

**Wolfeboro Board of Selectmen
Meeting Minutes
September 2, 2009**

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

Staff Present: Town Manager David Owen, Public Works Director David Ford, Finance Director Peter Chamberlain, Welfare Director Sue Benson, Recording Secretary Terry Tavares

Chairman Senecal called the meeting to order at 6:30 PM in the meeting room of the Wolfeboro Public Library.

Non—public session RSA 91-A:3II

Mr. Owen stated a non-public session will be needed to discuss a Collective Bargaining Strategy and employee review.

❖ **Approval of Minutes – August 19, 2009 Regular Meeting**

Page 3: add above Public Comment:

Ms. Silk stated that she had received calls from the public about the sale of the land and the possible boundary line adjustment that could be made. Also that the buildings appeared to be on town land.

Page 4: Ms. Silk reminded the Board that the amount of insurance requirements were changed from 1 million to 2 million.

Page 7: The Agricultural Commission is working on a rough draft for *Agricultural pursuits*.

Page 4: Change to; *had its Finance committee review that lease and the committee had questions as to the percentage.* Delete the 2nd sentence.

Page 6: Change to; *Mrs. Murray is requesting the Board of selectmen to start addressing it's 2009 road Bonding goal.*

Page 7: Changed to; *Mrs. Murray would like to have the Historic books cleaned and then removed. She received the name of Northeast Document Conservation center as a resource from Cindy Scott, Town Librarian. The mold on the historical books needs to be addressed whether Brewster Memorial Hall or a new town hall is the solution.*

Member Marge Webster made the motion to accept the minutes of August 19, 2009 as amended, seconded by Sarah Silk . Members voted and being none opposed the motion passed.

➤ **Public Input**

Mr. Senecal opened the floor for public input.

Ken Perry, President of the North Wolfeboro Area Association, speaking not as a Historic District Commission member, said at the 35th Annual Meeting of the NWAA on August 15, 2009 more than 50 Members voted unanimously (with 3 abstentions by members on the Wolfeboro land use boards) to send a

letter to the Board of Selectmen expressing their collective concerns about the Historic District Commission (see attached letter). The NWAA would welcome the opportunity to discuss this request further with you.

Bruce Fichter, Chairman, Wolfeboro Historic District Commission; The HDC must follow the zoning regulations, adopted rules of procedures, application forms and/or state law. The commission must function by RSA 91. Mr. Fichter read the handout to the Board (see attached).

The commission has met all the rules and regulations without fail. The commission has been working to finalize the guidelines and has been working with Mr. Houseman. We have been following the RSA which states that you should have a documented paper trail. So that anytime a question comes up about an application we can show them the paper trail. We have people in the district who have come to the commission to make it known how they feel about proposed work to be or being done. When they come before the board with an application they say the process is time consuming and unfriendly. We are bound by the RSA to have documented paper trail showing why a application was approved or disapproved.

Debra Lee Woods stated it is her understanding that the HDC is contemplating regulating the landscaping and tree of cutting in the historic district. There are 19 miles of Historic district, if we are going to have a clear paper trail on 19 miles of road, I believe we will be going ahead in the wrong direction.

❖ Public Hearings

➤ Temporary Event Permits

1. Wolfeboro Area Chamber of Commerce and Governor Wentworth Arts Council to Hold First Night Wolfeboro on December 31, 2009 from 2:00 PM to Midnight at various locations throughout the town.

Mary DeVries asked the Board to approve the Wolfeboro Area Chamber of Commerce and Governor Wentworth Arts Council application for First Night Wolfeboro.

Ms. Silk reminded them to contact the Fire/Rescue at least 30 days prior to the event to discuss/verify venue occupant loads, etc. Also noted that the insurance certificate will be submitted after November.

Member Sarah Silk made the motion to approve the issuance of a temporary event permit to the Wolfeboro Area Chamber of Commerce and Governor Wentworth Arts Council to hold their First Night Wolfeboro event on December 31, 2009 from 2:00 PM to Midnight at various locations throughout the Town, seconded Marge Webster. Members voted and none being opposed the motion passed.

2. Wolfeboro Historical Society to hold a flea market at Clark House, South Main St. on September 19, 2009 from 7:00 AM – 1:00 PM.

Jim Rogers of the Wolfeboro Historical Society amended time of closing to 2 PM and asked the Board to approve the temporary event permit for the flea market.

Ms. Silk asked if tents are being used they get a tent permit. Also to maintain Fire & Medical Emergency Access, also asked for a copy of insurance form to be submitted before the September 19 date.

Member Sarah Silk made the motion to approve the issuance of a temporary event permit to the Wolfeboro Historical Society to hold a flea market at Clark Park, South Main St, on September 19, 2009 from 7AM to 2 PM, contingent on the submittal of their insurance certificate form, with a rain date of September 26, 2009, seconded by Marge Webster. Members voted and none being opposed the motion passed.

❖ Bulk Vote

A. Property Tax Abatements

- i. Abatement/Refund #11 Tax Map 200, Lot 97

Ms Silk would like to table this abatement. She would like to speak with the Town Manager about this item.

B. Applications for Property Tax Credit/Exemptions

- i. 168 South Main Street Tax Map 218, Lot 97
- ii. 61 Rocky Shores Rd Tax Map 227, Lot 16
- iii. 246 Haines Hill Rd Tax Map 57, Lot 10
- iv. 24 Grove St Tax Map 204, Lot 35
- v. 49 Lehner St Tax Map 218, Lot 136
- vi. 108 River St Tax Map 205, Lot 7
- vii. 8 Crescent Lake Ave Tax Map 218, Lot 72

C. Notice of Intent to Cut Wood or Timber

- i. Cotton Mountain Rd Tax Map 154, Lot 18

D. MS-1 Form for 2009

Member Sarah Silk made the motion to approve and sign the documents relating to the Bulk Vote Agenda items B through D above, seconded by Marge Webster. Members voted and none being opposed the vote passed.

❖ New Business

A. Approval: Milfoil Treatment of Back Bay on September 15, 2009

Mrs. Murray stated the Milfoil Committee is planning a chemical treatment in Back Bay on September 15, 2009. The Community will be notified of this treatment in the paper with the 1st notice being 2 weeks prior to the 1st treatment. A notice was handed out (See attached).

The notice was sent to out certified mail to abutters informing them of the chemical treatment and informing them of the restrictions. The process used this year is different than in previous years. We used to chemically treat and then hand pull. This year we have hand pulled, 2 times in June, 3 times in July and 3 times in August. New Hampshire DES came out and surveyed Back Bay and felt that it needed a partial chemical treatment. We are only going to chemically treat 15 acres. Because we are only going to need to treat 15 acres we are not going to have to close the dam, or close Back Bay. But you will not be able to swim in Back Bay for one day. You will also not be able to irrigate your lawns for 30 days or until notified that the water content of 24D is 70 parts per billion. Mrs. Murray and Ken Marshner went out on September 1st to look at Back Bay and could see the places that were hand pulled.

These areas that are marked on the map will probably need a chemical treatment. We will ask the DES to not do the one down by the town docks or in the channel. The docks and in the channel areas are a easy spot to hand pull. There are bigger spots we would like to have chemically treatment. I would like to ask the Board's permission to put a sign on the town bridge stating that there is a chemical treatment going to take place on September 15. The milfoil committee will be putting notices around back bay. You will be able to use Back Bay while the treatment is going on. The chemical is put into a water solution and then it is sprayed.

Ms. Silk asked when the signs will go up and for how long.

Mrs. Murray states that the signs will go up the day before and stay up until September 18.

Ms. Silk asked when the spraying is being done will it be clay pellets.

Mrs. Murray stated yes, but it will be applied from a spray hose as opposed to spraying the pellets through the air. Back Bay is 35 acres and we will be treating only 15 acres. This is the 3rd year of the DES management plan for Back Bay.

On the second map showing Wolfeboro Bay we wanted to get an idea of what was there and the DES came in and these red spots on the map are identified as milfoil spots. Cliff Kobell from New England Milfoil came in and we looked at this area. When we looked we thought there was less milfoil but there was more there than we thought. We are hoping to get a quote from Cliff Kobell on how much it will cost to treat Wolfeboro Bay. We will probably put this off until 2011. We will keep on working on Back Bay. We thought if it was a small project we might be able to do it in 2010. We wanted you to see that there is milfoil in Wolfeboro Bay. The DES will be writing a management plan for Wolfeboro Bay.

Ken Marshner, the Chairman of the Wolfeboro Milfoil Committee, stated there are many bodies of water in Wolfeboro with milfoil with exception of Rust Pond. For the last 5 years we have been working closely with the DES. The DES now requires a 5 year management plan of which we are participating. Back Bay is now in its 3rd year of management. The last area that has not been approached is the Wolfeboro Bay. This map shows the finding of the DES and the Contractor of milfoil in Wolfeboro Bay. At our next meeting we will be meeting with a milfoil harvesting contractor (NE Milfoil). Mrs. Murray & I went out to search for Milfoil. We found milfoil at the New Corinthian Yacht Club (100' x 75') and at Cate Park at the finger docks (50' x 200"). We did locate the patch identified by the DES and we have a good handle on what does exist.

We did not find any on Sewall or Pointe Sewall Rd. The Lake Wentworth Association has a good handle on the milfoil. Each body of water should have its own association to handle milfoil. Back Bay has just formed a committee and gotten a charter. Rust Pond and Crescent Lake are in the Volunteer Lakes Association Program which is a monitoring program. Wolfeboro Bay is in the monitoring program. Back Bay does not have a monitoring program and we will be meeting with them in order to set one up. Prevention, education and monitoring is needed. We have been involved in this for the last 5 years in order to control and eliminate milfoil. In 2005 Back Bay was in terrible shape this year it is in better shape than ever. We are working to achieve the Master Plans goals.

Member Linda Murray made the motion to place a sign on the Downtown bridge to inform the public of the spraying in Back Bay for milfoil on September 15, 2009, seconded by Sarah Silk. Members voted and none being opposed the motion passed.

B. Revised Welfare Guidelines

Mr. Owen stated last year we adopted the revised Welfare Guidelines. They call for an annual review. We would like to retract one of the suggested revisions. The provision of if they had received welfare benefits within the last 12 months that there is a waiting period of 90 days. Mrs. Benson suggested adding if they were fired from a job that was also a disqualification. To prevent people coming back on welfare. It has been questioned that it might not be legal.

Page 14 section 10: We would like to withdraw that reference.

Section VII page 23: correct the amount of payment for burial expenses from \$500 to \$1500.

Section XVI, Page 30: Add the word "electric" to first line.

Ms. Webster asked if we have on our application the reference to water, sewer & electric.

Mr. Owen said it doesn't affect the renter, only the owner. He would be agreeable to putting the stipulation on the application regarding the 90 day wait on the application.

Ms. Webster has applications from other towns with these items on it.

Mr. Senecal stated that the application could be changed at any time, as long as the guidelines are approved.

Ms. Silk would like clarify the changes being made. On page 14 removed the change we were going to put in, on the application form reference the 90 wait requirements.

Ms. Webster stated that the application needs to have the 60 or 90 day wait time printed on it to inform the applicant. It has to be on our application to inform the applicant. Without this we cannot make them wait the required time. Ms. Webster has some examples of applications from other towns with this reference of the waiting period.

Mr. Owen asked that the board vote to approve the changes and we will bring the revised Welfare Guidelines to the Board for signatures.

Ms. Silk asked if, when we receive the new application for approval we could also get a copy of the other application referenced by Ms. Webster.

Ms. Webster will give her copies to Mr. Owen.

Mrs. Murray would also like to make sure the dates are changed on the signature pages.

Member Kristi Ginter made the motion to approve the changes adding the word "electric" and the change correcting the burial amounts to \$1500 and dates on the signature pages on the revised Welfare Guidelines, dated September 2, 2009, seconded by Linda Murray. Members voted and none being opposed the motion passed.

C. Approval: Acquisition of Strip of Land form Governor Wentworth Regional School District.

Mr. Owen stated the Board has now held the two public hearings required by RSA 41:14-a, and now needs to vote on whether to acquire the parcel within the prescribed time frame of 2 weeks. There is a revised Quit Claim Deed that has been prepared by the Town Counsel. We will not be signing this deed tonight as the original will be coming over from the Superintendent of Schools. When received we will put it out, for your signatures.

Member Marge Webster made the motion to approve the acceptance of a parcel of land from Governor Wentworth Regional School District at the Town's water standpipe off McManus Drive as described in a plan by H.E. Bergeron Engineers, dated May 13, 2009 entitled "Existing Site Features & Boundary Line Adjustment Plan", and to approve and sign the Quit Claim Deed for the parcel, seconded by Sarah Silk. Members voted and none being opposed the motion passed.

D. Approval: Disposition of Parcel of Land on Forest Road

Mr. Owen stated the Board has held the second of the two required public hearings on August 19 on this proposed disposition of property. If the Board wishes to proceed with this disposition it now needs to vote. I have prepared a draft vote for the Board, which I have run by the Town Counsel to make sure the elements are correct. You would be selling the parcels to Fred Cain, Eric Fossom & Edwin Warren King, per the conceptual boundary line adjustment plan for the consideration of \$1.00 each and the proportional reimbursement of the Town's cost of holding the public hearings of \$118.65 and conditional upon the abutters having the parcels professionally surveyed for the purposes of the boundary line adjustment.

Member Linda Murray made the motion to approve the sale of Tax Map 228, Lot 52 Forest Road to its abutters, Fred D. Cain, Eric Fossom and Edwin Warren King as per the Conceptual Boundary Line Adjustment plan, for consideration of \$1.00 each, plus proportional reimbursement of the Town's cost of holding the public hearings (\$118.65), and conditional upon the abutters having the parcel(s) professionally surveyed for the purposes of proposed property line adjustment plans, seconded by Kristi Ginter. Members voted Dave Senecal, Kristi Ginter, Marge Webster & Linda Murray to approve. Sarah Silk against. The motion passed.

Ms. Silk stated that she was compelled to vote against this issue to represent the people who called her who had concerns about this sale.

E. Approval: Quick claim Deeds for Sale of Tax-Deeded Parcels

Mr. Owen stated on August 19 the Board had approved the sale of two parcels of tax-deeded properties for which valid bids were received and we have had Quit Claim Deeds developed by Town Counsel. They are ready for your signatures. As soon as they signed by the Selectmen, we will set up closings with the buyers, at which time they are to pay the balance of the purchase price.

Mrs. Murray will need to step down from the sale of the Alpine Meadows Road parcel to Milton & Linda Tanner.

Mr. Senecal stated we will make the motions one at a time.

Member Sarah Silk made the motion to accept the sale and sign the quit claim deed for 9 Park

Avenue (Tax Map 190 Lot 60) to Warren and Michelle Griffin of 7 Park Avenue, seconded by Marge Webster. The members voted and none being opposed the motion passed.

Member Sarah Silk made the motion to approve and sign the quit claim deed for the land, .60 acres on Alpine Meadows Road (Tax Map 273, Lot 17) to C. Milton and Linda Tanner, 19 Alpine Meadows Road, Seconded by Marge Webster. Members voted Dave Senecal, Kristi Ginter, Marge Webster & Sarah Silk voted to approve. Linda Murray abstained from voting, the motion passed.

F. Approval: Lease Agreement with Wolfeboro Area Chamber of Commerce

Mr. Owen stated we have satisfied the questions from the Wolfeboro Area Chamber Commerce about the lease.

Member Sarah Silk made a motion to approve and sign the Lease Agreement with the Wolfeboro Area Chamber of Commerce for their space in the Railroad Station for a period of October 1, 2009 through September 30, 2010, seconded by Linda Murray. Members voted Dave Senecal, Kristi Ginter, Linda Murray & Sarah Silk voted to approved. Marge Webster abstained from voting, the motion passed.

G. Approval: Water/Sewer Rates

David Ford, Director of Public Works stated last year we had a discussion with the Board which resulted in an of increase in sewer rates. Because the water fund was in good shape, we held off on the increase in water rates until 2009. The hydrant rental fee has caused some confusion. In 2006, it \$224,625, in 2007 it was \$242,077.

It was discussed increasing this rate to 20% of the total water budget. I had assumed the 08 hydrant rental budget was to \$275,000. The correct number was \$244,077. In 2009 with all the conservation by our customers we have seen a 10% decrease in conservation. In 2009 we assumed a hydrant rental budget of \$275,000 but the number is really \$244,205.

Mrs. Murray stated she was the person who made the motion to go to last year budgeted amount for hydrant fees. Since we didn't raise the water rate, I didn't feel we should raise the hydrant rates.

Mr. Ford stated in 07 we had the discussion to go to 20% of the total water budget for the hydrant rental fee. In 08 we did not do a increase. Now because of a debt increase in the water budget in 09 if we were to do an increase in the water budget it would need to be \$303,722.

Due to the economy, water connection fees are down. When the economy picks up the fees will improve. The other number needing correction is in the treatment budget from \$295,000, it is really \$354,000. In 2009 total expenses of \$1,700,000 with a total deficit of \$126,000. We knew we were going to have a deficit this year. In order to balance the 2010 budget we are proposing a flat increase of 8%.

I am doing a 0% increase for budgets for Treatment & Distribution to help keep our budgets under control, by cutting out different aspects of the budget. We have a vacant position which we will keep vacant for a certain time before we fill it. In 2010 without an increase we would be short \$80,000. If we go with an 8% increase across the board, this will include a \$54.00 unit charge, the increase will change the rates from \$9.74 to \$10.52. This increase would generate \$98,000 and put the fund in the black.

Mrs. Murray stated she reviewed the things that we had to do on the water side. In 2003, 04 & part of 05 we had droughts and we did a study for a new water source. We have done a number of projects. In 2005 we had a Water Moratorium because of unaccounted water. Mr. Ford has worked very hard to address the water loss. We have had trouble with water quality because of chlorine by products as well as upgrades at the plant. We have had a number of issues with water that we have had to address, with a cost about \$1,500,000. That is a significant amount. The debt service in 2006 was \$409,000 and now it is \$830,000, about a 40% increase. That is what we are dealing with now. And I don't know any other way to deal with it but to raise rates. These repairs were cited by the state. And I would like to say that David has done a great job catching us up. The moratorium is off and my only concern is going to be the 20% hydrant fees. If we go to the 20%, that is a increase of \$80,000. If we go to the \$275,000, that is a increase of 30,000. I think I am more comfortable with the \$275,000 and to try next year to get to the 20%.

Ms. Webster asked what is the fiscal impact on the average household.

Mr. Ford said if their water bill is \$500 for this year they would have an increase of \$40. If you have the minimum charge of \$200 it will go up \$16 to \$216. The unit charge is multiplied if you have a larger meter and are a bigger user you will have a increase to equal to 8%.

Ms. Silk asked when would this increase be put in place.

Mr. Ford said to have a full year it would be put in effect as of October 1.

Ms. Silk asked if this was the billing date or the usage date.

Mr. Ford said the usage date as of October 1 so they would be receiving the increased bill in January.

Mrs. Murray said we would need to start on October 1 as to not lose 3 months of billing that we would lose if we started on January 1.

Mr. Ford said he did not include the debt service for sewers. We have less than 1000 sewer users and we have among the highest rates in the state. In 2008 we came in on a deficit and we made cutbacks. We had some carry over some expenses, \$115,000, which put us in the hole for \$53,000. We proposed a rate increase from \$13.09 to \$13.49 and that rate increase was to help bring us back into the black. With conservation our water usage went down. Some of our larger users, like Brewster Academy, purchased water deduct meters. The rate increase did not generate anywhere the amount of money that we anticipated. We thought we would go up from \$876,000 in 2008 to \$1,000,000 with the 8% increase. We did not reach that. We are now going to project \$986,000. That includes a catch up fee from the Governor Wentworth Regional School District of \$24,000 plus dollars for their past sewer usage. We were projecting \$11,000 in the black; we are now projecting \$15,000. We are still having some issues with regards to our Treatment Facility, the Effluent Disposal System. We are looking at trying to maintain our budget.

In a few months I will have a better idea how things are going with our Effluent storage pond. I have put in a contingency in our Treatment Plant Budget for spraying next year. We may or may not have to do this. I am looking at a \$50,000 contingency next year. We may be able to reduce this if we get the pond where we don't need to use it. It is something that if we don't have to use it, we won't. This one-time increase would bring us to a deficit of \$82,000. To recover that, we would need the 8% increase

and it would generate \$80,000. With the unit charge we could break even for 2010. In 2011 we feel that the extra \$50,000 could be taken out of the budget and we could reduce the expenses. It will put us in a better position where we wouldn't have to have a rate increase in 2011. The one thing that makes it difficult is that we have a unbalanced year, with the 3rd and 4th quarters that are normally higher because of our summer usage. I am trying to use the past years to estimate.

Ms. Silk asked when these rates would go into effect.

Mr. Ford would recommend that it go into effect on October 1 for the 1st billing in January.

Ms. Webster asked do we have to give the user a 30 day notice.

Mr. Owen said no.

Member Kristi Ginter made the motion to that we approve the new water and sewer rates with a 8% increase on both sides to become effective on October 1, 2009 and to be in the billing cycle for January 2010, seconded by Marge Webster. Members voted and none being opposed the motion passed.

Mrs. Ginter asked that this information be posted on the Town's Web site.

Mrs. Murray stated that she would be going to the Chamber of Commerce meeting on Thursday morning and will inform them of the increase.

H. Discussion: Wastewater Disposal Issues

Mr. Ford would like to update the Board about the Wastewater Infiltration Disposal System.

Mr. Senecal asked about the August 25, 2009 letter from the Tuftonboro Conservation Commission. He asked if this was a follow up to your letter to Mitch Locker.

Mr. Ford stated that he had a site walk with members of the Tuftonboro Conservation Commission and he discussed this with the NH DES. He will update you about the Conservation Commission first. The Conservation Commission in Tuftonboro has been keeping a close eye on 19 Mile Brook. They were instrumental in funding a study by Baseline Associates in 2008. They are following that up with some stream gauging. Looking at the flows in the river, they noticed a small section in the river where algae is growing on the rocks where there is some moss growing. They also went on to our land and checked our site that had some algae growing. The letter assumed some things, and I made some statements on our site walk and some of those items were corrected. However, we are still concerned as to why this one area still has some algae growth. It looks like an isolated area. We have been taking water samples, 5 samples along the stream and a 6th sample along the unnamed stream. We have also started taking samples along the central wetland areas. We are showing that in our samples before we discharge in this area that they are below approved levels. They will continue to monitor this issue. I have contacted the Board of Selectmen in Tuftonboro and I have a site walk scheduled for this Friday to walk the site. If anyone is interested they can come.

Ms. Silk said on Monday she and Mrs. Murray walked the site with Mr. Ford. I was impressed with the large

numbers of sites that are being tested. The testing has been consciously done. We did see the spot where the algae was. I would like to say Thank you to Dave for spending that time with us.

Mr. Ford appreciates the board being so supportive of our Dept. We are trying to be proactive with these issues. Certainly these are unexpected issues. As soon as these events have occurred we reported them to the NH DES. The slope failure, pipe out of hill into the wetland area, and some of the breakout area at higher elevations than were predicted from the model. The NH DES is supportive of what we are doing and have concluded that we are still within our permit. These items are unexpected. In our permit they granted us a very high infiltration rate on 20" per day over a square footage basis. They reserved the right to say that they may require additional basins at a later date. That was in the fine print. I thought the additional basins were for growth. They have now concluded that we need to construct the additional basins to allow us to spread the effluent over additional area where we are having the break out. This is creating problems for us. We have authorization from the 2007 Warrant Article of \$6,700,000 and in that authorization we were saying that we were solving the effluent disposal problem and will also engineer the treatment plant problems. We had a budget of \$800,000 that we could keep that plant running. The site was permitted to discharge a limit of 10ml of nitrogen. The model predicted we would be getting to 9ml with the new treatment plant and that it would be diluted it to a level of 7ml by the time it made it to 19 Mile Brook. We were able to increase the treatment process to get it down to a level of 3ml and that is now what is being discharged. The highest levels coming out of the ground has been 1ml. Even in the area that is breaking out it is still at 1ml. This level will not be detrimental to aquatic life.

The Wastewater Treatment plant improvements project was put out to bid. We thought it was going to be \$1,100,000, it came in low and it came it under \$900,000 so we are going to have a savings of \$200,000. The second project is the Energy Upgrades and Building Upgrades. That project was \$312,000 with funds from the DES American Resource Recovery Act (ARRA) for 50% of the project costs. That project was to go out to bid in November. That is the money we now need to complete the project with the basins. I estimate this project to cost \$300,000 to \$400,000 dollars to build the additional basins. We have the piping in place all we have to do is move a hill to build the basins. There are no wetlands, so the engineering should be simple. We probably will have to do 3 more monitoring wells and another ground survey before construction.

That is the decision before the Board tonight. The State has us programmed for the \$312,000, but if we continue with that project we will not have enough authorization to complete the additional basins. It is my recommendation that we forego that project and put it on hold and give up the economic stimulus money, which would have been 50% funding, and use the \$200,000 we have which will give us a \$500,000 budget for the basins and do what the State has mandated us to do.

Mrs. Ginter asked what is the time frame that the State wants this work done.

Mr. Ford said that there are two time frames. There is the Economic stimulus money or ARRA (America Recovery Resource Act) time frames, those projects have to be out to bid by Thanksgiving of this year to receive this money. If we were too fast track the RIB upgrades or basins 4 & 5. We might be able to qualify for at least \$ 200,000 of ARRA money which means about a 50% grant. Then the other \$300,000 which was Green Money, we are trying to figure out how to make this a green project. We may lose this money and it will become State Revolving Fund (SRF) money as a low interest loan and if the state gets back on its feet and funds the Wastewater Grant Program we would get a 30% grant. Right now we are on the short end of that program. This is not a crisis situation.

But the DES does have the final say. I have a meeting tomorrow with my consultants to look at the Site, to make sure that if we put these basins in on this site that we will not be creating any more unexpected issues.

Mrs. Ginter asked who is responsible for these unexpected issues. Was this a construction failure?

Mr. Ford said this is not a construction failure. The site has many layers. Some of these layers of sand are finer than expected.

Mrs. Ginter asked to make the best decision, how soon can you get a answer from the DES to see if we can put off building the basins until a later date so we can move forward with the other projects that will get us the stimulus money. Would they give us an answer considering the fiscal challenges everyone is facing.

Mr. Ford said if we were to go forward with the Phase 2 upgrade, they would give us at least a year. The problem I see is when we went to the voters, the number 1 priority was solving the effluent problem. We need to use the authorization to make sure the problem is solved. Then we go back to the voters with the next upgrade.

Mr. Senecal asked if you are having a meeting tomorrow would it be sensible to be back on the agenda for the next meeting to give us the final decision on what the consultants have come up with for a time frame. Or to be able to submit the information in a timely manner so we can get some of this grant money.

Mr. Ford said we are working hard to get the paper work done so we can qualify for at least the \$200,000. In addition, to see if we can qualify for money from other agencies.

Mr. Senecal asked rather than move forward tonight, will we have enough time if you come back for our next meeting to decide? Could you give us this information before our next meeting?

Mr. Owen said that the State is looking for a decision as to whether to release the \$300,000 for the Energy Efficiency money. Or they want it back so they can reallocate it.

Mr. Ford said that he doesn't think that 2 weeks is unreasonable to make this decision. The right thing to do is to solve one problem before we make another.

Mr. Senecal said he did not feel we had enough information to make this decision tonight.

Mr. Ford stated he will come back to you when he has the information from his meeting. We will have to forego the \$312,000, or we may have to go back to the voters to say we need more money to finish the project.

Ms. Silk asked should we have a work session on the Sept 9th or can it wait until the Sept.16.

Mr. Senecal said that if Mr. Ford is meeting the consultants tomorrow he may not have the information.

Mr. Ford said that if we do not have to go back to the voters for money for effluent disposal project, you can make the decision tonight. If you want to fight the DES to get the Energy Efficiency project done, that would be the decision you would make in one or two weeks from tonight.

Mrs. Murray said she is not interested in going back to the voters to ask them for money for another Rapid Infiltration Basin. That was what the main emphasis of the warrant article was to take care of that. I feel we are obligated to do that. I am disappointed that there is money we would lose. But I think what they voted was one solution to the disposal problem.

Mr. Senecal does not disagree, if we could agree to a short work session on Sept 9th.

Mrs. Murray is more than willing to go with the Board if they want to wait.

Mrs. Ginter would like to have the information.

Mr. Ford said the meeting is to make sure that what the State is asking us to do is the right way to go. Even if I don't agree with their decision.

Mrs. Murray made the motion that we do not spend the \$312,000 and get the stimulus money but save that money to deal with the another Rapid Infiltration Basin or another solution for the effluent disposal. Seconded by Sarah Silk for with discussion.

Ms. Silk said I am not sure did you mean stimulus money or energy money.

Mr. Owen said it is both.

Ms. Silk said we get some stimulus money if we get the project out to bid before November. But we will be losing the energy money, we might in the future to get the low interest loan for the 30% grant later.

Mr. Ford said the economic stimulus money covers lots of projects. In wastewater they have some for disposal and treatment plant projects and energy efficiency projects. 20% of the money for wastewater had to go to energy efficiency projects. That was the criteria and that is why they have to spend it on energy efficiency. We are going to lose some of the \$312,000.

The Members voted and none being opposed the motion passed.

Mr. Owen stated that we received a communication from the DES that we are in compliance with administrative order WD-15014 for the Sewer Moratorium.

I. Approval: Set Deliberative Session of Town Meeting

Mr. Owen stated the Town Clerk Patricia Waterman advises the Board that we need to set the date for the deliberative session for 2010 on February 2, 2010 7:00PM with a snow date of February 4, 2010.

Member Marge Webster made the motion to approve setting the 2010 Deliberative Session for 7:00 PM on February 2, 2010 at Kingswood High School, with a snow date of February 4, 2010, seconded by Sarah Silk. Members voted and none being opposed the motion passed.

Mr. Owen has one other item for the Board of Selectmen, a request to the Trustees of the Trust Funds to refund half of the purchase price of the fire truck to the General Fund from the Capitol Reserve Funds. If this is approved I will add it to your packet to sign.

Member Sarah Silk made the motion to sign the voucher to the Trustees of the Funds for reimbursement of half of the purchase price of the new fire truck to the General Fund from the Capitol Reserve Fund, seconded by Marge Webster. Members voted and none being opposed the motion passed.

a. Discussion: Town Manager Evaluation

Will be in Non-Public Session.

❖ Town Manager's Report

Mr. Owen would like to say that in the front entry of the Town Hall the portrait of General James Wolfe is now hanging on the wall. This was the portrait found at the Libby Museum storage shed.

Mr. Owen will be away the week after next for the first half of the week for the ICMA Conference in Montreal Canada.

❖ Committee Reports

Mrs Ginter would like to report that the Planning Board meeting last night they were updated on Huggins Hospital, Wolfeboro Inn and Meredith Village Savings Bank projects. There was discussion on Driveway Permit Regulations and there is not an appeal process in place. There were 2 applications. We also discussed the Small Wind Energy Ordinance, there will be a public hearing on this, also Aircraft & Takeoff on Private Land Overlay District. There was also some discussion from Rob Houseman to the Agricultural Commission.

Sarah Silk attended a Historic District Commission meeting and they are inviting the Agricultural Commission to come to a meeting to discuss fencing.

I will be attending a Legislative Study Commission meeting regarding Sharps in Solid Waste in Concord.

❖ Chamber of Commerce

Mary DeVries would like to thank you the Board for signing our lease agreement for the Chamber and they would like to improve the space inside. They would be building walls at the chamber expense. We would file for any necessary permits with the town.

Mrs. Ginter would like to see a sketch of what is proposed.

Mr. Owen said under the lease agreement it requires a notification from the lessor to the lessee requesting any physical modifications. I am sure they will follow up with the required paperwork.

Ms. Silk asked if this is a permanent wall change or a temporary wall change.

Mrs. DeVries stated the walls will be built and can be removed if required.

❖ Questions from the Press

Tom Beeler from the GSN asked for a copy of the bids that were accepted on the properties for sale.

Mr. Owen stated that the parcel on Alpine Road was \$20,500 and on Park Ave \$15,100.

Mr. Beeler stated there will be a story in the paper about the milfoil project.

Sarah Silk made the motion to go into non public meeting at 8:37 PM, seconded by Marge Webster. Members voted all in favor and none being opposed the motion passed.

❖ **Non-Public Session**

The Board returned to Public Session at 9:58 PM.

❖ **Adjournment**

Being no other business before the Board, Chairman Senecal entertained a motion to adjourn.


Member Marge Webster moved the Wolfeboro Board of Selectmen to adjourn the meeting at 10:00 PM, seconded by Kristi Ginter. Members voted all in favor the motion passed.

Note: The Secretary was excused at 9:25 PM from the Nonpublic session.

Respectfully submitted,

Theresa R. Tavares

Theresa R. Tavares

To: Wolfeboro Board of Selectmen
From: Ken Perry, president; North Wolfeborough Area Association 
Date: 2 September 2009
Re: Wolfeboro Historic District Commission

The majority of property owners (both in terms of numbers and land owned) in the North Wolfeboro Historic District are North Wolfeborough Area Association (NWAA) members. At our 35th Annual Meeting on 15 August 2009, more than 50 NWAA members unanimously (with 3 abstentions by members of Wolfeboro land use boards) passed a motion to send a detailed message to the Board of Selectmen expressing their collective concerns about, and recommendations for, the Historic District Commission.

Here is that statement...

The North Wolfeborough Area Association requests that the Board of Selectmen formally review the operations and membership of the Wolfeboro Historic District Commission (HDC). This request is based on the experiences and observations of NWAA members who have dealt with the HDC this past year. The reasons for this request include:

1. **The level of bureaucracy and time delays when seeking approvals for work.** Examples include requiring a complete written application for simple maintenance items (e.g., roof repair) or when making other repairs using the same materials as those being replaced or repaired, and/or then having what should be a straight forward determination put off until the next public meeting.
2. **The absence of objective, documented standards or guidelines.** These are needed to inform and guide homeowners or potential homeowners regarding what is acceptable. The HDC currently is applying very strict and undocumented standards (in terms of material selection and aesthetics) that previously did not exist and are inappropriate for this rural community – especially for new construction.
3. **Disrespectful treatment of residents appearing before the HDC.** Applicants before the HDC are not treated courteously as citizen-neighbors, nor are they allowed to air their views openly. Rather, anyone who disagrees with, or wishes to question, the opinion or views of the HDC officers is rebuked and summarily cut-off.
4. **In-fighting among HDC members.** The HDC appears to have lost a democratic process; the four member majority refuses to discuss constructively the observations or opinions of the other three members. Attempts to air opposing views or to reach a consensus among all seven members are met with anger, sarcasm and inappropriate use of parliamentary procedures to cut-off debate.

The NWAA was instrumental in creating, and continues to support the existence and effective operation of the HDC. This includes the NWAA's public support for the Historic Districts during the last election. We believe that the Wolfeboro Historic Districts are important to our entire community and help preserve the unique character of Wolfeboro, to the benefit of all. However, if the HDC cannot establish written standards or guidelines and develop a respectful and constructive attitude towards those appearing before it, as well as among its members, then it may be necessary for the Board of Selectmen to dissolve the current HDC and reconstitute the Commission with new members and clear directions in order to effect the required changes and ensure that the HDC functions as originally intended.

The NWAA would welcome the opportunity to discuss this request further with you. Moreover, the Board of Selectmen should feel free to contact NWAA members to gain their perspective or hear their personal experiences with the HDC. If helpful, I can provide the Town Manager with the names of those NWAA members who have had recent personal experiences with the HDC that they would be willing to share directly with you.

Thank you for your time and your attention to this request.

WOLFEBORO HISTORIC DISTRICT
OUTLINE PROCEDURE ON APPLICATIONS

Either thru the zoning regulations, adopted rules of procedure (application forms) and/or state law must followed these rules to process an application for Certificate of Approval.

The Commission is bound to function under RSA 91 as any other land use board.

March 2008 the town voted the following :

Action on Applications. The HDC, at the next regular meeting OR within **30 days** following the delivery of the application, shall determine if the submitted application is complete according to the Commission's regulation and shall vote upon its acceptance. Upon determination by the Commission that a submitted application is complete according to the Commission's regulations, the Commission shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within **45 days** of the acceptance of said application by the Commission, unless the applicant agrees, in writing, to extend this time limit.

The Commission shall determine whether the action or usage proposed will be appropriate in the Historic District and shall file a certificate of approval or disapproval with the office of the Town Manager. Failure by the Commission to act with in the specified period of time shall be deemed to constitute approval of the application. (Section 175-199 A-4

Also Section 175-199

Should a Public Hearing be held, the Commission must notice all abutters and interested citizens shall be heard, as well as such professional advice as has been requested. Notice of the public hearing shall be sent to abutters and others as required by RSA 676:4 not less than 10 days prior to the date of the hearing.

The current sitting Commission per the attached log/history has met ALL the rules and regulations incumbent upon them with out fail.

HISTORY OF HDC 2007

Membership: Bruce Fichter Chairman, Suzanne Ryan Vice Chair and Sarah Silk Select Rep.
Michael Burke, Ellen Klimm, Peter Roessiger, and Alternates P. Green

<u>Date</u>	<u>Name</u>	<u>Address</u>	<u>Purpose</u>	<u>Outcome</u>
3/1/07	K. Heiderbrink	79 N. Wolfeboro Rd.	New Home	(1 condition) Approved
		(Roessiger Chair, Perry Vice Chair)		
5/3/07	B. Fichter	N. Wolfeboro Rd..	New Barn	(Conditions) Approved
		(Claire Donahue Resigned in 2006 Burke appointed)		
6/5/07	Swinerton	388 Stoddard Rd	Replace doors..	Continued to 6/18/07
	Jones	182 Bickford Rd	Replace Roof	Approved
6/18/07	Swinerton			Approved
7/2/07	Work Session Election of Officers Fichter Chair, Vice Chair Ryan			
8/7/07	Work Session			
9/4/07	Hill	N. Wakefield Rd	Roof in kind	Approved
		(Work on Guidelines/procedure)		
10/2/07	Work Session			
10/16/07	Ginter	Stoneham Rd	Public Hearing Deck(s)	Continued to 11/6/07 Scale plans
11/6/07	Ginter	Stoneham Rd	Continued from 10/16/07 Public Hearing	(Conditions) Approved
		Separate action Formal complaint forwarded to Code office		
12/4/07	Perry	N. Wolfeboro Rd	Public Hearing Add Screen Porch	Approved
	Ryan	Stoneham Rd	Farm Sign	Approved
	Deyesso	29 Trask Mt Rd	Repairs in Kind(paint, windows, garage door)	Approved
	Work session Procedure			

HISTORY OF HDC 2008

Membership: Bruce Fichter Chair, Vice Chair Suzanne Ryan, Selectman Rep Sarah Silk
Ken Perry, Peter Roessiger, M. Burke, E. Klimm,
Alternates..Green, T. Fichter and Smith (Green resigned) (Burke resigned)

<u>Date</u>	<u>Name</u>	<u>Address</u>	<u>Purpose</u>	<u>Outcome</u>
1/3/08	Work meeting (new application form)			
2/6/08	Cancelled			
3/6/08	Cancelled			
4/8/08	Perry	N. Wolfeboro Rd	Sign, paint louver, Minor Repair	Approved
	Green	Stoneham Rd.	Front threshold & Clapboard Minor repair	Approved
	Swinerton	Stoddard Rd	Receipt of App for Addition set Public Hearing Date	
	Election of Officers Fichter Chair and Ryan Vice Chair			
5/6/08	Swinerton	Stoddard Rd	Public Hearing Addition to house	Approved
	Ginter	Stoneham Rd	Administrative Review Completness of Application Deck	
	Smith	Stoneham Rd	Replacement of Front Porch and add Windows	Approved
	Adjutant	N. Wolfeboro Rd	Replacement of Stairs and deck	Approved
	Knudson	Pork Hill Rd	Paint & windows Minor repair	Approved
6/3/08	Berkowitz	Trask Mt Rd	Roof	Approved
	Farrell	Hines Hill Rd	Roof Application (applicant also then asks for new entrance and new roof design not on application) Moved to Public Hearing due to changes requested on not on application....July 1	
7/1/08	Farrell	Hines Hill Rd	Public Hearing Roof Repair, Re aline roof pitch and deck	
			Roof related	Approved
			Deck	Denied
	Ginter	Stoneham Rd	Shutters	Application Withdrawn
8/5/08	Moore	NWakefield Rd	Emergency Pre-existing Solar System Replacement	Approved
			Work session Flow Chart	
9/2/08	Ginter	Stoneham Rd	Shutters	Denied
	Moore	N Wakefield Rd	Roof	Approved
9/16/08			Work Session Flow Chart	
10/7/08			Work Session Flow Chart and Guidelines	
11/6/08	Perry	N. Wolfeboro Rd.	Change in Application from Asphalt to metal roof back porch	Approved
	Ladd	Trask Mt Rd	Re-roof	Approved
			Porch Application incomplete NOT approved needs to re-apply	Denied
			Work session Flow chart	
11/18/08	Ladd	Trask Mt Rd	Porch repair (4 Conditions)	Approved
			Works session Flow Chart	
12/9/08	Set dates for Citizen petition Public Hearings			

HISTORY OF HDC 2009

Membership: Bruce Fichter Chairman, Suzanne Ryan Vice Chairman, Selectman Silk Rep
Ken Perry , Peter Roessiger, Chuck Smith ,Ellen Klimm (resigned)
Alternates Todd Fichter , Jim Ladd and Eric Keim

<u>Date</u>	<u>Name</u>	<u>Address</u>	<u>Purpose</u>	<u>Outcome</u>
1/27/09	Public Hearing(s) Citizen Petition			
2/10/09	Perry	N. Wolfeboro Rd	After fact application Porch flashing	Approved
4/7/09	Election of Officers, B Fichter Chairman, Vice Chair Ryan			
	Keim/McKittrick	Stoneham Rd	Add window grids to bay window	Approved
	Green	Stoneham Rd	Maintenance windows/clapboard	Approved
	Clark	Trask Mt Rd	Maintenance replace door	Approved
4/23/09	Work Session Procedures			
5/5/09	Fichter	N. Wolfeboro Rd	Addition and revisions to Barn	Approved
	Horman/Swann	Pork Hill Rd	Barn Foundation	Approved
6/2/09	Panaccione	Stoddard Rd	New garage (no Public hearing)	Approved
	Austen/Wood	Haines Hill Rd	Roof	Approved
	Doherty	Cowper Rd	Roof	Approved
	Hopewell	Jennies Farm Rd	Roof	Approved
6/25/09	Work Session			
	Marshall	Haines Hill Rd	Consult/ review New House	
7/7/09	Marshall	Haines Hill Rd	Withdrew Application	
	Pilkinton	Haines Hill Rd	Roof	Approved
	Moore	N. Wolfeboro Rd	Consult New Barn	
	Work session	Adopted to Implement abbreviated Roof form		
		Draft Minor maintenance form		
7/30/09	Work session	Adopted and Implement Minor maintenance form		
8/4/09	Cancelled			
8/27/09	Work Session Design Guidelines			
9/1/09	Cullen	N. Wolfeboro Rd	Tabled pending legal advice	
	Clapp	N. Wolfeboro Rd	Tabled " " "	
	Doherty	Cowper Rd	ADA platform/landing	Approved



AQUATIC CONTROL TECHNOLOGY, INC.
POND AND LAKE MANAGEMENT SPECIALISTS

August 25, 2009

Abutter Notice

NOTIFICATION OF AQUATIC TREATMENT Back Bay – Wolfeboro, NH

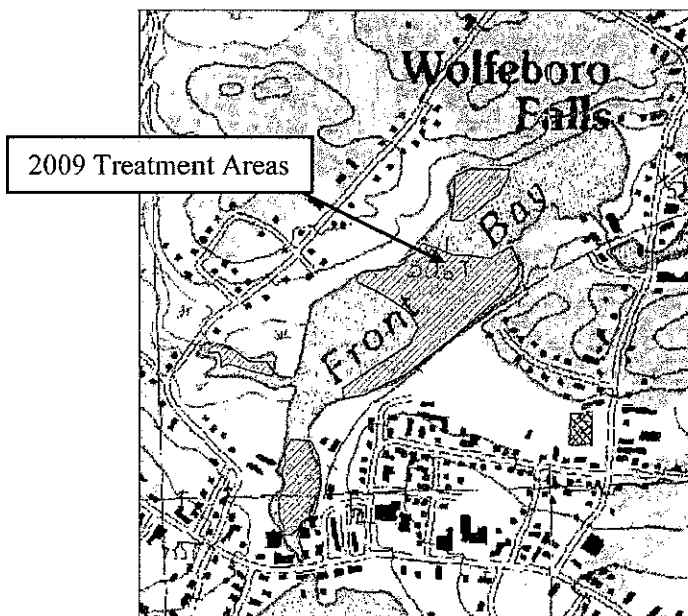
Aquatic Control Technology, Inc., 11 John Road, Sutton, MA 01590, Telephone (508) 865-1000, has been contracted by the Town of Wolfeboro to chemically treat portions of the Back Bay on Lake Winnepesaukee in Wolfeboro for control of non-native milfoil. Portions will be treated with the USEPA/State registered herbicide Navigate (2,4-D) herbicide, EPA Registration Number 228-378-8959 on or about Tuesday, September 15, 2009, in accordance with Special Permit SP-168 issued by the NH Division of Pesticide Control.

The following temporary water use restrictions will be imposed on the day of treatment:

- No swimming for 24 hours following treatment, within 200 feet of treated areas.
- Do Not Use this water for drinking, irrigation or for mixing sprays for agricultural or ornamental plants until further notice. These restrictions apply to all intakes within 1,200 feet of the treatment area, and to all wells within 50 feet of the treatment area. Contact Aquatic Control Technology, 11 John Road, Sutton, MA 01590-2509, 508-865-1000, info@aquaticcontroltech.com for information on the release dates of these restrictions.

Other domestic uses of well water are not restricted.

The shoreline of the lake will be posted with signs warning of the temporary water use restrictions that will be imposed, immediately prior to treatment. If you have any questions concerning this treatment, contact Aquatic Control Technology, Inc. at the above address.



Aquatic Control Technology, Inc.