

**Wolfeboro Board of Selectmen  
Meeting minutes  
Approved  
August 4, 2010**

**Members present:** Chairman Linda Murray, Vice-Chairman Sarah Silk, Chuck Storm, Dave Senecal and Marge Webster

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

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

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

Mr. Owen stated a non-public session is needed to discuss litigation.

**Consideration of Minutes**

➤ ***July 21, 2010***

Chairman Murray amended page three, the fourth paragraph to add "with the Attorney General's approval" to the second sentence in that paragraph.

**Member Sarah Silk moved the Wolfeboro Board of Selectmen accept the minutes of July 21, 2010 as amended. Chuck Storm seconded. Members voted, being none opposed the motion passed.**

**Public Input**

None.

**Public Hearing(s)**

- ***Temporary Event Permit for the Wolfeboro 250<sup>th</sup> Committee to hold Colonial Encampment on Brewster Memorial Field on August 20-22, 2010.***

Chairman Murray opened the public hearing.

Tom Beeler joined the Board for discussion and explained as part of Wolfeboro's 250<sup>th</sup> Anniversary celebration, an Encampment of colonial events and demonstrations will be held on Brewster Field. They have several events planned for the celebration as well as a Governor's Reception at the Pinckney Boathouse, and tickets for that event can be purchased for \$10.

Being no others to speak for or against the request Chairman Murray closed the public hearing.

Ms. Silk noted the comments from the Department Heads on the permit request form.

**Member Marge Webster moved the Wolfeboro Board of Selectmen approve the request for a temporary event permit for the Wolfeboro 250<sup>th</sup> Committee to hold Colonial Encampment on Brewster Memorial Field on August 20-22, 2010. Sarah Silk seconded. Members voted and being none opposed the motion passed.**

### Bulk Vote

➤ ***Raffle Permit for Ossipee Children's Fund***

**Member Sarah Silk moved the Wolfeboro Board of Selectmen approve the bulk vote as listed above. Chuck Storm seconded. Members voted and being none opposed the motion passed.**

### Appointments

➤ ***Lakes Region Planning Commission Scenic Byway Steering Committee***

Dave Ford joined the Board for discussion and explained that several years ago such Committee was created to protect the Scenic Byway from Wolfeboro around the lake through Moultonborough to Alton. He stated a management plan was done, but the committee has been defunct. He explained DOT has informed them they need to do something with this committee or it will need to be dissolved. He stated that LRPC has decided to create a steering committee to get this committee back up and running in order to take advantage of grant funds. He stated he had an interest in being on the steering committee to get it going again, but suggested the Board appoint others to become members of the actual committee, such as from the Chamber of Commerce or Conservation Commission.

Chairman Murray questioned if he was seeking them to appoint someone from those Boards now or later.

Mr. Ford suggested waiting until the steering committee gets back up and running and then he will update the Board at a later date on when to seek other members.

**Member Marge Webster moved the Wolfeboro Board of Selectmen to appoint Dave Ford to the Steering Committee for the LRPC's Scenic Byway Committee. Sarah Silk seconded. Members voted and being none opposed the motion passed.**

### New Business

***A. Preliminary Review of Water & Sewer Rates***

Dave Ford joined the Board for discussion and explained that the town contracted services to perform a water and sewer rate study. He provided the Board with an updated spreadsheet of the projected water and wastewater operating expenses and revenues and highlighted details of those spreadsheets. He explained the 2007 Water Conservation rate increase has shown a positive effect in water usage reduction. He does not recommend a rate increase until 2012 at which time he will be back before the Board to discuss.

Chairman Murray stated the information from this study is helpful especially for budgetary purposes.

Mr. Ford noted they have not received a lot of revenue from increased connection fees due to the decline in building and suggested setting up a special account for these funds to help either offset rates or designate it for specific projects.

Chairman Murray stated a Capital Reserve account could be set up for those.

### **B. Release of Notice of Deficiency**

Mr. Owen stated he received a call from Kristi Ginter regarding a Notice of Deficiency recorded against her property and since the Historic District Commission (Committee who implemented the notice) is no longer, he contacted Attorney Sager to seek advice on resolving such. He stated that Attorney Sager advised him the law does not speak specifically to this situation and suggested having both the Board of Selectmen and the Planning Board sign off on the release of the notice of deficiency and record it. He stated the Planning Board took action on this last night and signed off for removal of the Notice of Deficiency on the Ginter's property.

**Member Marge Webster moved the Wolfeboro Board of Selectmen to approve the Release of the Notice of Deficiency placed by the Wolfeboro Historical District Commission against the property of Christopher and Kristi Ginter, and to authorize the Board's Chairman to sign the document on behalf of the Board. Chuck Storm seconded. Members voted and being none opposed the motion passed.**

### **C. Repudiation of Contract**

Mr. Owen stated over the past couple years the town has been negotiating for modest changes to the Health Insurance with the Fire Fighter's union, but they have been intransigent and uncooperative. He stated this has led to review of other ways to deal with the situation and discovered that when the union was voted by Warrant Article in 2002, it did not have the ten members required and does not have ten members today. Labor Counsel advises that Article 19 on the 2002 Town warrant appears to have been an illegal warrant article. He stated by not recognizing the union, the employees would be placed under the town's personnel plan effective the first payroll date October 1, 2010 to allow time for open enrollment of the insurance.

Chairman Murray stated she had mixed feelings on ceasing to recognize the firefighter's union and the effect it would have on their relationship with the employees, but in order to make her decision she did some research. She stated the following:

*They have not been able to get the Firefighters' union to make any of the changes to the Health Insurance plans that other employees of the town have made. In order to make this decision she reviewed the town's prior offers to the firefighter's union, the experience with the A.S.F.C.M.E unit, the town's Health Insurance Advisory Committee recommendations, and the town's pay and classification study results. I know it is important for the town to control expenses for the taxpayers, so I would like to share with you some of my thoughts and my review before I make my vote. The issue of the town's health insurance costs started with a sub-committee of the Budget Committee. In August 2006 this committee reported some key findings. The town needs to look at the employees' full benefit package, which included pay, health and dental insurance, disability protection, longevity pay, comp time, paid holidays, vacation, personal and sick days. This Committee felt very strongly that the town needed to limit the rate of growth of employees' benefits and to help control cost the health insurance plans had to have some mechanics to control the cost such as permitting the town to shift more of the employees' total compensation to salary and wage components. Such as if you had an earache in the night, do you go to the emergency room or would you take a couple Tylenol and wait until the morning. If it didn't cost you anything to go to the emergency room, it's a lot easier to go down to the emergency room, but if you are gong to have to pay you think twice. That is what this committee was looking at, having that employee start weighing why he would go to the emergency room because our rates are based on how you use the health insurance. For the 2007 budget the Board of Selectmen negotiated a one year agreement with the firefighters' union and the A.F.S.C.M.E unit and they both agreed to participate in the*

activities of a town wide task force on the bargaining health insurance options convened by the Board of Selectmen. The Board established in 2007 a task force on health insurance and the members were Firefighters Andre DeBeer and Sandy McKenzie, A.S.F.C.M.E unit Ricky LaPointe and Jeff Urquart, Board of Selectmen Jerry Thayer and Linda Murray, Budget Committee members John McDonald, Scott Smith, Roger Hardy, Bob Stewart and staff Peter Chamberlin and David Owen. The Committee concluded the town could provide the employees with three excellent health insurance plans, which would cover all the employees health insurance needs along with saving the town money and after being on that committee I made changes to my own health insurance plan realizing that I was paying for a plan I really wasn't going to use. The other kind of odd issue I think every new Selectmen has had an issue with the differential pay. Differential pay is the amount of money the employee would receive if they picked a lesser plan than the comp 100. The town paid 95% of comp 100 and in 2008 we had six plans. Plan J, Comp 100 and all the other plans were lesser amounts. In 2008 the Matthew Thornton single person plan cost the town \$7,592.17, the Comp 100 cost \$8,573.17, and the difference between those two plans was \$981.54. The employee's contribution to that plan was \$451.25, therefor allowing \$530.29 to be added to the employee's paycheck. For a two person plan the employee \$1,030.36 and for a Family Plan \$1,431.46. The town also has an "opt out" if your spouse has a plan from their employer you are able to not enroll in the town's plan. In 2008 we paid \$8,573.75 to the employee because they "opted out" and in 2010 we are paying \$9, 579.00 and in 2011 we will pay \$ 11,015.00 for the firefighters union employees in 2008. In 2010 no firefighter took the Comp 100 plan and that is the plan we set the cost figures on. So this year the difference between the plan that we are paying for the firefighter's and the plan that we're paying for all other employees is single person \$1,276 more for a fireman, two person \$2,553 more and family plan \$3,433. In 2008 the town wasn't able to settle with either union, but the town did place the non-union employees at the time on three health insurance plans as recommended by the health insurance task force, and also at that time we changed the personnel policy to state that any new employee would not receive any of that differential pay and all existing employees would be frozen at 2007 level for their differential pay and any new employee would only get \$2,500 for the opt out. They decided to set the cost driver plan at the middle plan of the three plans, so if you wanted a better plan you paid, if you wanted a lesser plan the town paid a larger percentage. So in that year the town gained \$51,130 and from the Police it saved \$31,311, so in 2008 by making the Police and the non-union workers change we saved \$82,441.00. In 2008 the Board of Selectmen hired Thornton Associates to perform a pay and classification study, which would compare Wolfeboro's pay scale and classifications of employees to surrounding towns and also provide updated job descriptions and had them compare the total employees compensation (pay, health insurance and disability etc.) On a Pay and Clasification Oversight Committee were the following members: Police Commissioner Ben Ladd; Library Trustee Linda Matchet; Budget Committee members John McDonald and Robert Mulholland; Board of Selectmen Linda Murray; A.S.C.M.E unit Ricky LaPointe and Jeff Urquart; Firefighters Union Sandy McKenzie and Police Union Roger Martel. Based on that pay and classification study the town raised the employees' pay in the different classifications, some of the classifications were out of line to the surrounding towns. With that new pay range scale, new health insurance plans, freezing the differential pay, the Board of Selectmen started to negotiate with both unions. I was part of that negotiating team with A.S.C.F.M.E and the Fire Fighters' union. The A.S.C.M.E unit came to the table ready to come to an agreement, both the town and the A.S.C.F.M.E unit gave some and an agreement was made on health insurance and pay. The A.S.C.F.M.E unit used a computer program to ensure each employee would be getting some kind of a raise, but the Firefighters' unit came to the table with another attitude. The firefighters' unit was not able to make any meaningful concessions, the town offered to adjust the pay scale, but they would not change their health insurance. In 2009 they had the same kind of process and again could not reach an agreement. In the past two years I feel the town's offers to the firefighters' is reasonable. I want to point out the town was willing to shift the cost in changes to the health insurance to the salary just like they've done with all other employees. Based on the tone and attitude of the negotiating meetings, I believe the town would be unable to negotiate an agreement with the firefighters' union. Based on the opinion of the town attorney given to the Board of Selectmen I believe that our vote to not recognize the firefighters' union is the only option for us and I am hoping that after we make that vote

that Mr. Owen will go back and take a look at the wage scales and make that same kind of change that we made with all the others in their salaries so we are being fair to them.

Ms. Webster stated she understands that there are different personalities negotiating and they are trying diligently to resolve it.

Ms. Silk stated she would like to thank A.F.S.C.M.E, the Police Union and the non-union employees for making concessions during these economic times and is disappointed the Fire Union could not do the same.

Mr. Storm questioned how we compare to other towns.

Mr. Owen stated he has seen many communities make shifts in employee Health Insurance contributions, some as high at 25%.

**Member Marge Webster moved the Wolfeboro Board of Selectmen to approve: based on the Board's findings that the warrant article passed in 2002 to recognize a union of Fire/Rescue Department employees was based on a law that had been superseded, that the warrant article authorized but did not require the Board of Selectmen to recognize the union, and that the union negotiations to bring their health insurance benefits in line with other Town employees, the Board of Selectmen hereby rescinds recognition of that union, directs the Town Manager to discontinue negotiating with the union, and considers the collective bargaining agreement negotiated pursuant to the 2002 warrant article to be null and void. The Town Manager is directed to place all employees of the Fire/Rescue Department under the Town's personnel plan effective with the first payroll day of October 2010. Sarah Silk seconded. Members voted and being none opposed the motion passed.**

#### ***D. Schedule of Selectmen's Budget Hearings***

Chairman Murray noted the CIP Committee is requesting the Planning Board to extend the submittal date to allow the building evaluations to come in and questioned if they should ask the Budget Committee to hear those Department's Budgets later as well.

Mr. Senecal agreed they should request them to review some of the smaller budgets first.

The Board reviewed the schedule for the 2010 Budget Hearings and set the following dates:

- September 15, 2010 6:00 PM Agencies
- October 13, 2010 6:30 PM
- October 14, 2010 3:00 PM
- October 21, 2010 PM 6:00 PM
- October 25, 2010 PM 6:00 PM
- October 26, 2010 PM 6:00 PM
- October 27, 2010 PM 6:00 PM
- October 28, 2010 PM 6:00 PM

#### ***E. Town Manager's Evaluation form***

Chairman Murray questioned if the Board wished to make any changes to the form and being none they agreed to use the same form and schedule a non-public session at 6:30 PM on September 22, 2010 to perform the Town Manager's evaluation.

### **Old Business**

#### **➤ *Complaint regarding the Codes Department***

Ms. Silk stated she had researched some information on sign enforcement at the Codes office due to a recent complaint made that one business was being harassed. She stated she reviewed the letters of enforcement dating back to 2006 which shows a significant decline in written letters starting at 42 in 2006 and declining to only 10 this year. She stated that this is most likely due to enforcement and pointed out that at least every business downtown has been cited at one time. She stated that she did drive through town today and saw four a-frame signs out, but the Downtown Market Grille did not have a sign out.

Chairman Murray stated she feels that if they ask one person to take a sign down it should equal treatment for all. She did point out that it is the Planning Board and the Board of Selectmen through the Town Manager who oversees the Code Officer's job on enforcing the Town's codes and Zoning Ordinances. She stated the Planning Board was forwarded the complaint from the Downtown Market Grille.

Mr. Owen noted that the town seeks for voluntary compliance and the merchants receive a reminder letter in the spring of the ordinance. He stated the Downtown Market Grille has removed the sign and the court action has been withdrawn.

### **Any Other Business**

Ms. Silk stated that in a recent review of Library Trustee meeting minutes, she noticed Metrocast cable service had been cut off and in her research the town is still paying for 5 additional services that are supposed to be free.

Mr. Owen replied some of those are internet services and not all locations were to be covered under the contract, but noted that Metro cast will be at the Board meeting on September 1<sup>st</sup> to discuss the new contract and is open to the public as well.

### **Town Manager's Report**

Mr. Owen stated the following:

- The Building Permit for Pop Whalen Ice Arena has been issued and no special meeting is needed since a variance has been applied from the State Fire Marshall.
- The new assessments are going out today and taxpayer hearings are scheduled for August 19-21st.
- The five year contract with Cross Country appraisals is nearing its end and he questioned if the Board would like to renew the contract or go out to bid. The Board agreed to go out to bid as well as get some information on hiring a full time employee to perform this job.
- Bernard Rhatigan will receive the French Government's Legion of Honor Award at the Wright Museum on August 23, 2010.
- He will be out of the office on the morning on Friday, August 6, 2010.

## Committee Reports

Ms. Silk reported the next Household Hazardous Waste Collection on August 21, 2010 will include a Medicine Collection.

Chairman Murray reported the following:

- The 250<sup>th</sup> Commemorative Book is available for sale for \$9.95 at the Town Hall.
- She reminded everyone to join in the Wolfe Hunt with participating area businesses.
- The Colonial Homecoming Days Governor's Reception tickets are on sale for \$10. The GALA and closing ceremonies are this fall.
- She attended the Milfoil Joint Board meeting and Ken Marshner was elected Chairman of the joint Board and Wolfeboro was voted to be the fiscal agent. She stated they plan to purchase two pontoon boats and have DASH units installed in them.

Mr. Storm stated the Planning Board has put the Clock Tower project on notice to comply with their requests or they will pull the bond and do it themselves. He stated they also discussed the school impact fees and will discuss it more at the next meeting.

### Chamber of Commerce

None

### Questions from the Public

None.

### Questions from the Press

None.

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

**Member Sarah Silk moved the Wolfeboro Board of Selectmen to enter non-public session at 8:22M to discuss litigation. Marge Webster seconded. Roll call vote: Marge Webster-yes, Sarah Silk-yes, Chuck Storm-yes, Dave Senecal-yes and Linda Murray-yes, the motion passed.**

The Board re-entered public session at 9:26 PM.

Chairman Murray announced that the Board sealed the minutes of the August 4, 2010 non-public session with a 2/3rds vote as required by law.

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

**Member Marge Webster moved the Wolfeboro Board of Selectmen to adjourn at 9:27PM. Member Sarah Silk seconded. Being none opposed, the motion passed.**

Respectfully submitted,

**Amelia Capone-Muccio**

Amelia Capone-Muccio