

Wolfeboro Board of Selectmen

Meeting Minutes

December 2, 2009

Members present: Vice-Chairman Kristi Ginter, Linda Murray, Sarah Silk, and Marge Webster

Members Absent: Chairman Dave Senecal

Staff Present: Town Manager David Owen, Public Works Director David Ford, Audrey Cline, Code Enforcement Officer, Recording Secretary Terry Tavares

Vice-Chairman Kristi Ginter called the meeting to order at 6:30 PM at the Wolfeboro Public Library.

Mrs. Murray arrived at 6:35 PM.

Non - Public session RSA 91-A: 3II

Mr. Owen stated a Non-Public session will be needed for litigation.

➤ **Approval of Minutes** – November 18, 2009

Sarah Silk for Linda Murray

Page 6 – Under the first Motion – Changed to say “Mrs. Murray stated *that she would support the ordinance if the size of the cart spaces were checked to make sure that the carts would fit.*”

Page 11- fifth paragraph - change to - *Mrs. Murray stated that she had requested that the Dockside Upgrades be taken out of the Operating Budget and placed as a Warrant Article because that was choice item.*

Between second and last paragraph insert – *Mrs. Murray requested that the Pop Whalen Ice Arena be removed since a building evaluation was done not too long ago.*

Ms. Silk – **Page 20** change first Non-Public Session to *Public Input*.

Page 18- 2nd paragraph change parking lot to *Foss Field Light Pole Replacements*.

Marge Webster made the motion to accept the minutes of November 18, 2009 as amended, seconded by Sarah Silk. The members voted and none being opposed the motion passed.

➤ **Public Input**

Jim Ladd, member of the Historic District Commission, spoke to the Board and expressed his concern with the running of the Historic District Commission meeting. At the last meeting 2 different meeting agendas were available, one was sent to the Commission Members and another was handed out at the meeting. He was also concerned that as a member of the public he was not allowed to comment on an item on the agenda (Incoming Correspondence). He feels that the Board of Selectmen need to get something done to resolve the problems with the Historic District Commission, as an alternate he is not allowed to speak or comment on many issues before the Commission. He stated he has applied to the Board of Selectmen to be made a full member of the Historic District Commission.

➤ **Public Hearing**

Voluntary Deed Restriction at the Abenaki Pond Site

Ms. Ginter read for the record the Public Hearing Notice for the Voluntary Deed Restriction at the Abenaki Pond Site (see attached).

Mr. Owen stated we need to need to hold two Public Hearings as per RSA 41:14-a, as well as notice the Planning Board and Conservation Commission. The Conservation Commission has requested wording changes in the proposed voluntary deed restriction that would make it more restrictive. I have referred the Conservation Commission's proposed wording changes to the Town Counsel and he has confirmed that it would make the deed more restrictive. The Parks & Recreation Department head, Ethan Hipple, has some concerns about the proposed changes in regards to maintaining and improving the trails in the restricted area. The Public Works Director, David Ford, has no problem with the deed restrictions.

Ms. Silk has concerns with the deed restricted area and she has spoken with Dan Coons, Chairman of the Conservation Commission. They will be having a meeting December 14. The Conservation Commission is requesting changes, one change is a formatting question, striking the word significantly and the other was to change another word to wetlands which the Town Attorney did not have a problem with. His suggestion was to be more specific as what activities would be the use for this site as to whether it would be motorized or non- motorized. Mr. Coons said that he has no problem with these changes. He would like the Town Manger to get a copy to him and he will make sure that it gets on the Conservation Commission agenda for the December 14th meeting.

Mr. Ford read this to the Board: "The voluntary deed restriction is basically covering 95% or in the prime wetlands" (which we cannot do anything with), There is one area where we have our cross country ski trails and potentially a bike path. In our discussions we did talk about what the restrictions are and what will be allowed. Letter D of the deed states "No removal of trees or vegetation in the Deed Restriction Area by the Grantor shall be permitted, except: (i) in the creation or maintenance of trail system associated with recreational uses of the property." I think it is clear

that we are going to allow the creation and use for these purposes. I don't think the Conservation Commission will have a problem with the Cross Country Trail or the proposed Cross Country Bike Trail.

Ms. Silk asked Mr. Ford if he will need to attend the Conservation Commission meeting.

Mr. Ford stated he could if it would be helpful.

Ms. Silk stated the Town Attorney would like Mr. Coons to list the specific changes the Commission would like so there would not be a problem.

Mr. Owen stated we have a timing issue for the Public Hearing that is scheduled for December 2 and on December 16. The statute that we are following states that the Selectmen's vote shall take place no sooner than 7 days nor later than 14 days after the second Public Hearing is held. The Board may have to consider a special meeting on December 23 or 30 unless you continue the Public Hearing to the Board's meeting on January 6, 2010, which will enable you to be able to comply with the statute.

Ms. Ginter opened the meeting for Public comments. There was none and the Public hearing was closed. The next Public Hearing will be on December 16, 2009.

➤ **Appointments**

A. Historic District Commission

Ms. Ginter said that the Board will speak to all the applicants individually.

Ms. Silk asked Ms. Ginter if she will be stepping down from this.

Ms. Ginter stated she will not.

Ms. Silk stated that historically Ms. Ginter has stepped down from anything to do with the Historic District Commission matters.

Ms. Ginter stated she will not be stepping down.

Applicant 1: Charlene Seibel

Mrs. Seibel stated she has had a long standing interest in the Historic District and its preservation. She has been a member of the Planning Board and has been a seasonal resident since 1983. Though her home is not in the Historic District she is aware of the neighborhood and respects it. She is an alternate to the Zoning Board of Adjustment and has experience with Land Use Boards

as well as knowledge of the rules and procedures. She does understand as an alternate she must sit in the audience and not be allowed to speak. She also serves on the Governor Wentworth Regional School District Board and has for the last 10 years. She feels she has the ability to work with anyone and does try to do so without being disagreeable. She feels everyone needs to be able to work together.

Ms. Webster asked why do you want to do this?

Ms. Seibel stated for the same reason you do what you do. She feels that she would like to serve the public.

Ms. Silk stated she has four questions to ask each applicant that come from the Preservation Handbook. What is your understanding of the HDC's mission. Would you be able to attend at least one day of training a year to further your knowledge of historic preservation? I know from past experience you have attended training. Do you agree with the Historic District Zoning Ordinance regulations? RSA's 673.4 II states "HDC members shall appreciate and promote the purposes of the Historic District Commission, it would be contrary to the statutes to appoint a member who does not support the stated purposes of the ordinance or who would work at odds with the purpose of the Historic District Commission under the notion of achieving diversity of opinion."

Ms. Seibel stated she has never served on any Board whose mission I do not support, nor would I seek to serve on this board if I did not believe in its mission.

Ms. Silk asked - Do you have a personal or professional business interest that will result in recurring conflict of interest with your duty on the commission?

Ms. Seibel stated no.

Ms. Silk asked - Are you willing and able to cast the deciding no vote on an application that does not meet the requirements of the HDC?

Ms. Seibel stated yes.

Ms. Ginter asked what you can bring to the table that would help promote unity within the commission. And what can you do to be a positive influence?

Ms. Seibel stated that, as she has had experience on the different boards, it will help her to find a common ground to make the playing field level for everyone. I have respect for the rules, but there might be a difference for different applications. I feel that I can bring unity to the common ground.

Mrs. Murray stated she hopes she could use her skills to help solve a problem on the Historic District Commission.

Ms. Seibel stated that is her hope also.

Applicant 2: Jim Ladd

Mr. Ladd stated he is a resident of the Historic District. This is his first experience in public service. He was asked by his neighbors in the Historic District to become a member of the Commission. He was happy to do this. He has a back round in trying to get people together. In college I majored in sociology, in the Army he worked as a psychiatric social worker. I have a back ground in trying to get people together. This has been very difficult because we have people on the commission who will not let you speak. That is why I want to continue on the Commission.

Ms. Silk asked do you agree with the Historic District Zoning Ordinance regulations.

Mr. Ladd stated yes. He would like to see them clarified, which the Commission is in the process of doing.

Ms. Silk as do you have a personal or professional business interest that will result in recurring conflict of interest with your duty on the commission.

Mr. Ladd stated none.

Ms. Silk asked are you willing and able to cast the deciding no vote on an application that does not meet the requirements of the HDC.

Mr. Ladd stated yes. He said that Ms. Silk had something else she asked Ms. Seibel.

Ms. Silk said it was just a statement that it would be contrary to the statutes to appoint a member who does not support the stated purposes of the ordinance or who would work at odds with the purpose of the Historic District Commission under the notion of achieving diversity of opinion.

Mr. Ladd stated that it was what he was hoping to do to have a diversity of opinion and not have it be one sided in that you either vote with us or not at all.

Ms. Silk asked if he could balance that diversity of opinion with his ability to support the Zoning Ordinance.

Mr. Ladd stated he is trying to do that.

Ms. Ginter asked if he understands why alternates are asked to step down.

Mr. Ladd stated yes he does. He would like to clarify that at a Public Hearing when they are hearing a case he understands the alternate can not speak. But he said at a meeting where they are discussing the rule of procedures or issues about the Commission we should be encouraged to get involved in the conservation.

Ms. Ginter asked if he were speaking about work session?

Mr. Ladd said yes.

Ms. Ginter asked Ms. Silk if alternates are not being allowed to speak at work session?

Ms. Silk stated all the Boards got the same memo that alternates were not allowed to sit at the table if they were not sitting on the board.

Mr. Ladd stated this seems to be different for different boards.

Ms. Ginter would like clarification on this.

Mrs. Murray stated she has had some conversations with Mr. Ladd and she has watched the tapes he gave her to get an idea of what is going on there. And she asked him if he understands the difference between the Recording Secretary of the board and the Secretary at the Town Hall and their different responsibilities. As I watched the tapes you seem to be confused about the rolls of each and sometimes that makes the difference.

Mr. Ladd stated yes, he now understands how the minutes are recorded.

Mrs. Murray asked that on this board, when a vote takes place and the majority wins which is different from your point of view, can you accept this vote.

Mr. Ladd stated on several occasion he has with no problem.

Applicant 3: Eric Keim

Mr. Keim stated he has just moved to Wolfeboro in 2008. He is at this time an alternate on the Historic District Commission and live in the Historic District and is fully aware of the rules of the district in what you can and cannot do. That was one of the reasons we bought in the district. My wife and I feel strongly about antique homes, which there are a lot of there, the nice setting that they are in and they need to be protected. Once they are gone, they are gone. I retired when we moved to Wolfeboro. My career was in quality. It is one of the few functions in business where you

have to build a good relationship with different groups or departments. He understands what the Historic District Commission is trying to do. And he feels that he can bring a lot to the Commission. He feels that they need to have clearly defined rules and procedures to do this.

Ms. Silk stated she has been on the commission since Mr. Keim has been an alternate and she has seen how much he has grown in his knowledge. Do you agree with the Historic District Zoning Ordinance regulations?

Mr. Keim stated yes.

Ms. Silk asked do you have a personal or professional business interest that will result in recurring conflict of interest with your duty on the commission.

Mr. Keim stated no.

Ms. Silk asked are you willing and able to cast the deciding no vote on an application that does not meet the requirements of the HDC.

Mr. Keim stated yes. He stated that was the most difficult coming from business.

Ms. Ginter asked Mr. Keim what is your perception of the current difficulties going on in the Commission and how you can help to resolve those by being a full time member.

Mr. Keim stated there were things developed and in place, there are also legal requirements. I believe that this is starting to change, because of the way things were handled in the past and because the public was not aware of how things were supposed to be done. As the public becomes educated, this will change.

Ms. Ginter asked do you expect the commission members to be held to the same standards.

Mr. Keim stated yes.

Mr. Murray stated that you are a good listener and you vote as you believe. If you lose a vote, can you live with being on the majority side?

Mr. Keim stated yes.

Applicant 4: Richard Murray

Richard Murray stated he is new to Town having moved here from Connecticut. He stated he knows nothing about the Historic District or the Commission. He does feel it is important if you like

the community you live in that you get involved. He is a Certified General Appraiser for real estate. I do have a lot to learn if I am going to be considered for this position. I am on the Board of Directors of the Appraisers Institute that represents 25,000 people. However if the people before me are more qualified as they seem to be I would hope that you would keep my name on file for service to the community in some other way.

Ms. Ginter said, should we appoint one of the alternates, I expect one of the alternate positions to open up.

Ms. Silk said you moved here recently and asked what is your understanding of the Historic District Commission's mission. Would you be able to attend at least one day of training a year to further your knowledge of historic preservation?

Mr. Murray stated his understand of the Commission is minimal and I would be able to take any kind of training required.

Ms. Silk asked do you agree with the Historic District Zoning Ordinance regulations?

Mr. Murray stated he has no knowledge of the Ordinance or Regulations.

Ms. Silk asked do you have a personal or professional business interest that will result in recurring conflict of interest with your duty on the commission.

Mr. Murray stated as an appraiser I may need to recues myself from appraising a property if it is before the Commission. I have an ethics provision in my licensing that I would make it necessary to recuse myself.

Ms. Silk asked are you willing and able to cast the deciding no vote on an application that does not meet the requirements of the HDC? And I believe that you have answered that already.

Ms. Ginter asked if he was actively working in the area.

Mr. Murray stated yes.

Ms. Ginter said that attendance to the meetings is critical. Will you be able to attend the two meetings per month?

Mr. Murray said yes he would.

Ms. Ginter stated that all the rules and regulations are on line and asked if he was familiar at all with the RSA's?

Mr. Murray stated no.

Ms. Ginter asked can you see yourself being able to work positively with the Commission.

Mr. Murray said that he thinks a fresh perspective might be an asset.

Linda Murray asked if he would be comfortable being an alternate on the Commission while he learned more about the Historic District?

Mr. Murray stated he did not know. He would have to find out more about the inner workings of the commission. I would probably prefer to do something else rather than be an alternate.

Ms. Webster stated she thinks it is wonderful that four people have stepped forward. She said that since some of these applications have come late she would feel more comfortable if we could think about these applicants and postpone the vote until the next meeting.

Ms. Silk stated the last time we put someone on the HDC they came in without a letter, so I don't know if we should postpone it. We have been advertising for this position on the Commission since last year.

Ms. Webster stated the applications had to be in by November 19 and there was only one person who submitted it in a timely manner. I would have a better comfort zone and would like to look at this with more information.

Mrs. Murray said she feels there is a need to fill this position. We have a Commission that is struggling, I feel we need new blood on a Board and one of the reasons I asked about the alternate position is that I would like to put someone on the Board and the others on as alternates, which would add some new ideas to the Commission. We put someone on a Board who we didn't even have come to a meeting or talked to. We have people here who we have questioned I would like to get this done.

Ms. Ginter stated her feelings on this matter, is that they have all been forthcoming and answered our questions. I am comfortable to make this decision tonight.

Ms. Webster stated she does not have a problem with making a decision but feels that this is a district that has been in total chaos and I want to make sure that we do not add to that.

Ms. Ginter said she feels as Mrs. Murray does that new blood can sometimes be a good thing.

Sarah Silk made a motion to appoint Eric Keim as a permanent member to the Historic District Commission, seconded by Linda Murray.

Mrs. Murray said that she was impressed by his ability to focus in on the issues and with his voting his conscious.

Ms. Ginter agreed with Mrs. Murray's perception of Eric Keim and my concern is in appointing an alternate that has been involved in the commission. I am more interested in appointing someone new who has not been involved in any of the issues that have been ongoing for the past few years. They could bring a new perspective to the board.

Vote: Sarah Silk, yes, Linda Murray, yes, Kristi Ginter, no, Marge Webster, no. The motion failed.

Marge Webster made a motion to appoint Richard Murray as a permanent member to the Historic District Commission, seconded by Kristi Ginter.

Mrs. Murray stated her concern is his inexperience and the lack of knowledge. I would love to put him on as an alternate. When I see the back round of the other applicants I don't think he has what the others can bring to the board.

Ms. Silk would like to point out his lack of experience because it takes about a year to become aware of the RSA's and our ordinances.

Ms. Ginter said her feeling about the RSA's is that if they are willing to get that done they can due this in a timely manner. They are available online and are in the Planning Office.

Vote: Marge Webster, yes, Kristi Ginter, yes, Linda Murray, no and Sarah Silk, no, the motion failed.

Linda Murray made the motion to appoint Charlene Seibel as permanent member to the Historic District Commission, seconded by Sarah Silk.

Mrs. Murray said she is doing this because she recognizes the need for new blood and feels that she would do a good job.

Ms. Silk said that she feels that she should satisfy the need for new blood and she has experience.

Ms. Ginter said that she has the same concern, Charlene had sat on the ZBA and has been involved with appeals and such where the issues that have been ongoing. I would rather see someone new.

Ms. Silk stated that is why she asked Ms. Ginter to step down as she is referring to her own case.

Vote: Linda Murray, yes, Sarah Silk, yes, Kristi Ginter, no, Marge Webster, no, the motion failed.

Kristi Ginter made the motion to table this discussion until the next scheduled meeting, seconded by Marge Webster. Members voted Marge Webster, Sarah Silk, Kristi Ginter to approve, Linda Murray abstained. The motion passed.

Ms. Ginter apologized and invited the Applicants to come to the next scheduled meeting on December 7, 2009 at the Community Center.

Charlene Seibel stated she will not be able to attend because of a conflict in her meeting schedule.

Ms. Ginter said we have all your information and Chairman Dave Senecal will be there at that time.

Charlene Seibel said you can ask her any questions by e-mail if needed.

➤ **Bulk Vote**

Mrs. Murray had a question on the Equalization Municipal Assessment Data Sheet and I see the date that it is signed is 11/24/09 and she is assuming that is the date it was signed but it has not been sent yet.

Mr. Owen said that is right, and asked the Board if they would accept two additions to the Bulk Vote. One is an intent to cut wood for the Governor Wentworth Regional School District and the other is a Raffle Permit for the Perform It! Young People's Stage Company on December 9.

Ms. Ginter asked if there were any objections. There were none.

December 9, 2009

A. Property Tax Refunds/Abatements

Approvals

- i. Refund/Abatement No. 2 Tax Map 210, Lot 1
- ii. Refund/Abatement No. 3 Tax map 217, Lot 43-1

B. Property Tax Credits/Exemptions

- i. 16 Middleton Road Tax Map 260, Lot 76

C. Intent to Cut Wood or Timber

- i. 384 South Main Street Tax Map 244, Lot 64

D. DRA Equalization Study

E. Raffle Permit

- i. Perform It! Young People's Stage Company
December 9, 2009

Marge Webster made the motion to accept the Bulk Vote, seconded by Sarah Silk. Member's votes all in favor the motion passed.

➤ **New Business**

A. Town Report Cover and Dedication

Mr. Owen stated it is time to decide on the Town report cover and its dedication. The Wolfeboro 250th Committee would like to put a picture of General James Wolfe on its cover.

Marge Webster made the motion to put the face portrait of General Wolfe on the Cover of the 2009 Town Report, seconded by Linda Murray. Member's voted all in favor. The motion passed.

B. Winter Employee Lunch event

Mr. Owen said at the Board's request more information has been provided. The previously requested afternoon off has been reduced to two hours during lunch.

Ms. Ginter said her opinion has not changed that a Christmas party would be fine for this time of year.

Mr. Owen stated the employee group said there is not enough time to do a Christmas party.

Mrs. Murray said she thought the proposal is for the full year with many different things. Are you talking about voting down the whole thing?

Ms. Ginter said she is not in favor of the lunch. The other things I have no problem with. I would be glad to help set up a Christmas party.

Mr. Owen said they feel there is not enough time for the party.

Mrs. Murray said this is a lunch item.

Ms. Webster said that she agrees that it is too late to do a Christmas party.

Marge Webster made the motion to support the winter employee lunch, seconded by Sarah Silk.

Mrs. Murray said the Budget Committee cut the Selectmen's Budget, are we going to try to put something into the budget. Do we want as a Town put in a line item for employee appreciation?

Ms. Ginter said we have not expended the Selectmen's Budget and that is why it was cut, because we didn't expend it.

Ms. Silk said some years we have needed it to balance the budget.

Mrs. Murray said she feels that to do this is to support the staff.

Ms. Ginter said she agrees with Ms. Webster. If we are supporting the employees there is no reason why it can't come out of our budget.

Ms. Silk asked how many employees we have.

Mr. Owen said we have 78 full time employees.

Ms. Silk said we have 78 employees. If you put \$700 in the budget per year that is less than \$10 per employee.

Vote: All in favor of Marge Webster's motion. The member's voted all in favor.

The secretary requested a clarification of the motion.

Marge Webster amended her motion to support the whole program of Employee Appreciation, seconded by Kristi Ginter. Members voted all in favor. The motion passed.

Marge Webster reminded the Board that they had not decided on the dedication for the Town report.

Sarah Silk said she would like to think about this.

Kristi Ginter said we will table the dedication of the Town report until the next meeting.

C. Waiver of Building Permit Fees for Governor Wentworth Region School District

Mr. Owen said the Governor Wentworth Regional School District is requesting a waiver of the building permit fees for the auditorium project. It is customary for municipalities to waive the building permit fees on public projects. Because of the size of the project there is certain inspection

of work that needs to be done. There are special inspections that are needed. Audrey Cline, the Code Enforcement Officer, is here to speak to you about these inspections.

Audrey Cline stated there are technical inspections such as concrete testing, masonry and soil testing. These tests usually come with reports on the inspections. The special inspections are required under International Building Codes to be done for all commercial projects. These special inspections are contracted directly with the client from an outside inspection agency.

Mr. Owen stated the school district is willing to pay directly for the special inspections. There is another class of inspections referred to as Section 109 inspections for electrical, plumbing, etc which our Code Officer is requesting that the School District be required to establish an escrow account in the amount of \$16,000 for the additional inspections.

Ms. Ginter asked if Ms. Cline has been in contact with the GWRSD about these special inspections.

Ms. Cline said she discussed this with their architectural firm.

Ms. Ginter asked was there any feedback.

Ms. Cline said using our permit fee calculator the building permit cost for this project would be approximately \$40,000. I suggested they set up an escrow account for \$16,000. They are requesting a waiver for \$8,000 that is to cover the Town's administrative cost, which will be up to the Board as to whether to do this. They have also referred to the Section 109 inspections which are typically done through the Building Dept, the school district would like to contract these inspections directly instead of allowing the building department to represent ourselves in that and I do object to that.

Ms. Silk asked if this is a conflict of interest if they hire someone directly to do these inspections.

Ms. Cline stated it could be conceived as a conflict of interest.

Mrs. Murray stated if we waive the \$8,000, they will still be paying for the inspections. And it will not affect the cost of the project, just who will be doing the inspections.

Ms. Cline stated they may save a small amount of money because they can have an inspection any time they want one.

Ms. Ginter stated it will take a lot of time on your part.

Ms. Webster stated that having been involved with other buildings and the concrete inspections will be required. And the reports will need to come to you. Is this a Construction Management Project?

Charlene Seibel, school board member, stated Phase one is not, but Phase two is a Construction Management Project.

Ms. Webster said Ms. Cline needs to make sure that when they hire the inspector that the reports come to her.

Ms. Silk that we are a regional school district and there are 6 towns that come to the school and they are asking the tax payers in one town to foot the whole bill. We need to be aware of this because we are being asked to have our tax payers from our town to absorb that \$8,000. I have no problem with the money going into an escrow account.

Ms. Ginter stated she agrees with Ms. Silk that our town should not be asked to absorb the \$8,000.

Ms. Silk asked Charlene Seibel if she knew the percentage of students that are from Wolfeboro.

Ms. Seibel stated she was not sure but that other towns have waived their fees.

Mr. Owen stated that it is customary to waive the Building Permit fees for public projects.

Mrs. Murray said the difference here is that the Town of Wolfeboro has not only the High School but the Middle school. If we were doing Carpenter School I would feel we should waive the fee, because it is just our children. If we take the \$8,000 divide it by 6 and deduct our portion of the \$8,000 we can give them that kind of a break. We have to deal with all the Fire, Police and traffic. I respect the GWRSD Board and superintendant but I feel that we pay our share and more. We could take our portion of the \$8,000 which would be \$1,333.00 and give them that kind of break.

Ms. Silk said I think it would be more fair if we divide it by the number of students. I don't feel some of the other towns have as many students.

Ms. Webster stated she have no problem having them pay the full amount.

Mr. Owen stated it is a \$40,000 Building permit fee.

Mrs. Murray said the \$8,000 is for the outside firm to do testing and it is going to support the building department and give her the information she needs.

Mrs. Murray asked if the \$16,000 of the \$40,000 is to hire someone to do those inspections and it is only the \$8,000 that you felt comfortable with not having control over. We will still require the \$32,000 and waive the \$8,000. I would also be comfortable with using a percentage.

Ms. Webster asked what should be in the motion.

Ms. Cline said if you use our permit formula of \$4 per thousand the building permit would be approximately \$40,000. Out of that would come the \$16,000 escrow account. The idea behind permit fees is not to make a profit but to cover the cost of inspections.

Ms. Webster asked what do you think the cost will be needed for these inspections.

Ms. Cline said she feels the \$16,000 will be adequate to cover the cost of the inspections.

Linda Murray made the motion that we move the Governor Wentworth Regional School District establish a \$16,000 escrow account with the Town for inspections and that we will waive Wolfeboro proportion of the administrative fee based on our percentage of children in the district, seconded by Marge Webster.

Ms. Silk said she felt it is important that we put in the motion that as they are presented the bills at regular intervals ,the School District will reimburse those costs.

Mrs. Murray agrees and will add this to the motion **The Town will pay the third party bills from the escrow account, inspections, plan review, code compliance research, etc as they are presented to us and at a regular intervals bill the GWRSD for the reimbursement of these cost. Upon completion of the project and the issuance of a Certificate of Occupancy the balance held in escrow will be returned to the Governor Wentworth Regional School District.**

Ms. Cline said we should probably specify the Section 109 inspections and not the special inspections.

Mrs. Murray asked to have inserted **specifically the Section 109 inspections** into the motion.

Vote: Member's voted all in favor and none being opposed the motion passed.

Motion Reprinted here for clarification:

Linda Murray made the motion that we move the Governor Wentworth Regional School District supply the Town with \$16,000 to create an escrow account for Section 109 inspections. And that we will waive Wolfeboro's proportion of the administrative fee based on our percentage of children in the district. The Town will pay the third party bills from the

escrow account, for inspections (specifically the Section 109 inspections) , plan review, code compliance research, etc as they are presented to us, and at a regular intervals bill the Governor Wentworth Regional School District for reimbursement of these costs. Upon completion of the project an, the issuance of a Certificate of Occupancy the balance held in escrow will be returned to the Governor Wentworth Regional School District, seconded by Marge Webster. Member's voted all in favor the motion passed.

D. Warrant Article Review –continued

Mr. Owen said the Warrant Articles have been provided for your final review. If there are any changes we need to make them now before they go to the Budget Committee for their consideration. I would like to make the Board aware we have received the comments from Town Counsel.

Ms. Silk asked if the Town Attorney made the changes in Bold.

Ms. Webster asked if the reason for the Monday December 7, 2009 meeting is to review the Warrant Article for Town Hall.

Mrs. Murray asked if Mr. Ford supplied the requested information for Warrant Article D: Center Street Upgrades with the new calculations.

Mr. Owen stated he had not received this information at this time. This information will be backup information and not change the Warrant Article.

Mrs. Murray would like to have bolded “**it will have no impact on the tax rate**” and in italics on Warrant Article N: Library Expansion Feasibility Study.

Mr. Owen said that you have asked to have it both bolded and italicized for the final submittal to the Budget Committee.

Mr. Owen said he was going to ask the Board to revisit Article M: John Brewster Memorial Building (Town Hall) Interim Improvements, Maintenance, and Repair. The Chair has informed me she would like to hold this over until the next meeting on Monday night.

Mrs. Ginter stated we have tabled this issue and I would like to revisit this after we have a proposal on the table for the Town Hall.

Ms. Silk stated whatever comes up our people are going to have to work in this building. We have concerns with Fire and Code Enforcement we need to address. Regardless if we keep the building or do something else with it, our employees are working in this building everyday. Even if we do build a new building, we will not be able to get the employees in there for eighteen to twenty-four months.

Ms. Ginter stated those are also her concerns. She would like to table this until Chairman Senecal returns and gives his input. We could vote on a motion to table, which we will probably be tied or we can agree to table this until the next Monday.

Linda Murray made the motion that we add One Hundred Ten Thousand Dollars (\$110,000) for the minimum repairs to the Brewster Memorial Town Hall to the 2010 Warrant, seconded Sarah Silk.

Discussion:

Mrs. Murray read a statement of "My reasons for supporting the minimum repairs to Brewster Memorial Town Hall" to support the minimum repairs (See Attachment). I think that it is important when someone gives a gift to an organization or the Town that you honor that. There are 91 charitable organizations in Town; many of us have gone out to raise money. We know how important it is to use the money raised for the purpose it was intended because if you don't, people are not interested in giving to you. We are a community that gives tremendously and we do accept gifts. This was one of the most generous gifts the Town has ever had. We promised something based on our vote and I believe we should keep our word.

Ms. Silk stated the Board had a letter today from Sheldon Jones (excerpts from this letter) stating that he will not vote for any Warrant Article concerning the location of the Town Offices that does not provide for the restoration or the long term preservation of the Brewster Memorial Town Hall building. I will do everything I can to oppose such an article. Brewster Hall is an attractive piece of Town history that contributes to the appealing flavor of the downtown. It would be a tragedy if it were abandoned or allowed to deteriorate which would probably happen if the Town moved out without a plan for the building future. The stakes are too high to move the Town offices without saving the building. The only reason I brought this up because at our last meeting David Senecal declared that he wanted Lehner Street and that was it. He said he talked to people that support it, I have to say the people who talk to me and are sending the letters do not support it. They see only 16% of the people who precipitated in the TOCAG survey supported Lehner Street. They feel that some members of the BOS are listening to what they are saying about what they want and the economy.

Ms. Webster said she thought we were going to discuss this on December 2. We should discuss this then.

Vote: Linda Murray, yes, Sarah Silk, yes, Marge Webster, no, Kristi Ginter, no the motion failed.

Mr. Owen stated we have another matter concerning the Town Warrant. The Selectmen need to set up the Public Hearing for the Bond issues in excess of One Hundred Thousand dollars (\$100,000). I have prepared a draft notice of the Public Hearing and we need to fill in the date. We do need to provide

notice at least seven days before the meeting. I would like to suggest you schedule the Public Hearing for the hearing on January 6, 2010.

Mrs. Murray would like to change the letters to numbers.

Ms. Ginter asked the Board if they were OK with the January 6, 2010, and the Board agreed.

➤ **Old Business**

Ms. Silk asked if we were going to set a hearing date for the gift of services to the Town from Tennant/Wallace Architects architect, and also from the Friends of the Town Hall's architect.

Ms. Ginter stated no one has presented them to us.

Ms. Silk stated if we are going to discuss them on December 7, we need to accept the gift.

Ms. Ginter stated we are not accepting any architectural services at this time.

Mrs. Murray asked if we move one of those two Warrant Articles forward per the statutes RSA 31:95-e, we need to disclose to the public the gift.

Ms. Ginter stated she would need clarification on this matter.

Mrs. Murray said the proposals received for the Library ranged from fifteen to eighteen thousand (\$15,000 to \$18,000).

Ms. Silk stated that the Friends of Town Hall plans were estimated at Thirty Thousand dollars (\$30,000) and if you took even part of this you would be at or around the five thousand (\$5,000).

Ms. Ginter said we could set a Public Hearing date after the December 7 meeting.

Mrs. Murray said her understanding is reason you have a Public Hearing so the public can come. On another piece of old business I have been in the Town Hall a couple of times and I have noticed a smell coming from the basement. I have spoken to Mr. Houseman and found we have had a water problem downstairs. A sump pump was installed. I asked him why the door was not closed. Mr. Houseman stated the reason this could not be done is because we have no air exchange. He had presented to this Board a quote for an air exchanger at the cost was \$3500. The Board voted this down because of the mold in the basement. We have had the basement tested and found the air or mold not to be toxic.

Linda Murray made a motion to instruct the Town Manager to install an air exchange in the basement with a cost not to exceed \$3500, and to authorized it's payment from the Selectmens miscellaneous operating expense account, seconded by Sarah Silk.

Discussion:

Ms. Silk asked about the dehumidifier in the basement.

Mr. Owen stated there is one, but without the air exchange it does not help much.

Vote: Sarah Silk, yes, Kristi Ginter, yes, Linda Murray, yes, Marge Webster, no. The motion passed.

➤ **Other Business**

Mrs. Murray would like to have the Board put on their agenda from the Town and Country Magazine to allow the put the Tally of the votes for the warrant articles. It will help the public to see the vote more clearly.

Mr. Owen asked if this would need to be a Warrant Article or is it a formatting change.

Ms. Ginter asked Mr. Owen to add this to the agenda.

➤ **Town Manager's Report**

Mr. Owen pointed out the construction signs in the driveway of the Library for the Inflow & Infiltration Sewer Project. The contracts were signed today. This will help address the driveway issues for the library. I would also like to share with the Board an internal memo from Scott Pike about the water usage. The average water usage has gone from 703,000 GPD in 2006 down to 537,000 GPD in 2009. We are reducing our usage 50,000 GPD per year.

Mr. Owen would also like to inform the Board he will be away starting December 23 for 7 to 10 days.

➤ **Committee Reports**

Mrs. Murray would like to report that the 250th Wolfeboro Committee has been meeting regularly every Wednesday to put together an agenda for the year. We will be sponsoring a logo contest which we will be opening up to students at Brewster and the High school. The committee will be coming to the January 6, 2010 meeting to present to the Board what we have been working on.

Ms. Webster asked if the Logo contest is opened to the public or just the schools.

Mrs. Murray stated just the schools and there will be a \$100 prize.

Ms. Silk stated the Agricultural Commission meets Thursday night this week and will be discussing the changes in the Zoning. The Historic District Commission have been meeting twice a month and have approved the new procedures. The Hazardous Waste will meet on December 17, 2009.

Ms. Webster stated the Budget Committee have been meeting twice a week and it is going smoothly.

Ms. Ginter stated the Planning Board met last night with actions items and release of financial security. They also reviewed the Abenaki Site deed restriction. There were several appointments and approvals of applications.

Mr. Owen said that he has been asked to schedule a Public Hearing for a Community Development Block Grant application by Donna Lane for the Eastern Lakes Region on the December 16, 2009 meeting.

➤ **Public Input**

Charlene Seibel would like to clarify as a member of the Governor Wentworth Regional School District and a member of the Building Committee. She would like say that there seems to be some confusion about whether the Governor Wentworth Regional School District can hire their own third party inspectors. Any third party inspectors the district would hire would be qualified inspectors. I would also like to make sure the Board is aware that the School District is trying to be very green in their new building and are working hard to get a Leed Certification rating for energy efficiency. I would like to go on the record and make sure that the Board is aware that I have had no dealing with the Historic District Commission. Ms. Ginter is concerned that I had heard a case she had. I want to make sure it is clear that I have never been on the HDC or attended the meetings. I also think that what had gone on over the years with Brewster Hall that the Town would be acting in bad faith if Town Hall does not remain in Brewster Hall.

Jim Ladd would like to make two comments. In his position on HDC I feel that I represent the people in the Historic District. I feel that I have very little say in what goes on the Commission. I would like to ask when Bernie Waugh will be coming to the Board to present his report or to speak to the board. I would like to know if we have a time frame.

Mr. Owen said we do not have a set date.

Mr. Ladd asked when we will see his report.

Mr. Owen said this week he expects the report.

➤ Non- Public

Linda Murray made the motion to go into the non-public session under RSA 91-1:3 II, to discuss litigation at 9:03 PM, seconded by Marge Webster. Roll call vote Marge Webster, yes, Sarah silk, yes, Kristi Ginter, yes and Linda Murray, yes.

The Board went into the re-entered public session at 9:45 PM.

Linda Murray announced the Board voted by a 2/3 vote to seal the non-public minutes of December 2, 2009 as required by law.

Marge Webster made the motion to adjourn the meeting at 9:48 PM, seconded by Sarah Silk. Marge Webster, yes, Sarah silk, yes, and Linda Murray, yes. The motion passed.

Note: Kristi Ginter and the Secretary were excused at 9:35 PM.

Respectfully submitted,

Theresa Tavares

Theresa R. Tavares