

**Wolfeboro Board of Selectmen
Meeting Minutes-Approved
March 4, 2015**

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

Staff present: Town Manager Dave W. Owen, Police Captain Dean Rondeau and Recording Secretary Amelia Capone-Muccio.

Chairman Murray opened the meeting at 6:30 PM.

Non-Public Session

Chairman Murray stated a non-public session is needed to discuss personnel.

Consideration of Minutes

➤ **2/18/15 Meeting**

Chairman Murray amended page three, the third paragraph to add the following; she advised Ms. Amatucci there is another public comment at the end of the meeting if she wished to speak again. She amended page six, the fourth paragraph to correct "Chairman Silk" to "Chairman Murray".

Member Dave Bowers moved the Wolfeboro Board of Selectmen approve the minutes of the February 18, 2015 meeting as amended. Sarah Silk seconded. Members voted and being all others in favor, the motion passed.

Public Input

Josephine Amatucci stated first of all she was very happy to find out that Police Officer O'Brien is no longer with us. So that is one down and I have three to go in order for justice to be served. I'd like to tell the people that my case is opening up the stage, an opportunity for justice to be served in our system because other than coming here before the Selectmen there is no way a victim can find justice through the system. So this is going to be the beginning of what is going to continue to happen so that the Police will be accounted for their misconduct. Now we have three people that have to be investigated, I have in front of you papers showing that accusing someone of a criminal crime is different than going to court in a civil case. They're two separate things entirely. Now you might not like this Linda, but you're going to do your job. You're going to tell me first of all what's going on with Rob Houseman? This is not the Town, I'm talking only about Rob Houseman. Now nobody has contacted me, I was never told this lawyer who doesn't belong in the situation, I don't know where he comes in. Because it is up to you people to investigate Rob Houseman. If he needs a lawyer let him get the lawyer for himself. You people don't need a lawyer, you are the law. So I want to hear about Rob Houseman next time we have a meeting. Now, Chief Chase, I want him terminated. He attacked me in the Police Station. A person off the street who was just asking him to investigate Rondeau, who's a Captain now, to investigate Rondeau who accused me of bogus

traffic violation and it's a bad one because he tried to have my license to drive revoked. He went far beyond, so he's not going to get away with it, but with him I wouldn't want him terminated, but I want all titles away from him. He doesn't deserve to have a title in front of his name for what he did to me a citizen of Wolfeboro who absolutely never ever, ever, never ever did any harm to anybody and what I have been through with this Town it's not going to end until justice is going to be served. So I want Chief Chase terminated. I went in the Police Station and asked him a simple thing which was my right, could you please investigate Rondeau, this is what he did to me. Instead of taking my complaint, he attacked me, with his finger in my face, he told me don't you ever accuse my men of a crime or I will get you and arrest you on the spot. And that is when I ran to the Town Hall and that's another story, but he did come after to me Police Chase a few minutes after I was at the Police Station, he followed me, accused me, put his lights and his siren, accused me of speeding, which I was not speeding and I have expert testimony, that I could never have been speeding where he said I was speeding and he put me in jail. He's not going to get away with it. That's beyond cruelty, that's kidnapping, that's kidnapping. So I want you to do it, I want you to go full force with these three criminals and Rob Houseman, I know he's a favorite with the Town, but what he did he really was to blame for what happened to me that day, because the turn of events was his fault. So if I went to jail it was because of him.

Chairman Murray stated in response to Ms. Amaturcci's previous statement as she did the last time and she read the following response for the record:

In response to Ms. Amaturcci request I want to point out:

- That Ms. Amaturcci has been filing lawsuits and bringing charges against the Town and its Police Department for over a decade;
- That all of her lawsuits have been dismissed as lacking any merit (except for one recently filed suit which is still pending but subject to the Town's Motion to Dismiss);
- That she recently demanded that the New Hampshire Attorney General's Office prosecute members of the Wolfeboro Police Department and the Wakefield Police Department and that the Attorney General's Office reviewed the allegations and found that they did not create a reasonable suspicion of illegal conduct which warranted any further investigation;
- That the Selectmen have carefully considered all of the allegations and evidence submitted by Ms. Amaturcci over the years, including the affidavit submitted by her on February 4, 2015, and find that there is no reasonable basis for concluding that Chief Chase or any other member of the Wolfeboro Police Department engaged in unlawful conduct; and
- That therefore the Selectmen decline to conduct any further investigation of Chief Chase or any other member of the Wolfeboro Police Department concerning Ms. Amaturcci's allegations, and decline to ask an outside agency to do so.

Note that Ms. Amaturcci interrupted Chairman Murray during her time to speak and accused her of lying. Chairman Murray called order and told Ms. Amaturcci she had her opportunity to speak and if she wanted to speak again she would need to wait until the public input at the end of the meeting.

Suzanne Ryan addressed the Board to discuss Citizen's Petition Warrant Article #4 with regards to the Planning Board's public hearing on January 6, 2015 and that an opinion of the Planning Board counsel was given, but no Statutes or case law was given to support he

opinion. She stated Ms. Silk as a resident read the Statute 24:34 at the meeting which protects all farming endeavors. She pointed out what was missed at that meeting and not brought up by the Town Planner but by the Town's attorney was 674:32 which addressed existing business practices and expansion. She noted that home occupation is clearly allowed in the zoning area with provisions and she referred to those provisions. She is not sure what went wrong with the discussion by the Planning Board at that meeting, only opinions were discussed with nothing to fortify it. The EDC may have been misled and referred to July minutes of such discussion. She noted she did call the State regarding the status of the paperwork and will provide her notes, but noted that there is no record of any application for this project. She is writing a letter to the editor and they did their homework on this matter and feels wrong information was given.

Public Hearings

Temporary Event Permits

A. New England Chapter of Antique & Classic Boat Society to hold a Boat & Car Show on September 26, 2015 from 6:00 AM- 4:00 PM at the Town Docks, Cate Park, and Parking Lot.

Chairman Murray opened the public hearing.

Dennis Schauer addressed the Board to present the annual event request which includes about an hour on Friday for set up. He stated that the event will run in as in years past, but questioned the need of two portable restrooms since there are public restrooms available.

Ms. Silk questioned if the portable restroom is handicapped assessible and noted no insurance certificate is included.

Mr. Schauer replied it is assessable and the insurance certificate is being sent from the main office in New York and he will forward it as soon as it is received.

Mr. Bowers offered the use of his parking lot for staff parking for the event.

The Board noted they are okay with just having the one handicapped assessible portable restroom.

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

It was moved by Sarah Silk and seconded by Dave Senecal to issue a Temporary Event Permit to the New England Chapter of Antique & Classic Boat Society to hold a Boat & Car Show on September 26, 2015 from 6:00 AM- 4:00 PM at the Town Docks, Cate Park, and Parking Lot, contingent upon receiving an insurance certificate and to allow just one portable restroom. Members voted and being all in favor the motion passed.

B. Acceptance of Grants of more than \$5,000

i.State of New Hampshire Highway Safety Project #308-15B-104 contract entitled Wolfeboro DWI/DUI Patrols in the amount of \$5,740.80.

Chairman Murray opened the public hearing.

Captain Dean Rondeau addressed the Board to state this is an annual grant application he submits to cover the cost of additional patrols at no additional cost to the Town during the busier summer season. He noted that normally this grant is funded at 120 hours but has been cut to just under 90 hours.

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

It was moved by Sarah Silk and seconded by Dave Bowers to accept a grant from the State of New Hampshire Highway Safety Project #308-15B-104 contract entitled Wolfeboro DWI/DUI Patrols in the amount of \$5,740.80. Members voted and being all in favor the motion passed.

ii. State of New Hampshire Highway Safety Project #315-15B-104 contract entitled Wolfeboro Enforcement Patrols in the amount of \$5,850.

Chairman Murray opened the public hearing.

Captain Rondeau stated similar to the above stated grant this one will fund additional patrols for speed enforcement. He noted that in both instances the officers are not limited to DUI or speed enforcement only, they are on patrol in general. He stated this grant will be funded at 120 hours.

Ms. Silk questioned the details of the shift hours.

Captain Rondeau replied that the hours are based on statistics and generally those are the hours they like to see them use the extra patrols.

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

It was moved by Sarah Silk and seconded by Dave Bowers to issue a accept a grant from the State of New Hampshire Highway Safety Project #315-15B-104 contract entitled Wolfeboro Enforcement Patrols in the amount of \$5,850. Members voted and being all in favor the motion passed.

Bulk Vote

A. Weekly Manifests:

1. Manifest dated February 27, 2015
2. Manifest dated March 6, 2015

B. Property Tax Refunds/ Abatements

- i. Refund/Abatement #45 (2014) Tax Map 193, Lot 1
- ii. Refund/ Abatement #44 (2014) Tax Map 187, Lot 1
- iii. Refund/ Abatement #113 (2014) Tax Map 166, Lots 9 & 11
- iv. Refund/ Abatement #113 (2013) Tax Map 166, Lots 9 & 11

v. Refund/ Abatement #109 (2013)	Tax Map 191, Lot 41
vi. Refund/ Abatement #109 (2014)	Tax Map 191, Lot 41
vii. Refund/ Abatement #107 (2013)	Tax Map 191, Lot 48
viii. Refund/ Abatement #107 (2014)	Tax Map 191, Lot 48
ix. Refund/ Abatement #63 (2013)	Tax Map 151-49, Lot 1
x. Refund/ Abatement #63 (2014)	Tax Map 151-49, Lot 1
xi. Refund/ Abatement #33 (2013)	Tax Map 260, Lot 77
xii. Refund/ Abatement #33 (2014)	Tax Map 260, Lot 77
xiii. Refund/ Abatement #110 (2013)	Tax Map 192, Lot 8
xiv. Refund/ Abatement #110 (2014)	Tax Map 192, Lot 8
xv. Refund/ Abatement #112 (2013)	Tax Map 181, Lot 6
xvi. Refund/ Abatement #112 (2014)	Tax Map 181, Lot 6
xvii. Refund/ Abatement #56 (2013)	Tax Map 204, Lots 1,2,3,4,5,6,7
xviii. Refund/ Abatement #56 (2014)	Tax Map 204, Lots 1,2,3,4,5,6,7

C. Current Use Application

A. Furber Lane Tax Map 131, Lot 1

D. Notices of Intent to Cut Wood or Timber

Application North Wakefield Rd Tax Map 91, Lot 13

E. Raffle Permit-Wolfeboro Rotary Club's Ice-Out Raffle

Chairman Murray suggested they remove abatements # 17 & 18 to discuss separately.

It was moved by Linda Murray and seconded by Brad Harriman to remove Property Tax Refunds/ Abatements # 17 & 18 to discuss separately. Members voted and being none opposed, the motion passed.

Ms. Silk stated the current use application has no documentation so she is unclear on it.

Todd Haywood, Contract Assessor, addressed the Board to explain the property owner is putting 35 acres into current use.

It was moved by Sarah Silk and seconded by Dave Bowers to accept Bulk Vote items A through E. (not including #17 & 18 previously removed) Members voted and being none opposed, the motion passed.

Discussion on #17 & 18

Chairman Murray stated they are looking for some clarity on a discrepancy with the refund/ abatements proposed. She noted some inaccuracies with the property tax card vs. the abatement sheet and they don't match (the values).

Mr. Haywood explained that these are 2013 BTLA cases and that they have settled for a value of \$70,000 but unfortunately the computer system is unable to change the value back to the exact amount so that is why they do not match. She questioned why the value of Tax Map 90-7 is so low.

Mr. Haywood replied that property just sold this week for \$37,500.

Chairman Murray stated that is the kind of information they need to understand why the abatements are proposed.

Mr. Senecal noted that in 2013 these properties did not have water/ sewer hookups, so onsite improvements to a lot increases the value, but no improvements were there in 2013.

Mr. Haywood agreed, it cost the property owner \$78,000 to bring those improvements to the lots.

Mr. Bowers expressed his concern a lot of people feel they are over assessed, but ideally they should wait until the revaluation.

Mr. Harriman questioned if the assessments are defensible why they go to the BTLA.

Ms. Silk noted that a number of these have already received abatements, but it wasn't low enough for them, how can he justify lowering it again.

Mr. Haywood explained that the last valuation was done in 2010 those 6,000 properties reassessed only a small percent have abatement requests. He explained that assessing is mass appraisal and some properties have more specific issues. He stated that he has a responsibility to notify the Board of Selectmen of the abatements.

Mr. Owen explained these cases are at the Board of Tax and Land Appeals level and if the Board wanted to spend the extra money to stand by the assessments, they can, he just wants to point out there is additional cost to do that.

Chairman Murray stated that her concern is that they receive enough back-up information to understand the justification for the abatement.

It was moved by Dave Bowers and seconded by Dave Senecal to approve the Property Tax refund/ abatements # 18 & 17 as submitted. Members voted and being none opposed, the motion passed.

New Business

A. Approval-Use of Cate Park for a Wedding Lance Miller & Brittany Ziegler

Chairman Murray stated this is the third time they have had this request on the agenda with no representative present. She questioned how the Board wished to proceed.

The Board agreed to approve the request and outlined the normal stipulations, such it is their responsibility to clean up any trash and that they understand the park will not be closed to the public during the event.

It was moved by Dave Bowers and seconded by Dave Senecal to approve the request of Lance Miller and Brittany Zeigler to use Cate Park for the purpose of their wedding on December 4, 2015 from 8:00 AM to 4:00 PM (wedding event at 1:30 PM), subject to

cleaning up the site after their event and for the Town Manager to notify them of such with the usual stipulations for using Town property. Members voted and being none opposed, the motion passed.

B. License Agreement with Wolfeboro Area Farmers Market

Fred Martin addressed the Board to state they are seeking their annual request for a license agreement to hold the Farmers Market in Clark Park. He noted they do wish to extend the dates by starting 6/4 and running until 10/8 due to demand. He also stated in order to comply with the parking stipulations of vendors parking off site they wish to set up earlier as well at 11:00 AM to allow time to unload, set up, and move their vehicles off site before the market opens.

Chairman Murray noted the lease starts June 1st so starting earlier is covered under that already. She noted that the parking plan wasn't included, but reminded them not to park on the residential side of the road as requested in years past in order not to infringe on the residents of the area.

Ms. Silk questioned if the portable restrooms would be available earlier.

Mr. Owen noted the insurance certificate is needed.

Mr. Martin replied he is unsure about portable restrooms and when they arrive and the insurance certificate expires June 30th at which time the updated one will be forwarded.

It was moved by Dave Bowers and seconded by Dave Senecal to approve and sign the license agreement with the Wolfeboro Area Farmers Market and the Wolfeboro Historical Society for their use of Cate Park in 2015, subject to providing the required insurance certificate, change in dates and earlier set up time of 11:00 AM. Members voted and being none, opposed, the motion passed.

C. Approval of Grant Agreements

i. Milfoil Treatment Grant

Kathy Barnard of the Milfoil Committee addressed the Board, and requested that they authorize the Town Manager to sign the Milfoil treatment Grant that covers 25% of the cost of chemical treatment in Back Bay and 25% of the cost of diver assisted removal.

It was moved by Sarah Silk and seconded by Dave Senecal to approve accepting DES funds in the amount of \$6,789 and to enter into a contract with the Department of Environmental Services, and further to authorize the Town Manager to execute any documents which may be necessary for this contract. Members voted and being none opposed, the motion passed.

ii. Household Hazardous Waste Collection Grant

Ms. Silk stated that the Grant covers Alton, Tuftonboro and Wolfeboro which participate in the program and the funds are based on population.

It was moved by Brad Harriman and seconded by Sarah Silk to approve accepting Household Hazardous Wastes Collection grant funds in the amount of \$3,273 and to enter into a contract with the NH Department of Environmental Services, and further to authorize the Town Manager to execute any documents which may be necessary for this grant contract. Members voted and being none opposed, the motion passed.

D. Award of Hawkers & Peddlars Pushcart License

Mr. Owen stated that a pushcart location became available downtown, it was advertised, and they received four applicants for the Board's review. He noted that based on the ordinance priority is given to Wolfeboro businesses, which eliminates one application from Alton. He also noted that the ordinance prohibits like items for sale within 100 feet of established businesses. This eliminates the application from Alton as well as another applicant, both proposing to sell shaved ice, but is a "like" businesses to Baily's Bubble. He stated this leaves the application from Mr. DeVlyder requesting to sell produce or Mr. Dolengewitz requesting to sell hotdogs and sausages.

Chairman Murray agreed the shaved ice requests are too close. She noted that Mr. DeVlyder meets the requirement of an already established Wolfeboro business of DeVlyder's Farm.

Mr. Owen noted that Mr. Dolengewitz does already have two of the pushcart licenses and is looking to trade one for this location.

Jim Byrne requested permission to speak and the Board agreed. He is the applicant from Alton who is requesting to sell shaved ice and wanted to clarify that shaved ice is very different from ice cream.

Chairman Murray noted his comment but also noted that he is also eliminated because his business is from Alton and priority is given to Wolfeboro business.

Mr. Harriman noted that Mr. Dolengewitz's hot dog business is a Wolfeboro business.

It was moved by Sarah Silk and seconded by Dave Senecal to award the Hawkers & Peddlars license to Dennis DeVlyder (Location #3). Members voted (noted Mr. Bowers stepped out of the room during the vote) being all in favor the motion passed.

Mr. Bowers noted that he had to step out during the vote but if he was present he would have voted in favor of the above motion.

E. H.B. 547 RE: Exemption from Taxation for Utility Poles and Conduits

Mr. Owen noted that he had prepared letters to the Town's States Representative opposed to this legislation and received a response from Representative Parker who agreed to oppose such. He noted that there will be further discussion on the taxation of utility poles at the Board's next meeting when Town Counsel will be present to discuss ongoing litigation with Fairpoint.

F. Election Day Coverage

Chairman Murray questioned the schedule of the Board for Election Day coverage. All Board members indicated they would be present all day for coverage.

Ms. Silk noted that since she is running contested the Town Clerk did confirm she could be present in the voting area, but could not collect ballots.

Old Business

Chairman Murray noted that on page 9A of the Granite State News residents can get a copy of the Voter's Guide. She also noted that it is available on the Town website and sample ballots are available at the Town Clerk's office. She stated voting is March 10th at All Saint's Episcopal Church from 8:00 AM to 7:00 PM.

Ms. Silk stated that she received an e-mail from a resident who has an issue with not being able to purchase a dump sticker at the Solid Waste Facility as no one uses checks anymore and they do not accept cash. She stated the resident suggested the Town accept credit cards at the Solid Waste Facility. She noted there are several options to purchase the dump sticker from Town Hall including by mail if needed.

Mr. Owen noted that cash is not accepted at the Solid Waste Facility as the Town has an Internal Control Policy and because of the service fee they Town can no accept credit cards for the \$5 purchase of the dump sticker. The Town has many options for purchasing dump stickers and gives ample opportunity for residents to purchase the new ones.

Chairman Murray stated she thinks the Board should acknowledge all the hard work of the Public Works Department this past winter season on a job well done keeping up with storms and working in such cold weather.

The Board agreed.

Town Manager's Report

Mr. Owen stated the following:

- The Voter's Guide was in this past week's paper and is available at the Town Hall, Library and Parks & Recreation office.
- Town Reports are now available at the Town Hall.
- The Board will be holding a public hearing on the pole attachment license agreement particular to the litigation with Fairpoint and Town Counsel will be present at that meeting.
- The Public Works Department has been notified of the award of a grant for \$80,000 for a generator for the Waste Water Treatment Plant and will be holding a public hearing on such. He stated the Town has also submitted an application for a grant for a generator at the Town Hall.
- The Public Works Department has reported some issues with the water mains freezing particularly in the area of Center Street and they are doing what they can to thaw them out.

- He provided the updated financials for Town Hall project (see attached) and noted that the new floor for the basement has been poured, the elevator shaft is being constructed and the framing on the second floor has begun. The architect is scheduled to visit the project on March 26th.
- The Police Department has put out a press release on an IRS Scam targeting residents.

Committee Reports

Ms. Silk attended Candidates Night, the Conservation Commission and volunteered for the Abenaki Fundraising Pancake Breakfast and Winter Carnival. She also attended the Household Hazardous Waste meeting in Alton.

Chairman Murray attended the Town Hall construction meeting.

Mr. Bowers stated he attended Candidates Night.

Mr. Harriman stated he attended the Planning Board meeting and WCTV meeting and reported the IT Department for the Governor Wentworth Schools System has agreed to revise the backup time in the future to avoid any broadcasting problems of the Deliberative Session.

Public Comment

Josephine Amatucci stated Linda I think you are confused. I am talking about only the events that occurred on May 7th and you're talking about events that occurred and went through the court that the issues weren't solved, but they were solved because now James O'Brien is gone. So that has been solved. But were talking about May 7th and even though there's a civil case it hasn't been ruled on. So when you say that the courts found the Police innocent, we're talking about May 7th where the courts haven't ruled on my civil case. So what do you mean Linda, what are you trying to tell these people, once in your life, regarding what happened to me, tell the truth, tell the truth. Tell these people you are talking about another incident, not about what I'm talking about. Now I don't want you to investigate it's very obvious you have your own agenda and you're a liar. I want an outside, hey I have a first amendment right to say whatever I want to say, I'm talking about getting an outside agency that doesn't have these brains that are sitting here thinking only about how they are going to protect the Police. I don't need that. So I want an outside investigation. Now, by the way, the way I am being treated in this Town, I feel like this Town is being run by the Soprano's, you're all politically scary. Now, what about Rob Houseman, what about Rob Houseman, I know you want to protect him, but I don't, I don't, I want justice. I want him investigated. Now he is in no courts, his name is in none of my civil actions and I am going to say something, I don't blame Rob Houseman, I blame him, him! But Rob Houseman did what he told him to do so Rob Houseman has to be the person that is guilty. Now what about Rob Houseman? Never been to the courts. Oh you know one more thing I wanted to say we want to talk about the Attorney General, your always mentioning them. Here's what the Attorney General put on the internet, "Although the Attorney General is designated as Chief Law Enforcement Officer of the State, this office does not have jurisdiction or authority over any local government or agency or over the State's attorneys' or the local law enforcement agencies" They have no jurisdiction over the local law enforcement agencies, "therefor we cannot take complaints relating to those entities or individuals". So when you talk about the Attorney General they have no jurisdiction to determine if a Police

Officer is guilty or not. They have no jurisdiction. So don't mention that they investigated because they have not jurisdiction to investigate. Now we will get back to Rob Houseman, what are you going to do?

Chairman Murray replied she has no comment.

Ms. Amatucci stated you better have a comment because I want justice. I want justice in this town. We are going to clean up the Town one thing at the time so that we make people know they are not going to do these things in this Town. We are going to clean it up. This is a corrupt Town Linda, corrupt. You know why they're corrupt because of the mentality of you people, you hide, you hide Police misconduct. Like you are doing now, you're the one that is corrupting this Town because you have authority over these people and you can stop them.

Jim Rouillard, 4 Olsen Lane, in respect to dump stickers can you get a discount to buy in bulk.

Ms. Silk replied you are only allowed three.

Mr. Rouillard noted a time when you put an item in the bin that was a charge, but didn't have money this time and kudos to Mr. Tasker who allowed him to pay for the item the next time.

Questions from the Press

None.

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

Member Dave Bowers moved the Wolfeboro Board of Selectmen to enter non-public session at 8:15 PM to discuss personnel. Sarah Silk seconded. Roll call vote: Sarah Silk-yes, Dave Senecal-yes, Dave Bowers-yes, Brad Harriman-yes, and Linda Murray-yes, the motion passed.

The Board re-entered public session at 8:26 PM.

Chairman Murray stated the non-public session minutes of March 4th, 2015 were sealed by a 2/3rds 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 8:27 PM. Member Dave Bowers seconded. Being none opposed, the motion passed.

Respectfully submitted,
Amelia Capone-Muccio
Recording Secretary