

**Wolfeboro Board of Selectmen
Meeting Minutes
Unapproved
July 11, 2012**

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

Members absent: None.

Staff present: Town Manager David W. Owen, Finance Director Pete Chamberlin, Director of Planning and Developing Rob Houseman, Police Lieutenant Rondeau, and Recording Secretary Amelia Capone-Muccio.

Chairman Murray opened the meeting at 6:30 PM.

Non-Public Session RSA 91-A: 3II

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

Consideration of Minutes

➤ ***June 20, 2012***

Member Dave Senecal moved the Wolfeboro Board of Selectmen to accept the minutes of July 11, 2012 as submitted. Sarah Silk seconded. Members voted, being none opposed, the motion passed.

Public Input

Judy Breuninger stated that she would like to note the new sidewalks and flowers downtown are beautiful.

Bob Lemaire stated he addressed several issues of concern at the Board's last meeting regarding the \$200,000 allotted for repairs of Brewster Memorial Hall (BMH) specifically to concerns about the town's procurement policy. He stated that Ms. Silk stated that locals would not be interested in the job and he did receive a call from a local asbestos contractor who said he would have been interested in the bid, but such bid has already been awarded based on a previous bid from 2009. He stated upon his own further investigation the bid was based on information from the Scott Lawson group in 2007 and a bid that was \$14,900 is now \$21,000. He stated Mr. Owen informed him he had a pleasant chat with this contractor and of course he would as he is the one handing out the work. He stated he is not against removing the asbestos from the building, but it should have been put out to bid to allow the local contractors to bid on it and they would have had plenty of time if the town did this in April. He stated he is disturbed that he brought these issues up at the last meeting but there is no discussion about it on the meeting agenda and he would like to see the Board address why contracts are being issued against the town's procurement policy.

Chairman Murray stated that the Board has not waived the procurement policy; Mr. Owen obtained three quotes for the asbestos removal and awarded it.

Bob Lemaire joined the Board and questioned if it was Chairman Murray's personal decision not to bring the asbestos contract before the Board.

Chairman Murray replied no, I asked for a copy of the three bids for my review after the contract had been signed. She stated that they intend to follow the procurement policy going forward.

David Owen replied no that was my decision. Mr. Owen pointed out that according to State law; contracts do not need to come to the Board.

Mr. Lemaire questioned if it was her decision not to place the asbestos contract on the agenda for the Board to discuss in Public.

Chairman Murray replied she did not make the decision not to discuss the asbestos contract in public. In fact Mr. Owen stated in public that he had signed the contract.

Mr. Lemaire noted there is a clause that says if the procurement policy is not followed that the contract can be voided.

Mr. Lemaire stated those quotes are from 5 years ago and was only sent to select individuals picked by the Scott Lawson group and the low bid was not what was chosen.

Chairman Murray replied that she understands the change has to do with the cost of scrap metal and she did also get a call from the local contractor. She stated the Board will follow the procurement policy from here on out.

Ms. Silk clarified that she only commented on one contractor for the school project and such had nothing to do with asbestos.

Mr. Owen stated he wishes that Mr. Lemaire wouldn't jump to conclusions and that an update for Brewster Memorial Hall repair will be on the Board's 7/25 agenda. He stated they are adhering to the bid policy. He stated with regards to the chat with the local contractor, he recalls the contractor's initial interest was the demolition of 255 South Main Street bid.

Mr. Lemaire replied that the issue is confusing and there is no file to track the information. He stated when he asked to examine the file he was told there was no file. He stated the town should have a file on a project of this size. He stated it has been known he is interested in the information of this project and it is like pulling teeth to get any information on it. He stated he is in favor of work being done, but it should be done according to the policies.

Mr. Owen stated the asbestos contract was bid and awarded.

Chairman Murray stated she does not want to argue about this issue, she explained that the Board will be following the town policy from here on out and the project will be on the next agenda for discussion. She reiterated at no time did the Board waive the procurement policy.

Mr. Lemaire stated that the procurement policy states that if the policy is not followed, the contract is void.

Public Hearings

I. Temporary Event permits

A. Kingswood Youth Center to hold a Chili Challenge Fundraiser on August 18, 2012 from 8:00 AM-5:00 PM at Durgin Stables Green (15 North Main Street).

Chairman Murray opened the public hearing.

No one was present to discuss the request.

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

Chairman Murray stated that this event has been requested in the past and it seems the only comment on the permit request was for an electrical permit, but such was not requested.

Member Sarah Silk moved the Wolfeboro Board of Selectmen approve the issuance of a temporary event permit to the Kingswood Youth Center to hold a Chili Challenge Fundraiser on August 18, 2012 from 8:00 AM-5:00 PM at Durgin Stables Green (15 North Main Street). Chuck Storm seconded. Members voted, all in favor, the motion passed.

- B. First Congregational Church and Arts on the Edge to hold a Music Concert on August 23, 2012 from 7:30 Pm-11:00 PM at the Wolfeboro Community Bandstand in Cate Park.**

Chairman Murray opened the Public Hearing.

Nancy Langfeld joined the Board and stated they are requesting to present the Traveling Wolfeburys.

Being no others to speak for or against the permit, Chairman Murray closed the Public Hearing.

Member Sarah Silk moved the First Congregational Church and Arts on the Edge to hold a Music Concert on August 23, 2012 from 7:30 Pm-11:00 PM at the Wolfeboro Community Bandstand in Cate Park. Chuck Storm seconded. Members voted, all in favor, the motion passed.

II. Acceptance of Grants

- i. NH Highway Safety Project #308-12B-111-Wolfeboro DWI/DUI Patrols in the amount of \$5,700.**

Chairman Murray opened the public hearing.

Police Lieutenant Dean Rondeau joined the Board and explained that this is one of the grants he wrote in the early spring for Federal funds to assist in additional patrols for DWI/DUI drivers. He stated this is the fifth year they have received the grant.

Chairman Murray questioned if it is for overtime.

Lieutenant Rondeau replied it is paid at overtime.

Being no others to speak for or against the permit, Chairman Murray closed the Public Hearing.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to accept the grant in the amount of \$5,700 for NH Highway Safety Project #308-12B-111-Wolfeboro DWI/DUI Patrols. Dave Senecal seconded. Members voted, all in favor, the motion passed.

- ii. Attorney General's Office FFY 2011-Enforcing Underage Drinking Laws in the amount of \$7,500.**

Chairman Murray opened the public hearing.

Police Lieutenant Dean Rondeau joined the Board and explained that this is one of the grants he wrote in the early spring for funds to enforce NH Liquor statutes to prevent underage drinking through enforcement and education. He stated this is the largest amount they have received for this grant and they do the enforcement by patrols, surveillance and the use of underage youth in stores and restaurants that serve liquor.

Being no others to speak for or against the permit, Chairman Murray closed the Public Hearing.

Ms. Silk questioned how the amount is determined.

Lieutenant Rondeau replied that it is based on a number of things, but overall they have turned in a good work product for the last two years and have a great working relationship with the Attorney General's office.

Member Dave Bowers moved the Wolfeboro Board of Selectmen to accept the grant in the amount of \$7,500 from the Attorney General's Office for enforcing underage drinking laws. Chuck Storm seconded. Members voted, all in favor, the motion passed.

III. Refinancing of Water Bonds with approximate aggregate principal amount of \$2,719, 040

Chairman Murray opened the public hearing.

Pete Chamberlin joined the Board and stated as he explained at the last Board meeting regarding the refinancing of the water bonds, this is the next step in that process and he expects the sale in early September.

Chairman Murray stated they would need to have at least 3% savings to make the refinancing worthwhile and they also would need to notify the state of the refinancing.

Mr. Chamberlin replied there is paperwork in order not to affect those funds.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve and sign the following resolution:

A Resolution **Authorize the Issuance of Refunding Bonds**

July 11, 2012

WHEREAS, the Town of Wolfeboro, New Hampshire (the "Issuer") has issued certain \$45,000 General Obligation Bonds through the United States Department of Agriculture Rural Development ("USDA RD"), dated as of 3/28/1996, the outstanding principal amount of which is approximately \$221, 201, certain \$3,000,000 General Obligation Bonds through USDA RD, dated as of 6/26/1996, the outstanding principal amount of which is approximately \$1,344,976, certain \$550,000 General Obligation Bonds through USDA RD, dated as of 5/13/1997, the outstanding principal amount of which is approximately \$255,355, and certain \$1,183,080 General Obligation Bonds through USDA RD, dated as of 11/12/2004, the outstanding principal amount of which is approximately \$897,508 ([collectively] the "Refunded Bonds"); and

WHEREAS, although the Refunded Bonds are not subject to redemption prior to their respective maturity dates, USDA RD has consented to the redemption of the Refunding Bonds prior to such maturity dates; and

WHEREAS, it appears likely that bonds issued today would have a net interest cost less than the net interest cost on the Refunded Bonds; and

WHEREAS, the Issuer may be able to realize debt service savings by issuing certain refunding bonds (the "Refunding Bonds"), the proceeds of which would be utilized to current refund the Refunded Bonds and to pay certain other costs relating thereto;

NOW THEREFORE, BE IT RESOLVED that the Issuer, acting by and through its Board of Selectmen (the "Governing Board"), hereby authorizes the issuance of Refunding Bonds pursuant to the provisions of RSA 33:3-d, the proceeds of which shall be utilized to current refund the Refunded Bonds, to pay any principal and interest coming due on the Refunded Bonds prior to the Redemption Date, and to pay the costs of issuance of the Refunding Bonds, including any costs of credit enhancement; provided however, that such refunding is only authorized to the extent that the same will achieve a net present value debt service savings in an amount equal to at least three percent (3%) of the outstanding principal amount of the Refunded Bonds; and

IT IS FURTHER RESOLVED that the Issuer is hereby authorized to finally approve the aforesaid refunding by entering into a Loan Agreement or Bond Purchase Agreement (the "Agreement") with the New Hampshire Municipal Bond Bank or such other bond purchaser or underwriter as the Governing Board may deem appropriate in connection with the issuance of the Refunding Bonds to evidence the Issuer's approval of the terms and conditions of the Refunding Bonds; and

IT IS FURTHER RESOLVED that the Agreement and such other documents, if any, as shall be required in connection with the issuance of the Refunding Bonds shall be signed on behalf of the Issuer by its Chairman of the Governing Board or its Vice-Chairman of the Governing Board, each acting singly, or such other individuals as may be required by state law or as may be specified by bond counsel; and

IT IS FURTHER RESOLVED that the Issuer is authorized to enter into such other documents, to engage such other professionals (including a Financial Advisor, Escrow Agent, Verification Agent and Paying Agent), and to do such other things as necessary to consummate the aforesaid refunding; and

IT IS FURTHER RESOLVED that all actions heretofore taken by the Issuer consistent with the foregoing are hereby confirmed, ratified and approved.

Chuck Storm seconded. Members voted, all in favor, the motion passed.

Bulk Vote

A. Notice of Intent to Cut Wood or Timber

- i. Stoneham Road Tax Map 138 Lot 7
- ii. Autumn Lane Tax Map 143, Lot 12

B. Raffle Permit-Libby Museum 100th Celebration

C. Acceptance of a Payroll Grant Award from the New Hampshire Lakes Association in the amount of \$2,300 for 2012 Lakes Host Program.

Chairman Murray noted the NH Hampshire Lakes Association grant will match funds for removal of invasive weeds from our lakes such as Milfoil.

It was moved by Chuck Storm for the Wolfeboro Board of Selectmen to approve the Bulk Vote items listed above A-C as listed. Dave Bowers seconded. Members voted and being none opposed, the motion passed.

Appointments

A. Economic Development Committee

Mr. Owen stated that Denise Roy-Palmer requests to withdraw this request and that they have an interest in establishing alternates for this Committee.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to allow and advertise for alternate members for the Economic Development Committee. Sarah Silk seconded. Members voted and being all in favor, the motion passed.

B. Pathways Committee

Mr. Owen stated that Art Slocum has been attending the Committee's meetings but needs to be formally appointed to the Committee.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to appoint Art Slocum to the Pathways Committee for a one-year term. Chuck Storm seconded. Members voted and being all in favor, the motion passed.

Chairman Murray stated Dave Richards has resigned from the Milfoil Committee.

New Business

A. Application for Annual Payment of State Grant

Mr. Owen stated this is an annual formality for a vote of the Board for the certificate presented to the State that needs to be voted in a public meeting.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve making application to the New Hampshire Department of Environmental Services for \$49,189.80 of State grant funds, and to authorize Town Manager David Owen to sign the Request and Certification on behalf of the Board of Selectmen. Chuck Storm seconded. Members voted, all in favor, the motion passed.

B. Seven to Save event at Town Hall

Maggie Stier of the NH Preservation Alliance joined the Board and explained that they would like to hold an event at Town Hall on August 22nd to highlight Brewster Memorial Hall as one of its Seven to Save properties. She stated that this will be spotlighted in the Citizen's Bank Champions in Action and Brewster Memorial Hall will be the first property featured for this event.

Chairman Murray thanked them for the opportunity to showcase the Town Hall.

Ms. Silk questioned how the public would get tickets.

Ms. Stier replied they plan to send post cards to their members, but they can be made available at Town Hall and the Friends of Town Hall.

Member Dave Bowers moved the Wolfeboro Board of Selectmen to approve the request of the New Hampshire Preservation Alliance to hold a Seven to Save event at Brewster Memorial Hall on August 22, 2012 from 4:00 PM to 6:00 PM. Chuck Storm seconded. Members voted and being all in favor, the motion passed.

C. Eastern Lakes Region Housing Coalition-Request to Sponsor a Community Development Block Grant (CDBG) Application

Edie DeMarais joined the Board and is requesting the Board to sponsor a Community Block Grant for phase two of the community housing project. She noted this will help with administrative costs, the extension of the utilities for the other buildings and site work.

Chairman Murray asked for a status update of the project.

Mrs. DeMarais replied that they are 65% full and ready to move on to the next phase.

Ms. Silk asked for clarification of handicap accessible vs. adaptable.

Mrs. DeMarais replied that adaptable means that it easily changed to accessible if needed.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to approve the submission of an application by the Town of Wolfeboro to the Community Block Grant program on behalf of the Eastern Lakes Region Housing Coalition in the amount of \$500,000 to be used in developing Phase 2 of the Harriman Hill Housing Development, and to schedule the required public hearing on this application at Board of Selectmen's meeting on July 25, 2012. Dave Bowers seconded. Members voted and being all in favor, the motion passed.

D. Economic Development Committee-Proposed Customer Service Survey

Charles Wibel joined the Board for discussion and stated that out of the EDC's and Chamber of Commerce focus group discussions they are proposing an idea of providing those who apply for permitting in the Town of Wolfeboro to be given a Customer Satisfaction Survey and use those results in the Town Report.

Chairman Murray stated she looked at the website survey monkey and provided some of her own questions she feels would be more specific to their needs. She noted that the town website has a huge amount of information and they created flow charts a few years ago, she questioned if the Committee was aware of such.

Mr. Wibel replied that they are looking for a survey that can leave space to provide comments.

Mr. Bowers stated he has been very interested in this issue as he has heard the comments that the town is "not friendly", but has only heard of one specific example. He stated they can't fix anything if they don't have specifics.

Mr. Wibel agrees but unfortunately it is the fear of retribution.

Chairman Murray stated she has visited locations where issues have arisen and heard those same comments.

Ms. Silk stated this survey should include several departments including solid waste. She like the sample of questions provided from Gresham Or.

Mr. Wibel stated the Committee is looking to put to bed the comments that the town is unfriendly. He stated they are not going to be perfect but if they get back 25 negative responses, then maybe something needs to be addressed.

Ms. Silk questioned if the EDC is going to fund the collating.

Chairman Murray replied the EDC is recommending the town to do this.

Mr. Owen stated if it is a relatively limited scope survey with limited responses the staff can collate it, but if it is a more broad survey on all services that would be too large of an undertaking for town staff. He noted the Police Department did a Citizen's Survey in the past and used the services of UNH.

Mr. Wibel stated they feel this will be a useful tool for the building blocks of the community and they are not necessarily interested in the services of the Library, Police and Fire.

Member Dave Bowers moved the Wolfeboro Board of Selectmen to issue a Customer Satisfaction Survey to those individuals who receive a Certificate of Occupancy for one year. Dave Senecal seconded.

DISCUSSION:

Chairman Murray noted that when you go out and talk with people about it, the rumor mill can have great dynamics and she has mixed feelings about doing such survey.

Mr. Senecal stated it is a way to get some information from the public.

Ms. Silk stated people also need to remember there is a difference between local and federal regulations and there are some things the town does not have control over and if the applicant is clear on the difference on the items the town has no jurisdiction over.

The Board determined to review the example questions and make suggestions and discuss it at their next meeting and agreed on comments from the EDC.

Rob Houseman clarified that Public Works, Fire Department, Codes and Electric Department all sign off on the permits.

Chairman Murray stated those Departments should be included. She noted they may need some questions from him for the survey.

Members voted and being all in favor, the motion passed.

E. 2012 Budget Guidelines

Mr. Owen stated last year the guideline was set at 1% less of the Department's discretionary spending accounts with the exception of contract requirements, legal requirements and fuel costs. He stated based on the economic and financial factors of this year as follows:

- The State economy has improved marginally with an unemployment rate at 5.7%, much lower than the national average.
- The State has downshifted costs to local government over the last few years such as increased retirement contributions, but he does not anticipate any further downshifting.
- The Local Government Center's Health Trust is under great pressure to keep the insurance costs down and the Town has implemented a Health Insurance Advisory Committee to explore other options, including high deductible plans with employee reimbursement feature that may lead to further savings of the Town's health insurance costs.
- Primex has announced a Premium Holiday for the Workers Compensation Program, which will save the town \$60,000 next year.
- Fuel costs have declined dramatically and the Finance Director reports an offer at \$2.99 for oil and the bid opening is scheduled for July 19th.
- Although Town revenues remain stable, the building permit fees and other development fees are weak, but motor vehicle fees have increased due to the increase in car sales.
- The Town will face major legal expenditures over the next few years due to litigation concerning the Rapid Infiltration Basins (RIB) which they will have to budget for.

Based on those points and the need for continued budgetary restraints he proposes level funding overall (although various accounts may move up or down within that level-funded total). The 2013 budget guidelines are as follows: no increase (0%) in the total of discretionary line items submitted by the Town Departments relative to the final approved amounts of the Department's 2012 Operating Budget, with the exceptions of contractual obligations, legal requirements, and salaries and benefits of existing Town employees (100 and 200 series accounts).

Chairman Murray stated she is comfortable with the proposed 0% guideline on discretionary spending based on the analysis presented, but would like a comparison of discretionary spending from last year.

Ms. Silk stated this is a reasonable request noting they have a lot of increases coming from the School and County budgets.

It was moved by Dave Senecal for the Wolfeboro Board of Selectmen to adopt the 2013 Budget Guidelines as presented, a 0% increase in discretionary funding. Chuck Storm seconded. Members voted and being none opposed, the motion passed.

F. Legislative Floor Policies

Chairman Murray stated the Legislative Floor Policies have been provided for the Board to review and they can choose to support or not support them. She suggested they review them and decide for the next meeting if they would like to support any of them. She noted that she did see a policy regarding the signing of the manifest and they should probably get a legal opinion on such matter.

Mr. Owen replied he would look into such.

The Board agreed to address the Legislative Policies at their next meeting.

Ms. Silk requested that they not be given another copy of this.

Other Business

➤ **Harassment training-Primex**

Chairman Murray stated that there is a Harassment training on July 25, 2012 and elected officials are invited to attend this training. There will be two times to attend the training 1:30 PM and 4 PM at the Public Safety Building.

Ms. Silk noted the Budget Committee, Planning Board and Police Commission will need to attend such event as well. She also requested the Primex Heat Stroke information be posted to the town website.

- **L-CHIP Grants**

Chairman Murray stated that the Friends of the Town Hall will be attending a workshop regarding a new round of L-CHIP Grants as they are looking to make application again.

- **NH DES Grant Update**

Chairman Murray announced the town received notice on June 7th that they received the grant for 30% of the \$500,00 Water Meter program, which was the in the form of loan forgiveness.

Town Manager's Report

Mr. Owen stated the following:

- The agreement for Public Safety towers on Bennett Hill tower will be addressed at the Board's 7/25 meeting.
- He announced the Town has completed the draft Hazard Mitigation Planning Update and such report is available for public view and comment 7/12-7/24 and the report is on the town website, at the library and town hall.
- He has been notified by the Friends of the Libby Museum that the conditions of approval for their Family Day Event have been met.
- The Depot Square street furniture came in today and blue benches were not available so they got black ones.
- They have not received any bids for the removal of the house at 255 South Main Street so they will have to move forward with demolishing the building, but would need to address the asbestos removal first at an additional cost they did not anticipate. They have \$9,500 left in the Warrant article and he hopes that will cover it. He noted for the record no reasonable offer to remove the house will be refused.
DISCUSSION: Mr. Bowers questioned if the Fire Department could use it for training. Ms. Silk suggested bidding the asbestos removal with the demolition bid.
- NH DES did a complete review of the town's water system and he is pleased to report the system got very good reviews. He noted that the drinking water standards are changing in 2013.
- They have signed on a new Call Fire Fighter and are in the process of obtaining 3-4 more.
- The Pleasant Valley Road drainage work will start 7/16 and will take 4-8 weeks to complete.
- Update on downtown street project is the utility work is underway and the sidewalks will be poured and the paving of Lehner and Union Street will begin next week.
- Discussions are underway about seeking improvements to Middleton Road.

Committee Reports

Mr. Bowers reports the Library is doing well.

Chairman Murray stated that she attended the following:

- The Eastern Lakes Region Housing Coalition dedication
- Health Insurance Advisory Committee meeting and working on getting a survey out to the employees.
- The Milfoil Committee did some hand pulling of Back Bay and will do more in August.
- The Lake Wentworth and Crescent Lake Water Shed Plan workshop.
- A meeting with the County Commissioners and Dave Owen to discuss reducing the Town's contribution to the County Dispatch services.

Ms. Silk said she attended the NRRRA meeting in Concord. The next Hazard Waste Collection for Wolfeboro is 7/12 and 7/14 in Alton.

Public Comment

Bob Lemaire joined the Board and questioned if it was Chairman Murray's decision to accept the asbestos contract for the Town Hall.

Chairman Murray replied no, she did request a copy of the three bids for review. She stated that they intend to follow the procurement policy going forward.

Mr. Owen pointed out that according to State law; contracts do not need to come to the Board.

Mr. Lemaire questioned if it was her decision not to bring it before the Board and noted that there is a clause that says the contract can be voided.

Chairman Murray replied she did not make the decision and the Board did not discuss such contract.

Questions from the Press

Elissa Paquette of the Granite State News questioned the survey for the EDC and noted that there are other processes that don't require occupancy permits.

Mr. Senecal clarified, the Town of Wolfeboro does it differently and all permits receive an occupancy permit even if it is already occupied. It would cover permits for decks, garages, solar, wind etc.

Mrs. Paquette questioned those who don't get approval.

Chairman Murray replied that part of this is education, but the survey will be put out with the application.

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 8:37 PM to discuss litigation and personnel. Chuck Storm seconded. Roll call vote: Dave Bowers-yes, Dave Senecal-yes, Chuck Storm-yes, Sarah Silk-yes and Linda Murray-yes, the motion passed.

The Board re-entered public session at 9:21 PM.

Chairman Murray stated the non-public session minutes of July 11, 2012 were sealed by a 2/3rd's 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 9:26 PM. Member Dave Bowers seconded. Being none opposed, the motion passed.

Respectfully submitted,

Amelia Capone-Muccio

Recording Secretary