

**Wolfeboro Board of Selectmen
Meeting minutes
Unapproved
December 15, 2010**

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

Staff present: Acting Town Manager Rob Houseman, Director of Public Works Dave Ford, Director of Parks and Recreation Ethan Hipple, Fire Chief Phillip Morrill, Finance Director Pete Chamberlin 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. Houseman stated a non-public session is needed to discuss litigation.

Consideration of Minutes

➤ ***December 1, 2010***

Ms. Silk amended page four, to add the following after the seventh paragraph, *Ms. Silk questioned the ban on spreading sewer sludge* and amended page seven under Committee reports to read as follows; *Ms. Silk is helping the State Legislative Study Committee create a tri-fold flyer for Sharps disposal for State wide use.*

Chairman Murray amended page three, the third sentence in the second paragraph to change “*have raised*” to “*will give back*”.

Member Sarah Silk moved the Wolfeboro Board of Selectmen accept the minutes of December 1, 2010 as amended. Chuck Storm seconded. Members voted and being none opposed the motion passed.

Chairman Murray explained how she would run tonight’s meeting. The Pubic Hearing would address only the listed warrant articles. Later on under number 8, a petition for a New Town Office Facilities, she will allow first the petitioner to address the article and then the public.

Public Input

Dick Hamilton joined the Board for discussion and thanked the Board of Selectmen for all they do and wished them a Merry Christmas.

Suzanne Ryan joined the Board for discussion and suggested adding the address to the property tax refund/abatements listed on the agenda.

Public Hearings 2011 Bond Issues

- A. For the 2011 Bond Issue in the amount of four million dollars (\$4,000,000) for the purpose of renovating the Brewster Memorial Hall building and grounds.***

Chairman Murray opened the Public Hearing and read Article A as follows:

To see whether the Town will vote to raise and appropriate the sum of four million dollars (\$4,000,000) for the purposes of renovation the Brewster Memorial Hall building and grounds, to include both the exterior and interior of the building, to make it completely handicapped accessible and building and fire code compliant, plus landscaping and parking improvements. This also includes all costs for the architect's services, construction manager services, and contingencies. Further to authorize the issuance of not more than three million nine hundred ninety-four thousand fifty dollars (3,994,050) of bonds or notes for this purpose in accordance with RSA Chapter 33, Municipal Finance Act, such sum to be reduced by any federal, state, or private funds made available therefor, and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest maturity and other terms for this purpose; and to further authorize the Selectmen to transfer the balance of the Capital Reserve Fund for Town Office facility, which currently has a balance of five thousand nine hundred fifty dollars (\$5, 950), for this purpose.

Joyce Davis, Chair of the Friends, joined the Board and stated that the Friend's whole heartedly support this Warrant Article and feel this renovation will meet the current and future needs of the town.

Rob Houseman stated that the proposed plan accomplishes the long term needs of the town and that the Department Heads and staff were included in the design process and they support the project. He explained that this project will use the construction management process, which will save money and all though the estimate was rounded up to \$4,000,000, he believes that number will reduce and they hope to have a secure figure by the Deliberative Session. He reviewed the Power Point presentation summarizing the project.

John Burt joined the Board for discussion and stated although he supports this project, he questions the need to have a third floor and if any exploration was done on what the auditorium could be used for.

Mr. Houseman replied not a lot of exploration has been done, but the renovation cost of the auditorium will be covered by the Friends.

Mr. Burt stated he fully supports the renovation of Brewster Memorial Hall; he only has concerns about the use of the auditorium and suggested charging for the use.

Chairman Murray stated that she did a little research on auditoriums. High School sets around 1,000, Anderson Hall seats 513, Village Players seats 160 so 250 seats for Brewster Hall auditorium is not a duplication of space. She attended the Men's Breakfast and some members mentioned how thankful they were Brewster Memorial Hall will have added meeting space.

Chairman Murray agreed charging is a good idea.

Mimi Dye stated she believes strongly in renovating Brewster Memorial Hall, as it is the iconic building to Wolfeboro.

Paula Garvey stated the renovation to Brewster Memorial Hall is the most logical solution and they need to educate the voters on that as well.

Suzanne Ryan stated that although this project is not her first choice, she appreciates all the work the Friends of Town Hall of done on this. She questioned the cost estimates for some items such as the parking lot, landscaping and drainage. She would like to know the cost of the total bond and questioned if this is still going to bid in April.

Chairman Murray pointed out that when a person purchases a house and borrows money that the person understands that he or she will pay the principal, the cost of the house, and the interest, the cost for borrowing the money.

Mr. Houseman replied that the goal is to have the guaranteed cost estimate for the deliberative session, but \$ 4 million dollars is the cap and based on the recent estimates it will most likely be less than that.

Mrs. Ryan stated that is a big difference from the original estimate and unlike the first set of plans, she does not see a lot of detail. She hopes that a lot of detail was not omitted in order to get less cost. She would rather see quality rather than quantity. She stated that as she has suggested in the past this project could be phased with a Capital Reserve account.

Judy Breuniger stated that the public should be aware that once this project passes there will be grant funding available. She feels very strongly in starting a project and finishing it, rather than phasing which costs more money over time. She stated the auditorium will have potential revenue.

Blair Moffett stated that this is a decision process and although there are many ways to get to the goal, we must not forget how to get to the goal and that is to renovate Brewster Memorial Hall.

Bob Smart stated that they could spend \$1 million dollars and have nothing to show for it or they could spend \$ 4 million dollars and have an investment for another 100 years.

Ms. Silk stated the goal is to have safe working environment for the employees that meets code and ADA requirements.

Chairman Murray stated that the next warrant article B-Fire Protection System for Pop Whalen Arena has been canceled. She asked Mr. Houseman for the correct amount for the Fire Protection System for Pop Whalen Arena.

Member Chuck Storm moved the Wolfeboro Board of Selectmen schedule the second public hearing for the Warrant Article on the Fire Protection System for Pop Whalen Arena on January 5, 2011. Sarah Silk seconded. Members voted and being none opposed the motion passed.

B. For the 2011 Bond Issue in the amount of six hundred seventy-five thousand dollars (\$675,000) for the purpose of a voltage conversion of Pleasant Valley Road from 4kV to 12kV, which is a sequential part of the Electric Department's Distribution System Planning Study and Protective Device Coordination Study dated May, 2002.

Chairman Murray opened the Public Hearing and read Article C as follows:

To see whether the Town will vote to raise and appropriate the sum of six hundred seventy-five thousand dollars (\$675,000) from the Electric Fund for the voltage conversion of Pleasant Valley Road from 4kV to 12kV, which is a sequential part of the Electric Department's Distribution System Planning Study and Protective Device Coordination Study dated May, 2002. Said improvements to consist of new 15kV Hendrix Spacer cable throughout the existing three-phase service area, replacement of deficient pole structures, transformers and insulators. Said sum to be in

addition to any federal, state or private funds made available therefore; and in accordance with RSA Chapter 33, Municipal Finance Act, to authorize the issuance of bonds or notes not exceeding six hundred seventy-five dollars (\$675,000) for said purpose, and to authorize the Board of Selectmen to issue and negotiate such bonds or notes, and to determine the rate of interest thereon and the maturity and other terms for this purpose. Without impairing the status of such bonds or notes as general obligations of the Town, it is intended that the payment of all principal and interest on said bonds or notes shall be paid from the Electric Fund, and that this project will not cause any increase in tax rates.

Being no comments, Chairman Murray closed the public hearing on all three articles.

Chairman Murray went back to the Brewster Memorial Hall warrant article and asked for a motion.

Member Dave Senecal moved the Wolfeboro Board of Selectmen recommend Warrant Article for Brewster Memorial Hall and bond not to exceed \$ 4 million dollars. Chuck Storm seconded. Members voted and being none opposed the motion passed.

Member Chuck Storm moved the Wolfeboro Board of Selectmen recommend the issuance of a bond in the amount of \$675,000 for the purposes of voltage conversion from 4kv to 12 kv on Pleasant Valley Road. Sarah Silk seconded. Members voted and being none opposed the motion passed.

Bulk Vote

1. Property Tax Refund/ Abatement

- | | |
|----------------------------|-----------------------|
| i. Abatement/ Refund # 16 | Tax Map 217, Lot 43-1 |
| ii. Abatement/ Refund #28 | Tax Map 260, Lot 9 |
| iii. Abatement/ Refund #29 | Tax Map MUR, LAK-1 |
| iv. Abatement/Refund #30 | Tax Map MUR, LAK-2 |
| v. Abatement/Refund #33 | Tax Map 217, Lot 118 |

2. Raffle Permit

- i. Wolfeboro Area Children's Center

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

New Business

A. Homeland Security Maintenance Funds Grant for three year maintenance on Quantar base station in the amount of \$ 2,430.

Chief Morrill joined the Board for discussion and explained that this grant would cover the maintenance on the Quantar base station that was purchased with grant money as well.

Member Sarah Silk moved the Wolfeboro Board of Selectmen approve the Homeland Security Maintenance Fund Grant for three year maintenance on the Quantar base station in the amount of \$ 2, 430. Dave Senecal seconded. Members voted and being none opposed the motion passed.

B. Boat Agent Agreement with Goodhue Hawkins Navy Yard.

Steve Durgin joined the Board for discussion and stated they request to be an agent to register boats, which provides revenue to the Town of Wolfeboro, same as last year.

Member Sarah Silk moved the Wolfeboro Board of Selectmen authorize the Boat Agent Agreement with Goodhue Hawkins Navy Yard as requested. Dave Senecal seconded. Members voted and being none opposed the motion passed.

C. Tentative Agreement with AFSCME Local # 534

Mr. Houseman stated that the Board has been provided with the tentative agreement between the Town of Wolfeboro and AFSCME.

Member Sarah Silk moved the Wolfeboro Board of Selectmen accept the tentative agreement with AFSCME Local #534 as submitted. Chuck Storm seconded. Members voted and being none opposed the motion passed.

D. Tentative Agreement with NEPBA Local #39

Mr. Houseman stated that the Board has been provided with the tentative agreement between the Town of Wolfeboro and NEPBA.

Member Sarah Silk moved the Wolfeboro Board of Selectmen accept the tentative agreement with NEPBA Local #39 as submitted. Chuck Storm seconded. Members voted and being none opposed the motion passed.

E. Monthly Budget and Expenditures Report

Pete Chamberlin joined the Board for discussion and noted that they have received some grant funds for overtime in the Police Department budget, which will offset about \$ 10,000 in that budget.

Chairman Murray questioned the decrease in the sewer revenues.

Mr. Ford replied that is because the sewer budget is not fully supported by the rates.

F. Default Budget

Pete Chamberlin stated the 2011 Default Budget figure is \$ 24, 967,575.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to accept the 2011 Default Budget figure of \$ 24,967,575. Dave Senecal seconded. Members voted and being none opposed, the motion passed.

Mr. Chamberlin stated he and the Treasurer put out an RFP for the Town's banking services at all of the local banks and they determined it would be in the best interest of the town to stay with Citizen's bank.

John Burt joined the Board and stated that although Meredith Village Savings Bank had a very enticing offer; it was still in the best interest of the town to stay with Citizen's Bank because they provide the best product for the town's sub accounts.

Ms. Silk questioned how long they have been with them.

Mr. Burt replied they have been with them since 2005 and it is always a good idea to put out an RFP every five years.

G. Petition Warrant Article for General Wolf Memorial

Tom Beeler, member of the 250th Anniversary Committee, joined the Board for discussion; he submitted and read the petition Warrant Article as follows:

To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) for the purpose of mounting a permanent memorial to General Wolf in a prominent public location in Wolfeboro, said sum to consist of the balance of \$4,224 from the 2010 warrant article No. 31 for the celebration of the 250th anniversary of Wolfeboro's naming, plus an additional appropriation of \$ 5,776, such sum to be used in conjunction with other funds raised by the Wolfeboro Historical Society and other private donations to mount an appropriate memorial to Wolfeboro's namesake.

Ms. Silk noted this would be Warrant Article V.

H. Petition Warrant Article for Town Office Facilities

Chairman Murray read the following petition:

To see if the Town will vote to raise and appropriate the sum of \$ 1,403,060.89 plus 10% for unknown costs. This cost includes for the purpose of acquiring new town office facilities for certain employees, as follows: to build new town hall facilities consisting of 6,000 square feet, on land owned by the Town of Wolfeboro commonly known as and identified as 263 South Main Street and to move certain employees to this location. The new building cost is \$975,000. A cost of \$174,460 is to reimburse the library trustees for their costs to acquire the land, another \$8,000 for cutting trees, and \$30,000 for preparing the lot for parking. Also, \$100,000 would be spent on a geothermal heating and cooling system for the new building. For the Brewster Hall a cost of \$100,000 for a new geothermal heating and cooling system and \$15,000 for removal of asbestos. For a total cost of \$1,403,060.89 for building a new town hall facility and minor renovation of the Brewster Hall (first floor). An additional sum not to exceed \$60,000 to fit-up this new town hall to better serve as town offices, and to move certain employees, records, and equipment from the current town offices at Brewster Memorial Hall to this location. Finally, to authorize the issuance of bonds or notes to fund this appropriation in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon, maturity, and other terms and conditions of such borrowing.

Ms. Silk noted this would be Warrant Article T.

John Sandeen, Chairman of the Board of Trustees of the Wolfeboro Public Library, joined the Board for discussion and stated on behalf of the Library Trustees, he wants to respond to the presentation made regarding the taking of the property of 263 South Main Street for a Town Hall. It was not the intent of the Library Board to purchase the property at 263 South Main Street to simply expand parking for the library. The Board's intent always has been to use this property to expand the library building. From first knowledge that the property at 263 South Main Street

was available for purchase to the final signing of the deed, their vision was clearly stated to the Selectmen and to the citizens in several public meetings over the past three years. The expansion intent was brought to a vote of the Wolfeboro citizens last March and overwhelmingly approved to proceed to develop conceptual architectural plans for expansion of the library. These conceptual plans are now complete and were brought to the Selectmen at their December 1st meeting and are now available to the public. The conceptual plans show unambiguously the Library Board's intent to expand the library building using both the 259 and 263 South Main Street properties. He stated the property at 263 South Main Street's deed restricts the use of the property "solely for Library purposes" and was purchased using Library Building Fund money, not taxpayer money, which was approved by both the Library Board, the Selectmen and the citizens of Wolfeboro via public hearings. Therefore, the deed restriction for library use was made an important part of the purchase agreement negotiation with the seller. The Board of Trustees legal counsel advised them to ensure that the deed was restricted to protect the long-term rights of the library and provided the Board with specific wording for the restriction. Based on the Trustee Board's legal and fiduciary responsibilities for the support of the Wolfeboro Public Library and the funds entrusted to them, they are compelled to uphold the rights of the Library as set forth in the deed. Therefore, they must take all necessary steps to oppose the taking of 263 South Main Street for any other purpose and that any use of that property other than for library use would violate the terms of the agreement.

Ms. Silk read the paragraph in the deed referencing the use of the property:

"This conveyance is made upon the express condition that said tract be used and occupied for library purposes. This use restriction is an essential part of the contract between grantor and grantee and grantor hereby assigns the right to enforce the restriction to the Trustees of the Wolfeboro Library. This use restriction will run with and affect the parcel conveyed hereby and shall bind and be enforceable against subsequent owners of the premises. In the event that the grantee or any subsequent owner, shall pay all costs incurred in the enforcement of this use restriction, grantee, or such subsequent owner, shall pay all costs incurred in the enforcement of this use restriction, including reasonable attorney's fees."

and stated it is clear that it would go into perpetuity.

Peter Pijoan questioned where the geothermal wells would be.

Mr. Senecal replied that this was received by the Board as a petition Warrant Article. The Board cannot make any changes to a petition warrant article so it will go on the warrant as written. But he does not believe there is enough room on either property for geothermal wells.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to add the petition Warrant Article to the January 5, 2011 meeting. Sarah Silk seconded and being none opposed, the motion passed.

Chairman Murray noted she had submitted a "letter to the editor" in the Granite State News this week regarding this topic.

Suzanne Ryan requested a copy of the deed and feedback from Town Counsel on the status of the ownership.

Chairman Murray read the next petition warrant article.

To see if the town will vote to use part of the Brewster Town Hall for rental purposes.

Ms. Silk said this would be warrant article U.

Mr. Senecal stated he had not seen the petition.

The Board agreed to place petition warrant article U on the January 5th agenda.

II. Building Sciences Corp proposal for energy /efficiency review of Brewster Memorial Hall

Mr. Houseman stated that Building Sciences Corp has reviewed conceptual design plans and the first task will be to evaluate the enclosure systems, assesses the thermal performance of the enclosure system and an evaluation of the mechanical system. He noted that Holly and John Grosvenor have reviewed this proposal and support it. He recommends the Board endorse the proposal as submitted.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to authorize expenditure from the existing account used for the McGinley Kalsow & Associates plans, not to exceed \$15,000 for the proposal from Building Sciences as submitted. Member Chuck Storm seconded and being none opposed, the motion passed.

J. RIB Update

Dave Ford joined the Board for discussion and read the attached press release. *(See attachment)*

Chairman Murray thanked Mr. Ford for keeping the Board up to date on the project.

K. Health and Humane Services letter regarding certified community residence

Chairman Murray questioned if the Board would like to join with Fair View Estates in requesting the Department of Health and Humane Services delay final certification of the Lakeview Partners community residence at 15 Eagle Trace until the Executive Councilors and the State Legislators reexamine the effect of Health and Human Services policy on local zoning.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to join with Fair View Estates in requesting the Department of Health and Human Services delay final certification of the Lakeview Partners community residence at 15 Eagle Trace until the Executive Councilors and the State Legislators reexamine the effect of Health and Humane Services policy on local zoning. Sarah Silk seconded. Dave Senecal abstained and being none opposed, the motion passed.

Dick Hamilton joined the Board for discussion and thanked the Board for supporting them on this and requested a copy of the letter.

L. Pop Whalen and Abenaki new season pass program to local businesses

Ethan Hipple joined the Board for discussion and explained he proposes to provide the local hotels and Bed and Breakfasts with season passes for Pop Whalen Ice Arena and Abenaki. He stated these local businesses would purchase the passes to provide to their guests for use.

Chairman Murray suggested having a tiered program, such as \$150 for four and \$300 for eight.

Ms. Silk suggested noting the ski area in the flyer as it seems like it is only for the rink.

Mr. Hipple stated they will be opening Abenaki for the 75th season this year.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to accept the Pop Whalen and Abenaki season pass program for local businesses as presented. Sarah Silk seconded and being none opposed, the motion passed.

Old Business

None

Any Other Business

Mr. Houseman stated the Board has received a 30% cost match for a diver assisted suction harvesting project in Wolfeboro Bay from the NH Department of Environmental Services. He recommended the Board authorize him to submit the paperwork.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to authorize the Acting Town Manager Rob Houseman and the Board's Chairman to sign the necessary documents for the 30% cost match for a diver assisted suction harvesting project in Wolfeboro Bay . Sarah Silk seconded and being none opposed, the motion passed.

Town Manager's Report

Chairman Murray thanked Mr. Houseman for doing a wonderful job as Acting Town Manager.

Mr. Houseman provided the following information:

- The Town Hall project is nearing completion and noted that the goal of these upgrades was to do something that would not need to be torn out for future renovations.
- The energy improvement projects to the Public Works garage and Public Safety building are nearing completion.
- He noted they had the Deputy Fire Chief use a heat sensor and discovered some loss of heat at the Pop Whalen Ice Arena that will need to be addressed. He explained they will be doing an energy audit of that location in January.

Committee Reports

Mr. Senecal stated the Carroll County Transit off-route busses started last Tuesday. He stated the Budget Committee is almost done with their review.

Chairman Murray stated she attended the EDC meeting and attended a Joint Milfoil Committee meeting.

Ms. Silk stated the Conservation Commission met and reviewed the Zoning articles.

Mr. Storm stated the Planning Board met and discussed re-zoning of two areas in town and he attended the Police Commission meeting.

Ms. Silk noted that in reference to the upgrades to the town's communication system, the estimate from Two-way has come in lower than expected and they found out they are restricted to an 80 foot tower due to the helicopter pad at Huggins.

Chamber of Commerce

None

Questions from the Public

Suzanne Ryan stated that the paper recently noted that Wolfeboro will most likely become a donor town for the school funding and it would be prudent to keep that in mind, as it affects the budget. She questioned the amount of funding received back on the school project.

Chairman Murray replied that funding is through the school district and she would need to contact the Superintendent.

Questions from the Press

None.

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

Member Chuck Storm moved the Wolfeboro Board of Selectmen to enter non-public session at 8:30 PM to discuss litigation. Dave Senecal seconded. Roll call vote: Sarah Silk-yes, Chuck Storm-yes, Dave Senecal-yes and Linda Murray-yes, the motion passed.

The Board re-entered public session at 9:29 PM.

Chairman Murray announced that the Board sealed the minutes of the December 15, 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 9:30 PM. Member Chuck Storm seconded. Being none opposed, the motion passed.

Respectfully submitted,

Amelia Capone-Muccio

Recording Secretary