

**Wolfeboro Board of Selectmen
Meeting Minutes
January 21, 2009**

Members present: Chairman Linda Murray, Vice-Chairman Sarah Silk and Dwight Devork.

Members absent: Kristi Ginter and Dave Senecal.

Staff present: Town Manager David W. Owen, Finance Director Pete Chamberlin, Director of Operations of the Municipal Electric Department Barry Muccio, Tax Collector Brenda LaPointe, Department of Public Works Director Dave Ford and Recording Secretary Amelia Capone-Muccio.

Chairman Murray opened the meeting at 7:00 PM in the meeting room of the Wolfeboro Public Library.

Non-Public Session RSA 91-A: 3 II

Mr. Owen stated a non-public session is needed to review non-public minutes.

Consideration of minutes

➤ ***December 29, 2008***

Ms. Silk amended page five, the third sentence in the fourth paragraph to read; *She stated they also discussed the Varney Road location and the Codes Officer determined that the meeting room location in that area is not adequate for the two story building and there are only twelve spaces across the street.*

Mr. Devork amended page five, the fifth paragraph to correct 27,000 square feet to 21,000 square feet.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to accept the minutes of December 29, 2008 as amended. Dwight Devork seconded. Members voted and being all in favor, the motion passed.

Public Input

Gene Goodwin of Sugar Hill Retirement Homes joined the Board for discussion and stated on behalf of them, Brewster Academy and Governor Wentworth School District, they have an issue with the January billing statement for the Electric bill. He stated they understood the rate change to take effect on January 1, 2009 and that the retroactive change on the December charges are unfair. He provided a packet for the Board to review. *(See attached)*

Mr. Owen stated that the Board's decision to approve the rate as of January 1, 2009 was made at their meeting of October 1, 2008 and that staff interpreted such change to take effect on all bills sent out after January 1st. Ms. Silk has confirmed that her motion is consistent with the process that took effect. He stated that due to considerable complaints, they have explored the possibility to pro-rate the bills with the Tax Collector and she has indicated such is possible, but would require a great deal of work. He stated the pro-rated amounts would be applied to the account as a credit.

Mark Bua of GI Plastek stated that they also have the same complaint regarding the January bill and noted that they have already pro-rate their bill.

Mr. Owen stated that in order to keep the billing consistent, the staff would pro-rate the bills, but thanked him for his efforts.

Ellen Carson joined the Board and stated that the United States is in a financial crisis and as a former banker for 25 years and she could tell you how to fix it in 30 minutes. She stated that for any City, Town or State to raise Electric rates, Water rates or taxes in this time when so many are on one paycheck from unemployment is a disgrace. She stated when she went to the food pantry today; she could not find a parking space. She stated she is more than willing to drive to Washington with the Town Manager and the Board of Selectmen to ask for a bailout.

Suzanne Ryan questioned if the Board has kept a running total of abatements.

Mr. Owen replied the Assessing Department would have such information.

Mrs. Ryan stated she would be interested in the figure and the affect on the evaluations.

Mr. Owen stated in regards to the Electric Rate staff had done an analysis of our rate compared to NHEC, Unitil and PSNH and we are still lower in comparison. *(See attached)*

Chairman Murray stated when she first started receiving e-mails regarding the rate increase she did some research on their previous discussions to see if they decided on a specific billing cycle and the motion on October 1st only states to take effect January 1, 2009. She feels that it is clear that they intended the rate to take effect on January 1st and that is what she told everyone.

Ms. Silk stated when she made the motion she understood that they would not possibly be able to read the whole town on January 1st and feels it was a misunderstanding that it did not specify the billing date.

Mr. Devork stated that he and Mrs. Ginter interpreted the rate change to take effect on January 1, 2009 and remembers he stated he did not want to see a repeat of the billing issues when they changed the water rate. He stated he would be in favor of the pro-ration.

Chairman Murray stated that Mr. Senecal informed her he also understood the change to take effect on January 1, 2009.

Member Dwight Devork moved the Wolfeboro Board of Selectmen to pro-rate the Electric Bills to the higher rate as of January 1, 2009 and credit the bills for the December to reflect the old rate. Linda Murray seconded.

DISCUSSION:

Ms. Silk questioned the cost of doing the pro-ration.

Brenda LaPointe joined the Board for discussion and stated that she can not put a cost to the pro-ration at this time, but is going to take a lot of time because such will need to be done manually. She stated she has contacted the software company to find out if they have any suggestions to make the process smoother. She wanted to clarify that they agree the pro-ration would be the number of kilowatt-hours, divided by the number of

days in the cycle and charge the number of days in December by the old rate and any days in January by the new rate.

Mr. Devork replied he feels it would be impossible to do it any other way.

Chairman Murray stated she wants the public to realize that this is the only time they will do this; next month the bills will reflect the new rate.

Ms. Silk stated that bottom of the bill shows a comparison of your usage for the previous month as well as the previous year and it is important to compare your bills with all the facts, noting one month may be colder than another.

Mr. Devork questioned Mr. Muccio's opinion of how such change would affect the Operating Budget.

Barry Muccio joined the Board for discussion and stated that unlike the previous contract, they are now paying the bill for purchasing electrical power on a weekly basis and such change could affect the cash flow, but he would need to review the impact further with the Finance Director.

Mr. Devork questioned if they would need to borrow money.

Mr. Muccio replied that is unknown at this time.

Chairman Murray questioned if they were aware of this when they signed the contract.

Mr. Muccio replied yes.

Mr. Devork explained for the public's information that they now have to pay the power supply contract on a weekly basis, rather than monthly and that the Municipal Electric Department is not making a profit on the charges, they have no choice but to pass on the increase to the customer.

Members voted and being all in favor, the motion passed.

Public Hearing

➤ *Temporary Event Permit*

Friends of the Wolfeboro Community Bandstand to hold concerts at the Wolfeboro Community Bandstand on July 11, 18, 25, August 1, 8, 15, 22, 29 and September 5, 2009 from 5:00 PM to 10:00 PM.

Chairman Murray opened the Public Hearing.

Doug Cady, President of the Friends of the Community Bandstand, joined the Board and explained they plan to run the events the same as in the past except they plan to change the start time this year from 7:30 PM to 7:00 PM.

Being no others to speak for or against the permit, Chairman Murray closed the Public Hearing.

Ms. Silk noted the comments listed on the permit.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the Temporary Event Permit Application for the Friends of the Wolfeboro Community Bandstand to hold concerts at the Wolfeboro Community Bandstand on July 11, 18, 25, August 1, 8, 15, 22, 29 and September 5, 2009 from 5:00 PM to 10:00 PM. Dwight Devork seconded. Members voted and being all in favor, the motion passed.

Bulk Vote

A. Applications for Property Tax Refunds/ Abatements

Approvals

Abatement/refund 41	Tax Map 187, Lot 70
Abatement/refund 27	Tax Map 245, Lot 11
Abatement/refund 39	Tax Map 267, Lot 3
Abatement/refund 37	Tax Map 223, Lot 28
Abatement/refund 47	Tax Map 172, Lot 57
Abatement/refund 43	Tax Map 171, Lot 30
Abatement/refund 36	Tax Map 177, Lot 36

Denials

Abatement/refund 28	Tax Map 125, Lot 1
Abatement/refund 24	Tax Map 98, Lot 19

B. Property Tax Credits/Exemptions

Approvals

16 Winterhaven Road	Tax Map 187, Lot 101
23 Green Leaf Dr.	Tax Map 242, Lot 18
11 Clow Road	Tax Map 217, Lot 168

C. Land Use Change Tax

Approvals

2050A Route 16	Tax Map 144, Lot 3
2050A Route 16	Tax Map 144, Lot 4
2050A Route 16	Tax Map 129, Lot 1
83 York Road	Tax Map 97, Lot 1

Ms. Silk requested to remove 2050A Route 16 Tax Map 144, Lot 3 and 4 and Tax Map 129, Lot 1 from the Bulk Vote.

Chairman Murray requested to remove Tax Map 223, Lot 28 from the Bulk Vote.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the Bulk Vote as listed above with the suggested removals.

Mr. Devork expressed his concern that they did not receive all the assessing cards for the Bulk Vote items this time and that the Assessor usually has a separate area in which he listed the approval or denial.

Mr. Owen replied such approvals or denials have been written out.

Mr. Devork questioned the change in format.

Chairman Murray stated when she reviews the Bulk vote items she contacts the Department to answer any questions she may have and she doesn't see anything that jumps out in this group.

Mr. Devork stated he would like to be sure all the backup is kept in the file.

Ms. Silk agreed with Mr. Devork, she does not feel they have been getting the entire backup as they have in the past.

Mr. Devork suggested tabling the vote until they get more backup.

The Board agreed.

Ms. Silk withdrew the motion.

Member Sarah Silk moved the Wolfeboro Board of Selectmen approve the Property Tax Credit/ exemptions and the Land Use Change Tax as listed above. Dwight Devork seconded. Members voted and being none opposed, the motion passed.

Member Dwight Devork moved the Wolfeboro Board of Selectmen approve the Land Use Change Tax for Tax Map 144 Lot 3 & 4 and Tax Map 129 Lot 1. Linda Murray seconded. Members voted, Sarah Silk abstained and being none opposed, the motion passed.

New Business

A. Approval of Application for Annual Installment of State Grant

Mr. Owen stated the approval is a formality for the Wastewater grant in the amount of \$ 9,226.

Member Sarah Silk moved the Wolfeboro Board of Selectmen authorize the Board's Chairman, Linda Murray, to sign the Application for Annual Installment of State Grants for wastewater improvements and to sign the accompanying certification form. Dwight Devork seconded. Members voted and being none opposed, the motion passed.

B. Proposed Lease Agreement with Governor Wentworth Regional School District regarding the Town's encroachment area.

Mr. Owen stated Victor Druoin of Green Mountain Communications is present to discuss the Town's encroachment on the fenced enclosure around the water storage tank at Kingswood High School onto the school's property and will address the situation on behalf of his client Verizon.

Mr. Druoin joined the Board and explained the issue started 50 years ago when the fence was built and is encroaching on 6 feet of the school's property. He stated that his client Verizon plans to build a shelter at the location and would like to legalize the encroachment. He stated the school has agreed to deed the portion to the town and Verizon has agreed to cover the costs of such process in order to clean up the deed. He stated Verizon's attorney has been working on the documents with the Town's attorney.

Mr. Devork stated that having the issue cleared by a boundary line adjustment seems much cleaner than a lease and questioned if they have a more current lease than 2005.

Mr. Druoin replied the last lease recorded is July 13, 2005.

Chairman Murray questioned if Mr. Ford has approved the Verizon structure.

Mr. Druoin replied he is working on the layout with Mr. Ford.

Mr. Owen stated for point of information that the lease is current and the Town received their \$1,545 monthly payment.

C. Renewal of Ambulance Contract

Mr. Owen stated that the current contract with Lakeside Ambulance will expire on June 30, 2009 and the language states the parties must give 120-day notice of termination or re-negotiation. He stated he has had some preliminary discussion with Lakeside and they wish to renew the contract, but have indicated an increase in cost. He questioned if the Board wished to re-negotiate with Lakeside or put the contract out to bid.

Ms. Silk stated that she had concerns with putting the contract out to bid last time due to the same issues they had back in the 1990's and they did have a nightmare with the original service provider and Lakeside graciously took over the contract at their price. She feels they should re-negotiate with Lakeside, noting they haven't received a single complaint about their service.

Mr. Devork stated that only two companies bid on the contract last time, noting there are not that many companies around. He feels they should negotiate the best they can.

Chairman Murray stated she recalled they have set a policy for putting contracts out to bid.

Mr. Owen stated they have a procurement policy for goods and services in the excess of \$10,000.

Chairman Murray stated the Sewer Moratorium has not been lifted to date and a new company may run into the same problems as the last company in finding a location for a heated garage in town. She stated that Lakeside Ambulance has participated in the Community noting many events that they provide their services for at no charge, such as the Football games and the Fourth of July parade.

Mr. Owen noted that 6/30/09 is the middle of the fiscal year and the Town needs to negotiate a cost for the remaining six months of the year.

Member Dwight Devork moved the Wolfeboro Board of Selectmen authorize the Town Manager to work with Lakeside Ambulance for a 3 -year contract, with Board approval and if the amount does not meet their approval, such will be put out to bid. Sarah Silk seconded. Members voted and being none opposed, the motion passed.

D. Financial Report through December 31, 2008

Pete Chamberlin joined the Board for review.

Chairman Murray questioned the overage in the Electric Administration Budget and Health Insurance.

Mr. Chamberlin replied he would need to review such. He stated they have been working on getting the new software up and running and he will be doing W-2's next week and then he will get to the encumbrances.

Chairman Murray questioned when the auditors are due in.

Mr. Chamberlin replied May.

E. Warrant Approval for the Deliberative Session of Town Meeting.

Chairman Murray provided a list of the articles and the Board numbered the articles starting with number eleven. *(See attached)*

Member Sarah Silk moved the Wolfeboro Board of Selectmen to accept the order as established at this meeting. Dwight Devork seconded. Members voted and being none opposed, the motion passed.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve and sign the Warrant for the February 3, 2009 Deliberative Session. Dwight Devork seconded. Members voted and being none opposed, the motion passed.

Old Business

Ms. Silk questioned if Mr. Houseman informed Mr. Owen of the list of items she provided at a previous meeting.

Mr. Owen replied yes, but would double check.

Any Other Business

Ms. Silk stated she attended a LRHHPF meeting this morning to discuss the medicine collection. She stated on January 14 and 15, 2008 she attended a meeting in Boston on Sharps.

Mr. Devork stated that he recently heard on Public Radio that those projects that are shovel ready are possible to receive the \$1 million dollar earmark funding from the Federal Government.

Mr. Owen stated he attended a meeting at the Local Government Center where Commissioner Campbell outlined the State's list of transportation projects and the only benefit he could see for Wolfeboro was District re-paving.

Chairman Murray stated that Ray Burton would be holding a meeting February 9, 2009 at the Library.

Chairman Murray reminded the Public that the Deliberative Session is February 3, 2009 at 7 PM at the Kingswood auditorium and will be live on WCTV.

Town Manager's Report

Mr. Owen stated the following:

- The NH Municipal Association is looking for a Town representative for a full member meeting on January 30, 2009 at 9 AM to discuss the State's budget and the Board agreed Mr. Owen should attend.
- He received a call from Senator Shaheen's office acknowledging the letter sent regarding the economic stimulus package.
- He stated he spoke to the Local Government Center regarding a legislative approach to introduce a waiver of the requirement to go to court for special town meetings and he did discuss the Board's concern to expand the wording of a Warrant Article at the Deliberative Session and was informed it would be okay as long as Town Counsel and DRA agrees.

Being no further business before the Board, Chairman Murray entertained a motion to non-public session.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to non-public session RSA 91-A: 3 II to discuss minutes at 9:39 PM. Dwight Devork seconded. Members voted Linda Murray-yes, Dwight Devork-yes and Sarah Silk-yes, the motion passed.

The Board re-entered public session at 9:48 PM.

Chairman Murray announced the Board sealed the minutes of January 21, 2009 by a 2/3rd vote as required by law.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to adjourn at 9:49 PM. Dwight Devork seconded. Members voted and being none opposed, the motion passed

Respectfully submitted,

Amelia Capone-Muccio

Amelia Capone-Muccio

Recording Secretary