

**Wolfeboro Board of Selectmen  
Meeting minutes  
Approved  
July 20, 2011**

**Members present:** Chairman Sarah Silk, Vice-Chairman Linda Murray, Dave Senecal, Chuck Storm, and Q. David Bowers

**Members absent:** None.

**Staff present:** Town Manager David W. Owen, Police Lieutenant Dean Rondeau, Public Works Director Dave Ford, Parks & Recreation Director Ethan Hipple, Deputy Fire Chief Tom Zotti and Recording Secretary Amelia Capone-Muccio.

Chairman Silk opened the meeting at 6:30 PM.

**Non-Public Session RSA 91-A: 3II**

Mr. Owen stated a non-public session is needed to discuss real estate, collective bargaining, and litigation.

**Consideration of Minutes**

➤ **June 29, 2011**

**Member Chuck Storm moved the Wolfeboro Board of Selectmen to approve the minutes of June 29, 2011 as written. Dave Senecal seconded. Members voted and being none opposed the motion passed.**

➤ **July 6, 2011**

Mrs. Murray amended page six, the fourth paragraph from the bottom to read as follows: Mrs. Murray questioned if the end of June is missing a payroll. She questioned if the operating budget has outstanding purchase orders as they are at 51.9% and she is concerned.

**Member Linda Murray moved the Wolfeboro Board of Selectmen to approve the minutes of July 6, 2011 as amended. Dave Senecal seconded. Members voted, Chuck Storm-abstained and being none opposed the motion passed.**

**Public Input**

None.

**Public Hearings**

***A. Continuation of Public Hearing of Proposed Ordinance RE: Town Hall Parking Regulations***

Chairman Silk opened the public hearing.

Mr. Owen stated the public hearing was continued from the last meeting in order to make minor amendments and he stated that he discussed doing a sticker program with the Tax Collector which is easily implemented.

Mr. Bowers stated that when he recently attended the Chamber of Commerce meeting they expressed their opposition to such changes as they town acquired a lot for additional parking that can be used for the island residents.

Joan Hill of 2 Kenniston Island joined the Board for discussion and stated that she likes the sticker idea and noted it is difficult for the island residents to find parking during events and she questioned how many stickers they would get.

Mr. Owen replied two.

Mary DeVries Chamber of Commerce Director joined the Board and stated that the Chamber's Board of Directors feels that the addition of the Glendon Street lot solves the need for additional overnight parking and would like to leave the town hall lot open for those conducting business in the downtown area.

Being no further comments, Chairman Silk closed the public hearing.

Mr. Bowers noted that if they find this idea is not working they can always make revisions.

Mrs. Murray understands that they will have the additional parking in the Glendon Street lot, but they do not have that option available at this time and when they do they can revisit it.

Chairman Silk stated that she feels the island residents pay enough taxes to the town that they should have some parking available.

**Member Chuck Storm moved the Wolfeboro Board of Selectmen to adopt the following amendments to the Code of Wolfeboro, Chapter 164, and Section 5 entitled "Restricted Parking Streets":**

**Subsection M. (3) Parallel parking, west side from Lake Avenue north end to Town Park, both sides from Union Street to Rotary Club Clock.**

**Subsection M. (4) North side between the eastern drive entrance to Town Hall and Unions Street, 30 minutes during the hours of 8:00 AM to 4:00 PM, Monday through Friday.**

**Subsection N.**

- (1) Parking directly in front of the Town Hall shall be limited to 30 minutes during the hours of 8:00 AM to 4:00 PM on business days with the exception of one (1) space reserved for the Town Clerk.**
- (2) Rear parking lot, except for the parking spaces reserved for Town Employees, parking shall be limited to two hours between the hours of 8:00 AM and 4:00 PM. Island resident vehicles, with island resident sticker, shall have unrestricted use.**

**Dave Bowers seconded. Members voted and being none opposed the motion passed.**

***B. Proposed Ordinance: Unlawful Sale and Possession of Synthetic Cannabinoid Compounds***

Chairman Silk opened the public hearing.

Lieutenant Dean Rondeau of the Wolfeboro Police Department joined the Board for discussion and read Senate Testimony of Joseph T. Rannazzisi; Deputy Assistant Administrator of the Office of Diversion Control Drug Enforcement Administration, US Department of Justice dated April 6, 2011 as highlighted on the attached

document. (See attached). He further stated that the full testimony lays out the Federal Government's intention to ban these substances, but such will take sometime. He stated that this ordinance will give the local Department the ability to take action on these dangerous substances until Federal guidelines are implemented.

Chairman Silk stated that the "Today Show" recently aired a lengthy segment on the dangers of these drugs and it is important for them to take some local action.

Dick Hamilton, resident, stated that the Lieutenant recently spoke to the Rotary about this topic and he is in support of this ordinance. He noted that Lieutenant Rondeau provided some extensive information of the effects of these drugs that the public should be aware of.

Lieutenant Rondeau stated that it is a synthetic drug and the Department became aware that a business in Wolfeboro was selling such drug when they were making DUI arrests and those who experienced the effects of the drug advised them that that is was affecting them for days and it prompted them to create an ordinance to help keep the public safe.

Mrs. Murray asked him to describe the packaging of this product.

Lieutenant Rondeau replied the package has a cartoon character on it; the substance is herbs that are sprayed with the synthetic drug and typically come in the flavors of strawberry, bubble gum, etc. He stated this type of packaging is geared toward young people and it costs \$25 to \$35 for 1/8 to 1/4 oz which is far beyond the typical cost for incense, which the drug is marketed as. He stated this drug was designed to mimic a controlled substance.

Chairman Silk questioned if it is true this drug has six times the effect of marijuana.

Lieutenant Rondeau replied yes, these drugs are not designed by pharmaceutical companies, there are created underground in places like China or India. He stated the town of Franklin has banned this product outright in their community at their last town meeting.

Dick Hamilton stated that he is favor of this ordinance and it should definitely cover the areas of the school districts.

Being no further comments, Chairman Silk closed the public hearing.

Mr. Bowers questioned the ordinance taking place immediately.

Mr. Owen replied that this was reviewed by Town Counsel and he had no objection to such.

Mrs. Murray stated they should note the fines.

Chairman Silk read Section 113-3 Violation and Penalties of the ordinance reflecting a \$550 fine and noted each separate violation will constitute a separate offense.

**Member Chuck Storm moved the Wolfeboro Board of Selectmen to amend the Town Code of Wolfeboro by adopting a new Chapter 113, entitled "Unlawful Sale and Possession of Synthetic Cannabinoid (Cannaimimetic) Compounds" as submitted. Linda Murray seconded. Members voted and being none opposed the motion passed.**

## Bulk Vote

### **A. Property Tax Abatements/ Refunds**

- i. Abatement/Refund #175 Tax Map 168, Lots 2 & 2

### **B. Property Tax Credit/Exemptions**

- i. 18 Rust Pond Tax Map 261, Lot 5-1

### **C. Timber Tax Levy-\$ 1,947. 24**

**Member Dave Senecal moved the Wolfeboro Board of Selectmen to approve the Bulk vote items A through C above. Linda Murray seconded. Members voted and being none opposed the motion passed.**

## Appointments

### **A. Library Board of Trustee Alternate members**

John Sandeen, Chairman of Wolfeboro Public Library Board of Trustees, joined the Board for discussion and stated they would like the Board to appoint Peter Cole, Prudence Fitts, and Michael Hodder as Alternate members to the Board of Library Trustees for the term August 1, 2011 to July 31, 2012. He stated both Peter Cole and Prudence Fitts have served in the past and Michael Hodder, although new to the Library Board, has served on other town Boards.

Mr. Bowers thanked them all for wanting to serve, the town is grateful.

**Member Dave Bowers moved the Wolfeboro Board of Selectmen to approve the appointments of Peter Cole, Prudence Fitts, and Michael Hodder as alternate members of the Wolfeboro Library Board of Trustees for a term of one year, beginning August 1, 2011 through July 31, 2012. Dave Senecal seconded. Members voted and being none opposed the motion passed.**

## New Business

### **A. Resolution recognizing 30 years of Public Service**

Mr. Owen stated he recently became aware of Tax Collector Brenda LaPointe's 30<sup>th</sup> anniversary of employment with the Town of Wolfeboro. He read the following resolution:

Whereas, Brenda LaPointe was initially hired by the Town of Wolfeboro on July 6, 1981 as Municipal Utilities Billing Technician, and

Whereas, Brenda LaPointe subsequently worked for the Town in a number of capacities, including Acting Business Manager for the Municipal Electric Department, Deputy Tax Collector, and Secretary to the Conservation Commission, culminating with her appointment as the Town's Tax Collector on August 2, 1993, and

Whereas, Brenda LaPointe has served continuously as the Town's Tax Collector with dedication and integrity since her appointment in 1993, and has also served on several occasions as the Acting Town Manager during absences or vacancy of that position in addition to the duties of her own position.

NOW, THEREFORE, BE IT RESOLVED that the Board of Selectmen recognize and commend Tax Collector Brenda LaPointe for her dedicated public service to the Town of Wolfeboro on the occasion of her 30<sup>th</sup> anniversary of employment with the Town.

Chairman Silk noted they will also celebrate several other Town Employees' anniversaries in a luncheon on July 27, 2011 for Pat Waterman 42 years, Philip "Butch" Morrill 31 years and Randy Lampron 25 years.

**Member Linda Murray moved the Wolfeboro Board of Selectmen to approve and sign the Resolution In Recognition of 30 Years of Public Service to the Town of Wolfeboro. Chuck Storm seconded. Members voted and being none opposed the motion passed.**

***B. Proposed Gift to the Town Hall of a New Flagpole for Town Hall***

Jeff Adjutant joined the Board for discussion and stated that he and his wife Sue would like to donate a new Flagpole for the front of Town Hall. He noted he discussed such with the Town Manager, Public Works Director, and Direction of Operations for the Municipal Electric Department, all who would help in installation of such. He has come to the Board as to the procedure of donating such.

Chairman Silk stated that if a gift is valued at \$ 5,000 or above it requires a public hearing to accept it and if such gift is valued below that amount, the Board can accept the gift at a regularly scheduled Board meeting.

Mr. Adjutant noted that he proposes to donate a 30 foot pole in brushed aluminum with a crank halyard. This is slightly bigger than the current pole and will allow a larger American Flag and will accommodate the State flag as well.

Mr. Owen stated once Mr. Adjutant has the exact details of the donation he may submit it in writing to his office and it will be scheduled for a meeting.

Mr. Bowers thank them for such a generous offer.

Mr. Adjutant replied the town does a lot in support of its veterans therefore, it is the least they could do.

***C. Proposed Capital Improvement Plan (CIP) Submissions***

Mr. Owen stated that the Board has requested to see the CIP Project Requests submissions before they are submitted to the CIP Committee, which starts meeting next week, as a preliminary review and such has been submitted for the Board's review.

Chairman Silk questioned in regards to the Fire Department's schedule for truck replacement, if the ladder truck has changed on the schedule due to the recent repairs.

Mr. Owen replied it remains the same on the schedule for replacement, but noted that although it has been repaired it seems it will be going out for repairs again.

Deputy Chief Zotti joined the Board for discussion and explained that the ladder truck was repaired last year for damage to the aerial device, which does not have an impact on the life span of the vehicle which is 25 years.

Mr. Owen stated that the ladder truck was shipped back to the manufacturer a year ago for repairs to the aerial device and such repair was tested by the Underwriters Laboratories (UL) and passed, but since we have received it back it was not working properly. Therefore, the town had it tested by another firm who has stated it does not meet the standards required and needs immediate repair. He stated the truck will be shipped back to the manufacturer at their expense to replace the aerial device and such replacement cost is between the manufacturer and the town's insurance company Primex. He stated the truck is expected to be out of service again for 3 to 4 months.

Mrs. Murray stated that the CIP report covers a 10 year span and she stated she compared it to last year's and commended the staff on doing a nice job following the Board's guidelines.

Dave Ford joined the Board for discussion and explained he had a few projects that separately would not qualify as CIP projects but combined they would and he provide copies of such to the Board. He noted the projects are for the Waste Water Treatment Facility building upgrades at \$90,000 and spray area upgrades at \$90,000 and Public Works Garage lift repairs at \$115,000 and fuel depot replacement at \$95,000.

Mr. Storm stated the Planning Board had reviewed the past history of the CIP and he was amazed at how much the town has accomplished over time by using this plan.

#### ***D. Brummitt Court Proposed Easement and Improvements.***

Mr. Owen explained that Dave Ford has had discussions with property owner Cathy Sykes in regards to acquiring an easement to make improvements to Brummitt Court and to resolve the issue of access for the abutters. He stated Ms. Sykes has submitted terms she would agree to.

Dave Ford joined the Board for discussion and referred to Ms. Sykes's e-mail dated July 12, 2011 outlining stipulations she would agree to.

Chairman Silk outlined the five stipulations as follows:

1. All work completed by the end of 2012 construction season.
2. Her attorney to be allowed to discuss the language of proposed easement with the Town Attorney.
3. Her three neighbors would sign off on the agreement.
4. Have her neighbors change their address to Cropley Hill and rename Brummitt Court something like "Yellow Brick Road"
5. She would like enough drainage in this year to assure she does not get water in her basement.

Mr. Owen stated that Mr. Ford has done a cost estimation for some of Ms. Sykes's proposed stipulations.

Mr. Bowers questioned the history of name Brummitt Court.

Mrs. Murray replied that she is not sure when it was named that, but it pertains to Sherman Brummitt.

Mr. Ford provided a map of the area and preliminary cost estimate for Brummitt Court road and sidewalk construction and reviewed them as follows:

- The cost for the road base and drainage work with town crews performing the work is \$ 11, 079. If the town should bid such work it would increase the cost two to three times more.
- Cobblestone road surface with a brick sidewalk including drainage work and contingency is \$ 99,628.59
- Stamped concrete road surface including drainage work and contingency is \$ 47,303.59
- Paved surface with concrete sidewalk including drainage and contingency is \$ 22, 912,09

Mrs. Murray questioned the stamped concrete's durability for plowing.

Mr. Ford replied that cobblestone and stamped concrete would require them to lift the plow to protect their longevity.

Mr. Senecal questioned if they are speaking of 250 feet of roadway.

Mr. Ford replied it is 175 feet of road bed and 250 feet of drainage. He explained they could put the gravel down to keep water out of Ms. Sykes's basement and address the road closure for the abutters in this year's budget.

Mr. Senecal questioned how the home being for sale affects any agreement.

Mr. Owen replied such would be a permanent easement on the property.

Mr. Senecal stated he would like to hear from the abutter's regarding changing the name of the road as he does not agree to do such.

The Board agreed to hear from the abutters.

Carole Pineo for Jean Radetsky stated that she has reviewed the e-mail from Ms. Sykes and they disagree to all proposed stipulations. She stated the road is mostly ledge and many have dealt with water in their basements for years and feels no drainage work is needed. She stated the abutters spent \$ 14,000 to get their right of way and all they want is the road to be open. She stated Ms. Sykes is not abiding by the agreement.

Mr. Bowers replied the town is trying to resolve the issue and questioned if she agrees with any of the proposals.

Mrs. Pineo replied she doesn't feel it is needed.

Denise Williams of 22 Cropley Hill stated that she didn't want to cost the town any more money and appreciates all the help the town has done. She does not agree to change the name of the road. She stated they are looking to get their court ordered right of way.

Walter Fawcett agrees with Ms. Williams and does not wish to spend anymore of the town's money than needed. a gravel road is fine. He also does not agree to change the name of the road and appreciates all the town's efforts.

Bernard Pineo stated that the road has been gravel for 75 years and residents' basements have always had water. He stated if they don't raise the road Ms. Sykes should have no problem with water in her basement and he does not see a need for the town to spend any money on this road. He stated a sidewalk would not work on this road in the winter months and such would just be inviting people to use the road more. He stated the abutters are just looking for their access to the road and he would fill the area and grade it at no cost to the town.

Mr. Ford stated that he did not intend for the sidewalks to be used in the winter months and he further explained the town lost in court in its effort to take the property by eminent domain to do the maintenance on the road and if the

abutters are fine with a gravel road and are willing to repair, he is fine with that as they have a court order to do such.

Chairman Silk pointed out the town can not do anything without an easement, but the abutters have easements.

Mr. Ford agreed the abutters have the right to do exactly what Mr. Pineo said.

Denise Williams stated that she had initiated the help of Mr. Ford and tried to find out if the abutters could assign their rights over to the town.

Mr. Owen replied he verified such with the Town Attorney and they can not do that. He stated the issue is if the abutters want the town to do maintenance to the road the town needs an easement. If they would like to use their rights to maintain the road they should discuss it among themselves and let the town know.

Mrs. Murray stated she is not in agreement to spend \$100,000 of the town's money on cobblestone for this road when they have other roads that need work.

Chairman Silk stated option three would be the only option she would entertain but it would require a permanent easement from Ms. Sykes. She is willing to wait for an agreement from the abutters.

Mr. Bowers would agree to the same.

#### ***E. Asset Management Plan***

Chairman Silk read Dave Ford's memo dated July 14, 2011 outlining a phased approach for an Asset Management Plan. (See attached)

Dave Ford joined the Board for discussion and stated they met last April to discuss this issue and such is a huge task to be undertaken and he has concerns that the data will not go anywhere and such data needs to be compiled to achieve their goals.

Mrs. Murray stated she agrees with the recommendation of using a consultant to compile the data to a usable plan and to put out a request for qualifications as recommended.

Mr. Ford stated data collection could be done by town staff but he is not sure the town would want the staff evaluating their own buildings or have it done by a consultant in order to provide continuity.

Chairman Silk suggested they ask for sample of data collection as not to recreate the wheel and noted the data collection for such is going to be massive.

The Board agreed to issue a RFQ.

#### ***F. Town Manager Evaluation***

Chairman Silk questioned if the Board would like to make any changes to the evaluation form.

The Board agreed to use the same form as is.

Mr. Senecal agreed they should do it during the budget cycle.



## **Any Other Business**

Chairman Silk stated that she received a call from Alton Board of Selectmen Peter Bolster as to a possible meeting in September with some of the abutting communities to see if there are any programs that could be combined. For example, how Alton and Wolfeboro combine the Hazardous Waste Program and Wolfeboro, Tuftonboro, and Moultonborough combine the Milfoil program. She stated that combining such programs saves money and is more efficient.

The Board agreed having such meeting is a good idea.

Mr. Owen pointed out that Alton Selectman Patricia Fuller passed away and any contributions in her memory can be made to the Alton Fire and Rescue Department.

The Board requested the Town Manager to send their condolences.

## **Town Manager's Report**

Mr. Owen reported the following:

- Three members of the Department of Public Works passed the Roads Scholar One program in the NH Local Technical Assistance Program and they are Tony Guilbault, Tim Milligan, and Ivan Nault and they are the first members of Public Works to complete this program.
- Forest Road was resurfaced last Friday and Springfield Point Road and Pleasant Valley Roads are scheduled for repairs.
- Department Heads have been provided the budget guidelines for 2012.
- He will be on vacation a week in mid-August and mid-September.

## **Committee Reports**

Mr. Storm stated the Planning Board met and adopted the Natural Resources Chapter of the Master Plan; they closed out some expired securities and discussed group homes.

Mr. Bowers stated the Library Trustees met and are working on their ambitious plans for expansion. He noted that media use is up and noted that Ancestry.com is free with your membership to the Library. He stated the Chamber of Commerce met and discussed endorsing the Front Bay Park headed by the Conservation Commission.

Mrs. Murray stated the following:

- She attended an Encampment on Friday and noted that Tom Beeler would provide more information on such and thanked him for his leadership on this venture.
- She attended a Joint Milfoil Board meeting and noted DASH 1 is out of commission for repairs.
- The Economic Development Committee met and is discuss different business ideas for the town.

Tom Beeler joined the Board and explained they held the second annual Encampment Event with success and they will continue to meet to make this an annual event with hopes of it being an anchor event for an Old Home day event.

Chairman Silk suggested they discuss an Old Home Day event with the Chamber of Commerce.

Mr. Senecal stated the Budget Committee met last week and he feels they had a good discussion for the 2012 budget preparations.

Chairman Silk stated the following:

- The Conservation Commission met and discussed the Front Bay Park
- Household Hazardous Product Facility will meet Monday and plan to discuss an RFP for LRPC for their Waste Hauler Contract next year.
- She attended a Sharps Disposal meeting in Concord with Representative Knox and they discussed doing a demo collection day during the week for Solid Waste Operators.

#### **Questions from the Public**

None.

#### **Questions from the Press**

Tom Beeler of the Granite State News noted there will be an article about Hazardous Waste Collection in this week's paper.

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

**Member Linda Murray moved the Wolfeboro Board of Selectmen to enter non-public session at 8:44 PM to discuss collective bargaining, litigation, and real estate. Dave Senecal seconded. Roll call vote: Sarah Silk-yes, Dave Senecal-yes, Dave Bowers-yes, and Linda Murray-yes, the motion passed.**

The Board re-entered public session at 9:30 PM.

Chairman Silk stated the non-public session minutes of July 20, 2011 were sealed by a 2/3<sup>rd</sup>'s vote as required by law.

**Member Dave Senecal moved the Wolfeboro Board of Selectmen to adjourn at 9:31 PM. Member Linda Murray seconded. Being none opposed, the motion passed.**

Respectfully submitted,

**Amelia Capone-Muccio**

Recording Secretary