

**Wolfeboro Board of Selectmen
Meeting Minutes
Unapproved
June 6, 2012**

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

Members absent: Chuck Storm

Staff present: Town Manager David W. Owen, Director of Public Works Dave Ford, Director of Parks & Recreation Ethan Hipple, Finance Director Pete Chamberlin and Recording Secretary Amelia Capone-Muccio.

Chairman Murray opened the meeting at 6:30 PM.

Non-Public Session RSA 91-A: 3II

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

Consideration of Minutes

➤ **May 16, 2012**

Chairman Murray amended page six, the third paragraph from the bottom, the last two sentences to read as follows: *"Senator Jeb Bradley has been in contact with her regarding the Town's position relating to a proposed amendment and he requested the Town send a letter opposing the proposed amendment. She stated she also discussed this with Representative Dave Knox and he was going to contact Representative Chris Ahlgren requesting to oppose the amendment in the House also."*

Member Dave Bowers moved the Wolfeboro Board of Selectmen to accept the minutes of May 16, 2012 as amended. Dave Senecal seconded. Members voted, Sarah Silk abstained and being none opposed, the motion passed.

Public Hearings

I. Temporary Event permits

A. Wolfeboro Public Library Board of Trustees and Friends of the Wolfeboro Public Library to hold an Ice Cream Social on June 23, 2012 from 12:00 noon- 2:00 PM at the Wolfeboro Public Library.

Chairman Murray opened the public hearing.

Jane Newcomb joined the Board and stated that this event will run the same as in years past and is a way for the Board of Trustees to thank the public for their support of the Library. She noted this is also the kick-off event to the annual book sale.

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 approve the issuance of a temporary event permit to Wolfeboro Public Library Board of Trustees and Friends of the Wolfeboro Public Library to hold an Ice Cream Social on June 23, 2012 from 12:00 noon- 2:00 PM at the Wolfeboro Public Library. Dave Senecal seconded. Members voted, all in favor, the motion passed.

B. Wolfeboro Parks & Recreation Department to hold the Olympic Day Fun Run on June 23, 2012 from 10:00 AM-2:00 PM beginning and ending at Brewster Beach.

Chairman Murray opened the Public Hearing.

Ethan Hipple joined the Board and stated that this is a new event they wish to host with Granite State Adaptive Sports for those with disabilities. They are working on having an Olympic speaker at the event.

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

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the issuance of a temporary event permit to the Wolfeboro Parks & Recreation Department to hold the Olympic Day Fun Run on June 23, 2012 from 10:00 AM-2:00 PM beginning and ending at Brewster Beach. Dave Bowers seconded. Members voted, all in favor, the motion passed.

C. Wolfeboro Historical Society and Wolfeboro Department of Parks & Recreation to hold Colonial Family Day on July 14, 2012 from 10:00 AM-4:00 PM at Clark Park.

Chairman Murray opened the Public Hearing.

Louise Horskin, Treasurer of the Wolfeboro Historical Society, joined the Board to explain this is a new event and is kid oriented. She stated the goal was to make an affordable family event and all the time is donated by volunteers. She summarized some of the events planned as follows:

- Firehouse tours by Jim Rogers and fire equipment demo by the WFD
- Tours of the Clark House and colonial baking by Ginny Taylor and quilt display by Winnie O'Shaunessey
- School House lesson with Marm Barbara Krueger and 18th Century Science with Mike Welch
- Colonial Craft demos with Carol Conway, Carol Truebe, Betsey Atkinson, Kris Whittemore, Denise Thayer, Dina Farrell, Dick O'Shaunessey, Cheryl Ross, Doug Blum, Charlotte Hicks and WPD Lt. Dean Rondeau.
- Colonial games for children and Hayrides by Charlie Horskin
- Refreshments and other activities will be available including photo opportunities with General Wolfe and Governor Wentworth.

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

Ms. Silk noted the notes on the permit from the Fire Department regarding the camp fire request and fire retardant tents.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the issuance of a temporary event permit to the Wolfeboro Historical Society and Wolfeboro Department of Parks & Recreation to hold Colonial Family Day on July 14, 2012 from 10:00 AM-4:00 PM at Clark Park, including noting the requests made by the Fire Department on the permit. Dave Bowers seconded. Members voted, all in favor, the motion passed.

Public Comment

Peter Pijoan of Wolfeboro Community TV stated he is pleased to announce that Wolfeboro Community TV has relocated from the FEMA trailer to their new home in room #145 at Kingswood Regional High School and encourages members of the public to visit them.

Bulk Vote

A. Property Tax Refunds/Abatements

Approvals

- | | | |
|-------|--------------------------|---------------------------------|
| i. | 249 Sewall Road (part 1) | Tax Map 241 Lot 50 (2009) |
| ii. | 244 Sewall Road (part 2) | Tax Map 241, Lot 36 (2009) |
| iii. | 244 Sewall Road (part 3) | Tax Map 241, Lot 36 (2009) |
| iv. | 5 Puffs Point | Tax Map 259, Lot 19 (2010+2011) |
| v. | 25 Cropley Rd | Tax Map 218, Lot 119 (2011) |
| vi. | 82 South Main St | Tax Map 204, Lot 20 (2011) |
| vii. | 348 Sewall Rd | Tax Map 241, Lot 9 (2011) |
| viii. | 3 Wyanoke Gate Lane | Tax Map 228, Lot 2 (2011) |
| ix. | 400 Sewall Road | Tax Map 229, Lot 13 (2011) |

Denials

- | | | |
|-------|----------------------------|--------------------------------|
| i. | 144 Springfield Point Rd | Tax Map 266, Lot 4 (2011) |
| ii. | 680 North Main St | Tax Map 142, Lots 10-11 (2011) |
| iii. | 4 North Main St. (part 1) | Tax Map 217, Lot 98 (2011) |
| iv. | 10 North Main St. (part 2) | Tax Map 217, Lot 99 (2011) |
| v. | 45 Umbrella Point | Tax Map 213, Lot 27 (2011) |
| vi. | 252 Sewall Rd | Tax Map 241, Lot 35 (2011) |
| vii. | 52 Parker Island Rd | Tax Map 227, Lot 3 (2011) |
| viii. | 90 North Main St | Tax Map 217, Lot 127 (2011) |

B. Notice of Intent to Cut Wood or Timber

- | | | |
|----|----------------|---------------------|
| i. | Middleton Road | Tax Map 273, Lot 22 |
|----|----------------|---------------------|

C. Raffle Permits

- | | |
|------|---|
| i. | Friends of the Wolfeboro Public Library-2012 Summer Raffle |
| ii. | Kingswood High School Theater Program Annual Fundraising raffle |
| iii. | Kingswood Gold Club Play for P.I.N.K |

D. Timber Tax Levy Warrants

- | | |
|------|------------|
| i. | \$1,850.22 |
| ii. | \$1,749.59 |
| iii. | \$87.25 |

E. Application for Current Use

- i. North Wakefield Rd Tax Map 92, Lot 12

It was moved by Sarah Silk for the Wolfeboro Board of Selectmen to remove the Bulk Vote item Timber Tax Levy i. \$ 1,850.22. Linda Murray seconded. Members voted and being none opposed, the motion passed.

It was moved by Sarah Silk for the Wolfeboro Board of Selectmen to approve the Bulk Vote items listed above A-E as listed (excluding the removed item). Dave Bowers seconded. Members voted and being none opposed, the motion passed.

It was moved by Linda Murray for the Wolfeboro Board of Selectmen to approve the Bulk Vote items Timber Tax Levy i. \$ 1,850.22. Dave Senecal seconded. Members voted, Sarah Silk-abstained and being none opposed, the motion passed.

Appointments

A. Energy Conservation Committee

Beverly Wood joined the Board and stated that she saw the ad seeking members for the Committee and since she has a strong interest in in energy conservation, she would like to participate.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to appoint Beverly Wood to the Energy Conservation Committee for a 3 year term. Dave Senecal seconded. Members voted, all in favor, the motion passed.

Mr. Owen noted that they have received a resignation on this Committee from Jim Nupp and noted the Chairman of the Committee will be at the Board's next regular meeting on June 20th to provide an update.

B. Pathways Committee

George Vanderheiden- 2 year term
Barbara Laverick-1 year term

Member Sarah Silk moved the Wolfeboro Board of Selectmen to appoint George Vanderheiden for a 2 year term and Barbara Laverick for a 1 year term to the Pathways Committee. Dave Senecal seconded. Members voted, all in favor, the motion passed.

New Business

A. Olympic Day Proclamation

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve and sign the Olympic Day Proclamation designating June 23, 2012 as Olympic Day. Linda Murray seconded. Members voted, all in favor, the motion passed.

B. Proposed Rates for Pop Whalen Arena.

Ethan Hipple joined the Board for discussion and stated that based on a review of the debt service for budget preparations for the years 2013 to 2015 he is proposing rate increases to balance the budget. He stated they are projecting a \$27,000 increase in the debt service next year and he provided the Board with two proposals of rate increases to help off-set such increase as follows (see attached proposed rate increases for 2012-13 for detailed report proposal):

- A 15% rate increase across the Board, which is a large increase in rates.
- To lessen the impact he proposed a 5% increase to the customers and to take the funds from the program revenues like skating packages and put those funds directly into the enterprise fund rather than the general fund. He noted he prefers this proposal as it has less of impact to the customers.

Chairman Murray noted that they are also moving towards becoming a year round facility.

Mr. Hipple replied that yes because of the new Fire Protection system they now have the ability to use the facility in the off season and are already exploring activities such as roller hockey, aerial dance class, etc.

Ms. Silk questioned if they plan to sell more ice time in the winter.

Mr. Hipple replied that they do hope to sell more ice time and have reached out to other groups out of their area as some of the larger facilities have limited ice time and they have some available to use.

Mr. Senecal questioned if the funds proposed to be moved to the enterprise fund will be difficult to track.

Mr. Chamberlin replied they would not.

Chairman Murray stated that her only concern with transferring the revenue from the general fund to the enterprise fund is that she would prefer to do \$20,000 rather than \$30,000 because she they have not reviewed the status of the facility structure. She would like to have more knowledge on the structure to possibly earmark the surplus for specific projects to keep clear for the taxpayers what the funds would be used for.

Mr. Hipple replied he agrees they need to establish a committee to do a review of the facility and noted they do have other future needs such as replacing the Zamboni, etc.

Mr. Owen stated that in the process of reviewing this proposal they discovered other program revenues are going to the general fund rather than the enterprise fund.

Mr. Senecal stated his only concern is that he wants to be clear the funds are related to the Ice Rink and the Parks & Rec Department would have to track such.

Mr. Owen stated a \$5,000 margin is slim and such could cause them to run a deficit again and their preferred proposal will put them back in the \$15,000 margin range.

Chairman Murray stated her concern is the surplus is allocated for specific needs or repairs and that is why she suggested the \$20,000.

Mr. Senecal pointed out these are only projected costs.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to approve the rates below for the Pop Whalen Arena for the 2012-13 seasons, to be effective immediately, and to reclassify the additional

Program Revenue derived from skating lessons, day passes, season passes, etc. from the General Fund to the Pop Whalen Enterprise Fund.

2012-2013 RATES-HOURLY RENTAL RATES

Winter Discount Weekday \$147

Winter Discount Weekend \$157. 50

Winter Regular Weekday\$168

Winter Regular Weekend \$178. 50

Summer Single Use \$60

Summer Multi-Use \$75

Rink Advertising \$400/\$300

(Option B as proposed). Sarah Silk seconded. Members voted, all in favor, the motion passed.

C. BAN Resolution and related documents

Pete Chamberlin joined the Board for discussion and stated this pertains to short-term borrowing on town projects for the fall bond sale and the period of short-term borrowing is from June 8, 2012 to December 2012.

Ms. Silk stated that the amount of the note and the details are as follows:

Downtown Street Upgrades	\$100,000
Wastewater Facility Upgrades	\$180,000
Acquisition of 255 South Main St.	\$160, 000

Total Bond Anticipation Note	\$440, 000

It was moved by Sarah Silk for the Wolfeboro Board of Selectmen to approve and sign the following:

RESOLUTION OF GOVERNING BOARD

The undersigned, at least a majority of the Governing Board of the Issuer and the Treasurer of the Issuer hereby certify (i) that a meeting of the Governing Board of the Issuer was held with respect to the issuance of the Notes (defined below); (ii) that notice of said meeting was afforded to said officers and the public in accordance with the provisions of RSA 91-A, as amended, and the applicable rules and bylaws of the Issuer, if any; (iii) that at least a majority of the Governing Board were present throughout said meeting; (iv) that the following votes were adopted at said meeting, all as being in the best interests of the Issuer; and (v) that the resolution set forth below have not been repealed, amended or rescinded as of the date hereof:

VOTED: To authorize the issuance of \$440,000 Bond Anticipation Notes (the Notes”) of Issuer, which were heretofore, authorized by the Issuer on March 13, 2012 such Notes to be dated June 8, 2012.

VOTED: To sell said Notes to the purchaser (the “Purchaser”), with the principal amounts, maturities, premium, if any, redemption provisions, if any and interest rates specified on Schedule A, attached hereto and made a part hereof;

VOTED: To issue the Notes in substantially the form set forth in Schedule B, attached hereto and made a part hereof;

VOTED: To authorize at least a majority of the Governing Board and the Treasurer to sign the Notes or to have said signatures printed in facsimile on the Notes and to affix the Issuer's seal thereto;

VOTED: To authorize the Treasurer to deliver the Notes to the Purchaser against payment therefor;

VOTED: To authorize at least a majority of the Governing Board and the Treasurer to execute and deliver a Signature and No Litigation Certificate with Receipt, a No Arbitrage and Tax Certificate, a Material Events Disclosure Certificate and IRS Form 8038-G in substantially the form presented to this meeting and such other documents as may be necessary or appropriate to accomplish the sale and delivery of the Notes in accordance with the foregoing; and

VOTED: To authorize Bank of New Hampshire to serve as Paying Agent with respect to the Notes;

Dave Bowers seconded. Members voted and being none opposed, the motion passed.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve and sign the following documents with respect to the \$440,000 Bond Anticipation Note: (1) The Signature and No Litigation Certificate with Receipt; (2) The No Arbitrage and Tax Certificate; and (3) The Bond Anticipation Note in the amount of \$440,000. Dave Bowers seconded. Members voted and being none opposed, the motion passed.

D. Amendments to Personnel Policy

Mr. Owen stated that he has provided three proposed amendments to the personnel policy; the first one is relative to termination after sickness or accident as the current language was found to be illegal and labor counsel provided an amendment.

It was moved by Dave Senecal for the Wolfeboro Board of Selectmen to delete the current language in Section 7-D of the Town's Personnel Policy in its entirety and to substitute the following: "Termination after Sickness or Accident: The Town complies with the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), and New Hampshire's anti-discrimination law, RSA 354-A. After any absence in excess of any available leave, a Town employee's employment will be subject to immediate termination 5 days after being provided written notice of the intent to terminate employment as a result of job abandonment. A disabled employee (as defined in the ADA) may, upon receipt of the notice (or earlier) request additional unpaid leave which will be granted or denied by the Town Manager after consideration and determination whether the additional unpaid leave, in the amount requested, would be a reasonable accommodation of the employee's disability under the ADA and/or other applicable federal and state laws. The Town Manager or his designee will, in good faith, engage the employee in an interactive process to determine the reasonability of the requested or alternative accommodations." Sarah Silk seconded. Members voted and being none opposed, the motion passed.

Mr. Owen stated another amendment deals with nepotism and this was something that was negotiated with the AFSCME Union and should be included for all other employees as well.

It was moved by Sarah Silk for the Wolfeboro Board of Selectmen to approve adding the following language after the current provisions of Section 1-A of the Town's Personnel Policy, Hiring Authority: "However, no Town employee shall regularly supervise another Town employee if the supervisor is an immediate family member to the subordinate. No Town employee shall influence or attempt to influence the hiring, transfer,

promotion, direction of work, discipline or the adjustment of a grievance of an immediate family member also employed by the Town. Immediate family shall be defined as the spouse, son, daughter, father, mother, brother, sister, aunt, uncle, or grandchildren of the employee or the employee's spouse." Dave Senecal seconded. Members voted and being none opposed, the motion passed.

Mr. Owen stated the last amendment is dealing with employees as contractors.

It was moved by Sarah Silk for the Wolfeboro Board of Selectmen to approve the following language at the end of Section 1-A of the Town's Personnel Policy, Hiring Authority: "Neither shall any active Town employee serve as a contractor to any Town Department." Dave Senecal seconded. Members voted and being none opposed, the motion passed.

E. Josiah Brown Trust Scholarship Applications

Chairman Murray stated she is pleased to report that the new Trustees are administering the trust and there is \$10,000 available to applicants for this year. She stated the Board has been provided with the applications and questioned if any of the forms need updating.

Mr. Owen compared the form to the FAFSA form online and noted it is more vague than the town's form.

Ms. Silk noted the last time they updated the form they were looking to make it similar to other forms students would already be filling out for college.

Chairman Murray questioned the current assets limit and Mr. Owen feels such is low for this day and age.

The Board increased the asset limit to \$50,000.

Mr. Senecal noted that it should reflect five Board of Selectmen signature lines.

Chairman Murray stated she would like to use from the school form a statement as to why the student would need to apply, such as specific circumstances. The Board agreed to add such and they also determined to provide \$1,000 per semester, \$2, 000 per year for the student. Chairman Murray questioned how they would be handling the accounting of the funds.

Mr. Owen replied that the Town Treasurer recommends leaving the funds in the concentration account, but he would provide a separate accounting of the funds.

Mr. Senecal questioned how students could find out about such scholarship.

Mr. Owen replied he will provide the information to the schools and there will be a press release as well as information on the Town website.

It was moved by Sarah Silk for the Wolfeboro Board of Selectmen that the applicants must provide a copy of their family's latest income tax return as filed with the IRS, as well as copies of their latest bank statements for both checking and savings accounts, brokerage statements (if any), and statements from any other financial institutions in which they have financial assets. Dave Senecal seconded. Members voted and being none opposed, the motion passed.

It was moved by Sarah Silk for the Wolfeboro Board of Selectmen to approve amendments to the Josiah Brown Application as discussed at this meeting. Dave Bowers seconded. Members voted and being none opposed, the motion passed.

F. Use of Town Sidewalks in Depot Square

Chairman Murray stated she requested to discuss this subject as concerns were brought up to her from a resident that there is a table and chairs on the new Town bump out in Depot Square and that such is a public place and the Board should discuss how they would like to use the public space.

Mr. Ford joined the Board and stated that this project originally started to address the ADA accessibility and bump outs were discussed to provide a safe crossing for pedestrians in that area as well as add some green space. He stated that he thought the addition of the table and chairs look nice and noted that in the bump outs across from it will be two Elm trees and some benches.

Chairman Murray stated her concern is that the space is for the public and feels a bench would be more suitable for the area. She provided a picture of the table and chairs as well as some of the benches around town and feels the wrought iron benches look nice. She stated that she was informed there was a sign on the table and it was reserved for once specific restaurant and that it should not be as it is a public space.

Mr. Bowers agreed with Mrs. Murray that it is a public space and should be open to the public.

Ms. Silk stated she also received comments about the table and that there also was a concern about the safety of the umbrella. She would like to see a bench to keep continuity with other spots and it is a public space.

It was moved by Sarah Silk for the Wolfeboro Board of Selectmen to direct the table and chairs be removed from the bump out downtown in the area of the Railroad station and replaced with a bench. Dave Bowers seconded. Members voted and being none opposed, the motion passed.

Ms. Silk suggested the Public Works Department consult with the Parks & Recreation Department to determine what bench would be best for that area.

G. Wastewater Treatment Plan Facility Update

Mr. Ford stated he is making an effort to make the public more aware of the Wastewater Plant and that he has had a tour by the Science Class from the Middle School and has done a video with Wolfeboro Community TV on what happens when you flush the toilet. He stated that this is a critical facility in town and the public should be more aware of how they keep the water clean.

Other Business

Ms. Silk noted that as Trustees of the Libby Museum the Board members have been invited to participate in the Independence Day Parade event for the 100th anniversary.

Chairman Murray stated Senator Bradley called her regarding working towards getting Middleton Road fixed and Mr. Senecal has volunteered to work with him on this project.

Town Manager's Report

Mr. Owen stated the following:

- He stated the town has received an award for its recycling efforts for the 4th year in a row in using the most programs in our class.
- He showed the new wayfinding signs that will be installed downtown and explained the hold up for such signs was the glass case in which they would be installed in was back ordered and arrived today.
- He reported that Fire Department is in the process of obtaining 6 new call fire fighters which was an area of concern brought up by a resident.
- There is a meeting at the Local Government Center on June 13th regarding the Wastewater funding that was rescinded due to state budget shortfalls that he and the Finance Director will be attending.
- The town received the second installment in the amount of \$10,000 from Metrocast Cablevision for the equipment funding from the franchise agreement.
- The bid for removal of the house at 255 South Main Street will be in the newspaper tomorrow.
- Construction is underway at the Public Safety Building for structural repairs.
- Construction is underway at the town cemetery on Middleton Road for expansion.

Committee Reports

Mr. Bowers reported the Planning Board has been busy working on beautifying Wolfeboro and discussed Vista views or building on a ridge.

Chairman Murray stated she and Mr. Owen attended the Milfoil Joint Board meeting and noted they have started harvesting Milfoil and it will continue into next week as they have discovered a large patch to be removed.

Ms. Silk stated she attended the NRRRA conference where she distributed some literature on SHARPS disposal and the next Hazardous Waste Collection is June 16th 8 AM to Noon, which will include a medicine collection.

Public Comment

Rick Eaton of Crepes Ooh La La joined the Board and provided nine examples of businesses downtown which are violating the town codes in some form such as use of the sidewalks or signage and stated if the town is going to make them comply with such ordinances they need to address all the other violations as well. He stated the reason they moved their table to the bump out because they thought it looked better. He did provide documentation of his property line which extends into the sidewalk. He respectfully requested the town to apply the same enforcement to the examples he provided.

Chairman Murray directed the Town Manager to forward the complaints received by Mr. Eaton to the Code Enforcement Officer for review.

Rhonda Martin of Crepes Ooh La La joined the Board and stated she had inquired about one of the town's Hawkers and Peddlers permits and was told the four the town issues have already been taken, but she has a concern that two of the permit holders are not complying with the ordinance of the town using those locations at a minimum of three months of the year and would like such reviewed as she has interest in the permit in the area Cate Park off Main Street.

Chairman Murray directed the Town Manager to look into the inquiry made regarding the permits being used according to the ordinance.

Peter Pijoan of Wolfeboro Community TV joined the Board and stated the equipment funds of \$10,000 from Metrocast Cablevision will be used to purchase a lighting grid as no funds were allocated in the school rehabilitation for furniture use.

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 8:16 PM to discuss real estate, litigation and minutes. Sarah Silk seconded. Roll call vote: Dave Bowers-yes, Dave Senecal-yes, and Linda Murray-yes, the motion passed.

The Board re-entered public session at 9:05 PM.

Chairman Murray stated the non-public session minutes of June 6, 2012 were sealed by a 2/3rd's vote as required by law.

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

Member Dave Senecal moved the Wolfeboro Board of Selectmen to adjourn at 9:06 PM. Member Dave Bowers seconded. Being none opposed, the motion passed.

Respectfully submitted,

Amelia Capone-Muccio

Recording Secretary