

Wolfeboro Board of Selectmen
Meeting Minutes
October 7, 2009

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

Staff Present: Acting Town Manager Robert Houseman, Recording Secretary Terry
Tavares

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

Non Public Session RSA 91- A:3II

Mr. Houseman stated a non public session will not be needed.

➤ **Approval of Minutes – September 16, 2009**

Mrs. Murray would like to add on page 3, Bulk Vote A, Mrs. Murray noted that the wording per the Board of Selectmen's approval was not included on an abatement/refund #14, Tax Map 259, Lot 2. *Mrs. Murray noted that the required wording per the Board of Selectmen's approval needed to be included on all board and land appeal tax settlement agreements.*

Page 7, before Congregational Church Mrs. Murray asked Ms. Webster if the documents she is requesting are the Non Profit Operating Budget, IRS Form 501-C3 and the State of New Hampshire status.

Ms. Webster said she would like to see the Secretary of State Conformation of their status, Certificate of Non Profit Status, current budget, proposed budget, how many residents of this Town they have served, the dollar amount that they have spent for this Town, submitted on a yearly basis for the new Board members who have not seen this information and to show the Board if their status has changed.

Page 12, would like the motion to go into non pubic and the roll call on file.

Member Sarah Silk made the motion to go into Non- Public Session, seconded by Marge Webster. Members Dave Senecal, Sarah Silk, Marge Webster, Kristi Ginter and Linda Murray all voted in favor. The Motion passed.

Mrs. Ginter would like the time she arrived to the meeting noted. Mrs. Ginter arrived at 7:20 pm.

Member Sarah Silk made the motion to accept the minutes of September 16, 2009 amended, Marge Webster seconded. Members voted, and none being opposed the motion passed.

➤ **Public Input**

James Rogers, Wolfeboro Historical Society, would like to tell the Board that the Town of Wolfeboro is nearing it's 250 anniversary (see attached sheet). Many memorials for General Wolf exist around the world

but none in the Town of Wolfeboro, the Town that bears his name. Mr. Rogers, David Bowers, Tom Beeler and Kathy Eaton request the support of the Selectmen in forming a committee that will recommend to the Board an appropriate type of memorial, a suitable location, and a method for funding the endeavor. It is our belief that such a memorial is deserved, proper and will be advantageous.

Beverly Wood, Diamond Corner, stated that at last night's Historic District Commission meeting, the Board used the procedure guidelines that have not been adopted to decide on her application. They did not allow the applicant (herself or her partner) to speak on behalf of their own application, then denied their application to put up a wood shed on her property. Because of the Board's inability to follow their own rules of procedures we have been denied the use of a wood shed on our property for the winter.

Ms. Wood read a petition to the Board (see attached) asking the Board to take action so that she will not have to circulate their petition.

Jim Rogers [referencing Farmers' Market at Clark Park], asked if the discussion held tonight would be closed or open.

Mr. Senecal stated it would be open for public comment.

Mr. Rogers stated in 1926 a Warrant Article 21, *"to see if the Town will vote to raise and appropriate the sum of two thousand (2000) dollars for the improvement of Clark Park, the same to be expended under the direction of a landscape artist said improvement to be completed by July 1, 1926"*. Mr. Roger's has the original plat of this property showing a building that was supposed to erected. It was never erected, due to opposition by the neighbors.

He read Article 22, (1926) *"To see if the Town will vote to lease to the Wolfeboro Historical Society for a term not exceed ninety-nine years a suitable piece of portion of sufficient size of Clark Park for the erection and maintenance of a fire proof building or buildings together with Clark House now standing in said Park for the storage of Articles of historic interest and for other educational use in carrying out the purpose for which the Society was formed. Upon the condition that said society shall improve all land leased and buildings erected in keeping with the rest of the park and also to restore as far as possible and keep in good repair the said Clark House: and the Selectmen are hereby empowered to execute a lease of the same in accordance with the vote of the Town"*.

Mr. Rogers said the purpose that the society was formed to demonstrate the tools that were used in the early times to create habitation. The Farmers' Market agreed in their original agreement they to educate the public as to the way food and goods were obtained in the old days. They have done this and plan to do more. They have done several demonstrations to date. The park is viewed by the abutters as two parts; he would suggest that the 100 ft of green that exists be renamed. It is the Society's position that the Farmers' Market in the front part of the park is valid.

➤ **Bulk Vote**

A. Applications for Property Tax Credit/Exemptions

Approvals

- | | | |
|-----|--------------------|---------------------|
| i. | 488 Sewall Road | Tax Map 228, Lot 57 |
| ii. | 81 Boulderbrook Rd | Tax Map 269, Lot 3 |

iii.	184 Northline Rd	Tax Map 99, Lot 9
iv.	180 Bryant Rd	Tax Map 136, Lot 14
v.	291 Trotting Track Rd	Tax Map 146, Lot 4
vi.	2 Chipmunk Lane	Tax Map 215, Lot 25
vii.	5 Pleasant St	Tax Map 217, Lot 190
viii.	17 Harvey Brook Lane	Tax Map 177, Lot 10-141
ix.	12 Pleasant Valley Rd	Tax Map 244, Lot 58
x.	5 Foxglove Lane	Tax Map 201, Lot 34-124
xi.	305 Pleasant Valley Rd	Tax Map 234, Lot 17
xii.	69 South Main St	Tax Map 217, Lot 84
xiii.	44 Pleasant St	Tax Map 217, Lot 174

Denials

i.	84 Broadside Rd	Tax Map 213, Lot 16
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B. Property Tax Refund/Appeal

i.	Appeal/Refund #28	Tax Map 188, Lot 1-7
ii.	Appeal/Refund #29	Tax Map 188, Lot 1-10
iii.	Appeal/Refund #30	Tax Map 188, Lot 1-11
iv.	Appeal/Refund #31	Tax Map 188, Lot 1-12
v.	Appeal/Refund #32	Tax Map 188, Lot 1-16
vi.	Appeal/Refund #33	Tax Map 264, Lot 18
vii.	Appeal/Refund #34	Tax Map 259, Lot 1
viii.	Appeal/Refund #35	Tax Map 257, Lot 3
ix.	Appeal/Refund #36	Tax Map 258, Lot 15
x.	Appeal/Refund #37	Tax Map 265, Lot 14
xi.	Appeal/Refund #38	Tax Map 265, Lot 17
xii.	Appeal/Refund #39	Tax Map 265, Lot 18
xiii.	Appeal/Refund #40	Tax Map 265, Lot 21
xiv.	Appeal/Refund #41	Tax Map 265, Lot 22

C. Notice of Intent to Cut Wood or Timber

i.	Martin Hill Rd	Tax Map 182, Lot 3
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D. Excavation Tax Assessment

i.	Huggins Hospital	Tax Map 231, Lot 90
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Member Linda Murray made the motion to approve the Bulk Vote Agenda items A through D above, seconded by Kristi Ginter. Members voted and none being opposed the motion passed.

➤ New Business

A. Farmers Market

Jennifer Haskell, Esquire stated the purpose of raising the issue of the Farmers' Market is not to be confrontational and requests the Board of Selectmen revisit the decision they made in the use of Clark

Park. This is about the interpretation of the will. Some of the residents around Clark Park have expressed concern that Mr. Clark's original intent is not being followed by allowing the Farmers' Market at Clark Park. In the will, Clark Park was to be kept for open space or kept for a park or garden not to be used for sports.

There are two opinions from Attorney Puffer; in 2001 he addresses the use as a Farmers' Market and whether the use violates the directions of the will. In 2009, Attorney Puffer stated the use of the park as a Farmers' Market would not violate the requirement of Greenleaf Clark's will.

Was this because it would be used for agricultural purposes? When we refer to the will it says "To the Town of Wolfeboro, I give so much of my nine acre field, for practical agricultural and other needs" he put the agricultural use somewhere else. His intent was to put agriculture elsewhere. I question whether the lease is the issue or Mr. Clark's original intent. It is a question for the Select Board to consider. We have a question as to whether or not the Select Board has the authority under the original intent of the will to permit a Farmers' Market to occur in Clark Park?

Under the case law as to whether or not a Farmers' Market would be unreasonable interference. In 1915 most or many people have vegetable gardens on their property. The reference to open space would more than likely be referred to a flower garden than a vegetable garden.

It occurred to me that if those residents around Clark Park objected to the Farmers' Market would stand up and let you know that they objected, or would they be the ones who are subjected to additional noise, traffic, parking with the additional use of this area. I think the silent residents should be taken into consideration.

As recently as 2001 the suggestion that Clark Park be used for something other than open space was denied. Then there was a shift in 2009, because it was based on agricultural use. Mr. Clark granted 9 acres somewhere else for agricultural use and we are asking the Select Board to consider that the license granted to Farmers' Market is inconsistent with the original intent of the will. In terms of the original 9 acres for agricultural use, maybe if we could locate it we could use it for the farmers market. Possible sites for the Farmers Market could be Cate Park, Durgin Stables, or The Nick.

Mr. Senecal said before we get into the discussion session, the group that asked for the license for the Farmers' Market at Clark Park has not asked to return as of yet. We have not received a formal application to return to Clark Park therefore will not be making any decision on this matter tonight.

Mrs. Murray would like to point out that the Farmers' Market is still functioning with a lease until the end of October. Therefore, a license agreement exists with them until the end of October.

Mrs. Ginter asked if they are requesting us to revoke the existing license.

Attorney Haskell stated no.

Mr. Senecal asked if she was presenting the Board with information they should have to make a decision.

Attorney Haskell stated yes. She also said that she did not know that the license was annual.

Mr. Senecal stated that the Farmers' Market will need to apply for an application and license again at some point and that point there will be a public hearing.

Ms. Silk informed Attorney Haskell that the 9 acres is called the Town Garden lot.

Mrs. Murray stated that we did hold a public hearing on the license agreement. We had a long conversation about that license agreement and it was clear that the license agreement was for one year and we had the ability at any time to remove the license if there were any problems. We left ourselves wide open. If you were coming today and saying I have a problem with that license we could revoke it now.

Attorney Haskell asked if the agreement went from the beginning of October to the end of October.

Mrs. Murray said the license went from June to October.

Jim Rogers stated that education is a major part of Clark Park. He also reaffirmed that Mr. Clark was the Vice- President of the founding Historical Society.

Mrs. Murray stated that the copy of the will that we have is the Court of Probate copy of the deed.

Cindy Corcoran spoke in favor of the Farmers' Market. She feels that we should support our local farmers.

Nancy Hirshberg spoke saying she is happy the Farmers' Market is there. It is good for people to see where their food comes from.

Josh Arnold, Wolfeboro Farmers' Market Manager, said that one of the most successful workshop was the sauerkraut making. The language in his will says garden of park. A park is a good place for a Farmers Market. There are 42 towns that hold Farmers' Market in their parks. We have not come to the Town to apply for another license since our last Farmers' Market is this Friday. We will wait until it is over and compile all the feedback from vendors and customers and go through this information on how we can improve it, after that we will come back to the Board with our request.

Mike Hodder, Vice Chairmen of the Conservation commission stated he worked with the High school in putting the 9 acres to practical use to help the students learn forestry practices. You have to consider the greater good and weigh that against the occasional inconvenience to a handful of people who live on Clark Park for one afternoon a year.

John Burt, abutter to Clark Park stated at no time has any residents considered that this is not our park and that it is a Town Park. Our concern is the change of use of that land in accordance with the deed.

Dorothy West, an abutter, said that every year we have 400 children coming to our houses no one says thank you and no one offers to help.

Ramona Bradley spoke in favor of the Farmers' Market. She has been going to the market since it was started.

Carol Holier, a new resident, enjoys shopping at the Farmers' Market. By having the Farmers' Market we are giving people a choice on how we get our food and where it comes from. We should be looking into how we can make this work.

Jim Rogers rebutted Mrs. West said that most of the people that abut Clark Park are good neighbors.

Mrs. Murray would like to say thank you to all the people on Clark Road. There are a lot of children coming to the houses for Halloween and the Town does not participate.

➤ **Zoning Board of Adjustment Alternates**

Mrs. Senecal stated we have two letters from residents interested in becoming Zoning Board of Adjustment alternates.

Mrs. Murray requested to step down from this.

Ms. Silk stated that we usually see these people and interview them before putting them on a board. Were they invited to the meeting?

Mr. Houseman stated that they were contacted and Mr. Britt was unable to attend because of a medical appointment outside of Town that would not allow him to be back in time for the meeting. Mr. Hutchinson I do not know if we received a response from him.

Ms. Silk would like to move that we postpone this until our next meeting so that these people can come in. I don't know these people well enough.

Mr. Senecal asked for a second to that motion. There was none.

Mrs. Ginter made the motion that we approve the two applicants we have, Christopher Britt and Geordy Hutchinson as alternates to the Zoning Board of Adjustment, seconded by Marge Webster.

Ms. Silk would like it on the record I do not know either of these people to put them on a Board, I don't know their experience, there familiarity with New Hampshire Laws. One person has just moved here. I don't feel comfortable putting someone on a Board that I don't know much about. The ZBA is an important Board and you have to have a lot of knowledge in order to do your duty there. I just can't approve putting someone on that I don't know.

Mr. Senecal made the comment that some of us have been on the different boards in the past and we didn't know that much.

Ms. Silk stated that in her 7 years on the Board she didn't believe that we have appointed anyone to the Board that we didn't know.

Mr. Senecal asked for any further discussion. There was none. He then called for a vote.

The Board voted Marge Webster, Kristi Ginter, David Senecal in favor and Sarah Silk opposed. The Motion passed 3 to 1.

Mr. Senecal ask Mr. Houseman to send a letter to the new board members to notify them of the appointment.

Mrs. Ginter ask him to encourage them to attend Land Use Workshops.

Mrs. Murray return to the board and reminded the board that the new ZBA members will need to be sworn in at the Town Clerk's office.

➤ **Trucking Restriction – Pleasant and Oak Street**

Mr. Houseman said at the last meeting there were questions as to whether or not any conditions of approval by the Planning Board affected or required the loading or unloading of truck traffic on Pleasant Street. I reviewed the record file not only for the most recent approval but for all previous approvals and at no time did the Planning Board conditionally approve this project with traffic associated with Pleasant Street. Mr. Houseman presented a copy of the latest condition of approval. The site plan presented had some changes (i.e. the fencing retained in its current position and croquet court is not permitted) and this is not shown on this plan. In addition, I did provide the Board with a copy of the 1991 Notice of Action by the Board of Selectmen and the article from the Granite State News that reflects the Selectmen's modification to the parking ordinance. Mr. Houseman said the original approval dates back to 1987 and this action dates back to 1989 so it was sometime after 1989 and prior to 1990. This reflects a motion from the Board of Selectmen to amend the current prohibition on parking on Sewall Rd to allow for loading and unloading in its current location.

Mrs. Murray stated which supports nothing being on Pleasant Street.

Mr. Senecal asked if there was any action the Board would like to take.

Ms. Silk said she didn't think the question was the loading or unloading on Sewall Road but the traffic on Pleasant Street.

Mrs. Murray said that we passed the traffic restriction on Pleasant Street. We were looking for more information.

➤ **Other Business**

Mrs. Murray said the Board has a meeting scheduled on October 13 at the Community Center at 2 PM to review Budget, I have to go to New Jersey for a ZBA meeting and I would like to request the Board to cancel that meeting and reschedule it.

Linda Murray made the motion to cancel the October 13, 2009 Board of Selectmen meeting and reschedule it at a later date, seconded by Marge Webster. The members voted all in favor, the motion passed.

Ms. Silk said that on October 20, 2009 we have another 2 PM start meeting and I found out when I was attending a Legislative Study Meeting that we are having another hearing starting at 1 PM on the final draft of the Sharps Bill Report. Which we have been working on all year, so I will be late.

Mr. Senecal asked Mr. Houseman to notify the departments of the change in schedule.

➤ **Town Manager's Report**

Mr. Houseman informed the Board we have a request from one of our staff to decorate the windows with the annual holiday decoration.

The Board approved the request.

Ms. Silk said in the most recent copy of Town and City magazine the Planning Board and ZBA should get copies of pages 18 – 21. The information is regarding unnecessary hardship. She also said pages 15- 20 refer to the new legislation going into effect in January.

Mr. Houseman stated that they have the information going into their packets.

Ms. Silk would also like to have pages 46 to 48 on "New Programs Are They Worth The Work" go to the Welfare Director. She would like to ask if the Code Enforcement Office and Fire Dept. had been made aware of the Art Gallery opening.

Mr. Houseman said he was made aware of this on Tuesday and has made Audrey Cline and Tom Zotti aware of it and have asked them to get back to me.

Mrs. Murray said in the Town and Country magazine she would like to bring to the Board's attention that one of the changes to the legislation is on the vote tallies; *"Allows the Board of Selectmen to print the numerical vote tally of the selectmen and or the budget committee next to the articles on the town warrant even though the town legislative body has not voted to require the printing of such tallies"*. I called the Local Government Center to get confirmation because I could not find it online as they have not updated it online yet. There is also a change to RSA 41: 14-a in the handout on page 14, it talks about *the "5 year lease of municipal property authorization and it is to allow the legislative body to authorize the selectmen to rent or lease municipal properties for a term for up to 5 years with out further vote or ratification of the town"*. These are a few things we may want to look at. The other thing I would like to point out is that on January 1, 2010 the Workforce Housing law goes back into effect.

Ms. Silk said there was a request relative to the Wolfeboro Car Wash.

Mr. Houseman said the Wolfeboro Car Wash has asked to have a Veterans Day Car Wash and asked the Town to contribute to the cost of the sewer fee. I spoke with the gentleman; I tried to reach him before the deadline on Monday to see if I could get him placed on the agenda. He may be making a request to the Board. We did discuss the difficulties in accurately representing the cost of the sewer costs for the Veterans. It is a wonderful project and excellent opportunity to honor our Vets. The difficulty the Board would find has to deal with these issues and the other needy causes they have to address. He may or may not make that request to the Board.

➤ **Committee Reports**

Marge Webster stated at the Library meeting on Monday they have posted their RFP for potential drawings for what they can do with their land and potential development of buildings and the cost figures. They will be opening these on October 26, at 2 PM. They have gone to 19 architects.

Ms. Silk said October 17 will be the final Hazardous Waste Collection for the year and hopefully we will have something in the paper. I did attend the legislative study committee today on Sharps they are working on the final draft recommendation; due November 1st.

Mrs. Murray said on Sept 24 I attended the Lake Wentworth Foundation's meeting and presentation on the environmental and economic benefits of the development of a Comprehensive Watershed Management Plan for Lake Wentworth and Crescent Lake. (see attached). They also did a survey as to what would happen if the quality of the water went down; 69% said they would not come as often, 46% said overcrowding, view and scenery 59% and water level and flow 53%. They did some correlations and said if the quality went down the lost in sales would be about \$25 million, the loss income is \$8.8 million, and the loss of jobs 396. I also went to the Carroll County Collaborative; their mission is to create and facilitate dynamic responses to the needs to the citizens of Carroll County through the utilization of collaborative social justice model design to maximize the existing assets within the region.

Mrs. Ginter would like update the Board on the Planning Board meeting. We had 4 scheduled applications, the Board approved 2 applications and one was deferred by the applicant until November 3rd. The ELRHC had two applications. The public hearing was held and the application was accepted and the public hearing was continued until November 3rd.

Mr. Senecal would like to update the Board on the Carroll County Transit Authority. The bus routes have been run and the new busses will arrive by June 1st. The routes will go from West Ossipee to Laconia, West Ossipee to Conway and West Ossipee to Wolfeboro. The schedule is out on the web site. We are set to start on July 1, 2010.

The H1N1 meeting was held in Tamworth and was very well attended. The H1N1 vaccine is not in the State but it should be here by the end of October and then they will start scheduling workshops. They will probably set up some pods where people can go to get injections. The intent is to open 2 pods in this area; Ossipee and Tuftonboro.

➤ Adjournment

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

Member Kristi Ginter moved the Wolfeboro Board of Selectmen to adjourn the meeting at 7:50 PM, seconded by Linda Murray. Members voted all in favor, the motion passed.

Respectfully Submitted,
Theresa TAVARES
Theresa R. Tavares

[illegible]

When in the year 1759 a 36 square mile tract of New Hampshire land was granted to a group of four plus 20 men, it became desirous to appoint a title in order to designate the Area. To dispatch this need these men did meet in Portsmouth on November the 14th 1759. Daniel Pierce was chosen moderator of the Assembly and David Sewall the Clerk,

All present desired to choose a name that would distinguish this place of great beauty. A name that would inspire the bravery and resolve to fashion an ideal toward which they would labor.

After much discussion it was decided that the name of Wolfe, a name steeped in true bravery resulting from the Victory achieved as he battled the French on the Plains of Abraham in Quebec. Wolfe died in that battle, a British General at the age of 33 years. The French leader Montcalm also perished on these plains as the battle raged on that September morning in 1759.

This Victory, fashioned by Wolfe, was the turning point of the French and Indian War, an event that not only secured dominance of the British in Colonial America, but also ensured the path of conquest westward. The famous historian Garneau wrote: "Wolfe did not so much bring the French under a foreign yoke as to free them from an antiquated one, extremely unfavorable to progress"

Monuments and Memorials to Wolfe exist around the world, yes even in France,... but not in this place; the only Wolfeboro- a place that took his name to inspire the consequence of our ancestor's Ideal. Let us then resolve as we approach the 250th anniversary of our name- to Honour Wolfe, his bravery, his resolve, and his passion. And in this, newly commit ourselves to the Ideal derived from his life by our ancestors, and let it light a torch in these times of trouble that can lead us back to a path on which we can again take great pride.

With this, myself, David Bowers, Tom Beeler, And Kathy Eaton request the support of the selectmen in forming a committee that will recommend to the board an appropriate type of memorial, a suitable location, and a method for funding the endeavor. It is our belief that such a memorial is deserved, proper, and will be advantageous to the Town.

James Winthrop Rogers

On September 24 I attended the Lake Wentworth Foundation's **meeting and presentation on the environmental and economic benefits of the development of a Comprehensive Watershed Management Plan for Lake Wentworth and Crescent Lake.**

Jackie Colburn, **who is the Lakes Coordinator within the Watershed Management Bureau of the N. H. Department of Environmental Services,** informed the group as to how she can help lake organizations and towns throughout the state develop Watershed Management Plans that are tailored to the particular needs of the bodies of water. Ms Colburn profiled many of the environmental and economic benefits of having a well thought out Watershed Management Plan. She also outlined a logical approach to undertaking a Comprehensive Watershed Management Plan.

Wolfeboro's 2007 master plan state that Wolfeboro "is rich in water resources with numerous lakes and ponds, streams, wetlands and groundwater resources. The water resources of the town are the cornerstone of our tourist based economy. In part, the desirability of visiting or living in the Town of Wolfeboro is related to the superior surface water quality of the lakes, ponds and streams within Wolfeboro's environs."

*** Economic Impact of Deteriorating Water Quality.**

Erica Anderson from the Lake Region Planning Commission informed the group of the progress that the LRPC has made in creating the Winnispauski Comprehensive Management Plan and discussed the tentative timeline for Wolfeboro Bay.

The Wentworth Foundation is not looking for Town Funding for this project but will try for Private, State and Federal Funding.

The Wentworth Foundation first step is to form an Exploratory Committee. Anyone interested in that committee should contact Joe Carilli foundation president .