovations to your home you know that you have one number to start the job and during the construction the numbers change. There were issues brought up last week and I was not here. I did not get back until late last night. I did not have time to check any e-mail that have been sent to me.

Mrs. Murray said if Ms. Webster has more information then there is no point in discussing this until she presents the information.

Ms. Webster stated there are 19 full time employees that use 19 parking spaces out of the 54 parking spaces at the Town Hall offices. There are 19 cars and that doesn't include the visitors coming and going. The space out back of the proposed Town Hall is for 80 spaces.

Roger Murray corrected Ms. Webster as to the amount of proposed parking spaces being 67 spaces for the new lot.

Ms. Webster said in the front of the building there are ten spaces. In the rear of the building there is 170 ft and you could get 7 cars there. The other issue is with the DES and we have a letter to Barry Muccio from the DES that if we cap the monitoring wells the \$60 to \$70,000 per year cost for their maintenance would go away. We are the fastest growing county in the state as per the 2000 census. I do not want to see the Brewster Memorial Town Hall building destroyed. I agree that it is part of Wolfeboro. The issue is what is best for our employees and what is best for our Town. To say Lehner Street does not have a walkable sidewalk, it does. It has many other exits from Union Street, Lehner Street that can be used. Our employees are being held hostage over this whole issue. I said when I joined this Board I would be more than willing to meet with and talk to anyone concerning this matter. I have not been approached by anyone regarding the Town hall issues. I hope for the sake of our employees this issue is resolved for them. They provide the core of services to this community. I will tell you when you enter by the back door if you were going to put take your pet to the vet and walked into the vet office and smelled that smell you would turn around and walk right out, it is that bad. What ever passes here, whatever the majority passes I will support, I thoroughly support Lehner Street. I think we all need to work together.

Mrs. Murray asked if Ms. Webster was able to get the proposed building placed on the site in a drawing.

Ms. Webster stated she had not.

Roger Murray asked Ms. Webster where the 170 feet for parking was.

Ms. Webster said it was in the rear of the building, directly behind the building.

Ms. Silk has some questions about the DES issue. You said you talked to Barry Muccio, and there would be a \$60 to \$70,000 savings on the monitoring wells. We don't just have monitoring wells in the electric building. There are monitoring wells all over. I was misquoted in the paper when I asked about the DES. It was relative to the area behind the Electric building and the Community Center building and disturbing the

soils there. The DES had concerns with changing poles in the area. The presentation showed some demolition of the building and lot of soil disturbance and I was asking if this had been figured into the cost of the building. Perhaps there would be the \$60 to \$70, 000 savings if they were to cap off the monitoring wells in the Electric building, but that does not account for all the other monitoring wells.

Mr. Senecal said the \$60 to \$70,000 per year is what it costs for the pumps and filtering system. As far as the soils are concerned there are no issues there. The issue was migrating oil in the basement which we pump out.

Ms. Silk stated you asked Barry Muccio but you did not ask the DES.

Ms. Webster stated she has a letter to Mr. Muccio from the DES.

Ms. Ginter was going through the Town Hall Options Committee report again. A lot of questions have come up as to why some of the Board has taken this position. I would like to read one of things recommended: "The THOC recommends the Board of Selectmen take the following action. Give further consideration to the concept of constructing New Town Offices at the Community Center, Electric Plant at the Lehner Street complex and the adjoining lands that may require purchase. This effort also requires consideration of the Brewster Memorial Hall reuse committee report of October 16, 2008 regarding the use of Brewster Memorial Hall other than by the Town. I would like to bring that up because I think that David and Marge have taken a lot of criticism. They acted on one of the recommendations of a Committee that many of you have sat on and were able to put aside your personal feelings and come together and come up with these recommendations. I just want to remind everyone of that. What we are trying to do is work together for a common goal for the Town and the employees and for all of you. You also did say give further consideration to reduced scope, lower cost renovation or restoration of Brewster Memorial Hall based on the original design work of McKinley, Kalsow and Associates. That is what the Friends of Town Hall presented to us as an interim measure: initiate actions for immediate essential maintenance and repairs on Brewster Memorial Hall to be implemented in the 2009 Warrant Article. Which we all know failed. When I was going through the information one of the things that was interesting was a letter from the Town Attorney, Tim Bates, that we could sell the Brewster Town Hall Building. I just want to clarify that we did ask this question and it was answered. Also, when we were looking at different options or fix ups the original attachment for \$1.5 million for minimum repairs there was \$3 million needed for maintenance over a 5 year period. Some of these items keep coming up in history and some will need to be eliminated or taken off the table. One of the other concerns that have come up from our Public Works Director, as with the Railroad Station, things continue to come up and that is why we have needed to get more money to finish the repair. That is a much smaller building for repair. I am concerned that when we start to do the renovations for the Brewster Memorial building, although we have a cap of \$3.5 million for this proposed project, we will end up coming back in the future for money to finish the project. I am personally concerned with the mitigation of the basement. The original plan called for it being able to be used for bathrooms, offices and storage. I am also concerned for the relocation of the employees. I am not sure it is a good idea to move our employees to the Community Center as it has the same smell as the Town Hall building when you walk into the back door. I am also in agreement with Marge in that there is a potential use for the future space needs for our Police Dept. I think when we look for a future use for Brewster Memorial hall it is not a viable option for any one to put \$3.5 million dollars in the building. When I look at old mill buildings in Manchester, Nasuha,

Clairmont, Tilton and many others across the state, there many companies have come in to rebuild and reuse them. The reality is we need a functional, safe and long term facility with enough space for future planning.

Mrs. Murray started with Lehner Street and said one good thing about the Lehner Street proposal is that you made it of brick. The reason I asked for the building to be put on the site is because I need to see the number of parking spaces that they think can be located behind the building. When I paced it off, we have the building, then you have this back entrance and it looks to me that it is coming very close to the property line. I think it is very important that the people of this community see this plan on the site. I went out today and I looked at the lots and what is on our tax maps is inaccurate. I asked why part of the Community Center was on other people's property. I was told there was an agreement that brought the edge of the Community Center to edge of the property.

Mr. Owen said that was a Boundary Line Adjustment.

Mrs. Murray said the problem of parking is huge for the community. Roger was active in going around getting signatures for the parking lot acquisition. I look at the loss of the 54 parking spaces at the Town hall, as whatever goes into the building it will no longer be a public parking area.

Ms. Ginter would like to make a point of order. Roger Murray (your husband) was involved with the parking lot. And this is a conflict of interest. You always step down when you have a conflict.

Mrs. Murray stated she does not feel she has a conflict. I in no way feel I need to step down in talking about the future of the Town Hall building. As a representative to Chamber of Commerce I feel this is very important, and I do not see any conflict of interest in talking about parking in a community.

Roger Murray stated I have served on the Master Plan Committees in this town since 1980 and on the Planning Board for six years. I am receiving no compensation whatsoever for anything that I am doing on the parking issue. I spoke tonight because Chip Maxfield was out of Town. Just because my wife decided to become Selectmen, I did not lose my rights as a citizen to participate in the affairs of this community.

Mrs. Murray stated parking is paramount. This building is not being put on the lot. I am amazed to now hear that the Police Department might be put on the lot. Marge and I did meet and go over this. When we had the experts here, we weren't able to say anything. \$4.5 million is \$1 million dollars more and at this economic time it is not acceptable. I still think we should honor our agreement with the Trustees. Just because the Town Attorney says we can sell it, we still might get sued if we do. The gift that we accepted and when the Town voted to purchase it for one dollar the Board of Selectmen entered into an agreement that they were going to restore this building for a Town Hall. Because of that the Trustees of the Brewster Trust were willing to go to the MA Probate Court to break the Will because the building was not left to us, it was left to the Trustees. It says in the document that the charitable purpose of the gift would not be affected. The charitable part of the Will be affected if we do not use it as a Town Hall. Mr. Grosvenor took the result of the McKinley, Kalsow analysis and he used some of those plans to come up with his figures. I feel it is important that we take care of our buildings. And that is what I will support. If I had my choice I

believe that the \$110,000 is the one to go forward. I would like to show the Chamber of Commerce brochure which has a picture of the Town hall in it.

Ms. Silk said there are several proposals that have come up related to the Municipal Electric Building. There has been discussion about the seniors wanting to use the building. The Parks and Rec. Department uses the building in the summer on bad weather days. It would be ideal if the MED building could be converted for use for family programs. Can the parking out back really be used for ADA? Mr. Ford has had meetings relative to the Lehner Street area and it is hard to park on both sides. If we increase the amount of use and where are they going, they will use the Center Street exit. It is dangerous and there is the Gas station, Oil Storage Tanks and the store with many hazardous waste items on its shelves. What is going to be the effect on this section of town if the new zoning goes through? Last year the Town Hall Warrant barely missed going through. I don't think that a New town hall is a viable option. If the New Town Hall passes it will still 18 to 24 months before the employees will get in there. If you really care about the employees you will fix the building they are in now. Anything that is 3 or 4 million is not going anywhere.

Ms Webster stated I will agree coming out of Center Street is awful. You have Union Street and Lehner Street to come out. The construction of the building will take 10 months. Have you ever tried to go to Town Hall when school is getting out we have all had traffic problems. 53% of the vote is a small number and if 20 more people had voted things would have went another way.

Sarah Silk made a motion to reinstate Warrant Article M; John Brewster Memorial Building (Town Hall) Interim Improvements, Maintenance, and Repair. To see whether the Town will vote to raise and appropriate the sum of One Hundred Ten Thousand Dollars (\$110,000) for the purposes of making interim improvements, repairs and maintenance of the John Brewster Memorial Building (Town Hall). to include, but not limited to, constructing Americans with Disabilities Act (ADA) compliant entrances, fix the leak in the roof, repair/replace windows and sills, install a fire alarm, system, and reconstruct the rear entrance door/wall to include insulations, said sum to be in addition to any federal, state, or private funds made available therefore, seconded by Linda Murray.

Discussion:

Ms. Ginter asked do we have any viable Warrant Articles coming before the Board tonight for Brewster Memorial Hall or the Lehner Street property before moving forward with Article M.

VOTE: Linda Murray, Sarah Silk voted in favor, Dave Senecal, Kristi Ginter and Marge Webster voted against. The motion failed.

Dave Senecal made the motion to submit the Warrant Article M for a total of \$50,000 to be used for repairs to the Brewster Memorial Town Hall, seconded by Kristi Ginter.

Mr. Senecal stated there is a list of repairs and the Town Manager and the Public Works Director have discretionary powers for the \$50,000.

Ms. Ginter suggested that a addendum be addressed that if you are going propose that \$50,000 be appropriated for maintenance repairs to Town Hall, should that be attached to should no Article for Town Offices be passed. Because either way should, one be passed and should Brewster Memorial Hall go forward why do we need an additional \$50,000 for essential maintenance and repairs. My concern is if no article passes that we have some money appropriated.

Mr. Senecal said that is what we are trying to do. If this money were passed it is up to the Board and the Town Manager to spend the money or not spend the money. Even though it be approved we don't need to spend the money if we don't need it.

Mrs. Murray stated we had the staff look at the building and I think that they gave us a list of items that need to be repaired. I do not think we can cut half of the Warrant Article, and say do what you can. I can not support a Warrant Article that is for less than the \$110,000 which the staff has spend the time to put forward.

Mr. Owen would like to report that today your Recording Secretary Terry Tavares was hit on the head by falling ice and snow as she was entering the rear of the Town Hall. She spent the afternoon in the Emergency Room. One of the items from Primex we were sited on is to install a dormer over the rear entry to the Town Hall. Part of the requested money is to install that.

Ms. Ginter asked if we could stop using the rear door, and to have them walk around to the front of the building.

Mr. Owen stated last year there was a similar incident was in the front of the building.

Mrs. Murray said we need to get our trucks up there and clear the roofs.

VOTE: Dave Senecal, Kristi Ginter, Marge Webster voted in favor, Linda Murray, opposed and Sarah Silk abstained. The motion passed.

Marge Webster made the motion for a Warrant Article to raise and appropriate \$4.5 million for the purpose of construction of New Town Offices on Lehner Street, seconded Kristi Ginter. Members voted Dave Senecal, Marge Webster, Kristi Ginter voted in favor Linda Murray, Sarah Silk opposed. The motion passed.

Mrs. Murray said I have some other business. I would like to point out that we came forward with 22 Warrant Articles on 20 of those article we voted five to nothing to move them forward. I think that it is important we put the tallies on the Warrant Articles.

Linda Murray made the motion that we put the tallies on the Warrant, seconded by Kristi Ginter. Members voted and none being opposed the motion passed.

Ms. Silk asked if we are going to address any of the other Warrant Articles.

Mr. Senecal said yes.

Ms. Silk read Article T: Smith River Streambank Stabilization for \$175,000. Article K: Downtown Streets Construction for \$1,200,000 and Article J: Desired infrastructure Upgrades for Pine Street/Crescent Lake Avenue for \$95,000.

Linda Murray made the motion to not put forward Article J: Desired infrastructure Upgrades for Pine Street/Crescent Lake Avenue for \$95,000 to the 2010 Warrant, seconded by Kristi Ginter. Members vote Dave Senecal, yes, Marge Webster, yes, Kristi Ginter, yes, Linda Murray, yes, Sarah Silk, yes, the motion passed.

Kristi Ginter made the motion to not put forward Article K: Downtown Streets Construction for \$1,200,000, seconded by Marge Webster. Members voted Dave Senecal, yes, Marge Webster, yes, Kristi Ginter, yes, Linda Murray, yes, Sarah Silk, yes, the motion passed.

Linda Murray made the motion to put Article T: Smith River Streambank Stabilization for \$175,000 on the 2010 Warrant, seconded by Sarah Silk. Members voted Dave Senecal, yes, Marge Webster, yes, Kristi Ginter, yes, Linda Murray, yes, Sarah Silk, yes, the motion passed.

Ms. Silk stated Representative David Knox was in touch with her in relation to SHARPs Disposal and a Senate Bill being proposed regarding Indoor Air Quality and Ventilation Systems for Ice Rinks and emission testing for the zamboni. She referred to proposal #2767 for Emission for Indoor Ice Rinks. She wanted the Board's input as to whether the Board will support this.

Mr. Senecal asked Ms. Silk to get him and Mr. Owen a copy of the proposal. He asked Mr. Owen do we have any other vehicles at the rink besides the zamboni.

Mr. Owen said no.

Mr. Senecal asked if the Board would like to make a statement that we are not in favor of this.

Marge Webster would like to thank you the Town employees who decorated the Town Hall windows Marie Watson, Stephanie Ayers and Terry Tavares. They did a great job the windows look great..

➤ **Public Input**

Richard O'Donnell would like to say that the Master Plan was never brought up. I am dumbfounded that this does not factor in. That the Town Hall should stay in the Brewster Memorial Town Hall.

Ms. Ginter would like to address Mr. O'Donnell is concerns in that the Master plan was addressed.

Susan O'Donnell asked is the Warrant Article for Lehner Street going to include the Police Dept and how is the public going to know this.

Mr. Senecal said that it is possible for the future.

Joyce Davis wanted to speak about the Master Plan. I worked on the Master Plan Committee and it was the in the plan to keep Brewster Memorial Hall as the center of the downtown area.

Blair Moffet, I would like to ask when the Warrant articles are presented to the Public do they include why they are presented as is. I would like to say I am at a lost as to what the issues are, to have the Board put forward Lehner Street with out giving any consideration to the cost of doing something with Brewster Memorial Town Hall. If the Board of Selectmen are going to make any kind of defense, you should include what you are planning to do with Brewster Memorial Town Hall.

Fred Stevens agreed with what was said by Mr. Moffett to this group. I served on the THOC and in our notes I said that I wanted to bring back movies to the Town Hall. I also had a buyer for the Town Hall. I think that we have not done all we can to do the best for the Town Hall.

Robert Hanson asked Mr. Owen if you have received a letter from the State on the ADA issues at Town Hall. I would also like to say you said there are not two compliant ADA parking spaces in the front of the Community Center.

Mr. Senecal stated that I said there are two handicapped parking spaces and I do not know if they are compliant.

Dick Moser said I think that reexamining this issue of the Town Hall as you did is good. I think you did a good job by giving us a different point of view to look at.

Mr. Senecal closed the Public Input.

Sarah Silk made the motion to adjourn at 9:25 PM, seconded by Linda Murray. The members voted and none being opposed the motion passed.

Respectfully Submitted by,

Theresa Tavares

Theresa Tavares

To the Members of the Board of Selectmen,

On Friday afternoon and again on Saturday morning I stood in front of the Post Office in downtown Wolfeboro gathering signatures for a petition to place a warrant article on the ballot next spring to abolish the Wolfeboro Historic District Commission. I found it a very refreshing experience to talk with and listen to my neighbors here in the town. I chose the Post Office because I felt that it would give me the broadest cross section of the voters in the least amount of time. About 90% of the registered voters took the time to stop and listen to what I had to say. I was quite impressed by that.

In a little more than eight hours I alone had collected just shy of 100 signatures. I explained to people that we did NOT want to be doing this. That we really liked the Historic District but that the current Commission was not listening to the views of my neighbors in the Historic District, and that in August, we, through the North Wolfeboro Area Association, had gone to the Board of Selectmen and asked them to take some action, and that to date, all they had done was to hire a consultant/mediator who was watching videos of Historic District Commission meetings. I mention this because virtually ALL of the people with whom I talked, who had seen any or part of our meetings on the local cable TV channel said, "you don't have to say anything, I'll gladly sign." or words to that effect.

I think I can comfortably say that 70% of the registered voters that I talked with signed the petition. Another 20% said that they didn't have enough information or didn't want to get involved. About 10% said that I disagree with you or this is not the way to go about it. I said I'm open to suggestions give me your thoughts. Of those who replied, some said, wait for the consultant's report, while others said, there's got to be a better way. The deadline for the warrant article submission is Wednesday.

I would certainly hope that whomever you appoint to fill the vacant seat on the Commission has the ability to listen to the residents of the District, not just the other members on the commission. One of the comments that kept recurring as I talked with the voters in front of the Post Office was expressed in the following ways. We need fewer regulations. Let us decide for ourselves how our houses should look. We are responsible homeowners. We want guidance, discussion, and compromise, not dictates, and judgments. I couldn't agree more.

-J. Ladd-

December 3, 2009

Stephen Davis
P.O. Box 901
Wolfeboro, NH 03894

Town of Wolfeboro
Board of Selectmen
Wolfeboro, NH 03894

Dear Wolfeboro Selectmen:

I am writing you to express my feelings as a resident, taxpayer, and voter about the issue of the Wolfeboro Town Hall. In my opinion the Town offices belong in Brewster Memorial Hall. The building was originally built for that purpose in the care of the Brewster Trustees and the Brewster Trustees sold it to the town specifically for use as a town hall. Brewster Memorial Hall is a valuable historic asset to the town and we should protect it and maintain it just as we do other town property. I will oppose any plan to move the town offices to another location or to construct new offices for that purpose in another location.

In the midst of the current recession, I oppose bringing any large-scale plan before the voters this year. I urge you to defer any large town hall expenses next year, and instead approve the suggested \$110,000 maintenance funding which includes repairing the roof. It is irresponsible to neglect the basic maintenance of one of our most valuable assets, as that will lead inevitably to higher expense in the future.

We have a Master Plan and Capital Improvements Plan to guide us into the future and we should stick to them.

Sincerely yours,



Stephen M. Davis

Gay Baker

**TOWN HALL RELATED WARRANT ARTICLE RESULTS
MARCH, 2009**

Article 11: Repairs and Improvements of Brewster Memorial Hall at a cost of \$524,000 - 53% of voters voted Yes (7% short of what was needed for approval)

Article 12: Phase one of the building of town offices at Varney Road location at a cost of \$870,000 - 32% of voters voted Yes

Article 21: Site Evaluation of Lehner Street "for a town hall or another municipal use" at a cost of \$75,000 - 35% of voters voted Yes

Brewster Memorial Hall also has received town support:

- for its purchase from the Brewster Trust
- for the development of plans for its renovation and restoration at a cost of \$500,000

In other words, the majority of Wolfeboro voters have voted for over one million dollars in support of keeping Town Hall at its present location.

(Although the town voted against 6.7 million dollars for its renovation and restoration.)

A LEHNER STREET SITE EVALUATION FOR JUST \$75,000 WAS REJECTED BY 65% OF THE VOTERS.

BASED ON THE RELATED PAST VOTES, HOW LIKELY IS IT THAT THERE WILL BE 60% SUPPORT FOR:

\$4, 500,000 FOR A TOWN HALL ON LEHNER STREET

VS.

\$3, 500,000 TO KEEP IT AT ITS PRESENT LOCATION ?

Attachement
12-16-09 1

To: The Wolfeboro Board of Selectmen
Date: 16 December 2009
Re: HDC Appointment

After the Selectmen voted 3 to 2 at their last meeting on 7 December 2009 not to appoint me to the Historic District Commission as an alternate, Selectman Sarah Silk asked the opposing board members to state their reasons for "why she (Charlene Seibel) was determined not to be qualified." There was a long pause and Ms. Silk repeated her question. Selectman Kristi Ginter stated, "I think that there is an issue and it was brought up by a ZBA member itself in a letter to the former chairman of that board. It was discussed in non public; I'm not sure what the outcome of that was. I know that is the issue that I personally have with this when another member has complained about a blatant disregard for the respect and position. This was written by Mark Pierce, and, uh, like I said, I don't know what the actual outcome was." Ms. Ginter then handed out papers to the other board members, stating, "Since this was the complaint that was brought to the board, that was my issue with it, and that is my answer to the question as to my position." These quotes come directly from the recording made by Wolfeboro Community Television of the 7 December 2009 meeting.

I was present for the entire public session of the 2 December 2009 Selectmen's meeting, and it is interesting that Ms. Ginter chose not to bring up this concern either during my interview or when I spoke during final public input. Rather, she chose to state this concern at a meeting she knew I could not attend. Therefore, I appear tonight to set the record straight.

The Zoning Board of Adjustment entered into non public session on 4 August 2008 under RSA 91-A: 3, II (e) to discuss a legal opinion from town counsel relative to a complaint filed by Mark Pierce, an alternate to the ZBA, against two ZBA members, another ZBA alternate, and the Chairman of the HDC. At no time during this meeting was any letter ever produced for examination. The outcome of that meeting was "no decision was made." Although separate minutes of this non public meeting were received and recorded by the Wolfeboro Town Clerk on 5 August 2008, these same non public minutes also appear near the top of page 1 of the regular meeting minutes of the ZBA's 4 August 2008 meeting. The regular meeting minutes not only are available in the Town Offices, but also are posted online. Given these multiple sources of information regarding the outcome of the ZBA non public meeting in question, it is interesting that at your 7 December 2009 meeting, Ms. Ginter twice stated her ignorance of that outcome. It is also interesting that the person who divulged to Ms. Ginter the discussion that took place in this non public meeting apparently did not divulge the outcome as well. This breach, however, raises another very troubling concern about the disclosure of non public discussions concerning legal advice and opinions, and I would encourage the Town of Wolfeboro to fully investigate this incident, and any other such incidents of which you become aware.

I believe the ZBA saw for the first time the letter and email that Ms. Ginter gave you at your last meeting when those papers appeared in our ZBA packet regarding "Chris and Kristi Ginter Case #38-ADD-08 Tax Map #105-3 Request for Rehearing." Ms. Ginter requested that I recuse myself based on those papers, and I respectfully declined because I did not "have any pecuniary interest in the outcome and would not deal with this in any way different from anyone else," as recorded in the approved minutes of the 2 March 2009 ZBA meeting. Furthermore, by a vote of 4 to 1, the ZBA denied the Ginters' motion for rehearing "since there was not a technical error committed by the ZBA and there was no new credible evidence presented in this application that was not available to the applicant at the time of the first hearing on January 5, 2009."

The evidence I have presented clearly shows that Ms. Ginter made a strong after-the-fact case for why she should have recused herself from voting on my nominations at both the 2 December 2009 Selectmen's meeting and the 7 December 2009 Selectmen's meeting. Regarding the Mark Pierce papers, the former ZBA chairman decided to make no decision after hearing the other side of the story from two of the accused parties. Additionally, by a vote of 4 to 1, the ZBA determined that this information was not credible.

Charlene Seibel