

**Wolfeboro Board of Selectmen
Meeting minutes
Unapproved
July 28, 2010**

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

Staff present: Town Manager David W. Owen, Parks and Recreation Director Ethan Hipple, Codes Officer Audrey Cline, Fire Chief Phillip Morrill, Deputy Fire Chief Tom Zotti and Recording Secretary Amelia Capone-Muccio

Chairman Murray called the meeting to order at 6:30 AM in the Community Center.

Non-Public Session RSA 91-A: 3II

Mr. Owen stated a non-public session might be needed.

New Business

A. Pop Whalen Ice Arena project

Mr. Owen explained that the Pop Whalen Ice Arena proposed a Warrant Article last year, which was passed in March for ADA improvements to the building. He explained this project was put out for bid and was awarded to Pellowe Construction. He explained that the contractor applied for a permit for the project and the Codes Officer has written a letter denying the permit request. He explained that he was out of the office on Friday and Mr. Houseman was acting in his capacity and had forwarded him all the information of this issue and Mr. Houseman has agreed to sign the permit if Ms. Cline does not. He also explained that Deputy Zotti has not agreed to sign the permit, but Chief Morrill agreed to sign it as well, contingent upon having a Compliance Plan. He explained that the letter he received was dated June 23rd, but it was July 26th and he questioned the Code office on this.

Ms. Cline joined the Board for discussion and explained the date of the letter he received was a copy of her draft letter that shows the date from her template, but the actual letter has the correct date.

Chairman Murray stated the Board is looking to find out why, at this late time in the process, the permit is being refused, noting the length of time this project has been in the making.

Ms. Cline replied the decision is based on the date of the permit application.

Chairman Murray noted in 2009 when they were looking to do the Warrant Article for Town Hall, both Ms. Cline and Deputy Zotti met with them to discuss the needs of the Town Hall and why they were not as pro-active on this project.

Ms. Cline replied she did not receive any specific plans on this project and she can't make a concrete decision without the specific plans. She stated although she is aware of Warrant Articles, she has not been provided with specific plans for review.

Mr. Owen stated that he, Ms. Cline, Mr. Hipple and Mr. Zotti all met to discuss the project on May 27th because Mr. Houseman pointed out an issue with lacking a sprinkler system and suggested he discuss it with Ms. Cline and Mr. Zotti. He stated they discussed the fact that the building had been operating more than 15 years without a sprinkler system and there are not enough funds to add it this year. They agreed to move the sprinkler project to the front of the CIP for 2011 in an effort to comply and the Warrant Article for this project clearly indicate the facility would close if it does not pass.

Mr. Hipple stated they separated the sprinkler system out as its own project and gave it top priority on the CIP list in order to get the project passed.

Chairman Murray pointed out the State issued a permit to use the pond in the past.

Ms. Cline replied she recalls this meeting, but has heard nothing on the subject until she received the building permit application and she did not receive the CIP information until late Friday. She noted she does have some concerns about the language in the CIP request.

Mr. Senecal stated he has a great concern about how this has taken place and Ms. Cline's judgement on the matter. He stated that they are not increasing capacity of this building by adding accessible restrooms. He understands the code reasons for the decision, but feels that some common sense should have been used on the decision based on the CIP information.

Ms. Silk expressed her concern that work has been started before the permit was issued and why this issue is coming to light in August when it was brought forth in May. She also questioned if Deputy Zotti saw the plans in May as well.

Ms. Cline replied there were no formal plans submitted at that time.

Ms. Silk suggested that they need to get the plans out a little sooner in the future.

Mr. Owen replied preliminary plans were done for the Warrant Article, but final plans and specifications are not done till the project is funded.

Ms. Webster agrees with Mr. Senecal that there was a lack of common sense used in this decision. She understands the importance of the sprinkler system, but if such was known and discussed on May 27th, why was it denied 7/27th.

Ms. Cline replied there was a consensus in May, but she never received any formal information on it until Friday.

Mr. Storm also agreed with Mr. Senecal on the lack of common sense used on this decision. He stated all the town buildings are in poor condition and probably do not meet current code, but fixing them all right now would drastically increase the tax rate. He stated he understands the sprinkler system concern, but there is not a lot of combustible material used at this facility, which is primarily used as an ice rink.

Chairman Murray stated that she hopes in the future when they are bidding out town building projects that they would have more communication for code and life safety reviews. She stated she reviewed the history on this building that shows a waiver from the State Fire Marshall. She also stated the CIP request clearly explains the project needs for 2011 and if such project is not approved the facility would be shut down. She stated at this point

the town has a project started, but not enough funds to add the sprinklers and wondered what they will do from here.

Ms. Silk referred to an email from Mr. Houseman with a suggested change to the restroom access.

Mr. Owen replied that would increase the cost of the design and they also discussed adding a fire rated wall but they was not satisfactory.

Mr. Senecal questioned if with the new information on the CIP request is she willing to issue a permit.

Mr. Owen stated Ms. Cline had suggested a Compliance Plan to them and if they did such, would that secure a permit.

Ms. Cline replied that the Codes do not fit every building and she always looks for the gray area for the applicant to grant an approval, but she could not find a gray area for this permit. She noted she would consider signing the permit with a Compliance Plan. She stated this is a new addition on an existing building.

Ms. Webster pointed out that she knew this was a new addition in May.

Ms. Cline stated she was not doing a Code review at that time.

Ms. Silk stated that she does not see how they could ask others to comply with the Code, but they as the Town do not. She questioned why work was started before the permit was issued and if the contractor knew a permit was needed.

Mr. Owen replied that the contractor was notified to pull a permit.

Ms. Silk questioned if the Federal requirements surpass the local code and what will happen if the Compliance Plan doesn't happen.

Mr. Hipple replied they will keep bringing back the project until it passes and hope they won't have to close the doors.

Ms. Silk questioned if the snowmaking pump could be used.

Deputy Zotti replied it could be used.

Ms. Webster questioned if the State Fire Marshall supercedes the code.

Chief Morrill stated he has listened to the concerns of the Ms. Cline and Deputy Zotti and feels they are valid concerns. He stated he is willing to sign the permit as long as the Board understands it must have the Compliance Plan and address the issue if such should fail. He did note that adding a sprinkler system would enhance the use of the property as a place of assembly.

The Board thanked Ms. Cline and Deputy Zotti joined the Board for discussion.

Chairman Murray stated that when he and Ms. Cline met to discuss the Town Hall project she found that helpful and questioned why this project was not treated in the same manner.

Deputy Zotti suggested that it should be a town policy to review the Warrant Articles, but noted they are typically not part of the review.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to move the Sprinkler System CIP request forward for 2011. Sarah Silk seconded.

DISCUSSION:

Ms. Silk stated the important step for this project is compliance.

Chairman Murray stated the Parks & Recreation Department have submitted the request for \$149,600 and it is the number one priority on their list.

Mr. Owen questioned if the Compliance Plan would be a satisfactory for Deputy Zotti.

Deputy Zotti replied it would not as he feels it is open ended if such should not pass the voters. He stated the town was notified years ago that this building needed sprinklers, but nothing was done. He stated they have now inherited this issue and need to address it. He stated the building didn't meet the codes when it was built in the 1980's. He stated he came away from the meeting in May with a different interpretation and suggested at this point they could have it reviewed by the State Fire Marshall. He stated he hears it all the time on how the town doesn't have to comply but others do.

Mr. Owen stated that this administration is proactive on moving forward and addressing the issues of the past.

Chairman Murray agreed, she was shocked when she came on the Board in 2005 at the condition of the buildings and they are working on getting them upgraded, but are at the will of the voters. She stated that the asset management plan should help them get towards working the issues with the buildings.

Ms. Webster agreed the town has not been a good steward of the buildings and they are at the will of the voters.

Ms. Silk suggested for future Warrant Articles for buildings they should be reviewed by the Codes and Fire Department.

Mr. Senecal stated the work being done is not increasing the current occupant load.

Deputy Zotti disagreed and the load is based on a number of things such as use of the building and square footage.

Chairman Murray called the vote on the motion.

Chuck Storm amended the motion to include the request at \$150,000. Sarah Silk seconded. Members voted and being all in favor, the motion passed.

Mr. Storm stated he gets a lot of comments from the public on the nature of the town buildings, but he explained that they are working on it and they can't do it overnight and that if they did do it all at once it would drastically increase the tax rate.

Ms. Cline stated that the meeting in May was based on conceptual plans and apologized that she should have probably followed up on the issue further for a specific plan. She agreed to have a review by the State Fire Marshall and to a Compliance Plan. She stated that she hopes they would not do any further work to the building with out the sprinkler system.

Ms. Silk suggested they discuss what is needed for the upcoming Warrant Articles with Codes and Fire.

Mr. Owen replied the CIP process has not been completed yet.

Chairman Murray questioned if the Board is agreeable for the Departments and the Town Manager to create a Compliance Plan for review by the Board on August 11, 2010 in order to not hold this process up any longer.

Ms. Cline stated she would sign off on the permit with a Compliance Plan and a review by the State Fire Marshall.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to have the Department's and the Town Manager create a Compliance Plan and have the project reviewed by the State Fire Marshall for such to be brought back to the Board by 8/11/2010. Sarah Silk seconded. Members voted and being none opposed, the motion passed.

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

Member Dave Senecal moved the Wolfeboro Board of Selectmen to enter non-public session at 7:54AM to discuss personnel. Chuck Storm 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 8:15 AM.

Chairman Murray announced that the Board sealed the minutes of the July 28, 2010 non-public session with a 2/3rd vote as required by law.

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

Member Dave Senecal moved the Wolfeboro Board of Selectmen to adjourn at 8:16 AM. Member Sarah Silk seconded. Being none opposed, the motion passed.

Respectfully submitted,

Amelia Capone-Muccio

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