

Wolfeboro Board of Selectmen

Meeting Minutes

January 6, 2010

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

Staff Present: Town Manager David Owen, Finance Director Peter Chamberlain, Director of Public Works David Ford, Director of Planning & Development Robert Houseman, Recording Secretary Terry Tavares

Chairman Senecal called the meeting to order at 6:30 PM at the Wolfeboro Library.

Non- Public session RSA 91-A: 3II

Mr. Owen stated a Non-Public session will be needed to discuss a collective bargaining matter.

➤ Approval of Minutes

December 2, 2009

Mrs. Murray, page 10, 5th paragraph down, 2nd sentence change back round to *background*. Pages 11, 1st paragraph under Bulk Vote, add ***by the staff*** and remove the rest of the line. Page 19, last paragraph, should read, ***Mrs. Murray said her understanding as to why a public hearing is needed is so that the public has the input as to whether the Town should accept the gift.***

Ms. Silk, page 3, second sentence down after appointments, add ***due to an ongoing conflict of interest***. 2 sentences below add ***due to an ongoing conflict***.

Marge Webster made the motion to accept the meeting minutes of December 2, 2009 as amended, seconded by Kristi Ginter. The members voted and none being opposed the motion passed.

December 7, 2009

Mrs. Murray, page 3, third paragraph from the bottom should read; ***Mrs. Murray stated that when the Board of Selectmen had Mr. Grosvenor was 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.***

Page 5, sixth paragraph down from the top, first sentence should read; ***Mrs. Murray stated that she was disappointed that the Board of Selectmen did not provide the needed mediation.***

Page 6, Third paragraph down from the top after the motion should read; ***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 himself in a letter to the former Chairmen of the 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 when another member has complained about a blatant disregard for the respect and position. This was written by Mark Pierce and, 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.

Mrs. Murray read this statement; based on the ZBA minutes of August 4, 2008. The ZBA decided to review this matter in non-public and no action was taken. On March 2, 2009 the ZBA found that these e-mails were not new credible evidence when presented by Selectman, Ginter at her March 2, 2009 hearing before the ZBA.

These e-mails are clearly an allegation against the reputation of Mrs. Seibel who was willing to volunteer for a committee position and her character was questioned by Selectman Ginter who used these e-mails as evidence that Mrs. Seibel was not a qualified candidate. Therefore, I believe this matter should have been discussed in non-public session based on

RSA 91 – A:3 non-public session –II-c: Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting.

To correct the error of not discussing Selectmen Ginter's allegation against Mrs. Seibel in non-public; I would like the final minutes of the December 7 meeting to be re-written to include my revised third paragraph down from the top after the motion and also added – See attached Charlene Seibel's letter to the Board of Selectmen dated December 16, 2009 in response to Selectman Ginter's allegations against her. Charlene Seibel's letter should be attached to the December 7, 2009 minutes.

It is important that anyone in the future who reads the December 7, 2009 minutes knows that Mrs. Seibel defended herself against Selectman Ginter's allegations.

On another issue:

I believe it is the responsibility of all five members of the Board of Selectmen to make sure that the information given to **the public is correct and accurate.**

Selectmen Marge Webster referenced a number of e-mails when answering questions proposed by the public and by the Board Members regarding the \$4.5 million dollar Lehner Street Warrant Article. Many of her statements were incorrect based on the e-mails she cited. These e-mails were not given to the board at the December 7 meeting, I was able to receive these emails by my December 8th right-to-know request. (See attachment) This email from David Owen to Marge Webster dated November 30, 2009. The e-mail addresses the number of parking spaces needed for Town Hall Employees and Town Vehicles.

Page seven, second paragraph: I would like to point out that David Owen explained to Marge Webster that there are 19 full time employees and at least 3 town vehicles and on and off part-time employees. Based on this e-mail a new Town Offices building on Lehner Street would require 22 parking spaces to address only the parking for staff and town vehicles. See attached e-mail from David Owen to Marge Webster e-mail dated November 30, 2009.

Mrs. Murray handed out an email from Barry Muccio to David Owen answering my questions.

Page seven, fourth paragraph, second sentences: Marge Webster is making this statement and I quote from the minutes "The other issue is with the DES and we have a letter to Barry Muccio from DES that if we cap the monitoring wells the \$60,000 to \$70,000 per year cost for their maintenance would go away."

This is an incorrect statement because there is not a letter or e-mail from DES. On line 22 of Barry Muccio's e-mail to David Owen he states "They (AECOM) have been working on a proposal which would allow re-use of the interior of the building in its current configuration. At this time, there has been no direct contact with NHDES regarding reuse of the remaining site/or what would have to be done in regards the exterior monitoring wells if site were to be excavated for expansion."

Page 8, First paragraph: David Senecal states "that \$60,000 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." On line 5 of Barry Muccio's e-mail to David Owen he states "Approximately, \$6,000 of this \$60,000 is budgeted for the operation and maintenance of the oil/water separator and filtration system which is located inside the building; the remaining \$54,000 is associated with the exterior monitoring and sampling wells." It is very clear from Barry's letter that there are environment issues with soil on this site as well as in the building. See attached e-mail from Dave Owen to Linda Murray dated December 22, 2009.

See Hand out e-mail: This is a group of sent e-mails, one from Municipal Electric to Marge Webster dated December 1, 2009, a second from Marge Webster to Barry Muccio, a third from Marge Webster to David Senecal and Kristi Ginter forwarding e-mails from Cindy McLane of AECOM which Cindy McLane had sent to Art of AG Architects. This group of e-mails have been cut and pasted together. These **e-mails are not from NHDES.**

Page 8, third paragraph down read: Ms. Webster states she has a letter to Mr. Muccio from DES and it says design away.

These statements are totally incorrect based on these grouped e-mails.

On page 2 of e-mails, second paragraph down. This statement is from Cindy McLane, not NHDES.
"Another option would be to 'design away' the risk if vapor screening levels are exceeded (i.e. just assume there would be risk and take the necessary precautions when doing the design and construction) I'm not sure how the NHDES looks at that but, if acceptable, it would decrease the upfront environmental costs."

On page 2 of these e-mails after Art, the sentence reads: "I would suggest using \$55,000 as a budgetary estimate for environmental work that should precede renovation and expansion of the former WMED building for use as a senior/recreation center." This is again a statement from **Cindy McLane, not NHDES.**

It is clear that there are environmental issues with this site that will need to be addressed. See Attached group of sent e-mails, from MUNICIPAL ELECTRIC to Marge Webster dated December 1, 2009, from Marge Webster to Barry Muccio, from Marge Webster to David Senecal and Kristi Ginter forwarding e-mails for Cindy McLane of AECOM which were sent to Art of AG Architects.
(This is a copy of a handout from Linda Murray)

Ms. Ginter 3rd sentence from bottom, change to **"Ms. Ginter asked if it was included in your proposal of \$3.5 million for the temporary relocation of the employees?"**

Pages 6, 3rd paragraph down, add ***"I believed it was discussed in non-public, nor was it given to me in non-public."*** I want to make that clear because the paragraph implies I received the document in non-public session and that is not how I received it.

Mrs. Murray said that if we rewrote that paragraph it would make clear.

Ms. Ginter agreed, but would like to add that it was given to her by the alternate board member Mark Pierce.

Page 8, 4th paragraph, 25th line add **more** to line after future for.

Page 10, last paragraph, change to **an addendum be addressed**. Second sentence add **should be attached as a condition only** should no Article for Town Offices be passed.

Page 12, under Public Input, change to "Ms. Ginter would like to address **Mr. O'Donnell's** concerns in that the Master Plan was **being** addressed."

Mrs. Murray would like the draft minutes to be taken off the web site and the final minutes to be put on the web site.

Sarah Silk made the motion to accept the minutes of December 7, 2009 as amended, seconded by Kristi Ginter. The members voted and none being opposed the motion passed.

December 16, 2009

Ms. Silk, page 8, 8th line from bottom, remove window and replace with **foundation**.

Mrs. Murray, page 1, 12th line from bottom, change date to **November 23, 2009**.

Page 4, 3rd line, add the word we **do not** discriminate to the line.

Page 6, last line add to line " \$1,200 **per day**."

Page 9, 3rd paragraph from bottom should read "**2007 Downtown Street Design Project was \$130,050. This was for the upgrades of Lehner, Glendon and Schools Streets in 2010 for a cost of \$1,800,000.**"

Page 21, 3rd paragraph after motion, change Linda Murray to **Dave Senecal** announced the Board voted.

Ms. Ginter, page 10, 2nd line from bottom change went to **was**.

Pages 11, 5th line down change pronouncements is that **are** Supreme Court.

Page 12, 11th line down, to do away with **the** Historic District.

Page 15, 6th paragraph, 9th line, change to "We cannot have hand written **records** we **cannot** have it the way it was."

Sarah Silk made the motion to accept the minutes of December 2, 2009 as amended, seconded by Marge Webster. The members voted and none being opposed the motion passed. Kristi Ginter abstained.

➤ **Public Input**

Todd Fichter read a letter to the Board of Selectmen (see attachment) regarding the Board's appointment of Jim Ladd to the Historic District Commission.

Bruce Fichter read a letter to the Board of Selectmen (see attachment) regarding the report from Bernie Waugh about the Historic District Commission.

Joyce Davis asked if the public will have the opportunity to discuss the warrant articles as they are presented?

Mr. Senecal stated the Board will allow comment but they should keep it brief.

Dwight DeVork addressed the Board with his concern about the Town Hall process. He feel it is important that the people be involved in the decision process. He feels if the Selectmen are planning to present a Warrant Article for \$4.5 million to the town's people that they should take into consideration all the hard work the Town Hall Options Committee has put into the presentation for the Brewster Memorial Town Hall, also that the voters want to see the Town hall stay where it is.

David Doane would like to state for the record that the Block Grant application for the Eastern Lakes Region Housing Coalition that the Board of Selectmen signed has a lot of inaccuracies. He does not feel that any of the Board read this application before signing it. He would like the Board to recall this application.

Henry Maxfield asked the Board how they are going to maintain two old buildings?

Peter Goodwin asked the Board why they have elected to put forward the \$4.5 million Lehner Street project when you have a proposal for \$1million less for the Brewster Memorial Hall.

Mr. Senecal said he felt one of the reasons is because he does not believe that it will be enough money to complete the project.

Ms. Webster asked why we are going to bond for amounts under \$200,000. They will cost more to bond and asked why they can't be added to the budget.

Mr. Owen stated that we use the NH Municipal Bond Bank and there is no extra cost to bond these amounts. If we tried to do the ADA improvements at the Pop Whalen without bonding it would wipe out the enterprise fund. If it is done where they pay the principal and interest over 20 years they would be able to absorb the costs.

Ms. Webster asked about the interest factor.

Mr. Owen stated there is an interest factor and 50% of the costs will be borne by the users of the Pop Whalen Arena.

Ms. Silk stated I think the most important reason we don't bond under \$100,000 and the reason we break these out is because these are special projects. This gives the voter a choice on whether they want to support them and it would prevent the entire budget from being voted down.

➤ **Public Hearings**

A. 2010 Bond Issues

Mr. Owen asked the Chairman if he would like to have the each bond read to the public?

Mr. Senecal stated yes.

Ms. Silk had noted a lettering error earlier. The correct letter was stated before the full Bond wording was read.

Mr. Senecal read the notice; *A Public Hearing will be held by the Wolfeboro Board of Selectmen as required by RSA 33:8-a at 6:45 PM on Wednesday, January 6, 2010 in the Wolfeboro Public Library Meeting Room, 259 South Main Street, Wolfeboro, NH to receive comments on the proposed 2010 bond issues:*

Mr. Owen read **Article E: Center Street Drainage Upgrades**

Mr. Senecal asked if there were any public input on the article. There was none.

Marge Webster made the motion to recommend Article E: Center Street Drainage Upgrades, seconded by Linda Murray. The members voted, Linda Murray, yes, Sarah Silk, yes, Dave Senecal, yes, Marge Webster, yes and Kristi Ginter, yes. The motion passed.

Mr. Owen read **Article G: ADA Improvements- Pop Whalen Arena**

Mr. Senecal asked if there were any public input on the article. There was none.

Marge Webster made the motion to recommend Article G: ADA Improvements- Pop Whalen Arena, seconded by Kristi Ginter. The members voted Linda Murray, yes, Sarah Silk, yes, Dave Senecal, yes, Marge Webster, yes and Kristi Ginter, yes. The motion passed.

Mr. Owen read **Article G1: ADA Improvements- Beach Bathhouses**

Mr. Owen asked the Board if they wanted to put this Article forward with a negative Budget Committee recommendation.

Ms. Webster stated the Budget Committee did not recommend it and they did not want to bond this article as it is not a priority. They wanted to add money to the budget to provide ADA accessible port-o-potties at these locations.

Ms. Silk asked when they put the money in the budget did they allow for the servicing of the port-o-potties?

Mr. Owen said he believed they did put adequate funds in the budget. He asked Peter Chamberlain if he knew the amount added to the budget.

Mr. Chamberlain stated he did not.

Mrs. Murray stated the reason she asked to have this article split was because last year article G & G1 were together. And she felt there was less need to do the work at the bath houses than at the Pop Whalen Arena. Having them split gives the voters the change to tell us what they would like done. We have in the past some articles that the Budget Committee had not recommended some times they pass and sometimes they don't.

Mr. Senecal stated that one of the reasons this was split out was because the work at the bathhouses were not mandated. And the others were mandated.

Ms. Silk asked if we were not mandated or were we not cited?

Mr. Owen said that these facilities were not cited specifically .

Betsy Booth asked would it be possible to vote to raise and appropriate the sum of money and to forget the bonding.

Mr. Owen stated the reason why we bond is to lessen the tax impact.

Alan Bailey – Member Budget Committee, stated what we tried to do was to be mindful of the financial aspects of building a new bathhouse in these areas. And we hoped by using the rented port-o-potties it would defray the cost in the future. We do believe that people with disabilities should have a place they can go to use the bathroom.

Ms. Silk asked if he remembered how much money was added to the budget.

Mr. Bailey stated he did not.

Mr. Houseman addressed the Board saying he was at the last Budget Committee Meeting and the committee did increase the Parks and Rec. budget and the number was approved by Ethan Hipple, Director of Parks and Rec.

Linda Murray made the motion to recommend Article G1 for \$134,454 for the design of the ADA compliant bathhouse at Carry Beach & Brewster Beach, seconded by Sarah Silk. Members Sarah Silk, yes, Dave Senecal, yes, and Kristi Ginter, yes, Linda Murray, yes & Marge Webster, no. The motion passed.

Mr. Senecal stated the Article G1 will go in as recommended.

Mr. Owen read **Article I: Replace Water Lines on Glendon and Lehner Street and Other Downtown Streets.**

Mr. Senecal asked if there was any public input on the article, there was none.

Marge Webster made the motion to recommend Article I: Replace Water Lines on Glendon and Lehner Street and Other Downtown Street, seconded by Kristi Ginter. The members voted, Linda Murray, yes, Sarah Silk, yes, Dave Senecal, yes, Marge Webster, yes and Kristi Ginter, yes. The motion passed.

Mr. Owen read **Article S: Reconstruct and Resurface Basketball and Tennis Courts at Foss Field.**

Mr. Senecal asked if there was any public input on the article, there was none.

Marge Webster made the motion to recommend Article S: Reconstruct and Resurface Basketball and Tennis Courts at Foss Field, seconded by Kristi Ginter. The members voted, Linda Murray, yes, Sarah Silk, yes, Dave Senecal, yes, Marge Webster, yes and Kristi Ginter, yes. The motion passed.

Mr. Owen read **Article T: Smith River Streambank Stabilization.**

Mr. Senecal asked if there was any public input on the article, there was none.

Marge Webster made the motion to recommend Article T: Smith River Streambank Stabilization, seconded by Dave Senecal. The members voted, Linda Murray, yes, Sarah Silk, yes, Dave Senecal, yes, Marge Webster, yes and Kristi Ginter, yes. The motion passed.

Mr. Owen read **Article V: Constructing New Town Offices on Lehner Street.**

Ms. Silk stated on November 23, 2009 and the December 2, 2009 meeting minutes she had requested the Board schedule a hearing to accept the gift of the drawing for the Lehner Street Building. How can we go forward with this when we have not accepted the gift of the plans as per State RSA 31:95e.

Mr. Senecal stated he does understand the gifting procedures. The Architect has stated the plans done were valued under \$5000. And I do not think that it is necessary.

Ms. Silk respectfully disagreed and would like to make a motion that we hold a Public Hearing to accept the drawings because I don't believe that all members agree with you.

Sarah Silk made the motion to hold a public hearing to accept the gift of the drawings for the Lehner Street Building, seconded by Linda Murray. The members voted, Linda Murray, yes, Sarah Silk, yes, Dave Senecal, no, Marge Webster, no, Kristi Ginter, no. The motion failed.

Mr. Senecal would like to make a motion to remove Warrant Article V from the Warrant Article.

Discussion:

Mrs. Murray asked Mr. Senecal why it is to be removed.

Mr. Senecal stated that we have situation that has occurred where we have an opportunity to purchase a building for less money. I felt we had drawing we could work with. Since that time the Bell building has become available for rent or purchase.

Mrs. Murray stated it is difficult for her to understand this Warrant Article when I have no information about the proposed Warrant Article.

Ms. Webster asked if a motion was wanted for the Warrant Article.

Mrs. Murray would like to make a point of order. We are having a public hearing on Warrant Article V and I don't see how we can vote on a new warrant article.

Ms. Webster called the question on the removal of the Warrant Article.

Jim Rouillard spoke saying that the Chairmen had not addressed the Point of Order. And that a Point of Order over rides the call on the motion.

Mrs. Murray would like to discuss this as we have always heard new verse old. And this is the new proposal and I thought that was the conflict between the public in what we were doing here. And now it looks like we going to another old building. I don't understand why. Is it because it is cheaper? We spent all this time talking about new construction and now it is gone.

Charlene Seibel would like to make another Point of Order and asked are not public hearings supposed to be adequately noticed to inform the public what the hearing is going to be about? This is the first time I am hearing about something new and I believe the public has to have adequate notification.

Ms. Webster stated on Article V the motion was to remove it from the bonding and to remove it from the warrant. This was seconded. Mr. Senecal answered Mrs. Murray's question and I called the question to the vote to have this removed. If that occurs, what comes after that has nothing to do with the public hearing.

Ms. Seibel asked then you will need to have another public hearing for the new warrant?

Mr. Owen stated yes, if there is going to be some substitute warrant article. If the new warrant article requires bonding then it will need a public hearing; if it does not require bonding then it will not need a public hearing. Then it will need seven days advance notice and it will have to be before January 19, 2010 which is the statutory deadline.

Betty Maxfield asked if anyone went to the meeting when Mr. Grosvenor made his presentation. It is a Historic building and it should be maintained.

Henry Maxfield asked why do you want to take care of two old buildings and when one will do?

Mr. Senecal stated in every situation everyone has an opinion. I don't feel that building warrant the tax payers putting that kind of money into the building. Many of the employees have made the statement that they want to be in a building that they feel safe in.

Alan Bailey would like to know what are we going to do with the Brewster Memorial Hall and what would they do with it?

Mr. Senecal stated the Town Hall Options Committee made recommendations on what could be done with the building.

Judy Breuninger was on the committee to study the Town Hall. There were no viable options of what to do with the Town Hall. She would like to know how much it will cost to buy the Bell Building, the parking on Lehner Street, and the soil issues.

Dwight Devork said he has never seen a warrant article tabled by a small majority to be replaced by another warrant article to replace it. He understands that there are some long term leases in place at the Bell Building that would have an impact on the space in the building.

Suzanne Ryan stated she is glad to see you are pulling this warrant. I have served on the committee to examine all of the town buildings. They are in deplorable condition. It does not make any sense to go from one old building to another old building. We have our fair share of old buildings and we do not need anymore old buildings.

Mimi Dye would like to say that Wolfeboro has the Town Hall as our signature building. And it will be more of a signature building with restoration. Let's keep our signature building.

Bob Lemaire asked are you talking about purchase or lease of the Bell Building.

Mr. Senecal stated purchase.

Lucile Colucci would like everyone to give the Selectmen a chance to tell us the facts.

Jim Rouillard stated the Bell Building is 10 years older than the Brewster Memorial Hall.

Dave Senecal made the motion to have Warrant Article V, Construct New Town Offices on Lehner Street removed from the Warrant Articles, seconded by Marge Webster. The members voted, Linda Murray, yes, Sarah Silk, yes, Dave Senecal, yes, Marge Webster, yes and Kristi Ginter, yes. The motion passed.

B. Voluntary Deed Restriction at the Abenaki Pond site – Continued from December 16, 2009

Mr. Owen stated this is the continuation of the public hearing that was held on December 16, 2009 and that was the first hearing held on December 2, 2009 under RSA 41:14a to consider granting a Voluntary Deed Restriction at the Abenaki Pond site. Unless there is any public input I would suggest the Board schedule the vote on the Deed restrictions for the January 20th meeting.

Discussion:

Roger Murray asked if the deed restriction interferes with the use of the pond for snowmaking?

Mr. Senecal stated it does not.

Kristi Ginter made the motion to move the vote on the Voluntary Deed Restriction at Abenaki Pond until the Board's next regularly scheduled meeting on January 20, 2010, seconded by Marge Webster. The members voted and none being opposed the motion passed.

➤ **Bulk Vote**

A. Property Tax Credits/Exemptions

Approvals

i. 244 North Line Road Tax Map 99, Lot 6

B. Intent to Cut Wood or Timber

i. Route 109A Tax Map 96, Lot 13

C. Intent to Excavate

i. Route 109A Tax Map 96, Lot 13

Linda Murray made the motion to accept the Bulk Vote, seconded by Kristi Ginter. The members voted and none being opposed, the motion passed.

➤ **New Business**

A. Blind Exemption and Solar Exemption Warrant Articles

Mr. Owen stated these are two articles that the Assessor has asked us to place on the Warrant. These are two exemptions that we have been doing for many years and the DRA has asked us to document when the Blind Exemption was authorized by the Town. The Town Clerk and the staff has been unable to find in the minutes when it was originally adopted by the Town. We are asking that this be adopted so we can provide the documentation to the DRA.

Ms. Silk stated this will be Article Y.

Mr. Owen read Article Y: Blind Exemption

Sarah Silk made the motion to put Article Y: Blind Exemption on the Warrant, seconded by Marge Webster. The members voted, Linda Murray, yes, Sarah Silk, yes, Dave Senecal, yes, Marge Webster, yes and Kristi Ginter, yes. The motion passed.

Mr. Owen read Article Z: Solar Exemption

Mr. Owen stated we have provided an exemption for Solar installations for years, but the Assessor has asked that we adopt it in a new form to correct some problems we are having, where some of the older solar systems are not getting the same exemption as the newer systems. The way it is provided here, you would receive a flat \$10,000 exemption.

Marge Webster made the motion to recommend Article Z: Solar Exemption be added to the Warrant, seconded by Sarah Silk. The members voted, Linda Murray, yes, Sarah Silk, yes, Dave Senecal, yes, Marge Webster, yes and Kristi Ginter, yes. The motion passed.

B. Petitioned Warrant Articles

i. \$10,000 regarding Wolfeboro 250th Committee

Kathy Eaton, Chairman of the Wolfeboro 250th Committee, read *Article W: To see if the Town will vote to raise and appropriate the sum for \$10,000 for the purposes of enabling the Wolfeboro 250th Committee to plan, coordinate, promote, and conduct a year- long program or activities for all Town Residents to Celebrate Wolfeboro's 250th Anniversary.*

Ms. Eaton read a letter to the board (see attachment).

Linda Murray made the motion to recommend Article W: \$10,000 regarding Wolfeboro 250th Committee to plan, coordinate, promote, and conduct a year- long program or activities for all Town Residents to Celebrate Wolfeboro's 250th Anniversary, seconded by Marge Webster. The members voted, Linda Murray, yes, Sarah Silk, yes, Dave Senecal, yes, Marge Webster, yes and Kristi Ginter, yes. The motion passed.

ii. \$110,000 for Repairs and Improvements to John Brewster Memorial Building

Mr. Owen read **Article X: \$110,000 for Repairs and Improvements to the John Brewster Memorial Building.** This was recommended by the Budget Committee by a 9-0 vote with one abstention.

Joyce Davis stated she is with the Friends of Wolfeboro Town Hall and circulated the petition when the Selectmen reduced the amount of the repairs for the Wolfeboro Town Hall. We would ask the Selectmen to follow the Budget Committee and recommend this warrant article.

Mr. Senecal stated if we recommend Article X we will need to remove Warrant Article M for \$50,000 from the warrant so as not to have a duplicate.

Sarah Silk made the motion to recommend Warrant Article X: \$110,000 for Repairs and Improvements to the John Brewster Memorial Building, seconded by Linda Murray. The members voted Marge Webster, yes, Sarah Silk, yes, Linda Murray, yes Dave Senecal, yes, Kristi Ginter, no, the motion passed.

Marge Webster made the motion to remove Warrant Article M for \$50,000 for the repairs to the Brewster Memorial Building, seconded by Linda Murray. The members voted Marge Webster, yes, Sarah Silk, yes, Linda Murray, yes Dave Senecal, yes, Kristi Ginter, no, the motion passed.

Ms. Webster would like to ask to have the Board re-review the information that was not available for the Wolfeboro Senior Meal Program being done at the Congregational Church. When they came before us they did not have their 501(C)3, who the fiscal agent was going to be, or who was going to sign their checks. At this time I have this information and also a copy of their budget and all of the information we asked for from the other outside agencies. I am asking the Board if they will reconsider this Article and put the \$7,500 back in for the Senior Meals being done at the Congregational Church on Tuesdays and Thursdays. Rev. Randy Dales is working to have it moved to his church (All Saints) and if this is done we will have senior meals served Monday through Friday, since they have the Dinner Bell serving dinner on Thursday. I am asking for

a motion and I will go back to the Budget Committee on Monday with this information. I am asking for \$7,500 to be included under Agencies for Wolfeboro Senior Meals.

Discussion:

Ms. Ginter asked if we had received the request after the deadline.

Ms. Webster said our deadline was December 14th. And on the original paperwork it was dated December 14th.

Mrs. Murray said in the past if a good project comes up we will bend the deadline.

Marge Webster made the motion to have \$7,500 for the Wolfeboro Senior Meals be included in Agencies for the 2010 budget, seconded Linda Murray. The members voted Marge Webster, yes, Sarah Silk, yes, Linda Murray, yes Dave Senecal, yes, Kristi Ginter, yes, the motion passed.

C. Reconsideration: Article D & E changes in scope.

Mr. Ford Director of Public Works is proposing to change the scope of the work to be done in Warrant Article D: Upgrade Town Roads and Article E: Center Street Drainage Upgrades. The DOT has put out to bid a paving project from Pickering Corner to Grove Street. They are not planning to do any infrastructure repairs and we have many infrastructure problems. I have met with the DOT to ask if we could work to get some of those projects done and to do this with a Municipally Managed project.

The DOT is willing to put this project on hold so we can replace the drainage. This drainage was installed in the 1940's and is in failure, the pipes are undersized and filled, our curbs and sidewalks are a mess along with the drainage, this is a major problem. The other project is the Center Street Drainage Project which is to correct flooding that occurs during heavy rains in the Center Street area. We have spent over \$100,000 in engineering and have the permits to upgrade the outfalls for Glendon Street and Center Street. We had the Great Waters bank that as part of their approval were to upgrade the drainage on Center Street. This project had been put on hold indefinitely, and that project was bonded. We have been told by the Attorney for the Planning Board if the Bank has not created an increase in drainage. And we do not have the ability to pull the bond. At this point the engineering report is being reviewed by the Planning Board's Engineer to verify they have not increased the drainage. What we want is to get this project funded so it can become a Municipally Managed project. In 2010 we would be able to do the Engineering Study. Which would be 2/3 funded by the State. Then in 2011 to have a major project to upgrade the road from Pickering Corner to Grove Street. At the same time we would do some other major repairs. What I would like to propose is to not increase the dollar value but to change the scope of the work we will be doing with the money.

Under the Article E, Center Street Drainage Upgrades, we would still do the Glendon Street outfall, and on the Center Street outfall we would put a hold on some of that work to put some of that money towards the Engineering Study. Then on the Article D, Upgrade Town Roads, we would put some of the road projects on hold and put some of that money towards the Engineering study in 2010.

Ms. Silk stated she had concerns about the portion that was to be covered by the Great Waters Bank project.

Mr. Ford stated he had e-mailed her the response from the Planning Board's Attorney in which we asked for clarification. Even though it was started and they had a bond, the project is on hold indefinitely and they did not increase the runoff.

Ms. Silk stated she had sent Mr. Ford an e-mail on January 1 asking why H E Bergeron hadn't been asked to do a rebuttal report or examine this report.

Mr. Ford stated he had not been directed by the Town Manager to respond to your e-mail.

Mr. Owen stated we have a memo here that addresses these questions. This is a Planning Board matter.

Mr. Houseman stated the Planning Board has not seen this information. It is not my practice to hand out information unless it is complete. The outstanding information is the Engineering review from HE Bergeron that I have asked to have it expedited for tonight's meeting, but I had not received it before I left work today. Counsel for the Planning Board has reviewed the issue and the first issue is: what authority does the Town have to call the bond? The answer is if there is no improvement to the site that necessitates the offsite improvements then we have no authority. The second question is, what have they proposed, and they have proposed to stabilize the site and to loam and seed the site in total and remove all construction fences and construction material. The Planning Board will receive the package in total with the legal opinion, drainage report and HE Bergeron's report and will evaluate the request. The Planning Board has the ability to rescind its approval of the project. We have not received a formal request to withdraw its approval. Dave Ford & I have met with the bank members to see if they were prepared to or willing to enter into an agreement with the Town to pay for the offsite improvements at such time they choose to go forward with this application or to do the work in advance. We have not heard back on that from them.

Mrs. Murray asked if they ever decide to do this project after the drainage work is done, is there a way the Town can get repaid?

Mr. Houseman said he will look into that.

Mr. Ford stated there is more to the road project. Under Municipally Managed projects, the Town would pay for 1/3 and the State would fund 2/3. We would be looking at a complete road reconstruction with drainage. We would put the drainage which is \$600,000, into this project and next year some of the work we put off will be included in this project. The total cost for this project including curbs, sidewalks and engineering will be \$2,000,000. So the Town portion will be \$670,000. This is not much more than the CIP.

The other job is the Lehner Street, Glendon and School Downtown Street and project. We could finish the job in this neighborhood by taking some of the money from the outfall to finish the drainage. This will be using some of the \$600,000 from the Center Streets Drainage.

Mrs. Murray said we will still not have all of Lehner Street done.

Mr. Ford said only 500 feet will not be completed and then it will be just the sidewalk and drainage

Mrs. Murray stated that you have changed things so much I am finding it hard to follow what you are going to do.

Mr. Senecal asked do these two articles need to be rewritten?

Mr. Owen said he feels the scope can fit in the proposed articles.

Mrs. Ginter asked if we need another public hearing.

Mr. Owen said we do not if we do not change the wording.

Ms. Silk asked Mr. Ford if he had any idea when he will have the comparison completed? We will need to have that information in advance to notify the public as well as to be able to answer questions.

Linda Murray made the motion for Articles D & E that we change the scope and provide new backup for those warrant articles, seconded by Kristi Ginter. The members voted Marge Webster, yes, Sarah Silk, yes, Linda Murray, yes Dave Senecal, yes, Kristi Ginter, yes, the motion passed.

D. Warrant Article Review – Final Version

Mr. Owen said that the Board needs to decide the order of the warrant articles as to how they will appear on the warrant. First is usually Elections, Zoning, then Bonds over \$100,000. Then it is the Board's decision as to the order of the Warrant Articles.

Mrs. Murray would like to have enough time to proof the warrant.

Mr. Owen said the next regular meeting in on January 20th and the warrant needs to be posted by the 25th. That will not leave a lot of time to get the warrant in shape.

Mr. Senecal would like to have a special meeting on January 13, 2010.

Mr. Owen will setup a special meeting for January 13, 2010, the place to be announced.

Marge Webster would like to make a motion for a Warrant Article to purchase the Drouin Building for office space. Ms. Webster read a statement regarding the Historic Bell Building. (See attachment).

Discussion:

Ms. Silk asked the cost of the building.

Ms. Webster stated the cost of the building will be \$1.3 million dollars, plus \$50,000 for furnishing, relocation and to ready the building. The building is restored and the money generated from the rent

currently is \$62,483. The top floor is available now. There is 1700 square feet for storage in the basement and 1760 square feet on the first floor.

Ms. Silk stated that she had looked at the building today with Mr. Drouin. We have no information for this building and have done none of the planning we usually do for this building. When we were going to buy easements for the Electric Company we had documentations. This could be the buy of the lifetime but how will we know without the documentation. I do not think the Town has ever bought a piece of property where we have gone to the seller asked what they would like for the property.

Ms. Ginter asked if Ms. Webster can speak about why we should not bond this.

Ms. Webster stated that the impact of a \$1,500,000 purchase will be seventy to seventy five cents per thousand. And that if you do not bond this, it will just need a majority vote.

Ms. Silk said if it is bonded you will need a 60% vote.

Ms. Ginter asked what are the positives? We did get a appraisal and some back up documents. This building is an older building and it has been retrofitted and it is almost a turnkey property. We will be able to move our employees out of the Town Hall building.

Mr. Senecal said the impact of a 20 year bond will be eight cents and a ten year bond will be ten cents, because the bond rates are low.

Mrs. Murray did view the building and Mr. Drouin did provide me with a large amount of information. This building was built in 1880 and renovated in 1999. It has been designed for multi- purpose tenant use. It does have more than one furnace, upgraded electric and gas meters. When I was in the building with Mr. Drouin we discussed that fact that the building leans to the right. The roof is a hard plastic and will be expensive to replace and the only parking has been leased out to the tenant on the first floor. The rear entrance is not ADA assessable. The appraisal we received is for a bank loan with the appraisal method as the income capitalization, with the best use for this building being for multi tenants. It has been the practice of Town to hire independent appraisers and to set a price for the Town to negotiate a price with the seller and this has not happened. The assessed value of the building is \$814,900 and the appraiser did the equalization for \$817,352. There is no parking associated with this building. I do not think it is in the best interest of the Town to become a landlord. The Town will not be able to use the whole building until 2012. The Town has other options to use towns owned property to address town offices. There is not enough information as to the space to be used, the cost to ready the building, the parking, and there is no plan for current Town Hall.

Mrs. Murray read a statement (see attachment).

Ms. Ginter said I think it is unfortunate that this board and the public are divided on what to do.

Mr. Senecal stated "I was responsible for looking into this project. It started to happen in the beginning of December. Mr. Owen and I did go and look at it. I withheld the information until I had chance to look at it. The Board did get a copy of the appraisal. I did try to get the Board together over the holiday but this did

happen. This was done over a short period of time. I could rebut what Linda is saying but I will not at this time. All the Board did go and look at the building and we all have our own opinions. One of the things about the leases, in 2011 we can have half of the second floor. It was my responsibility as a Selectperson to get involved with this. So if the responsibility is there, it will be mine. My intention was to and always has been to try to get everybody to agree and that is probably never going to happen. On every board there are always people who are going to disagree. The majority of the time this board has agreed and we have talked things over to make decisions, which you saw tonight. As far as this project, it did happen very quickly, I can understand and listen to what Linda had to say and some of the points are well taken. My point is I would like to continue down this road because of the costs involved, and the cost savings involved with this project. If there is any blame on this project I will take that. It has been discussed, Marge and I have discussed it and there has been discussion. And there have been other times when there were members of this board, where some people agree and some might talk to each other and some might not share information and it is unfortunate. I think that mostly we do share information, we do talk to each other and we do have discussions on just about everything. And we are not always going to agree.

Ms. Webster made a correction to say in this building there are 15,275 square feet and all but 1,885 of that square footage would be available to the town as of October 2012. What is available currently is would take care of the offices from the front part of the Brewster Memorial Hall immediately. How many times do you get the opportunity to purchase a property surrounded by Town property.

Mr. Senecal stated there was another option discussed and that is the leasing of the building and the building will be available after February 1.

Charlene Seibel asked about the current lease for Actions Sports?

Ms. Webster stated it is up in 2012.

Ms. Seibel asked if the building were going to be used as town offices would she be able to get the mirrors that were donated by her family back as to not have them destroyed.

Ms. Webster stated they had not talked about such things yet.

Peter Goodwin asked about the structural stability of the building as it is leaning.

Victor Drouin spoke saying when they restored the building the structural issues were addressed.

Peter Goodwin asked was this done by a structural engineer?

Mr. Drouin said it was addressed.

Jim Rouillard questioned the Point of Order on how this meeting was addressing this issue.

Mr. Senecal stated we will allow public input as long as it does not get repetitive.

Jim Rouillard pointed out that the Bell Building is 135 years old. And that you need to conduct yourself according to the laws and statutes.

Donald Hughes spoke to the board saying it is not possible to completely restore a building.

Steve Buck asked about Mr. Drouin's comment that the Bell building was on the EPA watch list.

Ms. Silk was preparing to discuss this Warrant Article and spent time looking into the contamination of this area. There are monitoring wells in the area. When there is monitoring done they may say you do not need to do any more remediation but they never give you a clean bill of health.

Ms. Seibel asked if we are in a Public Hearing on a warrant article that has just been presented tonight.

Mr. Owen stated this is not a public hearing. This article would not require a public hearing because it would not be bonded.

Ms. Silk reminded Mr. Owen that we have not voted on this yet.

Suzanne Ryan spoke about Mr. Drouin and a cell tower on Poor Farm Hill.

Jane Thurston spoke saying it would be good to lease the building and to relocate the employees while we do any repairs or renovations to the town hall.

Ms. Silk stated we do not have all the needed information to purchase this property. It is irresponsible to consider buying this building. I don't not feel we even have enough information to lease this building. I think we should let the public choose. I don't have enough information to make a decision on this.

Ms. Ginter stated Ms. Silk has some concerns and if this should move forward to be placed as a warrant article then it will be up to the voters to decide.

Ms. Silk reviewed the other building that the town was considering for new town offices.

Ms. Ginter asked should this go forward and be passed by the voters and the town enters into a purchase and sales agreement would we then discuss these things with Mr. Drouin?

Mrs. Murray stated when this first came up on August 5, 2009 Bob Lemaire said that Mr. Drouin had called him about a lease of this building for a town hall. Nothing more was said and I did not find out that there was an appraisal done until I did a right to know request. I did not hear this from any Board member. I think that is an important issue.

Sheldon Jones spoke against moving the town offices without there being a plan attached to do something with the Town Hall building.

Marge Webster made the motion to see if the Town will vote to raise and appropriate the sum of one million five hundred thousand dollars (\$1,500,000) to purchase, furnish and ready the Bell Building, now known as the Victor Drouin Building at 16/18 Lehner Street, for the purposes of Town Offices by the Town of Wolfeboro and this article not be bonded, seconded by Kristi Ginter. The members voted Marge Webster, yes, Kristi Ginter, yes, Dave Senecal, no, Linda Murray, no, Sarah Silk, no the motion failed.

➤ **Old Business**

Ms. Silk had a question about the DES regarding the culverts on Beach Pond Road which she did speak to David Ford about. It was her understanding it was going to come up tonight. But Mr. Ford has left and I would like to have this put on a future agenda.

Mr. Senecal stated it can be put on the meeting for January 20, 2010.

➤ **Other Business**

Ms. Silk stated today she received an email from Grenicus regarding Web casting public meetings.

Mr. Owen stated we have been discussing this.

➤ **Town Manager's Report**

Mr. Owen stated that the deadline for application for the Historic District Commission alternate position has passed and there were no applicants.

Mr. Senecal asked Ms. Silk if there are alternates now.

Ms. Silk stated there are two but one is gone for the winter and if someone cannot make the meeting it is hard to get a quorum.

Mr. Owen would like to remind the Board of the Chain of Command. The Town adopted the Town Managers Act in 1970. I have been made aware that there have been a number of instances where town employees have been getting approached directly by board members asking them to do certain things that have made some town employees very uncomfortable. I would ask that everyone respect the chain of command and don't put undue pressure on town employees.

➤ **Committee Reports**

Mrs. Murray stated David Owen and she went to the Wolfeboro Community TV Annual meeting.

Mr. Senecal stated the Carroll County Coalition for Health has set up some N1H1 Flu Vaccine Clinics.

The dates are Ossipee Central School January 12 from 4 PM to 7 PM

Kingswood RHS January 19 from 4 PM to 7 PM

Mr. Owen said we do have that information on the Town Web Site.

The Carroll County Transit has the bus routes and the schedule set. They are working on a name for the busses.

Ms. Silk would like to remind everyone that the due date for the Town report is due is January 15.

Ms. Ginter would like to see the book before it goes to print. She stated she was unable to attend the Planning Board meeting.

Mr. Houseman reported that the Planning Board held a Public Hearing on the Zoning Changes.

Ms. Silk stated the Historic District Commission will have their meeting on the 12th. And the Agricultural Commission will meet tomorrow night.

➤ **Public Input**

Bob Lemaire asked about whether the Board was considering a lease or purchase of the Drouin Property. My reason was because if it had been lease he felt the people might have not been so opposed to it. I did not think a purchase without a bond issue is a good idea. It is a good idea to lease the building while the work is done for the Brewster Memorial Hall.

➤ **Non-Public Session**

Sarah Silk made the motion to go into the non-public session at under RSA 91-1:3 II, to discuss collective bargaining at 10:21 PM, seconded by Kristi Ginter. Roll call vote Marge Webster, yes, Sarah silk, yes, Kristi Ginter, yes, Dave Senecal, yes and Linda Murray, yes.

The Board went into non-public session at 10:30 PM.

The Board came out of non-public session and re-entered public session at 11:00 PM.

Dave Senecal announced the Board voted by a 2/3 vote to seal the non-public minutes of January 6, 2010 as required by law.

➤ **Adjournment**

Linda Murray made the motion to adjourn the meeting at 11:01 PM, seconded by Kristi Ginter. The members voted Marge Webster, yes, Sarah silk, yes, and Linda Murray, yes, Kristi Ginter, yes and Dave Senecal, yes. The motion passed.

Respectfully Submitted by,

Theresa Tavares

Theresa Tavares

Attachments:

- #1 – 4 pages- Corrections to December 7, 2009 BOS Meeting
- #2 – 7 pages - E-mail copies
- #3 – 3 pages –Todd Fichter Letter
- #4 – 1 page - Bruce Fichter Letter
- #5 – 1 page – Proposed Bond Issues
- #6 – 2 pages –Wolfeboro 250th Anniversary Committee
- #7 – 1 page – Marge Webster statement
- #8 – 3 pages –Linda Murray statement
- #9 – 1 page – Linda Murray statement

Page three, third paragraph from the bottom should read: 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 information that we needed from him.

Page five, six paragraph down from the top, first sentence should read: Mrs. Murray stated that she was disappointed that the Board of Selectmen did not provide the needed mediation.

Page six, THIRD paragraph down from the top after the motion should read: 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 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. 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.

Based on the ZBA minutes of August 4, 2008, the ZBA decided to review this matter in non-public and no action was taken. On March 2, 2009 the ZBA found that these e-mails were not new credible evidence when presented by Selectman, Ginter at her March 2, 2009 hearing before the ZBA.

These e-mails are clearly an allegation against the reputation of Mrs. Seibel who was willing to volunteer for a committee position and her character was questioned by Selectmen Ginter who used these e-mails as evidence that Mrs. Seibel was not a qualified candidate. Therefore, I believe this matter should have been discussed in non-public session based on

RSA 91 –A:3 non-public session-II-c. matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting.

To correct the error of not discussing Selectmen Ginter's allegation against Mrs. Seibel in non-public:

I would like the final minutes of the December 7 meeting to be re-written to include my revised third paragraph down from the top after the motion and

Also added- See attached Charlene Seibel's letter to the Board of Selectmen dated December 16, 2009 in response to Selectmen Ginter's allegations against her.

Charlene Seibel's letter should be attached to the December 7, 2009 minutes.

It is important that anyone in the future know who reads the December 7, 2009 minutes knows that Mrs. Seibel defended herself against Selectman Ginter's allegations.

On another issue

I believe it is the responsible of all five members of the Board of Selectmen to make sure that the information given to **the public is correct and accurate.**

Selectmen Marge Webster referenced a number of e-mails when answering question proposed by the public and by board members regarding the 4.5 million dollar Lehner Street warrant article. Many of her statements were incorrect based on the e-mails she cited. These e-mails were not given to the board at the December 7 meeting, I was able to receive these e-mails by my December 8th right-to-know request.

Hand out e-mail David Owen to Marge Webster dated November 30, 2009. The e-mail addresses the number of parking spaces needed for Town Hall Employees and Town vehicles

Page seven, second paragraph: I would like to point out that David Owen explained to Marge that there are 19 full time employees and at least 3 town vehicles and on and off part-time employees. Based on this e-mail a new Town Offices building on Lehner Street would require 22 parking spaces to address only the parking for staff and town vehicles. See attached e-mail from David Owen to Marge Webster e-mail dated November 30, 2009

Hand out Barry Muccio e-mail to David Owen answering my questions

Page seven, fourth paragraph, second sentences: Marge Webster is making this statement and I quote from the minutes 'The other issue is with the DES and we have a letter to Barry Muccio from DES that if we cap the monitoring wells the \$60,000 to \$70,000 per year cost for their maintenance would go away.'

This is an incorrect statement because there is not a letter or e-mail from DES. On line 22 of Barry Muccio e-mail to David Owen he states "They(AECOM) have been working on a proposal which would allow re-use of the interior of the building in its current configuration. At this time, there has been no direct contact with NHDES regarding reuse of the remaining site and/or what would have to be done in regards the exterior monitoring wells if the site were to be excavated for expansion."

Page 8, first paragraph David Senecal states "that \$60,000 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." On line 5 of Barry Muccio e-mail to David Owen he states " Approximately, \$6,000 of this \$60,000 is budgeted for the operation and maintenance of the oil/water separator and filtration system which is located inside the building; the remaining \$54,000 is associated with the exterior monitoring and sampling wells." It is very clear from Barry's letter that there are environment issues with the soil on this site as well as in the building. See attached e-mail from Dave Owen to Linda Murray dated December 22, 2009

Hand Out e-mail: This is a group of sent e-mails one from MUNICIPAL ELECTRIC to Marge Webster dated December 1, 2009, second from Marge Webster to Barry Muccio, third from Marge Webster to David Senecal and Kristi Ginter forwarding emails from Cindy McLane of AECOM which Cindy McLane had sent to Art of AG Architects. This group of e-mails have been cut and pasted together. **These e-mails are not from NHDES.**

Page 8, third paragraph down read: Ms. Webster state she has a letter to Mr. Muccio from DES . *and it says design away.*

These statements are totally incorrect based on these grouped e-mails.

On page 2 of e-mails second paragraph down. This statement is from Cindy McLane not NHDES.

“Another option would be to ‘design away’ the risk if vapor screening levels are exceeded (i.e. just assume there would be risk and take the necessary precautions when doing the design and construction) I’m not sure how the NHDES looks at that but, if acceptable, it would decrease the upfront environmental costs.”

On page 2 of these e-mails after Art, the sentence reads: “I would suggest using \$55,000 as a budgetary estimate for environmental work that should precede renovation and expansion of the former WMED building for use as a senior/recreation center.” This is again a statement from **Cindy McLane, not NHDES.**

It is clear that there are environmental issues with this site that will need to be addressed. See Attach group of sent e-mails from MUNICIPAL ELECTRIC to Marge Webster dated December 1, 2009 , from Marge Webster to Barry Muccio, from Marge Webster to David Senecal and Kristi Ginter forwarding emails from Cindy McLane of AECOM which were sent to Art of AG Architects.

Marge Webster

From: "Dave Owen" <wolftwnmgr@metrocast.net>
To: "Marge Webster" <margewebster@metrocast.net>
Sent: Monday, November 30, 2009 4:21 PM
Subject: RE: ??????????????'s

Marge: Hi. We have 19 full-time employees that work in the Town Hall, including the Annex. Also, we have some part-time employees, like Lee Ann Keathley, who come and go, and contractors, like Dave Wiley, who is here at least one day per week. Relative to vehicles, each employee generally drives a vehicle to work, so we would have 19 employee vehicles in the lot. The Town Clerk generally parks in front of the building, and in warm weather Rob Houseman rides his bike and some employees walk to work for the exercise. Also, there are at least 3 town vehicles (2 pick-up trucks and 1 car) that are usually parked in the lot unless they are being used to do site inspections or whatever. I believe that there are 54 parking spaces in total that we have at Town Hall. The rest are used by the school when in session, the businesses along the back of the lot, and others. Back when we were pursuing the restoration of the Town Hall a couple of years ago now we had a tentative agreement with the School District that they would have to provide their own parking when the Town Hall got restored because we were going to lose some parking spaces due to landscaping, safety, and ADA improvements, and we would need the entire lot for the Town's exclusive use. But that never came to pass so we have continued to let the school district and others park in our lot. I hope that this provides what you're looking for. Let me know if you need anything else in this regard. Dave O.

From: Marge Webster [mailto:margewebster@metrocast.net]
Sent: Monday, November 30, 2009 3:36 PM
To: Dave Owen
Subject: ??????????????'s

How many Town Employees work in Town Hall? How many vehicles are Town Employees in the parking lot!

Marge

Terry Tavares

From: Linda T. Murray [murray@worldpath.net]
Sent: Monday, January 11, 2010 10:55 AM
To: Terry Tavares
Subject: FW: Electric Fund
Attachments: Group E-mail MED.pdf; David Owen to Marge Parking Lehner.pdf

Here is the one from Barry. Attached is the Group e-mails and David Owen to Marge on parking. Let me know if you need anything else.

Linda

From: Dave Owen [mailto:wolftwnmgr@metrocast.net]
Sent: Tuesday, December 22, 2009 4:02 PM
To: Linda Murray
Subject: FW: Electric Fund

Linda: Here is the answer to your inquiry of earlier today. Dave O.

From: MUNICIPAL ELECTRIC [mailto:wolfeboromed@metrocast.net]
Sent: Tuesday, December 22, 2009 3:53 PM
To: 'Dave Owen'
Cc: Robert T. Houseman
Subject: RE: Electric Fund

Dave,

As a means of clarification regarding the Power Plant site, the following information is offered. The yearly operational budget for the monitoring, sampling, and program management activities associated with the Groundwater Management Permit requirements and water filtration system at the Power Plant site is approximately \$60,000. The existing contract for these services is being provided by AECOM (formerly Metcalf & Eddy). Approximately \$6,000 of this \$60,000 is budgeted for the operation and maintenance of the oil/water separator and filtration system which is located inside the building; the remaining \$54,000 is associated with the exterior monitoring and sampling wells. Inside the lower rear section of the building there is a sump pit, which prior to decommissioning, was located under the 1120 Diesel Generator. Groundwater would collect in this pit and discharge via a drain pipe into a cistern located at the rear of the building and ultimately back into the ground. At the request of the State, this discharge pipe from the pit was capped off. This ultimately caused the sump pit to overflow and flood the lower section of the floor and the diesel generator. In order to prevent this from happening we installed a sump pump in the pit and pumped this groundwater through an oil/water separator and then through (2) carbon filtration tanks where it is then piped into the sewer collection system. There is no direct discharge from this system into Back Bay. In addition to the \$6,000 annual budget for AECOM's activities associated with this system we budget approximately \$2,500 in electricity for heat and power to continue its required operation year round for a total annual budget of \$8,500.

Please note that this system is not encompassed within the Groundwater Management Permit and is not eligible for the 80% reimbursement from the State. The exterior monitoring and sampling wells located throughout the site are a completely separate issue and are eligible for the reimbursement which we have continued to apply for and receive. I have discussed the possibility of filling or capping the sump pit with AECOM as a possible solution and reduction to its continued O&M cost. They have been working on a proposal which would allow re-use of the interior of the building in its current configuration. At this time, there has been no direct contact with NHDES regarding reuse of the remaining site and/or what would have to be done in regards the exterior monitoring wells if the site were to be excavated for expansion. Based upon my conversations with AECOM I can only assume that a reclamation and/or impervious barrier

would be required. I would recommend a dialogue between AECOM, NHDES and the Town in order to identify an actual scope and budget for such an endeavor.

Let me know if I can offer any further information.

Barry A. Muccio

Director of Operations

Wolfeboro Municipal Electric Department

Wolfeboro, NH 03894

(603)569-6975

From: Dave Owen [mailto:wolftwnmgr@metrocast.net]

Sent: Tuesday, December 22, 2009 8:26 AM

To: Barry Muccio

Cc: Robert Houseman

Subject: FW: Electric Fund

Barry: Can you provide some clarification about what savings, if any, the Town may be able to realize if the Electric Generating building on Lehner Street is used for a Town Office building, as proposed, for the environmental monitoring and remediation work going on in and around the building? I have copied Rob Houseman because he will be dealing with this issue in my absence. Dave O.

From: Linda T. Murray [mailto:murray@worldpath.net]

Sent: Tuesday, December 22, 2009 6:31 AM

To: David Owen

Subject: Electric Fund

David,

Marge and David stated that the Town would save around \$60,000 which the Town spends for the MEB if it was reused. David stated that the Town was still pumping water out of the building into Back Bay. Will you please have Barry clarified where the saving will come from and if the Town is still pumping out of that building since Marge stated that Barry provided her with this information and figure.

Linda

Marge Webster

From: "Dave Owen" <wolftwnmgr@metrocast.net>
To: "Marge Webster" <margewebster@metrocast.net>
Sent: Monday, November 30, 2009 4:21 PM
Subject: RE: ??????????????'s

Marge: Hi. We have 19 full-time employees that work in the Town Hall, including the Annex. Also, we have some part-time employees, like Lee Ann Keathley, who come and go, and contractors, like Dave Wiley, who is here at least one day per week. Relative to vehicles, each employee generally drives a vehicle to work, so we would have 19 employee vehicles in the lot. The Town Clerk generally parks in front of the building, and in warm weather Rob Houseman rides his bike and some employees walk to work for the exercise. Also, there are at least 3 town vehicles (2 pick-up trucks and 1 car) that are usually parked in the lot unless they are being used to do site inspections or whatever. I believe that there are 54 parking spaces in total that we have at Town Hall. The rest are used by the school when in session, the businesses along the back of the lot, and others. Back when we were pursuing the restoration of the Town Hall a couple of years ago now we had a tentative agreement with the School District that they would have to provide their own parking when the Town Hall got restored because we were going to lose some parking spaces due to landscaping, safety, and ADA improvements, and we would need the entire lot for the Town's exclusive use. But that never came to pass so we have continued to let the school district and others park in our lot. I hope that this provides what you're looking for. Let me know if you need anything else in this regard. Dave O.

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How many Town Employees work in Town Hall? How many vehicles are Town Employees in the parking lot!

Marge

Marge Webster

From: "MUNICIPAL ELECTRIC" <wolfeboromed@metrocast.net>
To: "Marge Webster" <margewebster@metrocast.net>
Sent: Tuesday, December 01, 2009 1:27 PM
Subject: RE: DES... Lehner

Marge,

Please find below a copy of a recent e-mail correspondence between our environmental contractor for the site, Cindy McLane (AECOM formerly Metcalf & Eddy) and Art Guidano, (AG Architects) regarding this very topic. Although this information was solicited with the intent of proposing reuse of the building as a recreational/community center; I believe it would be applicable to any proposed reuse as a workplace. Let me know if I can be of any further assistance.

Barry A. Muccio
Director of Operations
Wolfeboro Municipal Electric Department
Wolfeboro, NH 03894
(603)569-6975

From: Marge Webster [mailto:margewebster@metrocast.net]
Sent: Tuesday, December 01, 2009 12:22 PM
To: Barry Munico
Cc: David Senecal; Kristi Ginter
Subject: DES... Lehner

Can you get for the BOS for 12/7/09 info about the "pit" at the old electric building on Lehner Street? Can we cover it? Can we build over it? What will it take to get their "blessing" to use that building?

If you have any questions call me 569-1302.

Thanks,

Marge

Subject: RE: Budgetary Estimate for Conversion and Expansion of the former WMED building

Art,

I got some information on the indoor air/soil gas analyses from our chemist and the lab, that I didn't have last Thursday. This will bring the Phase 2 pricing down slightly. Not having all the information I needed on analytical detection limits, I assumed that low concentration TO-15 analyses were required to assess indoor air. I received confirmation today that low-concentration isn't needed, so this would be a decrease of \$3,700 in the phase 2 costs. With this info, it would be safe to say Phase 2 would be approximately \$46,000, rather than \$50,000, if that helps.

12/2/2009

/ 5

Also, we won't know until the samples are collected and the results are reviewed and compared to the NHDES vapor intrusion screening levels whether a complete risk assessment is needed. If it's not needed, that would eliminate a big chunk of costs. If you think that would help, I could break out the risk assessment costs, which could be noted as an "if needed" cost.

Another option would be to "design away" the risk if vapor screening levels are exceeded (i.e., just assume there would be risk and take the necessary precautions when doing the design and construction). I'm not sure how the NHDES looks at that but, if acceptable, it would decrease the up-front environmental costs.

Let me know if you need anything further from me on this.

Cindy

From: McLane, Cindy
Sent: Wednesday, November 18, 2009 4:04 PM
To: 'art@agarchitects.com'
Cc: Meunier, Joel
Subject: Budgetary Estimate for Conversion and Expansion of the former WMED building

Art,

I would suggest using \$55,000 as a budgetary estimate for environmental work that should precede renovation and expansion of the former WMED building for use as a senior/recreation center. I tried to be conservative in my assumptions; however, the one exception is that I assumed a slab on grade foundation, rather than a building with a basement for the expansion. If a basement were to be included, soil sampling, in addition to soil gas sampling, would be required in the area of the expansion. This would add to the cost, so if you think that a basement would be needed, let me know.

The estimate is based on completion of the following tasks:

1. Site visit to inspect building and identify sample locations
2. Review of relevant historical data
3. Air sampling inside the WMED building and soil gas sampling in the area of the expansion

This task would include:

- preparation of an abbreviated sampling plan which would identify the locations and rationale for the samples to be collected, analytical methods, and sample collection procedures;
- procurement of and coordination with the laboratory;
- field mobilization (obtain necessary equipment), indoor air and soil gas sample collection (assumed to occur over 2-consecutive days), shipment, and sample analyses; and

12/2/2009

1 6

- data tabulation and review.

4. Risk Assessment and Report Preparation

- Compare sampling results to the NHDES Vapor Intrusion Screening Levels (revised June 2009) and, if necessary, conduct a Method 3 human health risk assessment, in accordance with NHDES Contaminated Sites Risk Characterization and Management Policy;
- Prepare a report to present sampling results; conclusions regarding actions that may be required to address risk, as needed to develop the property; and costs associated with any further actions.

Ideally, the pit inside the building should be filled in and sealed off before indoor air sampling is conducted; otherwise it's highly likely that allowable indoor air concentrations will be exceeded and the sampling would need to be repeated following sealing of the pit.

Please let me know if this is enough information or if need anything further.

Good luck at town meeting.

Cindy McLane

Cynthia L. McLane, P.E. (ME)

Project Manager

T 781.224.6377 F 781.224.6542

cindy.mclane@aecom.com

AECOM

701 Edgewater Drive

Wakefield, MA 01880

T 781.246.5200 F 781.245.6293

www.aecom.com

Please note: my e-mail has changed to cindy.mclane@aecom.com Please update your address books accordingly.

Please consider the environment before printing this page.

January 6, 2010

Wolfeboro Board of Selectmen:
Mr. David Senecal, Chairman
Mrs. Kristi Ginter, Vice-Chairman
Mrs. Linda Murray
Mrs. Sarah Silk
Ms. Marge Webster
84 South Main Street
Wolfeboro, NH 03894

Dear Members of the Wolfeboro Board of Selectmen:

I am speaking to you tonight as a follow-up to my request made to you at your December 16, 2009 meeting, more specifically, your appointment of Mr. James Ladd as a full-time member of the Wolfeboro Historic District Commission (HDC).

In those comments I recited the blatant contradictions in your initial thought processes between that meeting and your December 2, 2009 meeting, but more importantly, the obvious inability of Mr. Ladd to meet the very requirements laid out in RSA 673:4 II, which you are supposed to use when evaluating whether or not someone is qualified to be a member of the Historic District Commission (HDC). The last sentence of that RSA, states, "In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purposes of the historic district commission."

That being said, I have provided each of you with a copy of the petition that Mr. Ladd not only signed but also, personally circulated in front of our Post Office on December 5th. While I am fully aware of Mr. Ladd's right to sign this or any other petition, this is an egregious conflict of interest in my estimation. Knowing this, how can any of Mr. Ladd's fellow HDC members or any applicant appearing before the Commission think that he can serve and provide an unbiased point of view when asked for his vote? I fear that the very integrity of the HDC is being compromised.

In conclusion, I direct my final comments towards Selectmen Ginter personally. At your December 7th meeting, you were asked to step down by Selectmen Silk because of an ongoing lawsuit against the town regarding an application heard before the HDC. You refused, stating, "This is a court action and the Town and the Ginters have come to a settlement agreement and that is on record at the Courthouse. I am not going to step down from this appointment. I do not have any more of a conflict that anyone else on this board." I would like to state for the record that the Judge hearing your case had not yet signed that decision. In fact, it was signed on the following day, which would prove

that you still had an open case against the Town during your December 7th meeting, and you should have in fact, stepped down due to a conflict of interest.

You are now presented with a unique opportunity to right two wrongs, by agreeing to rescind your vote from that December 7th meeting. If you do this, you would not only be leading this very Board down the path it should have gone, but you would also prove to us that you are finally turning the page and moving on from this situation.

What is your decision?

Sincerely,

A handwritten signature in black ink that reads "Todd Fichter". The signature is written in a cursive, slightly slanted style.

Todd D. Fichter
Wolfeboro, NH

569-2341

673:18

117 Names

Rec'd 18 Pages

of Petitioners
Names

12/8/09

PETITION TO ABOLISH HISTORIC DISTRICT COMMISSION
PURSUANT TO RSA 673:18

We, the undersigned registered voters of the Town of Wolfeboro, hereby petition the
Town of Wolfeboro pursuant to RSA 673:18 to abolish the Wolfeboro Historic District
Commission as follows:

Are you in favor of abolishing the Wolfeboro Historic District Commission as
proposed by petition of the voters of the Town of Wolfeboro?

RECEIVED AND RECORDED
12/8/2009 11:40 AM
Book No. 1 Page 1 of Page 18

Signature of Petitioner
WOLFEBORO, N.H. TOWN CLERK

Printed name	Signature	Legal street address
✓ James B. Dodd	James B. Dodd	35 Fresh Mt Rd Wolfeboro NH
✓ Toby Twining	Toby Twining	21 Goodrich Rd. " "
✓ LISA R MOODY	Lisa R Moody	70 Sargents Pond Road, NH
✓ RUTH A. WABAS	Ruth A Wabas	22 Old Lakeview Terr Wolfeboro
✓ SAMUEL W. SMITH	Samuel W. Smith	90 Canapach Rd - Wolfeboro
✓ LOIS A. YALE	Lois A. Yale	62 Hemlock W.
✓ MICHELE P SOMMER	Michele P Sommer	98 N MAIN ST WOLFEBORO
✓ PAUL JENNE	Paul Jenne	98 N. MAIN ST Wolfeboro
✓ GARY L. BROWN	Gary L. Brown	17 Wadsworth, Wolfeboro
✓ ROBERT HADSON	Robert F. Hadson	11 Fairway Drive, Wolfeboro
✓ HANDELSON BROWN	Handelson Brown	9 Fox & Love Lane Wolfeboro
✓ SUE MILLAR	Sue J. Millar	200 N Main Wolfeboro
✓ KATHLEEN FRANKBRIDGE	Kathy Frankbridge	696 Pleasant Valley Rd Wolfeboro
✓ GARY UTHENWOLDT	Gary Uthenwoldt	60 Whitegate Rd Wolfeboro
✓ DON BALMANCE	Don Balmance	33 S. Main St. Wolfeboro NH 03390
✓ SARA WILLEY	Sara Willey	101 Peach Pond Rd
✓ CAROLE PINEAU	Carole Pineau	113 Pinetree Wolfeboro NH 03390
✓ SUZANNE R. HILLSGROVE	Suzanne R. Hillsgrove	673 S. Main Wolfeboro
✓ YVONNE BERNIER	Yvonne Bernier	23 Pine St Wolfeboro
✓ JOHN GRAY	John Gray	Forest Road, Wolfeboro, NH.

Q

#4
1 page

Board of Selectmen
Wolfeboro, NH, 03894
January 6, 2009

Selectmen,

I'm hear tonight to follow up my pubic comments at the BOS meeting on Dec. 16, 2009 when I asked the board for a statement as to the conclusions and findings the board arrived at after digesting the "Waugh Report". I didn't get that statement so tonight I will ask some questions that will simply require a yes or no answer.

- 1 - Is the current Historic District Commission (HDC.) a "Rogue Board"?
- 2 - In your findings is the HDC. "Out of Control"?
- 3 - Did you find evidence that the HDC. has been "Meeting In Semi-Secrecy"?
- 4 - Do the BOS feel that the HDC. has been "Hijacked and is Irreparably Broken"?
- 5 - Did the BOS. Find any evidence that the current HDC. has been untimely in its decision process?
- 6 - Did the BOS find any evidence in the "Waugh Report" that a current member or members should be removed from the Commission?
- 7 - Did Atty. Waugh find any evidence that the actions of the current HDC. are "Overly Restrictive and Arbitrary, or Capricious and Disrespectful"?
- 8 - Did Atty Waugh or the BOS find evidence that the members of the current HDC. are GESTAPO NAZIS?

Finally I refer to Mr. Beeler's editorial in the Granite State News on Dec. 31, 2009 titled "Doing Better In 2010". In his editorial Mr. Beeler states: (see paper). Bygones should be left alone! The "Majority Decision" of the current HDC. voted to do just that, move on to clearer and more precise "Rules of Procedure". (Adopted, Recorded. Certified 11/19/09) and now to tackle" Clarification " adoption of HDC Regulations. The ongoing "Running Battle" referred to is fueled by the Minority portion of the current HDC that wishes to go back to the days of one person decisions, verbal and or telephone approvals, and invariably ignoring the rights of "Abutters" and other residents of standing by virtue of this decision making. It is illegal for the HDC. to go "Backwards", knowing what we do now, it must keep moving forward.

It is imperative that the BOS answer my questions in the "Public Forum", as these "Charges, Accusations, and Threats were made in that "Forum" The HDC has been "Tried" in the court of Public Opinion and it is now necessary for the BOS to "Clarify and Restore" that "PUBLIC OPINION.

Thank you for your attention to this matter,

Bruce B. Fichter
157 N. Wolfeboro Rd.
Wolfeboro, NH. 03894

NOTICE OF PUBLIC HEARING
TOWN OF WOLFEBORO
PROPOSED BOND ISSUES

A Public Hearing will be held by the Wolfeboro Board of Selectmen as required by RSA 33:8-a at 6:45 PM on Wednesday, January 6, 2010 in the Wolfeboro Public Library Meeting Room, 259 South Main Street, Wolfeboro, NH to receive comments on the proposed 2010 bond issues:

- (E) A. For the 2010 Bond Issue in the amount of six hundred thousand dollars (\$600,000) for the purpose of completing phase 2 of the upgrades to the drainage system in the Center Street Area which will include, but is not limited to construction of the Glendon Street outfall and the cleaning and culvert upgrade of the Center Street outfall.
- (G) B. For the 2010 Bond Issue in the amount of one hundred fifteen thousand five hundred forty-six dollars (\$115,546) for the purpose of designing and constructing Americans with Disabilities Act (ADA)-compliant entrances and restrooms at Pop Whalen arena.
- (G1) C. For the 2010 Bond Issue in the amount of one hundred thirty-four thousand four hundred fifty-four dollars (\$134,454) for the purpose of designing and constructing Americans with Disabilities Act (ADA)-compliant entrances and restrooms at the Carry Beach bathhouse and Brewster Beach bathhouse.
- (I) D. For the 2010 Bond Issue in the amount of six hundred thousand dollars (\$600,000) for the purpose of replacing the water mains and appurtenances in Glendon and Lehner Streets and other streets in downtown Wolfeboro.
- (S) E. For the 2010 Bond Issue in the amount of two hundred thousand dollars (\$200,000) for the purpose of reconstructing and resurfacing the basketball and tennis courts at Foss Field and replacing the fence around them.
- (T) F. For the 2010 Bond Issue in the amount of one hundred seventy-five thousand dollars (\$175,000) for the purpose of constructing streambank stabilization improvements along the Smith River, just downstream of the Crescent Lake Dam.
- (V) G. For the 2010 bond issue of four million five hundred thousand dollars (\$4,500,000) for the purpose of constructing new Town Offices on Town-owned properties on Lehner Street.

Complete copies of the proposed bond issue warrant articles may be obtained at the Town Manager's Office, Wolfeboro Town Hall, 84 South Main Street, Wolfeboro, NH.

If there is anyone with a disability needing any modification and/or auxiliary aid to access the meeting, please notify Anne Marble, Secretary, at 569-8161 at least 72 hours before the hearing date.

#6
2 pages

Wolfeboro 250th Anniversary Committee

PO Box 629

Wolfeboro, NH 03894

Wolfeboro250th@live.com

603-569-1080

January 6, 2010

Wolfeboro Board of Selectmen

David Senecal, Chairman

PO Box 629

Wolfeboro, NH 03894

Dear Dave,

The Wolfeboro 250th Anniversary Committee would like to thank the Board of Selectmen for its support and encouragement as we launch what we intend to be a yearlong celebration of the 250th anniversary of the naming of our town. We especially appreciate the fine proclamation, which recognizes the significance of this event.

Please find attached a copy of a warrant article, which we are presenting by petition to Wolfeboro voters at the 2010 Town Meeting.

We are requesting an appropriation of \$10,000 to help us “plan, coordinate, conduct and promote a year-long program of activities to celebrate...”

It is our hope that the appropriation will be more than matched by private contributions. With three donations totaling \$1,450 already in hand we have a good start. Private donations are being accepted on behalf of the Wolfeboro 250th Committee by the Wolfeboro Historical Society, which is a 501(C) 3 approved charitable organization, ensuring a separation of public and private funding.

We held a Kick-Off Reception on November 14, 2009 at the Wolfeboro Inn to recognize the beginning of the celebration and followed

that up with participation in the Christmas Parade and First Night Wolfeboro.

Art Students at Kingswood Regional High School and Brewster Academy have just submitted entries in a logo contest sponsored by the Wolfeboro Historical Society. The winner of the \$100 first prize will be announced soon.

Projects on our 2010 calendar thus far include:

- 1) A 250th Commemorative Booklet, which will include a program of events, a brief history of Wolfeboro, and "Then" and "Now" photographs to be published in the spring. The book will include paid advertisements to offset the cost of production
- 2) Participation in the Fourth of July Parade including a float and possibly a Colonial marching unit.
- 3) A mid-August event possibly including French and Indian War re-enactors, a Colonial encampment or both.
- 4) Fundraiser Dinner/Dance in September or October.
- 5) November 14, 2010. Closing reception.

In addition, we are reaching out to organizations and the business community in hopes of coordinating additional activities, which we hope will further promote Wolfeboro as a place of historic distinction this year and in years to come.

In this spirit it is also our goal to have in place by November 14, 2010 a plan to establish a permanent memorial to our town's namesake, General James Wolfe.

It is our intention that several of these projects be self-funding. Be assured that any taxpayer money appropriated but not expended by our Committee will be returned to the town's coffers.

Sincerely,



Kathy Eaton, Chairman

Wolfeboro 250th Anniversary Committee

The Historic Bell building, now known as the Drouin building, at 16 /18 Lehner Street has an incredible possibility to resolve the current town office space for the Town of Wolfeboro and it's employees for many future years. The building is one hundred years old and has been restored to space that is more then adequate and meets all the ADA requirements and codes for it to be able to be immediately occupied by our employees .

This building is adjacent to our Town owned property and could easily be connected for future use. We were the fastest growing county in the last census and currently rank in the top two growing counties per capita so not to look at this property is very sort sited for the future of the Town and it's needs.

We have not been a good-steward our buildings so the need for space is not only with those employees at the current town office there are other Town Departments that do not have appropriate healthy and safe space to do the job that they are designated and charged to perform.

The rental income generated from the long term dental office and roof-top rents would help defray the expense to ensure that there is daily maintenance for this building so that in 10 years people will not be saying that "they were poor stewards of the building". There will be question whether the Town should be in the rental business, but with the changing times comes creativity and new ways to look at ideas and in my opinion that is a sign of leadership and vision. I look at the opportunity to purchase a building that is surrounded by town-owned property to come along once in ones life-time and is a great investment for the future and addresses the potential growth needs as well as solves an immediate office space issue.

The parking will be a question and the Lehner Street traffic will be question. The town voters purchased a 67 space parking lot in 2008 and we have 19 employee cars and we do not work weekends which is when the majority of our visitors are in town. Today you can rarely find a parking space at the current office location, so why is parking now an issue?. The traffic generated by the current Town Offices does not appear to create a problem on Main Street where Carpenter School is located, if any traffic issue it is done by Carpenter School on opening and closing times. So why does one think traffic will be a crisis on Lehner Street?

It is important that this building and it's location is looked at with an open mind and a vision for the future and for the town as a whole. Here is a once in a life time opportunity to address many issues in the town for all of it's residents. If we make the commitment to working together there are no issues that can not be resolved and that commitment will make this a progressive Town who has great pride and has maintained it's uniqueness and creatively addressed the future needs of all it's residents.

At the last Board meeting I tried a softer and gentler approach to expressing my disappointment with information being withheld from me.

Tonight, I will try again to express my frustration with the process that has been used to address the Town Offices issue.

Under

RSA 91 -A:3 non-public session-II-c^{reads} matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting.

This means that my comments need to be made in public.

I am coming forward out of a sense obligation to the public trust. This is not a personal matter but my attempt to change how this Board conducts its business. It is important that the Board of Selectmen follow the state laws governing this board.

New Hampshire Constitution Article 8

All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all time accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right to access to governmental proceedings and records shall not be unreasonably restricted

Also

From H. Bernard Waugh Report on HDC page 7 last two sentences

- (a) *First- as it never hurts for all local officials to keep reminding themselves- **individual** members of a board or commission have not legal authority whatsoever.*

It is disturbing to me when information is withheld, when wrong information is given to the public and when on her own a selectmen requests that the Budget Committee not vote on a warrant article. This has to stop.

I find myself in a position where I can not let the Board continue to exclude me for receiving all the information.

I am a person who reads the materials provided to me and spends the time to look up facts. I believe that good decisions are made by collecting all relevant information and spending the time to do an analysis.

The lack of information and wrong information takes away my ability to make an informed and educated decision on an issue.

I believe that the Board of Selectmen needs to spend more time discussing issues thoroughly, hearing the points of view of each member and then voting. I believe this is how a board makes a sound decision.

The voters elected me to represent them on a five member board and I have a responsibility to do just that.

In the spirit of cooperation I am requesting that this Board change its ways. From now on

All information will be given equally to all Board members and no information will be withheld.

All board members will take it upon them selves to commit to providing accurate and correct information to public.

All board members will reframe from circumventing the State's right-to-know law by either using a series of conversations or sending e-mails between a quorum of the Board.

From now on this board will not be divided into a subgroup of the BOS because it allows the subgroup to function out of the view of the public and behind the scene. This leaves the Public out.

I hope that my fellow board members can agree and to make the changes to the way Board conducts it business. So we can move forward and work as a group to address the Town issues.

From KNOWING THE TERRITORY 2009 edition

Page 71

New Hampshire Constitution Article 8

All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all time accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right to access to governmental proceedings and records shall not be unreasonably restricted

Page 76 & 77

Communication Outside a Meeting

RSA 91-A:2-limits the use of communication outside a public meeting held in compliance with the law.

Public bodies may deliberate on matters of official business "only in meetings held pursuant to and in compliance with the provisions of RSA 91-A:2, II or III"-that is, only in properly noticed public meeting. It is illegal to deliberate on official business outside of a public meeting or To discuss a matter with a view toward making a decision, that includes E-MAILS.

No Circumvention of Spirit or Purpose of the Law

Communication outside a meeting, "including, but not limited to, sequential communication among members of a public body." Shall not be used "to circumvent the spirit and purpose of this law. This is intended primarily to prevent public bodies from skirting the "meeting" definition by deliberating or deciding matters via a series of communications, none of which alone involves a quorum of the public body, but which in the aggregate include a quorum.

Page 75

Why not discuss the issues between selectman in non-public

RSA 91 –A:3 non-public session-II-c. matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting.

From H. Bernard Waugh Report on HDC page 7 last two sentences

*(a) First- as it never hurts for all local officials to keep reminding themselves-**individual** members of a board or commission have not legal authority whatsoever.*