

**Wolfeboro Board of Selectmen
Meeting minutes
Approved
March 9, 2011**

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

Members absent: Dave Senecal

Staff present: Town Manager David W. Owen, Public Works Director Dave Ford, Town Clerk Pat Waterman, Town Treasurer John Burt and Recording Secretary Amelia Capone-Muccio

Chairman Murray called the meeting to order at 6:30 PM. She stated that newly elected Selectmen, Dave Bowers, has not been sworn in yet, but was invited by the Board to sit in on this meeting.

Non-Public Session RSA 91-A: 3II

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

Public Input

None.

New Business

A. Road Posting-10 Ton Weight Limits

Dave Ford, Public Works Director, joined the Board for discussion and explained that it is the time of year when they need to post the roads. He stated that the roads will be posted on March 15, 2011 for three to five weeks with the exception of school buses, delivery trucks, and emergency vehicles.

Member Sarah Silk moved the Wolfeboro Board of Selectmen to approve the request of the Public Works Director to post the town roads with a 10-ton weight limit as recommended. Chuck Storm seconded. Members voted and being none opposed the motion passed.

➤ *Fix-a-Leak Week*

Dave Ford stated that Fix-a-Leak Week is part of a National Event of the EPA to educate the public on water conservation and more information is available at the Town Hall, Library, and Public Works office.

B. Meeting with Legislative Delegation: Senator Jeb Bradley, State Representatives Dave Knox and Chris Ahlgren.

➤ *SB 78 Relative to Cutting Transportation Funding*

Dave Ford joined the Board and referred to his memo dated March 7, 2011 to Senator Bradley explaining that supporting SB 78, "Sunset" of MV Registration Surcharge, will greatly impact the Town of Wolfeboro and other communities in maintaining and rebuilding state and local roads. He further stated that Wolfeboro is in the process

of rebuilding a section of Route 28 on Center Street in coordination with the NH DOT, which the project benefited from the State Aid Highway program (as many of their projects have in the past) and if such bill passes the project will be derailed.

Mr. Owen explained that this bill will also affect the transportation block grant distribution by \$29, 593 per year for of road improvement projects in Wolfeboro.

Senator Bradley stated this bill generated the worst response from all constituents in opposition to the surcharge.

Mr. Ford stated he is a member of the Lakes Region Planning Commission's Technical Advisory Committee and questioned if Senator Bradley is familiar with their November 1, 2010 transportation report.

Senator Bradley replied he is not.

Mr. Ford provided him with a copy and explained that cutting revenue cuts projects and the roads will continue to deteriorate. He would like him to reconsider his support on this bill.

Chairman Murray stated the voters continue to support repairs to the roads.

Senator Bradley stated that he got more complaints about the surcharge than any other tax. He suspects that by the time this bill gets to the house, the impact on the budget this fiscal year will be minimal and he doesn't expect the surcharge to be reinstituted.

Chairman Murray opened the public comment on this bill.

Tom Beeler questioned if they plan to review the gas tax, since it hasn't been reviewed since 1991.

Senator Bradley replied that the Governor has stated he would veto a gas tax.

Chairman Murray questioned clarity on the "sunset".

Senator Bradley replied the bill is designed to "sunset" in two years on July 1st.

Chris Ahlgren stated that he did not vote for a gas tax, although it did pass the house. He does not feel is the right time to add to the gas tax to already rising gas prices.

Chairman Murray stated the roads are in poor shape and you can only look the other way for so long and the time will come when something needs to be done.

Dave Knox questioned if the other municipalities are opposing it.

Senator Bradley replied all the municipalities are opposed to it and understand everyone is struggling and the pressure.

Ms. Silk commented that back in the 1990's they were pushing not to down shift the deficit and that is what they are doing now.

Senator Bradley stated a lot of downshifting happened with about 150 million dollars in the Governor's budget just in the retirement provisions.

Chairman Murray stated as a member of the Board for the Children's Center, they had to find donors to help with child care for the children of the community and the taxpayers are struggling and losing grants only make it harder for the communities.

Ms. Silk noted that it is hard for local officials to get to Concord to speak on behalf of these and most who do speak are paid lobbyists. She sometimes feels the Legislators are working in an area they are not familiar with and listening to a small few, who are mostly paid, and not from the taxpayers or the communities.

Senator Bradley stated they are very accessible to the public in their district who want to communicate with them.

➤ *SB 94 Relative to Community Residences*

Senator Bradley stated that this bill ran into significant opposition from the disabled community and that they feel such is unconstitutional and undermines the disabled being reintegrated into the community. He does not agree with such and it has been referred to study and could pass next year. He hopes that the fact he filed the bill will help the Department of Health and Human Services scrutinize the properties they approve, rather than jump into what has happened at Eagle Trace.

Mr. Storm offered any help he needs for support in the future.

Chairman Murray stated that Wolfeboro has done a lot to help integrate the handicapped back into the community and is a very accepting community, but feel this seemed to be more of a commercial venture in a residential area. She stated they do have some of these facilities in Wolfeboro already, but they are families and that is okay with them.

Senator Bradley replied he will continue to push this bill, but the advocates for the disabled are listened to and noted a lot of war veterans need these facilities.

Mr. Knox called the Department of Health and Human Services who admitted other communities have resisted the same as Wolfeboro.

Mr. Storm stated the Federal Law states there should be some sensitivity to local zoning and the purpose was not to overturn local zoning.

Chairman Murray opened it to public comment.

Dick Hamilton, 10 Eagle Trace, stated he has mixed feelings on this issue and has had a lot of thought about it. They believe this a commercial venture in a residential neighborhood and that is against the local zoning. He is looking for the town to enforce the code. He stated this is "bureaucratic thugary" at its best and that a representative of DHHS stated that overriding local zoning makes his job easier. If they had a request by a family in their neighborhood who wanted to take care of a family member, they would accept it, but this is a commercial venture in a residential neighborhood making \$500,000 yearly. They are there to make money.

Senator Bradley agrees and that is why he filed the legislation to protect the town zoning.

Mr. Hamilton stated he would like to confirm that the residents of this home are NH residents.

Senator Bradley replied that HIPPA laws protect such information, but he will ask.

Fred Tedeschi stated he appreciates Senator Bradley's support and noted they had a lawyer review this.

Senator Bradley replied he agrees the facility's legal analysis of this issue is thin.

Mr. Tedeschi stated that in their legal review, they don't believe they have any right to be there based on town zoning. They are also in clear violation of the covenants, but he is here to offer his help in anyway he can. They don't believe this is a federal issue, but a state issue and can be addressed.

Senator Bradley stated he is urging them to reach out to the Disabled Rights Community, he is not trying to defend them, but feels educating them on their position would help. He feels that a discussion with them may lead to something fruitful on something he sees is a clear problem, but others might not see.

Mr. Tedeschi stated he is familiar with skilled nursing facilities and these folks living in this home are getting custodial care, which he feels is not a fair value and that the policy needs more review.

Chairman Murray questioned if a larger home would comply with zoning.

Mr. Tedeschi replied it would require a sprinkler system, but they feel would still override zoning. He stated this has nothing to do with fact it is handicapped people; it is a commercial profit making deal and the taxpayers are paying for it.

Russell McCabe, Fairway View Estates, stated this was a real estate deal, noting two out of the three of these residents were not even determined at the time of the sale. He stated the handicapped have a right to choose where they live and the attorney for the facility said these people don't have any family and will probably die there, which is a discussion that dismayed him. He feels the money that is going into this place for three people and two staff members doesn't make sense.

Chairman Murray stated that she understands the state law exempting them from zoning, but it puts the town in the middle as they feel for the residents of Eagle Trace and are willing to support Senator Bradley's efforts.

Ms. Silk stated that it is not that they don't have sympathy for the disabled, but this was a real estate deal.

Mr. Ahlgren stated he agrees, that the law was designed for families to treat family members and a loop hole in such is being used for a commercial operation. He hopes they will find the middle ground to resolve the situation. He hopes the study committee will provide some worthwhile ideas.

Mr. Bowers questioned if the rules differ for a Foster Home.

Chairman Murray replied yes, family homes are accepted. It is the commercial aspect that is the problem.

➤ *SB 156 Relative to Motor Vehicle Registration by Auto Dealers*

Pat Waterman, Town Clerk, joined the Board for discussion and expressed the opposition of the NH City and Town Clerk's Association opposition of this bill. She referred to today's article in the Foster's Daily Democrat, of Senator

Sanborn, the primary sponsor of the bill with Senator Bradley supporting such. She stated the article states it provides a more convenient way to register vehicles, the same processing fees will apply and the program provides convenience for the customer to register their vehicle at the dealership and the ability to include that registration in their financing. She stated NH is a unique state for mill rates and vehicle registration, and expressed her concern with residency issues. She noted that she has had many occasions with issues on title applications from dealerships. She also has concerns with a third-party vendor processing the funding that is transferred to the town and who would audit the funds coming in. She stated that the town depends on the revenue and does not see any good in this bill. She stated that her personal feeling is this is a sales advantage for the dealers.

John Burt, Town Treasurer, questioned how the town would receive the funds.

Senator Bradley replied that in his recent conversations with Sue McKinnon, he understood that the NH City and Town Clerks Association was not opposed to the bill, but was willing to work on the issues. He explained that as far as he understands the funds would be transferred in a safe and effective manner as electronic banking is done today. He understands that the bill has some revisions to make sure residency requirements are adhered to. He explained the purpose of the bill is for the convenience of the motorist who buys the vehicle. He stated the funds would be transferred to the towns at no expense to the town with adequate safe guards. He noted that the Department of Safety is not a full supporter of temporary plates, as they are not able to match up a driver with the vehicle. He stated they have scheduled a special hearing on this to accommodate the Town Clerk's due to the elections.

Ms. Waterman replied she believes this is a way to make money for the dealerships.

Senator Bradley replied the dealerships will not be making more money on this and it will be voluntary for the customers who will pay a surcharge for the convenience to finance the first registration. This does not include future registration.

Mr. Burt stated as the Town Treasurer he is concerned about the mechanism of transferring the funds from the dealership and explained that he has already set up a separate account for the third-party vendor collecting the online tax payments and he will have to do the same for this transaction.

Senator Bradley replied the transaction would be done safely and effectively and urges them to be open minded as this is offered as a convenience to the motorist.

Ms. Silk stated that an article she read commented that this was a potential revenue source for dealers and questioned who would want to finance the costs to register their vehicles.

Senator Bradley replied that a lot of people would have interest in such and noted that this is strictly voluntary.

Mr. Knox stated that this will be done as a test for one year and that it is voluntary and that it will only be for the initial registration, not the renewals.

Ms. Waterman stated she feels a pilot program for this is a good idea.

Ms. Silk questioned why the dealerships would sink money into this program for one year.

Senator Bradley replied that this has potential, as such is done in 30 other states.

Ms. Silk stated that growing up on the Maine border; she sees potential for residency issues.

Mr. Storm stated that this is a cash flow convenience for the consumer, noting most people look at what the monthly expense would be.

Chairman Murray questioned who would be auditing the funds.

Senator Bradley replied he is not sure, maybe the Department of Safety.

Mr. Ahlgren stated that this could allow consumers to use the rebates towards their registration fees; it just provides an added convenience.

- *SB 133 Relative to Exemption Telephone Poles, Wires, etc. of Telecommunications Companies from Property Taxes*

Senator Bradley appreciates the town's position, but although the bill is not rational, the tax will be passed on to the consumer of the telephone company, which will be primarily be elderly residents on fixed income. He explained that the Senate passed this bill today, but it will likely fail the house.

Mr. Owen stated he read some history on this subject and the telephone poles and wires have been taxable since 1905. This will affect a lot more than the landlines, as cable and internet use the poles too. He explained that this is unique to NH.

Chairman Murray noted that a lot more people still have landline phones and she opened it up to public comment.

Tom Beeler stated that he was a former Selectman in Hampton Falls and they split the ownership with the utility companies, but it is different here and seems hap hazard.

Ms. Silk questioned the rational of Senator Bradley supporting other bills discussed based on only a few states participating and in this case a lot of states are doing it, but he doesn't support it.

Senator Bradley replied it is an irrational system, but the solution of a property tax assessment would drive up the cost of fixed wire phone service. They have had some difficult choices and no matter what they do, they will have reaction and impact.

- *HB457 Relative to Reducing Delinquent Property Taxes and Liens*

Mr. Knox updated the Board that the house committee recommends this bill was Inexpedient to Legislate.

- *SB 120 Relative to the Happy Hour bill*

Ms. Silk provided information on such bill and explained that the Greater Carroll County Prevention Coalition would like support in voting no on this bill as they feel families and communities can do without advertising low cost liquor.

Being nothing further, the Board thanked the Legislators for taking the time to meet with them.

Questions from the Public

Kathy Barnard, Friends of the Town Hall, joined the Board and stated that Article 12 to renovate Brewster Memorial Hall was defeated by a slim margin and they are petitioning for a recount.

Questions from the Press

None.

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

Member Sarah Silk moved the Wolfeboro Board of Selectmen to adjourn at 8:29 PM. Member Chuck Storm seconded. Being none opposed, the motion passed.

Respectfully submitted,

Amelia Capone-Muccio

Recording Secretary