

**Wolfeboro Board of Selectmen
Meeting minutes
Unapproved
March 2, 2011**

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

Staff present: Town Manager David W. Owen, Planning and Development Director Rob Houseman, Public Works Director Dave Ford, Fire Chief Phillip Morrill, Deputy Fire Chief Tom Zotti 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

➤ **February 16, 2011**

Ms. Silk amended page nine, the bullet to change "NERRA" to "NRRRA" and the last bullet to read as follows: The Wolfeboro Conservation Commission was invited, but only Ms. Silk visited the Town of Milton's Conservation Commission meeting discussing new technology for landfills and the possibility of putting one off Exit 18 on Route 16.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to approve the minutes of February 16, 2011 as amended. Sarah Silk seconded. Members voted and being none opposed the motion passed.

Announcement

Mr. Owen made the following announcement on a recent complaint received his office on a town employee being accused of electioneering:

This morning I received an e-mail copy of an unsigned written complaint alleging that Town Clerk Patricia Waterman had engaged in illegal electioneering, and asking that Article 12, Brewster Memorial Hall Renovation, be removed from the Town Warrant. I have now investigated this complaint and consulted with Town Counsel about it. There follow my findings.

The complaint alleges that the Town Clerk sent out Motor Vehicle Registration Renewals which contained a line of superimposed text that read: "Vote YES ON ARTICLE 12". Upon investigation I found that yes, in fact, the Town Clerk did send out Motor Vehicle Registration Renewal documents to the residents with vehicles scheduled for renewal in March with the language relative to voting yes on Article 12.

The complaint goes on to allege that this violates RSA 659:44-a, entitled "Electioneering by Public Employees" and that it constitutes a misdemeanor. This question was referred to Town Counsel Mark Puffer, who advises that RSA 659:44-a prohibits electioneering only by a "Public Employee" as defined in RSA 273-A: 1, IX, and that statute expressly excludes "Persons elected by popular vote" from being a "public employee". In other words, since the Town Clerk in Wolfeboro is an

elected official, she is specifically exempt from the prohibition on electioneering by public employees contained in RSA 659:44-a.

In summary, the Town Clerk did not violate the statute relative to electioneering by public employees. Further, it needs to be emphasized that the Town Clerk, as an elected Town Official, undertook this action at her own volition and not under any direction of the Board of Selectmen or Town Manager. It can also be seen as accurately reflecting the passion and zeal that the Town Clerk feels for the need to renovate Brewster Memorial Hall. As Town Manager, I will take steps to make sure that other Town employees (non-elected ones) are aware of the prohibition on electioneering and that to avoid other complaints of this nature from arising.

Public Input

Fred Tedeschi of Eagle Trace stated he would like to express Fairway View Estates' gratitude for the Board's support on Senate Bill 94 and for Mr. Storm making the trip to Concord to testify on the matter. He hopes the Board will continue to support them by providing the Local Government Center with the necessary documentation on this matter.

Public Hearings Temporary Event Permits

A. *Brewster Academy to hold On the Green I Arts & Crafts Festival on July 8 – July 10, 2011 (set up July 7-tent removal on July 11) from 10:00 AM to 5:00 PM on July 8 & 9 and 10:00 AM to 4:00 PM on July 24 on Monument Field.*

Chairman Murray opened the public hearing.

Christine Brown joined the Board and she stated that this event would run the same as it has in the past and noted the money received for the tent rentals goes to the scholarship fund for day students.

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

Ms. Silk noted the comments on the permit.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to approve the Temporary Event permit for Brewster Academy to hold On the Green I Arts & Crafts Festival on July 8 – July 10, 2011 (set up July 7-tent removal on July 11) from 10:00 AM to 5:00 PM on July 8 & 9 and 10:00 AM to 4:00 PM on July 24 on Monument Field. Dave Senecal seconded. Members voted and being none opposed the motion passed.

B. *Brewster Academy to hold Summer Tradition Arts & Crafts Festival on July 22 – July 24, 2011 (set up July 21-tent removal on July 25) from 10:00 AM to 5:00 PM on July 22 & 23 and 10:00 AM to 4:00 PM on July 24 on Monument Field.*

Chairman Murray opened the public hearing.

Christine Brown joined the Board for discussion and stated event would run the same as in the past and the funds go to the day student scholarship fund.

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

Ms. Silk noted the comments on the permit and reminded them to get a sign permit.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the Temporary Event permit for Brewster Academy to hold On the Green I Arts & Crafts Festival on July 8 – July 10, 2011 (set up July 7-tent removal on July 11) from 10:00 AM to 5:00 PM on July 8 & 9 and 10:00 AM to 4:00 PM on July 24 on Monument Field. Chuck Storm seconded. Members voted and being none opposed the motion passed.

C. Brewster Academy to hold On the Green II Arts & Crafts Festival on August 12 – 14, 2011 (set up August 11-tent removal on August 15) from 10:00 AM to 5:00 PM on August 12 & 13 and 10:00 AM to 4:00 PM on July 24 on Monument Field.

Chairman Murray opened the public hearing.

Christine Brown joined the Board for discussion and stated this event would run the same as in the past and the funds go to the day student scholarship fund.

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

Ms. Silk noted the comments on the permit and reminded them to get a sign permit.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the Temporary Event permit for Brewster Academy to hold On the Green II Arts & Crafts Festival on August 12 – August 14, 2011 (set up August 11-tent removal on August 15) from 10:00 AM to 5:00 PM on August 12 & 13 and 10:00 AM to 4:00 PM on August 14 on Monument Field. Chuck Storm seconded. Members voted and being none opposed the motion passed.

Bulk Vote

A. Property Tax Refunds/ Abatements

Approvals

- i. Abatement/refund #5 (part 1) Tax Map 232, Lot 2
- ii. Abatement/refund #5 (part 2) Tax Map 232, Lot 4
- iii. Abatement/refund # 5 (part 3) Tax Map 232, Lot 5
- iv. Abatement/refund # 17 Tax Map 251, Lots 17
- v. Abatement/refund # 18 Tax Map 251, Lot 27
- vi. Abatement/refund # 19 (Part 1) Tax Map 227, Lot 52
- vii. Abatement/refund # 19 (Part 2) Tax Map 227, Lot 53
- viii. Abatement/refund #27 Tax Map 226, Lot 7
- ix. Abatement/refund # 31 (Part 1) Tax Map 218, Lot 57
- x. Abatement/refund # 31 (Part 2) Tax Map 218, Lot 60
- xi. Abatement/refund #32 (Part 1) Tax Map 232, Lot 2
- xii. Abatement/refund # 32 (Part 2) Tax Map 232, Lot 4
- xiii. Abatement/refund # 32 (Part 3) Tax Map 232, Lot 5
- xiv. Abatement/refund # 34 Tax Map 241, Lot 71

B. Property Tax Credit/Exemptions

Approvals

- i. 10 Bassett Road Tax Map 201, Lot 71

Denials

- i. 129 Bryant Road Tax Map 136, Lot 3

C. Notice of Intent to Cut Wood or Timber

- i. College Road Tax Map 118, Lot 6

D. Raffle Permit-Abenaki Ski Team

Member Dave Senecal moved the Wolfeboro Board of Selectmen to approve the Bulk Vote items as listed above in A -D. Sarah Silk seconded. Members voted and being none opposed the motion passed.

New Business

A. Commercial Vessel Landing permits for the M.S. Mount Washington and Winnepesaukee Belle

- *M. S. Mount Washington*

Mr. Owen stated a representative was not able to attend tonight's meeting, but could attend their meeting on the 16th if need be.

Chairman Murray stated that she does not feel that is necessary as it seems they are running a similar schedule as last year.

Ms. Silk noted her only concern is that the insurance certificate runs out October 1, 2011 and they would need an updated one to finish out the season.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the issuance of a Commercial Vessel Landing permit for the M.S. Mount Washington, d/b/a the Winnepesaukee Flagship Corp. contingent upon receiving an updated insurance certificate upon expiration of the current one October 1, 2011. Dave Senecal seconded. Members voted and being none opposed the motion passed.

- *Winnepesaukee Belle*

Lucy Van Cleve and George Soderberg joined the Board for discussion.

Ms. Van Cleve stated they are seeking their permit request the same as in the past.

Chairman Murray stated that their insurance certificate expires in July.

Ms. Van Cleve replied they would submit the updated one as soon as it is received.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the issuance of a Commercial Vessel Landing permit for the Winnipisauke Belle d/b/a the Wolfeboro Inn. Chuck Storm seconded. Members voted and being none opposed the motion passed.

B. Energy Efficiency Recommendations for Brewster Memorial Hall Renovations Project

Rob Houseman, Town Planner, joined the Board and provided a brief overview of the report for energy efficient recommendations for the renovations of Brewster Memorial Hall including the review by Petersen Engineering on the HVAC evaluation. (See attached reports)

Chairman Murray questioned the possibility of using Lakes Region Planning Commission to help oversee some of the energy efficiency.

Mr. Houseman replied that Roger Murray, representative on the Lakes Region Planning Commission, provided him with such information and noted they would be using feedback from all sources on this project.

Ms. Silk stated she was happy to see they are steering away from underground storage for the fuel and that she would like to see the windows cleaned prior to being installed as the ones that will encased will be forever dirty if not properly cleaned.

Chairman Murray stated it is an excellent report and it helps with the goal of getting a highly efficient building.

C. Cell Phone Use Policy

Mr. Owen stated that the Joint Loss Management Committee (which is the Town's Safety Committee) has amended the policy as recommended by the Board at a previous meeting and are back seeking adoption of such policy.

Tom Zotti, member of the Committee, joined the Board and stated at the meeting in November the Board had recommend some amendments to the policy, specifically, to add language for the use of "hands free" devices and banning text messaging while driving. He noted they also added language to allow individual Department's to be more restrictive.

Ms. Silk provided him with an article from Environmental Health & Safety magazine (February 2011) reporting that one out of five Fortune 500 companies are also becoming more restrictive based on statistics that show an increase in vehicle crashes involving cell phone use. She noted this same magazine provides some information regarding snow shoveling the Joint Loss Management Committee may find useful.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the adoption of the Town of Wolfeboro Cell Phone Use Policy as submitted. Chuck Storm seconded. Members voted and being none opposed the motion passed.

D. Contract for Streaming Board of Selectmen meetings

Mr. Owen stated the Information Systems Advisory Committee had a demonstration on streaming meetings to the website and the Committee recommends hiring EZStream to stream the broadcast of meetings on the town website and the WCTV website. He noted this would be a shared cost between the town and WCTV.

Chairman Murray questioned how long the meetings would be stored on the site.

Peter Pijoan replied one year.

Chairman Murray stated that she attended the meeting as the representative for the Board and was impressed with this technology and the ability to provide more communication with the public.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to authorize the Town Manager to sign the contract for streaming services in the amount of \$1,250 (Town's half for one year) with EZStream and to implement the streaming of Selectmen's meetings and other important public meetings on the Town website as soon as practical. Dave Senecal seconded. Members voted and being none opposed the motion passed.

E. Cable TV Advisory Committee re: Franchise fees

Dave Wells, Chairman of the Cable TV Advisory Committee, joined the Board for discussion.

Mr. Owen stated that they are currently in negotiations with Metrocast and are discussing the Franchise Fee, which is the portion the rate payers pay to support the operations of Wolfeboro Community TV. He explained the current Franchise Fee is 3% and they would like to propose and increase it to 4% in order to support WCTV's operations and equipment costs for the coming year, which includes the new media center at the high school and upgrades to the Town Hall meeting room if it is renovated.

Mr. Wells stated that because this is a change, the Board of Selectmen will ultimately need to approve it.

Chairman Murray noted they did receive an example of what the increase would look like on a bill of \$170, which is roughly a \$1 increase.

Mr. Wells pointed out this would only be on the entertainment portion of the bill.

Ms. Silk questioned if they would be seeking additional hook ups for town facilities, which was supposed to be part of the last contract.

Mr. Owen replied they were given a list of town facilities for the institutional network.

Chairman Murray questioned if Metrocast would be providing I service to homes that do not currently have Metrocast.

Mr. Owen replied that the Committee has discussed the density level with Metrocast and they are proposing to decrease their density per mile from 20 homes to 15, but this still will not provide service to the area of Brown's Ridge Road. He stated in regards to Brown's Ridge Road, Metrocast did make contact with Ossipee's cable provider (Time Warner) to see if they would be willing to provide service, but also stated that this area does not meet their density requirements either.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to support the recommendation of the Information System Advisory Committee's to seek an increase in the franchise fee from 3% to 4%. Chuck Storm seconded. Members voted and being none opposed the motion passed.

F. Public Safety Building additional evaluation

Dave Ford, Public Works Director, joined the Board for discussion and stated that at a previous meeting he discussed the idea of using the balance of \$9, 683 from last year's warrant article 18 for Public Buildings Evaluation & Capital Assets Management Plan to seek a long-term plan for the Public Safety Building.

Chairman Murray stated that this proposed scope of work by AG Architects appears consistent with the intent of Article 18.

Member Sarah Silk moved the Wolfeboro Board of Selectmen authorize the Town Manager to expend the balance of 2010 warrant article 18 to further evaluate the Public Safety Building and to develop a Capital Assets Management Plan for the facility. Chuck Storm seconded. Members voted and being none opposed the motion passed.

G. SB 94

Mr. Owen stated that Judy Silva of the legal staff for the Local Government Center has informed the town that SB 94 was voted by the Senate Committee to be re-referred back to the committee based on its complexity dealing with State and Federal law and will be reviewed further over the spring and summer.

Chairman Murray stated she would like to send a letter of support on this matter to the Local Government Center and provide any materials needed for further review.

Member Chuck Storm moved the Wolfeboro Board of Selectmen to send a letter of support to the Local Government Center and notify them that the Board of Selectmen would be willing to provide any of the research the town has received. Sarah Silk seconded. Members voted and being none opposed the motion passed.

H. Town Election Arrangements

The Board agreed that Sarah Silk, Chuck Storm, and Linda Murray would be at the polls for the entire day.

Any Other Business

Mr. Storm stated he would be away during the March 16 Board meeting and requested to reorganize the Board at their April 6th meeting and the Board agreed.

Mr. Owen stated that the Local Government Center is seeking opposing support for SB 133 taxing utility poles and wires. He explained that passing such bill would provide additional loss in revenue and he provided a draft letter of support.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to oppose support for SB 133 and sign the letter as drafted. Sarah Silk seconded. Members voted and being none opposed, the motion passed.

Town Manager' Report

Mr. Owen stated the following:

- Five town facilities received new copy machines and the Town Hall machine can make color copies.

- There was a report of a small fire at the Middle School yesterday, but mostly smoke damage.
- The Town Report has yet to be received and is always scheduled to be received with in 8 days of the elections. He stated they took a chance on a new low bidder this year, but the company does not appear to be fulfilling their contract and the Town Attorney has put them on notice. He stated at this point they do have the Town Report available at the Town Hall if anyone wishes to view it.

Chairman Murray suggested providing such information on the town website.

Dave Bowers suggested providing some of the boiler plate information and putting it out in the Granite State News.

Committee Reports

Ms. Silk stated the following:

- The Abenaki Ski Team raised \$500 from the showing of the Ski Movie.
- The Annual Pancake Breakfast put on by the Friends of Abenaki on February 26th at Garwood's raised \$4,000. She thanked Garwood's for their donation of the food and facility for this great event.
- She announced that Friends of Abenaki are selling T-shirts for \$10 for kids and \$12 for adults.

Mr. Storm reported the Planning Board reviewed lot line adjustments and approved the upgrade to the Lake Motel for a new state-of-the art motel.

Chairman Murray stated the presentation done by the Friends of Town Hall was excellent.

Chamber of Commerce

None.

Questions from the Public

None.

Questions from the Press

Tom Beeler of the Granite State News stated that they received 36 letters to the editor and will put in as many as they can in the order they were received.

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 7:45 PM. Member Sarah Silk seconded. Being none opposed, the motion passed.

Respectfully submitted,

Amelia Capone-Muccio

Recording Secretary