

**Wolfeboro Board of Selectmen  
Meeting Minutes  
Unapproved  
June 18, 2014**

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

**Members excused:** None.

**Staff present:** Town Manager David W. Owen, Director of Planning and Development Rob Houseman, Police Chief Stu Chase and Recording Secretary Amelia Capone-Muccio.

Chairman Murray opened the meeting at 6:30 PM.

**Non-Public Session**

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

**Consideration of Minutes**

➤ **6/4/14**

Chairman Murray amended page one, first event permit to correct "Duathlon" to "Chunky Dunk". She amended page two, the fourth paragraph to add the following; "Ms. Williams did speak to Chairman Murray regarding the number of events on the same day". She amended page four, the last motion to note Dave Senecal abstained. She amended the first motion on page five to remove "to the next meeting".

**Member Sarah Silk moved the Wolfeboro Board of Selectmen approve the minutes of June 4 2014 as amended. Dave Senecal seconded. Members voted and being all others in favor, the motion passed.**

**Public Input**

None.

**Public Hearings**

**Acceptance of Gift of Real Property over \$5,000**

**i. Donation of a 2004 Chevrolet Trailblazer to the Police Department.**

Chairman Murray opened the public hearing and read the public notice.

Chief Chase addressed the Board to explain that Commissioner Balboni is donating a vehicle to the Wolfeboro Police Department purchased by Commissioner Balboni from

Diprizio's that will be used by the Chief as an administrative vehicle and his current vehicle (a Ford Expedition) will be outfitted as a K9 vehicle. He explained both vehicles will require minimal items to outfit them for their new service.

Ms. Silk questioned if the new vehicle will need decals.

Chief Chase replied no as the administrative vehicles are not marked, the only thing he will need is some dash lights.

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

**It was moved by Sarah Silk and seconded by Brad Harriman to approve the acceptance of the donation of a 2004 Chevrolet Trailblazer to the Wolfeboro Police Department. Members voted and being none opposed, the motion passed.**

### **Temporary Event Permit request**

- ii. **Wolfeboro Area Children's Center to hold a "Touch-a-Truck" Fundraiser on October 4, 2014 from 9:00 AM to 4:00 PM at the Nick.**

Chairman Murray stepped down from discussion on the permit request.  
Vice-Chairman Silk opened the public hearing.

Susan Whiting, Director of the Center, addressed the Board to request a family friendly fundraiser for a "Touch-a-Truck" event which will consists of several types of vehicles such as public safety vehicles and construction vehicles. She noted they hope to offer a raffle for a ride in vehicle.

Being no others to speak for or against the permit, Vice-Chairman Silk closed the public hearing.

**It was moved by Brad Harriman and seconded by Dave Bowers to approve the issuance of a temporary event permit to the Wolfeboro Area Children's Center to hold a "Touch-a-Truck" Fundraiser on October 4, 2014 from 9:00 AM to 4:00 PM at the Nick. Members voted, Linda Murray-abstained and being none opposed, the motion passed.**

### **Bulk Vote**

#### **A. Weekly Manifests:**

1. Manifest dated June 13, 2014
2. Manifest dated June 20, 2014

#### **B. Property Tax Abatements/Refunds**

##### **Approvals**

- |                       |                       |
|-----------------------|-----------------------|
| i. 61-3 Central Ave   | Tax Map 217 Lot 47-3  |
| ii. 61-1 Central Ave  | Tax Map 217, Lot 47-1 |
| iii. 61-2 Central Ave | Tax Map 217, Lot 47-2 |
| iv. 61-4 Central Ave  | Tax Map 217, Lot 47-4 |
| v. 87 Timber Lane     | Tax Map 251, Lot 21   |

|                             |                        |
|-----------------------------|------------------------|
| vi. 66 Point O’Pines Rd     | Tax Map 223, Lot 5     |
| vii. 5-15 Mountain West Dr. | Tax Map 252, Lot 17-15 |
| viii. 90 North Main St      | Tax Map 217, Lot 127   |
| ix. 58 Holden Shore Rd      | Tax Map 191, Lot 48    |
| x. 431 Gov. Wentworth Hwy   | Tax Map 166, Lot 8     |
| xi. 4 Shady Lane            | Tax Map 191, Lot 41    |
| xii. 84 Holden Shore Road   | Tax Map 192, Lot 8     |
| xiii. 1 Rockingham Road     | Tax Map 181, Lot 6     |
| xiv. 25 Turtle Island Road  | Tax Map 166, Lot 9     |
| xv. Gov. Wentworth Hwy      | Tax Map 166, Lot 11    |
| xvi. 78 Churchill Rd        | Tax Map 221, Lot 10    |
| xvii. 39-8 Harbor Way       | Tax Map 172, Lot 27-18 |
| xviii. 44-4 Harbor Way      | Tax Map 172, Lot 27-4  |
| xix. 103 Clark Road         | Tax Map 243, Lot 2-1   |
| xx. 2-21 Mountain View West | Tax Map 252, Lot 17-21 |
| xxi. River Street           | Tax Map 204, Lot 90-1  |
| xxii. River Street          | Tax Map 204, Lot 90-2  |
| xxiii. River Street         | Tax Map 204, Lot 90-3  |
| xxiv. River Street          | Tax Map 204, Lot 90-4  |
| xxv. Blackberry Lane        | Tax Map 204, Lot 90-5  |
| xxvi. Blackberry Lane       | Tax Map 204, Lot 90-6  |
| xxvii. Blackberry Lane      | Tax Map 204, Lot 90-7  |
| xxviii. North Kenney Shore  | Tax Map 149, Lot 5     |
| xxix. Penn Air Road         | Tax Map 33, Lot 12     |
| xxx. 103 Clark Road         | Tax Map 243, Lot 2     |
| xxxi. 103 Clark Road #2     | Tax Map 243, Lot 2-2   |
| xxxii. 103 Clark Road #4    | Tax Map 164, Lot 6     |
| xxxiii. 103 Clark Road #4   | Tax Map 243, Lot 2-4   |
| xxxiv. 103 Clark Road #5    | Tax Map 243, Lot 2-5   |
| xxxv. 103 Clark Road #6     | Tax Map 243, Lot 2-6   |
| xxxvi. 103 Clark Road #7    | Tax Map 243, Lot 2-7   |
| xxxvii. 8 Edwards Way       | Tax Map 191, Lot 13    |
| xxxviii. 16 Old Mill Drive  | Tax Map 231, Lot 73    |

#### Denials

|                                    |                           |
|------------------------------------|---------------------------|
| i. 17 Hickory Rd                   | Tax Map 201, Lot 34-131   |
| ii. 29 Winnepesaukee Dr.           | Tax Map 272, Lot 11       |
| iii. 139 B7 Governor Wentworth Hwy | Tax Map 133, Lot 20-B7    |
| iv. 103 Clark Rd #1                | Tax Map 243, Lot 2-1      |
| v. 100 Townsend Shore Rd           | Tax Map 224, Lot 3        |
| vi. 49 Wishing Well Lane           | Tax Map 181, Lot 11       |
| vii. 27 King Street                | Tax Map 203, Lot 31       |
| viii. 19 Alpine Meadows Rd         | Tax Map 273, Lots 16 & 17 |

### **C. Notice of Intent to Cut Wood or Timber**

|                  |                   |
|------------------|-------------------|
| i. Tibbetts Road | Tax Map 85, Lot 3 |
|------------------|-------------------|

### **D. Yield Tax Levy Warrants**

- i. \$5,450.58
- ii. \$5,385.32

#### **E. Raffle Permit-Wolfeboro Public Library Summer Raffle**

Mike Hodder addressed the Board to speak about the Wolfeboro Library's summer raffle fundraiser, tickets are \$3.00 per ticket or \$10 for 4.

Mr. Harriman requested to vote item xxxviii. 16 Old Mill Rd in item A separately due to a conflict.

**It was moved by Brad Harriman and seconded by Dave Bowers to remove item xxxviii from the Bulk Vote to vote on separately. Members voted a being none opposed, the motion passed.**

**It was moved by Sarah Silk and seconded by Brad Harriman to accept the Bulk Vote items A-E (excluding xxxviii). Members voted and being none opposed, the motion passed.**

**It was moved by Dave Senecal and seconded by Sarah Silk to accept Bulk Vote item xxxviii 16 Old Mill Drive. Members voted, Brad Harriman abstained and all others in favor, the motion passed.**

### **New Business**

#### **A. Bond Issue Documents**

Mr. Owen explained as previously discussed with the Finance Director at the last meeting he has provided the General Obligation Bond documents to approve and sign with regards to the sale that took place on June 11<sup>th</sup> with an effective rate of 3.22%.

**It was moved by Sarah Silk and seconded by Dave Senecal to approve and sign the General Obligation Bond, sold by the New Hampshire Municipal Bond Bank on June 11, 2014 in the amount of \$1,240,000, and to direct the Town Treasurer to affix his signature thereto. Members voted, being all in favor, the motion passed.**

#### **B. Possible Town Policy Regarding Government Files Leaving Town Offices**

Chairman Murray stated with regard to RSA 91-A: 4 that she put this item on the Agenda after receiving a complaint from a citizen who tried to access a ZBA file on Thursday June 5<sup>th</sup>, Monday June 9<sup>th</sup> and Tuesday June 10<sup>th</sup> at 3:00 PM with no luck since the ZBA file was not at the Town office. The minutes of the ZBA hearing were received by the Town Clerk on Monday, June 9<sup>th</sup> at 3:25 PM. On the day after the minutes were received the ZBA files were not available at the Town office for a citizen to inspect. She decided to look into why the file was not available at the Town office for inspection after repeated requests to inspect the file were made and looked up RSA 91-A: 4, which states "Government records must be available for inspection and copying during the regular business hours of a public body unless a record is temporarily unavailable because it is actually being used". RSA 91-A: 4, V states that the Town may take up to five business days to produce the materials or files or to give written reasons why not. The Town of Wolfeboro may adopt policies or ordinances for zoning regulations which

are more restricted than the State RSA and the Town has done that on some level. To her a file at a Secretary's house over 5 days or more is not actually being used, but is being stored until the Secretary has time to use it. Allowing files to go out of the Town offices over an extended period of time puts obstacles in the way of citizens inspecting or copying Town files. I believe the intent of RSA 91-A: 4 is to make files available unless they are actually being used. The idea that a Secretary needs a file to produce minutes does not make sense to her if the Secretary has a tape recording, notes and the Board packet. The Town files being allowed to be taken out of the Town offices over many days is against the intent of the RSA 91-A: 4 because files are not actually being used. The Town has been working to streamline its Zoning, Planning and Code process, to serve the Town residents courteously and politely and to make Town Government and Town information user friendly. She read the following motion for recommendation to the Board of Selectmen:

*Town files must be available at Town offices during the regular business hours unless a file is actually being used. Town staff may take files out of the Town office after business hours but the files must be returned to the Town offices at the start of following business day. The Town Manager may waive this policy for a special reason.*

She believes this motion would further the Town's effort to be user friendly to residents.

Ms. Silk referred to sections of RSA 91-A: 4 II "After the completion of a meeting of a public body, every citizen, during the regular or business hours of such public body, and on the regular business premises of such body, has the right to inspect all notes, materials, tapes or other sources used for compiling the minutes of such meetings, and to make memoranda or abstracts or copy such notes" and III " Each public body or agency shall keep and maintain all governmental records in its custody at its regular office or place of business in an accessible place". She stated that it seems more reasonable that the Secretary would have the same packet as the members in order to draft the minutes. She then referred back to the RSA IV "Each public body or agency shall, upon request for any governmental record reasonably describe, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release. If a public body or agency is unable to make a governmental record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgement of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied." She stated the RSA is clear how the records shall be kept and questions the motion that the Town Manager can make exceptions, noting the RSA supersedes the Town policy. She would like to check with the Town Attorney if the Town Manager can make such exception.

Chairman Murray replied her suggestion for the Town Manager exception will allow a Department Head to take a file home to use if they are sick or unable to use it during working hours. She interpreted the opinion of the Planning Board Attorney as such can be done.

Mr. Senecal stated he feels the Town Manager could make a decision based on the best interest of the Town which is a reasonable way to deal with an ongoing problem and suggested a sign in and out policy.

Mr. Owen provided the Board with a copy of RSA 41 and referred to section 61 that primarily addresses files leaving the premises.

**It was moved by Linda Murray and seconded by Dave Senecal for the Wolfeboro Board of Selectmen to move that Town files must be available at Town officers during the regular business hours unless a file is actually being used. Town staff may take files out of the Town office after business hours but the files must be returned to the Town offices at the start of following business day. The Town Manager may waive this policy for a special reason. Members voted, Sarah Silk-opposed, all others in favor, the motion passed.**

Ms. Silk stated she is opposed as she does not see any reason why the Secretary could not copy the file.

### **C. Town Manager's Evaluation Form**

Chairman Murray noted it is early for this but wanted to get out the form to see if anyone wished to make any changes.

The Board agreed to use the form as it is.

Chairman Murray stated that she will forward Mr. Owen's goals to the Board and plan to set a date in August (most likely the 2<sup>nd</sup> meeting) to start the evaluation.

### **Town Manager's Report**

Mr. Owen stated the following:

- He provided the demolition plan for the Town Hall and noted that some items will be removed for preservation and the staff will review such and confirm it by Friday. He noted in discussion with the contractor there will be a time and material contract for the demolition and then a separate change order or amendment to the contract for the actual construction project. He noted that the schedule for moving out of the building has been revised to 7/28 and he will be away at this time, but will return on 7/29.
- He attended the ribbon cutting ceremony at the Harriman Hill phase two project on Friday.
- The Parks & Recreation building is complete and wrapping up some details.
- The recent passage of the gas tax will provide NH DOT the ability to do a 3/4" shim and overlay of RT 109A from the intersection of Rt. 28 to Union Warf Road in Tuftonboro in July.
- Middleton Road is scheduled to go out to bid July 1<sup>st</sup> with the award to be out by September 1<sup>st</sup>.
- He has ordered the Board the latest copy of the Knowing the Territory.
- The bid is out for fuel oil, gasoline, diesel and propane.
- He will be away Thursday and Friday as he will be attending the Municipal Managers' Conference.

### **DISCUSSION:**

Mr. Senecal questioned access to the building during construction.

Mr. Houseman replied that he could outline and schedule to be escorted around the building during construction.

Ms. Silk questioned access to the office at Huggins Hospital after hours and weekends.

Mr. Houseman replied he will be working out those details during his meeting at Huggins tomorrow.

### **Committee Reports**

Mr. Harriman attended the WCTV meeting in which no quorum was present and the Planning Board work session discussing the sign ordinance, Center Street overlay district and downtown zoning.

Chairman Murray attended the Chamber Executive Board meeting, EDC meeting discussing a conference on tourism recently attended by member Kathy Eaton who reported the fastest growing hobbies are bicycling and gardening and they also discuss the statistic given of 70% of shopping done after 6:00 PM and exploring that idea.

Ms. Silk attended the Agricultural Commission meeting which discussed the piglet disease that is spread easily from farm to farm and if it would impact Farm Day which is the first Sunday in August. She attended the Conservation Commission meeting and noted the HHW medicine collection will be this weekend during the normal collection from 8:30 AM to Noon at the Household Hazardous Product Facility.

### **Public Comment**

None.

### **Questions from the Press**

None.

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

**Member Sarah Silk moved the Wolfeboro Board of Selectmen to enter non-public session at 7:19 PM to discuss litigation and non-public minutes. Dave Bowers 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 7:50 PM.

Chairman Murray stated the non-public session minutes of June 18, 2014 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 7:51 PM. Member Dave Bowers seconded. Being none opposed, the motion passed.**

Respectfully submitted,  
**Amelia Capone-Muccio**  
Recording Secretary