

**Wolfeboro Board of Selectmen
Meeting minutes
Unapproved
January 19, 2011**

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

Staff present: Town Manager David W. Owen, Finance Director Pete Chamberlin, and Recording Secretary Amelia Capone-Muccio

Chairman Murray called the meeting to order at 6:30 PM.

Non-Public Session RSA 91-A: 3II

Mr. Owen stated a non-public session is not needed.

Consideration of Minutes

➤ **January 5, 2011**

Ms. Silk amended page seven, the first set of bullets to reverse # 20 and 21. She amended the second set of bullets to insert Article E- Chuck Storm after Article D.

Chairman Murray made the following amendments:

- Page 3, fifth paragraph down under B, remove "she closed the public hearing".
- Page 7, Last paragraph from the bottom first sentence change the word "stated" to "suggested that".
- Page 8, after the first paragraph add "Warrant Article D"
- Page 8 before the fourth paragraph from the bottom add "Warrant Article E".
- Page 10 at the top after G add the following after the first sentence "There are still a few issues to be settled, but the Town Manager feels these issues can be solved and recommended hiring CCI.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the minutes of January 5, 2011 as amended. Chuck Storm seconded. Members voted and being none opposed the motion passed.

Public Input

Suzanne Ryan requested the Board to consider reorganizing the Warrant Articles to lump all the articles pertaining to town hall together, which would include moving up some of the petition Warrant Articles. She feels this would make it less confusing for the voters. She also requested the Board to provide the tax impact of the articles and the first two years on bonded articles in the handouts for the Deliberative Session.

Public Hearings

A. First Congregational Church UCC to hold Church Worship Service from June 5, 2011 to October 9, 2011 (Sundays only) from 7:00 AM- 8:15 AM at Cate Park.

Chairman Murray opened the public hearing.

Robert Coolidge, Deacon of the Church, joined the Board for discussion and explained they would like to run the event as in the past.

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

Ms. Silk noted the comments from the Department Head on the permit request.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the Temporary Event permit for the First Congregational Church UCC to hold Church Worship Service from June 5, 2011 to October 9, 2011 (Sundays only) from 7:00 AM to 8:15 AM at Cate Park. Chuck Storm seconded. Members voted and being none opposed the motion passed.

B. Governor Wentworth Arts Council to hold the "Artists in the Park" on August 17, 2011 from 10:00 AM – 5:00 PM (set up at 6 AM) at Town and Cate Park and the Wolfeboro Community Bandstand.

Chairman Murray opened the public hearing.

Mr. Owen stated that Debbie Hopkins had contacted the office and advised that due to the weather she would be unable to attend the meeting.

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

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

Chairman Murray suggested they send Ms. Hopkins a letter outlying such comments.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the Temporary Event permit for the Governor Wentworth Arts Council to hold the "Artists in the Park" on August 17, 2011 from 10:00 AM – 5:00 PM (set up at 6 AM) at Town and Cate Park and the Wolfeboro Community Bandstand and to send a letter outlining the comments made from the Department Heads. Chuck Storm seconded. Members voted and being none opposed the motion passed.

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

Chairman Murray opened the public hearing and read the notice. She noted that this is the second public hearing on this request and they will vote on this at the February 2, 2011 meeting.

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

Member Sarah Silk moved the Wolfeboro Board of Selectmen to schedule the vote on the request for water easement at the Board's next regular meeting on February 2, 2011. Chuck Storm seconded. Members voted and being none opposed the motion passed.

➤ **Monthly Budget and expenditure report**

Chairman Murray stated the Board agreed to move this discussion up on the agenda, since this staff member has a long travel in the inclement weather.

Pete Chamberlin joined the Board for discussion and overall the 2010 budget is in good shape, but they are still gathering information on the accounts payable for the audit. He noted that they overspent the Welfare budget by \$30,000, but that is much better than predicted.

Ms. Silk stated she was pleased to see the Departments balance out their budgets if they went over in another area.

Bulk Vote

A. Property Tax Refunds/ Abatements

Approvals

- i. Abatement/Refund #40 Tax Map 158, Lot 11
- ii. Abatement/Refund #6 Tax Map 222, Lots 7+8
- iii. Abatement/Refund #8 Tax Map 250, Lot 14
- iv. Abatement/Refund #9 Tax Map 172, Lot 69
- v. Abatement/Refund #10 Tax Map 240, Lot 13
- vi. Abatement/Refund #11 Tax Map 225, Lot 13
- vii. Abatement/Refund #12 Tax Map 251, Lot 23

B. Property Tax Credits/ Exemptions

Approvals

- i. 5 Cumberland Road Tax Map 177, Lot 10-36
- ii. 1 Point Sewall Road Tax Map 229, Lot 23
- iii. 134 Trask Mountain Road Tax Map 25, Lot 4
- iv. 29 Winnepesaukee Drive Tax Map 272, Lot 11
- v. 21 Brewster Heights Tax Map 245, Lot 4
- vi. 21 Brewster Heights Tax Map 245, Lot 4
- vii. 17 Sargents Pond Road Tax Map 98, Lot 24
- viii. 120 Townsend Shore Road Tax Map 223, Lot 25
- ix. 10 Osseo Drive Tax Map 172, Lot 66
- x. 35 Christian Ridge Road Tax Map 218, Lots 58+59
- xi. 9 Penn Air Road Tax Map 33, Lot 33
- xii. 11 Walt's Lane Tax Map 252, Lot 38
- xiii. 37 North Line Road Tax Map 116, Lot 5
- xiv. 29 Spruce Road Tax Map 228, Lot 25
- xv. 843 Beach Pond Road Tax Map 20, Lot 10

Denials

C. Raffle Permit

- i. Friends of Abenaki
- ii. Cub Scout Pack 165

D. Supplemental Property Tax Warrant-\$20, 117

Ms. Silk stated she would need to step down from Property Tax Refund/ Abatement #8.

Member Sarah Silk moved the Wolfeboro Board of Selectmen remove Property Tax Refund/Abatement #8. Chuck Storm seconded. Members voted and being none opposed the motion passed.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the Bulk Vote items in A through D above, excluding Property tax/refund abatement #8. Chuck Storm seconded. Members voted and being none opposed the motion passed.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to approve Property Tax Refund/Abatement #8. Dave Senecal seconded. Members voted Sarah Silk-abstained and being none opposed the motion passed.

Appointments

A. Alternate Public Library Trustee

Mr. Owen stated that the Board of Library Trustees is seeking to replace resigned alternate member Debra Hauser with Prudence Fitts. He referred to their letter dated January 7, 2011 outlining her impressive background.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to appoint Prudence Fitts as an alternate member of the Board of Library Trustees for a term that will expire July 31, 2011. Chuck Storm seconded. Members voted and being none opposed the motion passed.

B. Forest Fire Warden and Deputy Wardens

Mr. Owen stated the State requires that Fire Wardens and Deputy Fire Wardens be appointed annually.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to reappoint Fire Chief Phillip Morrill as Fire Warden, and Firefighters deBeer, Bellefleur, Zotti, Dail, Trask, Fullerton, Powers, Stevens, Morales, and Dearborn as Deputy Fire Wardens. Chuck Storm seconded. Members voted and being none opposed the motion passed.

New Business

A. Set Mileage Reimbursement rate for 2011.

Mr. Owen stated the IRS-approved mileage rate has been changed to \$.51/mile from \$.55/mile and he recommends changing such to be consistent with the IRS rate.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to approve the following revised Mileage & Expense Reimbursement policy:

Mileage & Expense Reimbursement Policy
Town of Wolfeboro

I. PURPOSE

The purpose of this policy to fairly compensate town employees for the cost of business and professional development expenses, as well the use of their private vehicles on approved town business.

II. REIMBURSEMENT

- a. Mileage expense will be reimbursed at the rate of 51 cents per mile effective February 1, 2011. This rate may be revised by the Board during the year as may be necessary.
- b. Other approved expenses will be reimbursed upon submission of valid receipts showing the actual payment by the individual.
- c. Said requests for mileage and other expense shall be submitted upon forms provided by the Finance Office.

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

B. Fairway View Estates.

Fred Tedeschi of 13 Eagle Trace joined the Board for discussion and stated he is seeking a response to some requests made by the neighborhood regarding the 15 Eagle Trace.

Mr. Owen explained the Board chose not engage special counsel on the matter, but would be agreeable to pursue a legislative strategy.

Chairman Murray agreed and further explained that the Town Attorney advised the Board not to get involved in this civil matter, but she is willing to discuss the issue with Ray Burton and other legislative representatives.

Mr. Tedeschi questioned the letter the Board issued to DHHS and that the fact they are clearly violating the Zoning law. He would like them to seek special counsel in this matter, as they have proof this is a clear violation and they are completely ignoring the code. He questioned if they plan to contact the Commissioner of DHHS.

Chairman Murray replied the Board is agreeable to pursue the matter by putting pressure on the legislature.

Mr. Senecal stated that the Town Attorney advised them not to get involved in this matter and he feels the only way they can help is through the legislative process.

Mr. Tedeschi stated he respectfully disagrees.

Ms. Silk stated she did get the email Mr. Tedeschi sent before the meeting, but it is a lot of information that needs to be read through.

Mr. Tedeschi stated that there are two different issues dealing with the State and Federal law and local zoning is not preempted by Federal law.

Mr. Storm stated based on his past experience in similar matters the best way to deal with this will be to put pressure on the legislators.

Mr. Tedeschi replied they have started that process with Senator Bradley. He explained Wolfeboro is very different than any other communities dealing with this. He requested the Board to appeal the Zoning Board's decision, because they do not have the standing to do such. He urges the Board to put the owners of the facility on notice.

Vincent Merola, 13 Fairway View Drive, questioned what working with the legislatures will do.

Chairman Murray replied to change the law.

Mr. Merola questioned how that would impact the current situation.

Chairman Murray replied such is unknown.

Mr. Merola stated changing the law may or may not help the current situation, but he questioned if the Board is concerned that they are violating the current Zoning laws.

Ms. Silk stated they withdrew their application from the ZBA, so the Board has nothing to appeal. She stated it is not that they don't care about this issue; they received advice from the Town Attorney not to get involved.

Chairman Murray stated that the Planning and Zoning boards deal with such issues. The Board discussed the issue with the Town Attorney, and he strongly feels the Board should not get involved in this issue.

Ms. Silk suggested sending any new information received on this to the Town Attorney.

Mr. Tedeschi stated the McClane law firm feels this issue can be appealed and is a clear violation of town zoning and he would be happy to have McClane law firm discuss the issue with the town attorney.

Dick Hamilton, 10 Eagle Trace, stated he feels they were treated like enemies at the ZBA meeting and that Mr. Tedeschi prepared a lot of information that they refused to accept. Having served on the Planning Board in the past, he is concerned that this issue will not take priority. He would like to see the Planning Board give it priority and have an amendment to the ordinance prepared by May. He questioned who would arrange the legislative meeting.

Chairman Murray replied the Board will schedule a meeting with Ray Burton.

Mr. Hamilton stated they have talked to all the State Representatives and Jeb Bradley who are in agreement with them. He pointed out that this is a Code Enforcement issue with a business making \$300,000 to \$400,000, which makes it a Commercial Operation. He pointed out any other person who tried to run a contractor yard in this area would be in clear violation and allowing such is setting precedence. He stated by not enforcing this issue they are throwing the Master Plan and the Zoning Ordinance down the drain. He stated he feels they are entitled to a response on these concerns.

Mr. Storm stated that it is the Board's responsibility to enforce.

Chairman Murray stated they would schedule a meeting to discuss the matter further with the legislators.

Ms. Silk suggested doing such after the Deliberative Session.

C. Perambulation of Town Lines for Wakefield and Brookfield

Mr. Owen stated they have received a request from the Town of Wakefield to perambulate the town lines and Mr. Houseman has suggested visiting these boundary markers in the spring to allow the snow to melt. He explained the Town of Brookfield has had their own perambulation done and is requesting the Board to sign off on it. He explained Mr. Houseman pointed out they have missed a couple markers and suggested checking with Town Attorney before signing off on it.

The Board agreed to wait until spring to address the perambulation of the town of Wakefield line.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to table the discussion on perambulation of the Brookfield town line pending an opinion from the Town Attorney. Dave Senecal seconded. Members voted and being none opposed the motion passed.

D. Surplus parcel of land on Beach Pond Road

Mr. Owen stated he has been notified by the Assessing Department of a surplus parcel of land on Beach Pond Road in the area of the Solid Waste Facility and he questioned how the Board would like to handle such parcel. He suggested Mr. Ford take a look at this parcel, as it is on the sharp corner of the road, but the area is currently covered in snow.

Ms. Silk noted they do need to address an issue of easements.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to table the discussion on addressing the surplus parcel of land as presented until Mr. Ford can review the parcel in the spring. Dave Senecal seconded. Members voted and being none opposed the motion passed.

Ms. Silk pointed out that the Agricultural Commission also needs to be notified of any land sales.

E. 2011 Town Warrant

Mr. Owen provided the 2011 Town Warrant for the Board to sign.

Chairman Murray questioned how they would like to address the request to renumber the articles.

The Board agreed to leave the numbering as is. They also agreed to provide a "Deliberative Session" copy as a handout listing the tax impact of the articles.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve and sign the 2011 Town Warrant with minor changes. Chuck Storm seconded. Members voted and being none opposed the motion passed.

Ms. Silk stated in regards to the Warrant Article #19 addressing the town's radio communication system, the current antenna heights are Antenna 1 (Fire) 56.4 ft, Antenna 2 (Police) 75.4 ft and Antenna 3 (Fire) 56.6 ft. She explained the height will be extended to 100 ft which will make the town coverage go from 40% to 70-75%. She noted that the original Warrant Article was \$199,000, which they decided to phase the process and reevaluate after improvements are made.

Town Manager' Report

Mr. Owen stated the following:

- The Town's front end loader broke town in front of Town Hall and will need some significant repairs, which will be costly. Mr. Ford is currently seeking to get a rental, as this piece of equipment is needed for downtown snow removal.
- The story of the murder of Stacey Burns will air Friday night on ABC's 20/20.
- He provided a request from his secretary for the Dedication page and in memorium of the Town Report.

The Board agreed to dedicate the report to Bill Rae and in memorium to John Ricco, Ken Jordan, Dennis Waterman, John Fipphen, John Patten, and Bun McBride.

Committee Reports

Chairman Murray stated the following:

- She attended a Joint Board Milfoil meeting with the NH Lakes Association to discuss information on hiring divers.
- She attended the EDC meeting.
- She attended a Joint Board Milfoil meeting in Tuftonboro with the Town Manager.

Ms. Silk stated the following:

- The Conservation Commission met and discussed town owned property and easements.
- She attended a legislative meeting in Concord on collection of medicine
- She attended a legislative meeting in Concord on Sharps.
- She attended a meeting for the Friends of the Libby on 100th Anniversary preparations in August of 2012.

Mr. Storm stated the following:

- The Wolfeboro Police Commission has changed their monthly meetings from 6:30 PM to 4:00 PM.
- The Planning Board heard a request from Cathy Sykes for an outdoor flea market on her property, which was not met with great excitement. They also reviewed the Zoning Warrant Articles.

Chamber of Commerce

None

Questions from the Public

None.

Questions from the Press

Tom Beeler, Granite State News, questioned if there a problem with town policy due to the recent submission of petition Warrant Article #33.

Mr. Owen replied the petitioner was unaware of the current policies in place.

Ms. Silk stated the petitioner has stated she will be amending the article at the Deliberative Session.

Chairman Murray pointed out they also follow the RSA 41:14-a relative to the disposition of real estate.

Being no further business before the Board, Chairman Murray entertained a motion to adjourn.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to adjourn at 7:55 PM. Member Sarah Silk seconded. Being none opposed, the motion passed.

Respectfully submitted,

Amelia Capone-Muccio

Recording Secretary