

Wolfeboro Board of Selectmen
Meeting Minutes
January 7, 2009

Members present: Chairman Linda Murray, Vice-Chairman Sarah Silk, Dwight Devork, Kristi Ginter and Dave Senecal.

Staff present: Town Manager David W. Owen, Finance Director Pete Chamberlin and Recording Secretary Amelia Capone-Muccio.

Non-Public Session RSA 91-A: 3 II

Mr. Owen stated no non-public session is needed.

Consideration of minutes

➤ ***December 10, 2008***

Ms. Silk amended page eight, the third paragraph to include that she stated that there are two Historic Districts and the petition does not declare which one.

Chairman Murray amended page four, the fourth paragraph from the bottom to correct the square footage to 1,600.

Chairman Murray amended page five, the second paragraph from the bottom to read, *Mr. Owen stated that the Budget Committee suggested that Article E be divided into two.*

Chairman Murray amended page seven, the first paragraph to read, *Mr. Ford provided backup information for Warrant Article E based on the Budget Committee's recommendation to divide it into two Warrant Articles.*

Chairman Murray amended the last page to include the following statement, *Chairman Murray announced the Board sealed the minutes of December 10, 2008 by a 2/3rd vote as required by law.*

Mr. Devork questioned the attachment listed in minutes, but was not included with the minutes.

Mr. Owen explained that the Secretary records the attachments with the original set of minutes at the Town Clerk's office, noting that since the Board has copies of attachments from the meeting in order to reduce paper.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the minutes of December 10, 2008 as amended. Dave Senecal seconded. Members voted, Kristi Ginter abstained and being none opposed, the motion passed.

➤ ***December 17, 2008***

Mr. Devork amended page seven, the second sentence in the last paragraph, to read, *He stated he would like more time to digest the survey and he did not care for the survey itself.*

Ms. Silk amended page eight, the third paragraph to include the statement to be responsible landlords to their tenants.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the minutes of December 17, 2008 as amended. Dave Senecal seconded. Members voted and being none opposed, the motion passed.

Public Hearing(s)

➤ *Temporary Event Permits*

- A. Ossipee Cornerstone Christian Academy Inc. to hold a fundraiser- Community Spirit Event, Adventure Quest, on May 30, 2009 from 8:00 AM to Noon starting at Brewster Academy with various locations for the road & trail run, the bike loop and paddling.*

Chairman Murray opened the Public Hearing.

Elizabeth Krause joined the Board for discussion and explained the event will be held in honor of her husband Bill and is a Community Event.

Being no comments for or against the request, Chairman Murray closed the Public Hearing.

Ms. Silk noted the comment listed from the Fire Department and the Police Department requires detail.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the temporary event permit for the Ossipee Cornerstone Christian Academy Inc. to hold a fundraiser- Community Spirit Event, Adventure Quest, on May 30, 2009 from 8:00 AM to Noon starting at Brewster Academy with various locations for the road & trail run, the bike loop and paddling. Kristi Ginter seconded. Members voted and being none opposed, the motion passed.

- B. Wolfeboro Parks & Recreation and the Cate Park Band to hold Band Concerts on June 24, July 1, 4, 8, 15, 22, 29 and August 5, 12, 19, 26, 2009 from 6:30 PM – 9:30 PM at Cate Park and Wolfeboro Community Bandstand.*

Chairman Murray opened the Public Hearing.

Being no one present to speak on the event, Ms. Silk stated that such event has taken place since 1992 and is very well received.

Being no comment for or against the request, Chairman Murray closed the Public Hearing.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to approve the temporary event permit for Wolfeboro Parks & Recreation and the Cate Park Band to hold Band Concerts on June 24, July 1, 4, 8, 15, 22, 29 and August 5, 12, 19, 26, 2009 from 6:30 PM – 9:30 PM at Cate Park and Wolfeboro Community Bandstand. Kristi Ginter seconded. Members voted and being none opposed, the motion passed.

- C. New Hampshire Boat Museum to hold a Vintage Race Boat Regatta from September 17-19, 2009 from 3 PM to 5:00 PM at the Town Docks, Dockside Parking Area and a portion of Cate Park.*

Chairman Murray opened the Public Hearing.

Hank Why joined the Board for discussion and explained they are running their 6th event similar to 2007, except they will only have one crane and only need six docks spaces. He stated the drivers love coming to Wolfeboro.

Being no comment for or against the request, Chairman Murray closed the Public Hearing.

Ms. Silk reminded them to submit a new insurance certificate once updated and to check with the Police and Fire Department before the event.

Mr. Devork stated the Board had moved the location of the handicap dock space last summer and noted that it was not moved, but he wanted to point such out since it will be in the area of the docks being used.

Mr. Owen replied the space has not been relocated to date, but Mr. Ford wishes to readdress such location.

Mr. Devork would be agreeable to a temporary move during the event, but would like the space moved to the location agreed upon last year.

Chairman Murray stated the Board would need to discuss the handicap dock location with Mr. Ford. She stated she had three requests:

- A Traffic Control Officer must be at the event at all times
- The need to address a problem that occurred during the last event of the Marine Patrol not allowing a handicap boater to come into the docks and that needs to be able to happen.
- To pass out Milfoil information as well as check the boats for Milfoil.

Member Linda Murray moved the Wolfeboro Board of Selectmen to approve the temporary event permit for the New Hampshire Boat Museum to hold a Vintage Race Boat Regatta from September 17-19, 2009 from 3 PM to 5:00 PM at the Town Docks, Dockside Parking Area and a portion of Cate Park, with the above listed conditions. Dwight Devork seconded. Members voted and being none opposed, the motion passed.

➤ *Proposed Bond Issue*

- A. For the 2009 Bond Issue in the amount of nine hundred thousand dollars (\$900,000) for the purpose of purchasing property at 12 Varney Road for the sum of \$360,000, purchasing property at 16 Varney Road for the sum of \$400,000, lease for on year the property at 15 Varney Road for the sum of \$40,000 and for the fit-up of these facilities as Town Offices and the expense of moving the Town Office from their current location for the sum of \$100,000.*

Chairman Murray opened the Public Hearing.

Allen Kasiewicz, resident of Wolfeboro joined the Board and stated the following:

I respectfully request that the Board of Selectmen cease further consideration of this Warrant Article as a viable option for solving the Town Office Problem and formally remove it from inclusion in the 2009 Warrant for the following reasons:

1. The Town Office Citizens Action Group (TOCAG) has been working on a similar solution and in our continued efforts we have been successful in securing a significant improvement in the referenced

adjacent land acquisition from the Eastman Family Trust. This improvement is the addition, within Tax Map 203, of Lot #90. (38 acres) to the already committed lots #82, #85, #86 and #87 (totaling 1.1 acres). This additional lot increases the total land holding to 1.48 acres. This represents a 35% increase in total land for this part of the transaction.

2. The Eastman Family Trust has not only agreed to include this additional piece of property in their offering but they have also agreed to reduce their total asking price for these now five lots (#82, #85, #86, #87 and #90) by \$25,000 to \$375,000 This represents more than a 6% reduction in total cost for this part of the transaction.
3. Additionally, this Warrant Article, as currently written, does not include the necessary funds for deed search, surveying, engineering site planning and building design essential to the proper evaluation, purchase and development of this option.
4. Based upon legal opinion we believe this Warrant Article as written to be defective, in that it calls for lease related expenses which can not be bonded under State of New Hampshire statutes.

Bob Lemaire, resident of Wolfeboro joined the Board and stated the following:

Allen has outlined the differences between this article and the updated article that has been submitted by TOCAG and the reasons why we feel it should be removed from consideration. It is no secret that this Warrant was prepared by the Board of Selectmen (BOS) for the benefit of due consideration to TOCAG for their recommendations and they appreciate that. Mr. Owen used figures provided by us that unfortunately became outdated during the statutory review and writing period. The defect with bonding lease-related items was pointed out to us during that time period during consultation with our Attorney. There were a number of objections to other elements of our plan that were thrown out last week and we feel they should be addressed now and few details were provided to substantiate the allegations of wetlands issues, the only known wetlands in our plan are those in the back of the already developed 12 Varney Road. A wetland mapping and well incorporated drainage system are already included in that site resulting in a valuable property that has been working well since developed eight years ago. The Eastman property is open and contains no substantial wetland vegetation; the lower part of the site near Varney Road would require drainage to be installed during development, this is not a huge problem. We don't have the funds for a complete survey, but we have asked builders and civil engineers of their assessment of the property, they have indicated it looks like a straight forward job to them. The revelation by the town to install drains on property from Friends Street was just wrong, confused with another unrelated property owned by the Eastman's. We don't have the funds to pay for title work but have spent hours at the court house examining the deeds. The thirty-foot right of way is part of an unrecorded 19th century subdivision plan to provide access to the four landlocked lots. All of these lots would be purchased as part of this plan and the only remaining lot with abutting interest has frontage on North Main Street. The lots on the east side of the road have no deeded interest, it is anticipated that the right of way could be dissolved by agreement of the parties, moved to a more convenient area of the property coinciding with the new parking lot or, as a last resort, new construction could be detached from the existing building on the other side of the roadway. The comments related to place of assembly, parking ordinance and sprinklers; the town is exempt from parking ordinances as asserted by the Town Hall Restoration Committee last year when they proposed reducing the already inadequate number of spaces at Brewster Hall, but that is not even a problem here because there is no immediate change of use and the building does comply with the town's parking ordinance. They are not suggesting the building be used for anything but office space which is what it was built

for. The plan they envision would be a place of assembly included in the future expansion, hopefully built on a more ADA accommodating level. There was a comment that 12 Varney Road is not ADA compliant and I have read the compliance documentation and as it sits right now, the building is compliant. It is true that the standards of compliance will change if acquired for government use; specifically a wheel chair lift of elevator would need to be installed. They are fully aware of that and provided for it in the budget and plans. It wasn't necessary to embellish the non-compliance by talking about specific disabilities of an individual town employee. It is ironic the ADA law is to limit the embarrassment of those with disabilities to request special accommodations. We recognized the ADA requirements for governmental facilities are intended to provide access to public facilities for all citizens and the town should have complied with those higher standard years ago. They have provided copies of all their information regarding the ADA and they have been thanked for their focus and attention on the concerns. Much of the attention of this debate has been focused on speculation of moving town offices out of Brewster Hall. Under our proposed plan and as suggested by Dave Senecal, a few employees will remain in the Annex for up to 18 months. In that time efforts will be made to determine the future of the building. We are trying to remove the expense of trying to retrofit title II ADA compliance and energy efficiency to survive. There has to be an alternate use that is practical. I think that once there is a decision made to move town hall consideration might be given to place the building under the stewardship of a private trust. We plan to be present throughout this meeting and available at all subsequent meetings that have town offices on the Agenda. You all have my e-mail address and my phone number if you have more questions, comments or concerns please don't hesitate to contact him. TOCAG would like to thank everyone who has remained engaged in this process and looks forward to continued support of the voters at the Deliberative Session and at the polls in March.

Being no further comments, Chairman Murray closed the Public Hearing.

Ms. Silk stated that since they put the issue on as a placeholder, she has no problem removing it.

Mr. Devork stated he does not feel that it was the intent to make an employee's handicap an issue; he believes the intent was also towards any future employee that may become disabled or for a member of the public.

Mrs. Ginter stated she does not have a problem removing the article.

Mr. Senecal stated he does not have a problem removing the article.

Chairman Murray stated she still has a problem with property without knowing what the property can handle for future improvements. She stated she researched the property further and enlarged the map of the area and feels without the proper site work it is unknown if the property can handle what they propose to do. She stated she discussed such issue with Mr. Houseman and a statement made by Jim Rines of White Mountain Survey.

Member Linda Murray moved the Wolfeboro Board of Selectmen to add the Warrant Article as follows: To see if the Town will vote to raise and appropriate the sum of \$75,000.00 to undertake a feasibility study of Tax map 203 parcels 80, 82, 85, 86 and 87 on Varney Road as a possible site for a new town hall to include wetlands mapping, determination of the scope of the right of way and possible location of a building and parking on the parcels to the 2009 ballot. Dwight Devork seconded.

DISCUSSION:

Mr. Devork stated it would be prudent to do a study and they can't move forward without a plan.

Mrs. Ginter questioned what would happen if both the feasibility study article and the petition article to purchase the property passed.

Chairman Murray replied they would have to do both.

Mrs. Ginter stated the petition Warrant Article already has a study built into it, she feels having both articles does not make sense.

Chairman Murray stated they have the same problem with the Lehner Street proposal noting the town does not own enough land to put a new building with a parking lot on it and proposed the following Warrant Article; *To see if the Town would vote to raise and appropriate the sum of seventy-five thousands dollars (\$75,000) to undertake a feasibility study to include, but not limited to: an environmental site assessment, survey, wetlands delineation and preliminary site design of a building, pedestrian access, parking, and all necessary improvements for storm water management, of Tax Map 217, Lot 71, and Tax Map 218, Lot 2 for a town hall building.*

Mrs. Ginter stated she feels adding such articles is adding to the confusion and feels they should narrow down the options as a Board.

Chairman Murray stated that she does not feel comfortable purchasing property without knowing if what is proposed can be done on the property.

Mr. Devork stated that doing the studies is prudent for land purchase, same as what they did when they purchased the property for Abenaki.

Ms. Silk stated the voters would not support the purchase of property they don't know anything about, especially in tough economic times.

Mrs. Ginter stated she would support the article for Lehner Street, but not Varney because the funds are already built into the petition article.

Mr. Devork asked for a copy of the petition article.

Chairman Murray noted that the petition article does not include lots 84 & 85.

Mr. Senecal stated they should decide if they are going to remove the Warrant Article that was proposed first.

Chairman Murray withdrew the motion. Dwight Devork withdrew his second.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to remove the proposed bond article as listed above for \$900,000. Kristi Ginter seconded. Members voted and being none opposed, the motion passed.

Member Linda Murray moved the Wolfeboro Board of Selectmen to add the Warrant Article for Varney Road as stated above to the 2009 ballot. Dwight Devork seconded.

Mr. Senecal he would like it to be clear to the public that if the petition Warrant Article does not pass, that it would be a at least two years before a Town Hall is built and if the properties are found not feasible, they would need to start over.

Mrs. Ginter stated she feels as a Board that they should decide on what option they want to go with and put forth one Warrant Article and move forward all at once.

Ms. Silk stated she does not see Real Estate moving in the near future and feels that looking at the engineering after purchasing the property is too late. She feels they should study the property before they commit the taxpayer funds. She stated she met with Tom Zotti and Audrey Cline at the Varney Road property and Ms. Cline stated that the building is not adequate for a meeting room and the town should follow the same Zoning that they enforce on others.

Mrs. Ginter stated her problem is spending the money for the study; she would rather narrow down the options and pick one.

Chairman Murray replied she has no problem with choosing one or the other.

Chairman Murray withdrew the motion. Dwight Devork withdrew his second.

Member Linda Murray moved the Wolfeboro Board of Selectmen to add the Warrant Article for Lehner Street as follows: To see if the Town will vote to raise and appropriate the sum of seventy-five thousands dollars (\$75,000) to undertake a feasibility study to include, but not limited to: an environmental site assessment, survey, wetlands delineation and preliminary site design of a building, pedestrian access, parking, and all necessary improvements for storm water management, of Tax Map 217, Lot 71, and Tax Map 218, Lot 2 for a town hall building to the 2009 ballot. Dwight Devork seconded.

Chairman Murray stated that there is not enough land that is owned by the town to build a new Town Hall and have a parking lot on this property, without purchasing adjacent property. She stated she discussed the environmental issues with the Power Plant with Mr. Houseman and there are monitoring wells on this property. She stated the voters would need to decide if they would like to tear down the plant and the Community Center.

Mrs. Ginter stated she would like to remove the language for a possible location for Town Hall since they may want to address this property for another use in the future if it is not chosen for a Town Hall site.

Mr. Senecal stated that there were issues with the soil in that area, but the wells have tested clean.

Ms. Silk stated she had an oil spill on her property and DES would never declare a site clean. She stated that the property had issues back when she was on the Board the first time and it has been a long process to clean it up.

Mr. Senecal stated at the time the THOC reviewed the proposal; they did have one willing seller for the adjacent property. He stated the Committee chose this property location over Varney Road because it was still in the downtown core and the roads connecting to it are due to be upgraded. He stated he is in favor the Lehner Street project.

Mrs. Ginter questioned if the wording could be changed as suggested.

Chairman Murray replied she does not wish to change the wording.

Members voted, Linda Murray, Dwight Devork and Dave Senecal in favor. Sarah Silk abstained. Kristi Ginter opposed, the motion passed.

Consent Agenda

1. Property Tax Credit/Exemptions

1. Map 228, Lot 58 489 Sewall Road
2. Map 268, Lot 43 60 Middleton Road
3. Map 202, Lot 83 54 Forest Road
4. Map 241, Lot 8 350 Sewall Road

2. Property Tax Abatement/ Refund

1. Map 204, Lot 65 4 Maplewood Drive

3. Current Use Land Change Tax Collector's Warrant

1. Map 237, Lot 3-3 Stoneyfield Farm Road
2. Map 238, Lot 3-4 Stoneyfield Farm Road

Member Kristi Ginter moved the Wolfeboro Board of Selectmen to approve the bulk vote items as listed. Dwight Devork seconded. Members voted and being none opposed, the motion passed.

New Business

A. Conference with Hearthstone Homes 2008 Abatement request.

Jennifer Haskell joined the Board to represent Hearthstone Homes and stated Rolph Carry, President is also present this evening. She explained that the Ledges and Christian Ridge provide charitable housing. She stated that the difference in their tax assessment was the 2007 assessment done in error and Mr. Wiley, Contract Assessor, allowed them to pay the 2006 PILOT amount. She stated that the RSA states the Board has the authority to waive such payment noting that it is a nonprofit charitable organization.

Mr. Owen stated that in 2007 the Assessing Department was late in sending out the notices of new assessed values and such notice was received by Hearthstone Homes after they had to submit their budget to the Federal Government.

Mrs. Haskell stated that the reason they were not able to attend the meeting on December 18, 2008 was due to the fact that Mr. Carry had to let go some employees and anticipates he will have to let more go due to the failing economy.

Mr. Devork stated they could accommodate them this year, but questioned next year.

Mrs. Haskell replied they have already submitted the paperwork for 2009.

Mr. Carry joined the Board and explained that the only money they receive is from the Federal Government and such funds are diminishing. He stated that all the residents are low income people and plans to work such issue out with the town since it mainly seems to be a timing issue.

Mr. Devork stated he is sympathetic to the issue and noted that such housing is treasured in this community.

Chairman Murray stated Hearthstone Homes is a wonderful organization and understand they had a change in leadership and she is willing to grant the abatement. She noted that better communication is needed in the future.

Member Kristi Ginter moved the Wolfeboro Board of Selectmen to approve the abatement request for \$4,162.79. Dave Senecal seconded. Members voted and being none opposed, the motion passed.

B. Town Report Cover

Chairman Murray stated that suggestions are needed for the Annual Town Report Cover.

Suggestions made were Boat Regatta, Dockside improvements, the Sewer line and the Skate Park.

Member Kristi Ginter moved the Wolfeboro Board of Selectmen to put a picture of the Dockside improvements on the 2008 Annual Town Report Cover. Dwight Devork seconded. Members voted, and being none opposed, the motion passed.

C. Town Report Dedication

Chairman Murray stated the Board needs to decide to whom to dedicate the 2008 Town Report and suggested the following: Zip Foss, Ethel Partis, Tom O'Dowd and Dick Hammer.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to dedicate the 2008 Annual Town Report to Zip Foss, Ethel Partis and Dick Hammer. Dwight Devork seconded. Members voted, and being none opposed, the motion passed.

D. Finalize 2009 Warrant and Highlight keywords and place in final order

Chairman Murray clarified the Board would like to remove the Warrant Article for \$ 300,000 for Lehner Street and make the amendment to the Brewster Hall article for \$500,000 at the Deliberative Session.

Member Linda Murray moved the Wolfeboro Board of Selectmen to delete the article for \$300,000 for the Lehner Street proposal. Sarah Silk seconded. Members voted, Dave Senecal and Kristi Ginter opposed and being no others opposed, the motion passed.

Chairman Murray stated the Board has received three petition Warrant Articles:

- TOCAG proposal for Varney Road \$895,000
- Chamber of Commerce \$250,000 parking lot proposal
- A second petition to abolish the Historic District Commission

She stated the Hearings for the petitioned bond-issue articles would be January 15, 2009 at the Wolfeboro Public Library.

Ms. Silk stated that in regards to the second petition to abolish the HDC, they have received advice by the Attorney for the HDC to hold the public hearings on January 21, 2009 and January 27, 2009 at 7 PM. She noted that the second hearing doesn't meet the RSA requirement and there is a chance it could be challenged.

Mr. Owen provided the Board with the A.F.S.C.M.E agreement (*See attached*).

Chairman Murray stated that such agreement would only cost \$30,000 in the first year due to the decrease in Health Insurance and \$3,000 in the second year. She stated she is thrilled they came to an agreement.

The Board reviewed the Warrant Articles and determined what should be in bold.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to include the A.F.S.C.M.E agreement on the 2009 ballot. Kristi Ginter seconded. Members voted, and being none opposed, the motion passed.

Chairman Murray questioned if the Board would like to recommend the Historic District Commission Petition Warrant Article, the parking lot Warrant Article and the second HDC petition.

The Board agreed to leave such articles as submitted by petition.

Any Other Business

Ms. Silk stated NRRA recently congratulated recyclers noting 13, 806 lbs. of cans had been recycled, and 458 tons of paper, 31 tons of plastic, 234 tons of scrapes metal and 39,522 lbs. of steel cans.

Mr. Devork stated he is upset about the issue with the handicap dock access and Mr. Ford's choice not to move such space that was agreed by the BOS.

Chairman Murray stated the Board should address such issue.

Ms. Silk showed the Board and audience some photos of antique dishes from Germany with pictures of the Town Hall on them.

Mr. Devork announced he would not be seeking reelection to the Board due to personal commitments.

Public Comments

Bob Lemaire questioned if the estimate for Town Hall upgrades is available from CCI as stated at the last meeting would be ready on January 5, 2009.

Chairman Murray replied such is not in its final form at this time, but could provide him with what they have so far.

Mr. Lemaire stated they were advised by Counsel that the petition Warrant Articles should be placed on the ballot immediately following the election of officers.

Chairman Murray replied Mr. Owen could verify such with Counsel and DRA.

Suzanne Ryan stated that the Armory Roof replacement article should state that such is not reflected on the tax rate similar to Article K last year for the Decommissioning of the Power Plant. She questioned the share of Health Benefits the employees would pay.

Mr. Owen replied 4% this year and 7% next year, similar to what the current non-union employees pay.

Press Comments

Tom Beeler, Granite State News, questioned if the next regular Board meeting would be January 21, 2009.

Chairman Murray replied yes.

Being no further business before the Board, Chairman Murray entertained a motion to adjourn.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to adjourn at 9:35 PM. Dwight Devork seconded. Members voted and being none opposed, the motion passed

Respectfully submitted,

Amelia Capone-Muccio

Amelia Capone-Muccio

Recording Secretary