

**Wolfeboro Board of Selectmen
Meeting minutes
Unapproved
January 5, 2011**

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

Staff present: Town Manager David W. Owen, Director of Public Works Dave Ford, Director of Parks and Recreation Ethan Hipple, Director of Planning and Development Rob Houseman 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 non-public minutes.

Consideration of Minutes

➤ ***December 15, 2010***

Chairman Murray made several amendments to the minutes. (See attached amendments)

Ms. Silk amended page seven, to add the following after the fifth paragraph, *Ms. Silk explained that the appropriate time to change the wording to petition Warrant Articles is at the Deliberative Session on February 8, 2011 and that it is important to attend as this determines what will be voted on March 8, 2011.*

Ms. Silk amended page eight, the fifth paragraph to change it as follows, *Ms. Silk suggested noting the Ski Area Pass in paragraph two of the flyer, as it seems the pass is only for the rink.*

Member Sarah Silk moved the Wolfeboro Board of Selectmen accept the minutes of December 15, 2010 as amended. Chuck Storm seconded. Members voted and being none opposed the motion passed.

Public Input

Fred Tedeschi of 13 Eagle Trace stated that the Planning Board met this week and discussed the Fairway View Estates petition Warrant Article regarding the group home and they voted not to take a position on the article. He noted several issues came up in regards to the definition of a group home and questioned if the article could be amended at the Deliberative Session.

Ms. Silk replied that such petition article is a proposed Zoning Ordinance and those are handled differently.

Chairman Murray replied according to Statute only the Planning Board can address those articles.

Mr. Tedeschi stated that they have requested information from the Police Department regarding a recent incident in which one of the patients from the facility walked away. He would like the town to hire special counsel to review this clear violation to the zoning ordinance and for the town to request the owners of the facility to come in and speak to

the town. He stated they have appreciated all the efforts from the town and are happy to work with them in any way they can.

Dick Hamilton of 10 Eagle Trace thanked the Board for all their help with this issue, but expressed his concerns that the ZBA did not hear them speak and that although the Planning Board seemed sympathetic, he did not get a sense of any urgency. He stated they stated they wanted to study the petition and he hopes it will be a work session item for this year. He stated that this is a Code issue and 15 Eagle Trace is a business registering an income of \$300,000. He explained that by allowing this business, it will be open season for other businesses, like what would stop him from having a dorm at his home. He stated this is urgent and that they should take Mr. Tedeschi's advice and hire special counsel who is familiar with this aspect of law.

Kathy Barnard, Chairman of the Planning Board, stated that the issue is part of their 2011 work sessions and she has discussed such with the Planning and Development Director. She stated as they did with the sign ordinance issue, they plan to address the issue in an expeditious manner.

Russell McCabe, President of the Fairway View Estates Association, stated they received 57 signatures of support for their petition Warrant Article and has appreciated the Board of Selectmen's support of their letter to the Department of Health and Human Services.

Vince Merola, thanked the Board for their efforts of support and agrees with the previous speakers that this is a very critical situation and time is of the essence. He stated that he felt unwelcome at the ZBA meeting and that they were treated in a condescending manner. He feels there is a clear violation of the ordinance and it is a high priority.

Public Hearings 2011 Bond Issues

A. For the 2011 Bond Issue in the amount of \$226,248 for the purpose of installing state-required fire protection system at the Pop Whalen Ice Arena.

Chairman Murray opened the Public Hearing and read the article as follows:

To see whether the Town will vote to raise and appropriate the sum of \$226,448 dollars for the purpose of installing state-required fire protection system at the Pop Whalen Ice Arena, said sum to be in addition to any federal, state, or private funds that may also be made available for this purpose, and further to authorize the issuance of not more than \$226,248 dollars of bonds or notes for this purpose in accordance with RSA Chapter 33, Municipal Finance Act, 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. Completion of this project is necessary in order for the Pop Whalen Ice Arena to receive an occupancy permit for opening in October of 2011. The Pop Whalen Arena operates as an Enterprise Fund and any bond payments would be paid by the Enterprise Fund, so this article will have no impact on the tax rate.

Mr. Owen stated in regards to the discrepancy of the posting for the funding amount, Town Counsel has advised such should not present a problem moving forward and the correct amount is \$226,248. He provided such language from Town Counsel about making the correction.

Ethan Hipple joined the Board and explained that during the ADA upgrades they became aware that the facility requires a fire protection system and it was given a 1-year exemption from the State Fire Marshall for occupying the Arena. He stated they have hired SFC engineering to provide them with a cost estimate for the system. He

reviewed this with Dave Ford and Barry Muccio and there is the opportunity to split the cost of the pump house with the Friends of Abenaki for snow making. He provided a revised estimate.

Chairman Murray pointed out the funding the voters approve is only for the sprinkler system for the Arena.

Ms. Silk commended the partnership in working with the Friends of Abenaki to help with this cost savings, as the facility is an important asset to the community.

B. For the 2011 Bond Issue in the amount of \$1,403,060.89 plus 10% for unknown cost for the purpose of acquiring new town offices facilities identified as 263 South Main Street for certain employees and doing necessary repairs to the Brewster Hall first floor certain employees. This is a petition Warrant Article.

Chairman Murray announced the hearing for this article is canceled because after the petition was submitted on December 7, 2010 it was discovered 5 pages listed an amount for \$1.6 million dollars and one page listed the amount at \$1.4 million dollars. Neither set of pages has the required number of signatures for a petition Warrant Article. She noted that the petition was resubmitted on December 29, 2010 with the correct amount and signatures and they will be addressing the hearing date later on the agenda. Being no further comments, she closed the public hearing.

Member Sarah Silk moved the Wolfeboro Board of Selectmen recommend Warrant Article B Install Fire Protection System at Pop Whalen Arena in the amount of \$226,248. Dave Senecal seconded. Members voted and being none opposed the motion passed.

Public Hearings Temporary Event Permits

A. All Saint's Episcopal Church to hold the 50th Summer Fair on July 16, 2011 from 10:00 AM-2:00 PM at 258 South Main Street.

Chairman Murray opened the public hearing.

Phil Wasmuth joined the Board for discussion and explained they would like to hold the event the same as in the past.

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

Ms. Silk noted the Police Department will direct traffic as done in the past.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the Temporary Event permit request for All Saint's Episcopal Church to hold the 50th Summer Fair on July 16, 2011 from 10:00 AM-2:00 PM at 258 South Main Street. Chuck Storm seconded. Members voted and being none opposed the motion passed.

B. Friends of the Wolfeboro Community Bandstand to hold Bandstand Concerts on July 2, 9, 16, 30, August 6,13,20,27 and September 3, 2011 from 5:00 PM-10:00 PM at the Wolfeboro Community Bandstand.

Chairman Murray opened the public hearing.

Doug Cady joined the Board for discussion and explained they would like to hold the event the same as in the past.

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

Ms. Silk noted the notes made by the Department Heads on permit request.

Member Sarah Silk moved the Wolfeboro Board of Selectmen approve the request for the Temporary Event Permit for Friends of the Wolfeboro Community Bandstand to hold Bandstand Concerts on July 2, 9,16,30, August 6,13,20,27 and September 3, 2011 from 5:00 PM-10:00 PM at the Wolfeboro Community Bandstand. Chuck Storm seconded. Members voted and being none opposed the motion passed.

C. Wolfeboro Parks & Recreation Department/ Cate Park Band to hold Band Concerts on June 29, July 4,13, 20,27, August 3, 10, 17, 24, 31, 2011 from 6:30 PM-9:30 PM at the Wolfeboro Community Bandstand .

Chairman Murray opened the public hearing.

Doug Cady joined the Board for discussion and explained they would like to hold the event the same as in the past.

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

Ms. Silk noted the comments made by the Department Heads on the permit request.

Member Sarah Silk moved the Wolfeboro Board of Selectmen approve the request for the Temporary Event Permit request for Wolfeboro Parks & Recreation Department/ Cate Park Band to hold Band Concerts on June 29, July 4, 13, 20, 27, August 3, 10, 17, 24, 31, and 2011 from 6:30 PM-9:30 PM at the Wolfeboro Community Bandstand. Chuck Storm seconded. Members voted and being none opposed the motion passed.

D. Water Easement: To consider granting a water easement as shown on a plan entitled "Water & Sewer Easement Plan, 245 South Main Street-NH Route 28, Carroll County, Wolfeboro, NH" dated September, 2010 to Michael O'Connell, MD .

Chairman Murray opened the public hearing.

Dave Ford joined the Board for discussion and explained that the business at 245 South Main Street required a large water line and granting such easement will allow them to connect to the line for the Public Safety Building.

Chairman Murray stated pursuant to RSA 42:14-a, the Board will hold the second public hearing on this request on January 19, 2011 and the vote will take place at the next following meeting.

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

Bulk Vote

1. Property Tax Refund/ Abatement

- | | |
|---------------------------|------------------------|
| i. Abatement/ Refund # 1 | Tax Map 151, Lot 21 |
| ii. Abatement/ Refund #6 | Tax Map 222, Lot 7 & 8 |
| iii. Abatement/ Refund #8 | Tax Map 250, Lot 14 |
| iv. Abatement/Refund #9 | Tax Map 172, Lot 69 |
| v. Abatement/Refund #10 | Tax Map 240, Lot 13 |
| vi. Abatement/Refund #11 | Tax Map 225, Lot 13 |
| vii. Abatement/Refund #40 | Tax Map 158, Lot 11 |

2. Current Use Application

- i. 1445 Center Street Tax Map 24, Lot 2

Ms. Silk requested to table numbers 2-7 because they are not calculated and abatement/refund # 11 needs revised language.

Member Sarah Silk moved the Wolfeboro Board of Selectmen remove items ii-vii on the bulk vote. Chuck Storm seconded. Members voted and being none opposed the motion passed.

Member Sarah Silk moved the Wolfeboro Board of Selectmen approve Property Tax Refund/ Abatement #1 and the Current Use application as listed on the bulk vote. Chuck Storm seconded. Members voted and being none opposed the motion passed.

New Business

A. Arts on the Edge Wolfeboro-Outdoor Sculpture Exhibit in Cate Park.

Nancy Langfeld joined the Board for discussion and explained they ran this exhibit last year and would like to run it again. She noted they had requested to use Clark Park last year, but did not use it and they are not requesting to use it this year.

Chairman Murray stated last year they had added a 10th condition reserving the Wolfeboro Parks and Recreation Director and the Town Manger the right to order removal of sculptures.

Ms. Silk noted number #2 should be amended to remove Clark Park.

Member Sarah Silk moved the Wolfeboro Board of Selectmen approve the request of Arts on the Edge Wolfeboro to hold an outdoor sculpture exhibit in Cate Park from June 24-September 5, 2011, subject to the following conditions:

1. All sculptures shall be situated and installed to avoid damaging and removing existing vegetation.
2. There shall be no more than 6 sculptures in Cate Park.
3. Arts on the Edge shall replace or repair any sod removed or damaged as a result of installation.
4. There shall be no obscene sculptures.
5. Sculptures shall not depict religious iconography or images.
6. Sculptures shall not impede any existing walkway or path.
7. Sculptures shall not limit access to parks for visitors with disabilities.
8. The Wolfeboro Parks and Recreation Director reserves the right to alter the layout or placement of the sculptures.

9. **The Wolfeboro Parks and Recreation Director and the Town Manager reserve the right to order the removal of sculptures.**

Chuck Storm seconded. Members voted and being none opposed the motion passed.

B. Letter of support for Lakes Region Planning Commission's Application for a Scenic Byway Planning Grant.

Dave Ford joined the Board for discussion and explained he is seeking a letter from the Board supporting the efforts of the Lakes Region Planning Commission to update the Lakes Region Scenic Byway Corridor Management Plan. He explained this has not been updated since the 1970's and they are eligible for a \$50,000 grant with their "in kind" match of time from the Planning and Development Director.

Ms. Silk noted that this includes 13 Communities.

Mr. Ford noted that they are looking to upgrade this plan with the idea of promoting the historic and iconic spots around the lake.

Member Sarah Silk moved the Wolfeboro Board of Selectmen approve and sign the letter of support for the Lakes Region Scenic Byway Corridor Letter of Intent. Chuck Storm seconded. Members voted and being none opposed the motion passed.

C. Chamber of Commerce request regarding lake access in the winter

Mary DeVries of the Chamber of Commerce joined the Board for discussion and explained that the Chamber is looking to open a discussion on providing access to the town docks from the lake during the time the lake is frozen. She explained they are looking to draw people to the local businesses during this time of year and create more traffic for the businesses year round. She explained by providing access from the lake to town, they could host some events on the lake similar to what the surrounding towns do. She stated they are looking to find out if this can be done, because they would still like to protect the docks as well. She introduced State Representative Chris Ahlgren to speak more on the request.

Chris Ahlgren joined the Board and provided them with some reference material on lake events and protecting the docks in the winter months. He thanked Mr. Ford for meeting with them to discuss this matter and that they are trying to boost the bleak economy in the winter months. He pointed out even in the best times Wolfeboro does not provide a lot of activity in the winter months. He stated until the early 1990's a place called Fisherville existed on the Lake, he feels it fizzled out due to lack of access to the docks when the new docks were installed and protected by bubblers. He also noted the snowmobile trail comes into Cotton Valley Trail but ends at the train station and providing an access from the train station to the lake would greatly increase their services as well. He noted that snowmobiling brings in 10% of the economy in NH. He stated he is not an engineer, so he would like to know if they could find a spot at the docks to allow access without causing damage to the docks.

Larry Jean, President of the Wolfeboro Snowmobile Club, joined the Board for discussion and stated their groomed trail does end at the Railroad Station and it would be an added benefit if they could extend it. He stated they have 7,000 miles of groomed trails in NH and currently have several accesses in Wolfeboro, but none of them are in the downtown area.

Chairman Murray commented on how nice their trails are.

Mr. Jean replied that they trails are not only used by snowmobiles, but skiers, snowshoes and walking as well.

Mr. Ford stated he can not find any history on access to the docks and that the Highway Foreman recalls that they have always bubbled the docks for protection and public safety. He feels that they do have a great idea of promoting the lake in the winter months and suggested using the access at Brewster Beach, which is plowed by the town and currently used for access to the lake, or there is access on Lake Street.

Mr. Senecal stated that it is something they could look into and suggested using Brewster Beach this year. He suggested Mr. Ford work with the Chamber and the Snowmobile Club.

Ms. Silk requested a copy of the Mr. Ahlgren's information copied for the Board.

Mrs. DeVries stated they were looking for access at the docks allowing someone to walk off the ice to downtown.

Chairman Murray replied they understand the request and would have to look into it further in order to know how such would work with the docks.

Mr. Ahlgren provided the Board with a copy of the snowmobile trail map and stated it would be beneficial to link the trail from the Railroad Station to the Lake downtown, noting currently the trails are diverting the travelers around Wolfeboro.

D. Warrant Article Review (continued)

➤ Warrant Article T

Chairman Murray stated that they received a revised petition Warrant Article for the land at 263 South Main Street for town officers for \$1.6 million dollars. She explained a question arose as to the ability to use the land due to the restrictions, but RSA 39-3 requires the Board to insert petition Warrant Articles on the warrant that meet the criteria of 25 signatures.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to insert Warrant Article T, petition article for new town offices on the warrant. Chuck Storm seconded. Members voted and being none opposed the motion passed.

Chairman Murray suggested that the public hearing for Warrant Article T will be held at the Town Hall Meeting room on January 13th, 2011 at 5 PM and noted the Budget Committee will address the same article at their meeting the same evening. She stated that John Sandeen, Chairman of the Board of Trustees for the Wolfeboro Public Library, had made a statement at the Board's meeting on December 15th and the Budget Committee's December 20th meeting that the Board of Trustees has a legal obligation to enforce the conditions of the deed. She also pointed out that the December 23rd Granite State News article "Amatucci Town Office Petition hits a snag" an interview with Ida Glidden, who states she wanted the land to be used for a library, not a town hall.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to schedule the public hearing for Warrant Article T on January 13, 2011 at 5 PM at the Town Hall meeting room. Chuck Storm seconded. Members voted and being none opposed the motion passed.

➤ Warrant Article U

Chairman Murray stated this article is to see if the town will vote to use part of the Brewster Town Hall for retail rental purposes.

➤ **Warrant Article D**

Mr. Owen stated he now has a confirmed figure for Article D Interim Town Officers at \$ 37,500 for the half year lease and \$12,500 for fit-up expenses, another Warrant Article will brought forth the following year for the remainder of the lease and move back to town hall.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to recommend Warrant Article D Interim Town Offices. Chuck Storm seconded. Members voted and being none opposed the motion passed.

➤ **Warrant Article O**

Mr. Owen stated they have received the cost estimate for upgrades to the communication system from 2-way and a cost estimate from Dave Ford for a concrete foundation for the 100-foot antenna.

Chairman Murray read the article as follows:

To see if the Town will vote to raise and appropriate the sum of fifty-five thousand (\$55,000) for the purpose of acquiring and installing a 100' self-supporting radio transmission tower and associated equipment on a reinforced concrete base at the Public Safety Building. This is the first of a three-phase approach to eliminating the current dead zones in emergency radio dispatch reception and communications in Wolfeboro and to insure the safety and efficiency of communications with Police, Fire, DPW, Parks & Recreation, and Electric Department personnel.

Ms. Silk stated that the project will be done in three phases and the first phase raises the tower enough to improve the range in every area a little and in the future they can address specific areas within the town boundaries. She noted the previously thought restriction on the height tower due to the helicopter pad is not needed allowing them to put in a 100-foot tower. She suggested putting this article in after E or F on the list.

The Board agreed to put it after article F.

➤ **Warrant Article E**

Ms. Silk questioned Dave Ford's memo regarding Article E for parking spaces.

Mr. Owen replied that the Town has already committed to the US Department of Justice that certain things would be done and no other alternatives were discussed.

Chairman Murray stated that such amendments should have been done a month ago, as this article has already been voted and sent on to the Budget Committee.

The Board put the articles in numeric order as follows:

1. Article A
2. Article B
3. Article C

4. Article T
5. Article D
6. Article E
7. Article F
8. Article O
9. Article G
10. Article H
11. Article J
12. Article K
13. Article L
14. Article M
15. Article N
16. Article P
17. Article Q
18. Article R
19. Article S
20. Article U
21. Article V

E. Assignment of Warrant Articles to Selectmen for January 11th taping on WCTV

The Board agreed to assign the Warrant Articles as follows:

- Article A-all members
- Article B- Ms. Silk and Chairman Murray
- Article C- Mr. Storm
- Article D- Chairman Murray and Ms. Silk
- Article E- Mr. Storm
- Article F- Mr. Senecal
- Article G- Chairman Murray
- Article J- Mr. Senecal
- Article K- Chairman Murray
- Article L- Mr. Senecal
- Article M- Ms. Silk
- Article N-Chairman Murray
- Article O- Ms. Silk
- Article Q- Mr. Senecal
- Article P - Ms. Silk
- Article R- Mr. Storm
- Article S- Mr. Storm
- Article V-Chairman Murray
- Article T-all members
- Article U- all members

F. Approve Lease and Occupancy Agreement with Huggins Hospital for Interim Town Offices

Mr. Owen provided the revised lease which was reviewed by Town Counsel for language amendments and conditions.

Chairman Murray noted the lease will be for \$6,250 per month, with all utilities included and they will be renting the location of the old Nursery area and the white house on South Main Street. There are still a few issues to be settle, but the Town Manager feels these issues can be solved and recommended hiring CCI.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to approve the Lease and Occupancy Agreement with Huggins Hospital for space for interim Town Offices, and to authorize the Board's Chairman to sign the lease on behalf of the Board. Sarah Silk seconded. Members voted and being none opposed the motion passed.

G. Approval of designation of Construction Manager for Town Hall Renovations Project

Mr. Owen stated the contract has been reviewed by Town Counsel and project architect Holly Grosvenor.

Rob Houseman joined the Board and stated that a committee including himself, Dave Ford, Dave Senecal and Holly Grosvenor interviewed three firms and the decision was between CCI and Belion Construction. The Committee recommends hiring CCI as the Construction Manager for Town Hall Renovations project and to allow staff to work out any outstanding issues.

Chairman Murray pointed out the contract does have a null & void clause pending passing of the Warrant Article. She questioned if they would have a firm cost at the Deliberative Session.

Mr. Houseman replied they are shooting for the Deliberative Session, but they will not exceed the \$4 million cap.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to designate the firm CCI as the construction manager for the Town Hall Renovations Project and to authorize the Town Manager to sign a contract with CCI for construction management services on this project and for staff to resolve any outstanding issues. Sarah Silk seconded. Members voted and being none opposed the motion passed.

Old Business

None

Any Other Business

None.

Town Manager's Report

Mr. Owen reported that the Town has prevailed in the court case between the Board of Selectmen and the Firefighter's Union and the proposed Franchise Agreement renewal with Metrocast will be reviewed by the Cable TV Advisory Committee Monday.

Committee Reports

Mr. Storm reported the Planning Board heard discussion regarding the issues in Fairway View Estates and he feels strongly towards supporting the petition Warrant Article from the Association.

Ms. Silk stated that the Friends of Abenaki met to review the items for the Warrant Article and she announced the annual fundraising pancake breakfast will be February 26, 2011 at Garwood's. She noted that Abenaki has had record breaking attendance since opening. She stated that the Friend's of the Libby Museum have been meeting to discuss the 100th Anniversary preparations for 2012.

Chairman Murray stated the following:

- She attended the WCTV annual meeting at the Vo-Tech Center.
- January 13, 2011 at 5 PM is the Public Hearing on the petition Warrant Article for Town Offices.
- January 13, 2011 at 7PM is a meeting of the Budget Committee on the same Warrant Article in the Ballroom of the Wolfeboro Inn.
- January 11, 2011 6 PM the Budget Committee meeting on Warrant Articles at 6 PM in the Wolfeboro Inn Ballroom.
- January 12, 2011 7PM the Budget Committee Public Hearing on the 2011 Operating Budget in the Wolfeboro Inn Ballroom.
- February 8, 2011 at 7 PM in the Deliberative Session at the High School Arts Center.
- March 8, 2011 voting day at All Saint's Episcopal Church.

Mr. Senecal stated he has attended the Budget Committee meetings and the Blue Loon buses for Carroll County Transit are running regularly and anyone can ride these buses.

Chamber of Commerce

None

Questions from the Public

None.

Questions from the Press

Tom Beeler of the Granite State News requested the language for Article U.

Chairman Murray provided such.

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 8:57 PM to discuss minutes. Chuck Storm 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 9:33 PM.

Chairman Murray announced that the Board sealed the minutes of the January 5, 2011 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 9:34 PM. Member Chuck Storm seconded. Being none opposed, the motion passed.

Respectfully submitted,
Amelia Capone-Muccio
Recording Secretary