

# Wolfeboro Board of Selectmen

## Meeting Minutes

### January 13, 2010

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

**Staff Present:** Town Manager, David Owen, Recording Secretary Terry Tavares

Chairman Senecal called the meeting to order at 6:30 PM at the Wolfeboro Community Center.

#### **Non- Public session RSA 91-A: 3II**

Mr. Owen stated a Non-Public session will be needed for litigation.

##### **➤ Public Input**

Suzanne Ryan handed paperwork to the Board from Bruce Fichter, HDC Chairmen.

##### **➤ New Business**

#### **A. Possible joint Application for Milfoil Grant with Tuftonboro and Moultonborough**

Mrs. Murray would like the Board to approve the joint application with Tuftonboro and Moultonborough for a grant from the NH DES to partner/buy a Diver Assisted Suction Harvester (DASH). This unit would be shared by the three towns.

*Ms. Silk offered to assist with the joint project (corrections from 2-3-10)*

**Kristi Ginter made a motion to approve Dave Owen attending, with one or two Selectmen a meeting with Moultonborough and Tuftonboro to explore the options for the possible joint application for Milfoil Grant with Tuftonboro and Moultonborough seconded by Marge Webster. The members voted and none being opposed the motion passed.**

#### **B. Warrant Article Review for Order of Articles on the Town Warrant**

Mr. Owen stated there was a late addition to the Warrant Articles for a Non-Binding petition requesting the State Legislature to amend the Constitution of the State to define marriage. This is part of a State wide effort. The question is what order you would like to put the Warrant Articles in. Traditionally we have the Election Article first, Zoning Articles (8), two petition Article concerning the Historic District Commission, the Bonded Articles, (they have to appear before the other appropriation articles). You will need to decide the order of the Bonded Articles and the order of the remaining Warrant Articles to appear.

Sarah Silk made the motion to put the Six Bonded Articles in order of E, I G, S, T, & G1, seconded by Kristi Ginter. The members voted and none being opposed the motion passed.

Marge Webster made the motion to place the Operating Budget next on the Warrant, seconded by Sarah Silk. The members voted and none being opposed the motion passed.

Linda Murray made the motion to place Article C, Public Building Evaluation & Capital Assets Management Plan for \$60,000 next on the Warrant, seconded by Sarah Silk. The members voted and none being opposed the motion passed.

Linda Murray read the proposed order of the Warrant Articles:

1. Article X: **\$110,000 for repairs and improvements to John Brewster Memorial Hall**
2. Article D: **Upgrade Town Roads**
3. Article L: **Handicapped Accessible Restroom at Public Safety Building**
4. Article N: **Library Expansion Feasibility Study**
5. Article H: **Complete Upgrades to Railroad Station**
6. Article F: **South Main Street (Route 28) Corridor Study and Conceptual Design**
7. Article A: **Replace HD-10**
8. Article B: **Dockside Upgrades – Phase 2**
9. Article Q: **Fire Trucks and apparatus Replacement Capital Reserve Account**
10. Article R: **Public Works Vehicle and Equipment Capital Reserve Account**
11. Article O: **Discontinue Old Fire Truck Capital Reserve Account**
12. Article P: **Discontinue Foss Field Lights Capital Reserve Account**
13. Article W: **Wolfeboro 250<sup>th</sup> Committee**
14. Article U: **Retaining Three Tax-Deeded Parcels for Conservation Purposes**
15. Article Y: **Blind Exemption**
16. Article Z: **Solar Exemption**
17. Article BB: **Heritage Commission, (Submitted by Petition)**
18. Marriage- Resolved: The Citizens of the New Hampshire should be allowed to vote on an amendment to the New Hampshire Constitution that defined "marriage". (Submitted by Petition)

Linda Murray made a motion to place the Warrant Articles in of X,D,L,N,H,F,A,B,Q,R,O,P,W,U,Y,Z,BB and Marriage, seconded by Sarah Silk. The members voted Kristi Ginter, yes, Dave Senecal, yes, Linda Murray, yes, Sarah Silk, yes and Marge Webster, no. The motion passed 4 – 0.

#### ➤ Other Business

Sarah Silk would like to set the dates for the Wolfeboro Community TV, address changes in the Right-to-know Law, and discuss the naming of the Smith River Bridge in memory of Specialist Matthew J. Stanley. She received a note from Dave Knox concerning the naming of the Smith River Bridge on Rt. 28 in Wolfeboro Falls in the honor of Specialist Matthew J. Stanley who died in Iraq on December 16, 2006. There is a House Bill 1152 that is relative to the naming. The legislature requires a letter from the Town of Wolfeboro indicating their approval of this action.

Sarah Silk made the motion to authorize Dave Owen to send a letter to the State Legislature to inform them of the Town of Wolfeboro's approval of the naming of the Smithriver Bridge on Route 28 in the honor of Specialist Matthew J. Stanley, seconded by Marge Webster. The members voted and none being opposed the motion passed.

Ms. Silk read the proposed changes to the Right -to- Know Law to the Board and the public. House Bill 425, a Revision to the Remedies section of the Right-to-Know Law 91A: 8.

Mr. Senecal and the Board set the dates for the Wolfeboro Community TV Schedule.

*Linda Murray and Marge Webster will discuss Articles I & AA,  
Linda Murray will discuss Articles D, E & W.(Corrections from 2/3/10)*

Kristi Ginter will discuss G, G1, L, S & T.

Dave Senecal will discuss A, B, C, O,P,Q & R.

Sarah Silk will discuss H, N, U, X, Y, & Z.

They will tape at the Community TV Studio on January 19<sup>th</sup> after 3:00 PM and January 20 and if needed on January 21<sup>st</sup>.

Mr. Senecal handed out the information from the Historic District Chairman given to them at the beginning of the meeting to the Board. He asked them to go over this and fill it out and return it as soon as possible to David Owen.

➤ **Non-Public Session**

Kristi Ginter made the motion to go into the non-public session under RSA 91-1:3 II, to discuss litigation at 7:18 PM, seconded by Sarah Silk. Roll call vote Marge Webster, yes, Sarah silk, yes, Kristi Ginter, yes and Linda Murray, yes, Dave Senecal, yes.

The Board re-entered the public session at 7:43 PM.

Dave Senecal announced the Board voted by a 2/3 vote to seal the non-public minutes of January 13, 2010 as required by law.

➤ **Adjournment**

Dave Senecal made the motion to adjourn the meeting at 7:45 PM, seconded by Sarah Silk. Marge Webster, yes, Sarah Silk, yes, Dave Senecal, yes and Kristi Ginter, yes. The motion passed.

*NOTE: Linda Murray left the non-public session at 7:40 PM due to a conflict of interest.(Corrections from 2/3/10)*

Respectfully Submitted by,  
*Theresa Tavares*  
Theresa Tavares

Final

The House also adopted the Judiciary Committee recommendation on HB 425, a revision to the "Remedies" section of the Right to Know Law (RSA 91-A:8). The bill would make public bodies liable for attorney's fees and costs incurred in a RTK lawsuit provided that the lawsuit was necessary to enforce compliance with the law. Fees may also be awarded to public bodies for having to defend a case when the lawsuit is "frivolous or in bad faith." Additionally, courts shall invalidate an action of a public body when done during a meeting held in violation of the law, unless the court finds that circumstances do not justify such invalidation. Finally, the bill provides for courts to impose a \$1,000 penalty against a public official if the official acted "in bad faith". Individuals may also be required to reimburse the public body for any attorney's fees or costs unless the public official involved resigns their office. Bad faith means the violation was made "knowingly and without adequate justification." The bill now goes to the House Ways and Means Committee for further review, especially of a "right to know remedies fund" to be used for remedial training programs.

Board of Selectmen  
Wolfeboro, NH, 03894  
January 6, 2009

Selectmen,

I'm hear tonight to follow up my pubic comments at the BOS meeting on Dec. 16, 2009 when I asked the board for a statement as to the conclusions and findings the board arrived at after digesting the "Waugh Report". I didn't get that statement so tonight I will ask some questions that will simply require a yes or no answer.

- 1 – Is the current Historic District Commission (HDC.) a "Rogue Board"?
- 2 – In your findings is the HDC. "Out of Control"?
- 3 – Did you find evidence that the HDC. has been "Meeting In Semi-Secrecy"?
- 4 – Do the BOS feel that the HDC. has been "Hijacked and is Irreparably Broken"?
- 5 – Did the BOS. Find any evidence that the current HDC. has been untimely in its decision process?
- 6 - Did the BOS find any evidence in the "Waugh Report" that a current member or members should be removed from the Commission?
- 7 – Did Atty. Waugh find any evidence that the actions of the current HDC. are "Overly Restrictive and Arbitrary, or Capricious and Disrespectful"?
- 8 – Did Atty Waugh or the BOS find evidence that the members of the current HDC. are GESTAPO NAZIS?

Finally I refer to Mr. Beeler's editorial in the Granite State News on Dec. 31, 2009 titled "Doing Better In 2010". In his editorial Mr. Beeler states: (see paper). Bygones should be left alone! The "Majority Decision" of the current HDC. voted to do just that, move on to clearer and more precise "Rules of Procedure". (Adopted, Recorded. Certified 11/19/09 ) and now to tackle" Clarification " adoption of HDC Regulations. The ongoing "Running Battle" referred to is fueled by the Minority portion of the current HDC that wishes to go back to the days of one person decisions, verbal and or telephone approvals, and invariably ignoring the rights of "Abutters" and other residents of standing by virtue of this decision making. It is illegal for the HDC. to go "Backwards", knowing what we do now, it must keep moving forward.

It is imperative that the BOS answer my questions in the "Public Forum", as these "Charges, Accusations, and Threats were made in that "Forum" The HDC has been "Tried" in the court of Public Opinion and it is now necessary for the BOS to "Clarify and Restore" that "PUBLIC OPINION.

Thank you for your attention to this matter,

Bruce B. Fichter  
157 N. Wolfeboro Rd.  
Wolfeboro, NH. 03894