

**Wolfeboro Board of Selectmen
Meeting Minutes
Unapproved
September 3, 2014**

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

Members absent: None.

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

Chairman Murray opened the meeting at 6:30 PM. She asked for a moment of silence in honor of Steven Sotloff, a NH journalist who was recently killed by ISIS, an Islamic military group in Syria and Iraq. Our sympathy goes out to the Sotloff family.

Non-Public Session

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

Consideration of Minutes

➤ **8/20/14**

Chairman Murray amended page six, under item D to add the following statement; "Chairman Murray suggested the Town Manager contact the Josiah Brown Trustees to see if more income is available as the Board would like to distribute more scholarships".

Ms. Silk amended page six, the last paragraph, the last sentence to add "at the Waste Water Treatment Plant" after the word Wolfeboro.

Member Dave Senecal moved the Wolfeboro Board of Selectmen approve the minutes of the August 20, 2014 meeting as amended. Brad Harriman seconded. Members voted and being all others in favor, the motion passed.

Announcement

Chairman Murray read a statement regarding the settlement agreement with Wright-Pierce for the RIB site for the public's information as well as a letter dated September 3, 2014 from Pat and Devon Coughlan. See attached documents.

Public Input

Josephine Amatucci addressed the Board and referred to her statement attached.

Suzanne Ryan addressed the Board to make several inquiries as follows:

- If the Board would consider making some adjustments to the Agenda for more public clarity on items such as the Bulk Vote and to list the manifest amount and the refund/abatement amounts.
- Explain items such as a Yield Tax Levy or Payment in lieu of taxes
- She questioned how the O & M Budget in the Water/Sewer department is divided up such as what is paid by the rate payers and what is paid by the taxpayers?
- Explain what the \$7.5 million dollars from Wright-Pierce lawsuit will go to and what the plan to fix the problem is.

Chairman Murray replied that the lawsuit was just settled and all the details have not been worked out, but stated the Board will provide an update at the next meeting. She explained that Underwood Engineers has provided a draft report on possible remedies including a pilot program on a drip disposal solution, but nothing has been decided at this point.

Ms. Ryan questioned the legal fees paid by the taxpayers.

Chairman Murray replied the legal fees were paid out of the Sewer Fund, which is in a deficit.

Bulk Vote

A. Weekly Manifests:

1. Manifest dated August 29, 2014
2. Manifest dated September 5, 2014

B. Property Tax Abatements/Refunds

Approvals

- i. Abatement/Refund #11 (2014) Tax Map 266, Lot 4

C. Yield Tax Levy

- i. \$4,259.22

It was moved by Sarah Silk and seconded by Dave Bowers to accept the Bulk Vote items A-C. Members voted and being none opposed, the motion passed.

Appointments

A. Alternate Members of the Trustee of Trust Funds

Being no one present to discuss their request, the Board agreed to table the discussion.

It was moved by Sarah Silk and seconded by Dave Senecal to table the appointment of Alternates to the Trustees of Trust Funds until the next meeting. Members voted and being none opposed, the motion passed.

New Business

A. Payment-in-Lieu-of-Taxes Agreement with Hearthstone Homes, Inc.

Mr. Owen stated in the past this request has been level funded for several years as the approval has always been done after Hearthstone Homes Inc. has set their budget for the year. He met with them in August this year to address this situation and to work on an agreement of becoming more in line with the statutory amount. He stated the current amount is \$15,103.65 and the statutory amount is \$20,318.50. Hearthstone Homes Inc. proposed to increase the payment to \$18,000 to get more towards the statutory goal. He stated he feels this is a reasonable request and suggests approving such.

Ms. Silk clarified this is only for one year.

Mr. Owen replied yes.

Chairman Murray noted the statute allows Hearthstone Homes Inc. to contribute only the municipal portion of the tax rate, forgiving the school and county portions. She thanked Mr. Owen for addressing this earlier.

It was moved by Dave Senecal and seconded by Sarah Silk to approve and sign the Payment-in-Lieu-of-Taxes Agreement for Tax Year 2015 between Hearthstone Homes, Inc. and the Town of Wolfeboro which provides for a PILOT payment to the Town of Wolfeboro in the amount of \$18,000. Members voted and being none opposed, the motion passed.

B. Water and Sewer Rate Discussion

Dave Ford introduced Keith Pratt from Underwood engineers to discuss the Water and Sewer rates. He responded to Ms. Ryan's question at the beginning of the meeting regarding the O & M Budget for sewer and explained that the O & M Budget is paid for by the users, but the Capital projects are paid by the taxpayers due to the fact Wolfeboro has a small user base and that protecting the water quality is beneficial to the community.

Mr. Pratt addressed the Board and reviewed a PowerPoint presentation summarizing the Fact Sheet dated August 28, 2014 and the Water and Sewer Rate Study Update-2014 dated August 28, 2014. The report concludes no rate increase is recommended at this time and recommends a rate study be done every other year vs. annually.

DISCUSSION:

Ms. Silk questioned the normal percent of non-revenue water.

Mr. Pratt replied that the industry standard says your goal should be 15%, but Wolfeboro is at 32% which is relatively normal.

Mr. Ford noted that the Town has made a significant reduction in non-revenue water by going from 660,000 gallons per day back when the moratorium was implemented to today at 440,000 gallons per day.

Chairman Murray questioned the 2% figure used for Health Insurance. She also questioned if the consulting fees are paid by the taxpayer.

Mr. Ford replied that a 0% increase was used overall and noted the recent \$7.5 million lawsuit figure was not included in this model. He replied in regards to consulting fees, they are only paid by taxpayers when in relation to a project.

Chairman Murray questioned page 7 of 25 in the charts, there are some negative figures. Mr. Pratt replied in the recent one it was most likely due to switching from quarterly to monthly billing, but he does not know why it happened in 2010.

Ms. Silk expressed her concern about the hydrant fees as the Budget Committee has not supported the Board's goal of 20%.

Mr. Owen stated he plans to have Mr. Pratt attend the Budget Committee meeting to help explain this to them.

Mr. Ford stated the goal was to get to the 20%, but the Budget Committee has not supported this.

C. Update on Road Upgrade Projects

➤ Middleton Road

Mr. Ford stated he met with NH DOT last week and Mr. Owen signed the contract with G.W. Brooks and Son from Tamworth NH. The work on this project will start next week with drainage improvements and the public should expect delays and a one lane road with traffic lights while this work is going on. The project will be completed in the spring with paving.

➤ Center Street

Mr. Ford stated the Town was hoping to get this project out to bid this year, but NH DOT does not have the funding to support the project and will have to wait until July 2015 to bid the project with construction that fall. He explained that NH DOT only has a \$2.4 million dollar budget annually for municipally managed projects for the whole state.

Mr. Senecal questioned the status of Cross Road and if he plans to put up guardrails.

Mr. Ford replied it will be paved 9/15 and yes guardrails will be installed.

Mr. Bowers noted that a nice job was done on Forest Road and questioned if the private section was paved by the Town.

Mr. Ford replied they did as they worked out an agreement to put same needed drainage on the private section and they allow the Town to use it as a turnaround for its plow trucks.

D. Proposed Stop Signs at intersection of Crescent Lake Ave, Pine Street and Millwood Ave.

Mr. Ford stated that Crescent Lake Road is in bad shape and this road is also used a lot for a cut off for traffic avoiding Pickering Corner. He stated the road is not due to be addressed for

several years but he feels it would be good investment to give the road a shim paving this year. He also has received complaints about the speed and increased traffic on the road and would like to install a 3-way stop sign at the intersection to help slow the traffic down.

It was moved by Dave Senecal and seconded by Brad Harriman to approve the installation of stops signs at the intersection of Pine Street, Crescent Lake Avenue, and Millwood Avenue and the installation of appropriate signage and painting of stop lines. Members voted and all in favor, the motion passed.

Chairman Murray noted there is no crosswalk in the area of Bradley's Hardware.

Mr. Ford replied he is aware of that and it has to do with the ability to put one in as parking spaces will be lost and the sidewalk is not ADA accessible. He will look into the inquiry further and see if he can find a spot for one.

Ms. Silk questioned if he thought about trying the back in parking downtown.

Mr. Ford replied that he has read it is safer and unfortunately at this time he has too many crisis projects but would look into it in the future. He noted the Town has put in for a grant for improvements to the Dock Side area in the next 7-8 years and perhaps it could be addressed then.

E. Pop Whalen Ice Rates

Ethan Hipple addressed the Board to discuss his request to increase the ice time rates by 5% across the board as it has been 2 years since the last increase. He stated this increase would increase the operating margin by 7.6% and build some funds to cover major capital items without have to raise the rates. He stated the rink still has the lowest rates in the state and they are gearing up to open October 7th. He announced that Kingwood will have a girl's hockey team this year.

Chairman Murray stated she likes the proposal but expressed her concern that non-resident rates are not that much more than the resident rates and would like to see him look at addressing that next year.

It was moved by Sarah Silk and seconded by Dave Senecal to approve the following hourly ice-time rental rates for the 2014-2015 season:

Winter Discount Weekend (hourly) \$165

Winter Regular Weekday (hourly) \$176

Winter Regular Weekend (hourly) \$187

Summer Single Use \$75

Summer Multi-use \$60

Rink Advertising \$400/\$300

Members voted and all in favor, the motion passed.

F. Boundary Line Adjustment request

Mr. Owen stated at the last meeting the Board discussed a Boundary Line Adjustment request with Mr. Drouin, owner of the Bell Building on Lehner Street, and this request is in the same

area again dealing with Town owned property for the Municipal Electric Department and Paul Whelan. He explained that by adjusting this boundary line it would clean up the area.

Chairman Murray questioned if Mr. Whalen would be willing to pay for the portion of land he would receive.

Mr. Whalen replied he would and researched the cost per acre average for Wolfeboro at about \$24,000 and this being .02 acres; he believes would be just under \$500. He questioned if the Town would be willing to accept \$500 for the land as a donation to the Abenaki Ski area.

Chairman Murray questioned if the staff has been advised of this adjustment.

Mr. Owen replied he inquired with both the Director of Operations at the Electric Department and the Public Works Director, neither of which saw any issue with what has been proposed. He stated that Mr. Drouin and Mr. Tetrault advised him that they would be willing to incorporate Mr. Whalen's Boundary Line Adjustment in with their proposal in order to allow all of it to go through one process. He noted Mr. Drouin also expressed interest in his payment for the land to go as a donation to Abenaki as well.

Chairman Murray suggested he check with the Town Attorney to see if they can allow those funds to go towards a donation.

The Board agreed to move forward with the Boundary Line Adjustment requests as one request.

It was moved by Sarah Silk and seconded by Dave Senecal to set the public hearing dates for the proposed disposition of town land along Lehner Street to the Board's regularly scheduled meetings on November 5, November 19 and December 2nd, 2014. Members voted and being all in favor, the motion passed.

G. Primary Election and Election schedule

The Board agreed all members would be present for the Primary Election on September 9th, 2014 and the Election on November 4th, 2014.

Old Business

Ms. Silk noted that Lt. Rondeau of the Wolfeboro Police Department forwarded the information from Governor Hassan declaring a 21 day State of Emergency in response to the number of overdoses from synthetic marijuana use in Manchester and Concord. She noted the alarming statistics of this product being used by High School students and the dangers of the drug. She commended Lt. Rondeau for being proactive and drafting an ordinance approved by the Board for Wolfeboro a few years ago as many communities are following suit.

Any Other Business

Chairman Murray stated the annual meeting for the Friends of the Libby Museum is scheduled for September 4, 2014 at 6:00 PM. She stated it will start with the Board meeting then light refreshments following with a speaker.

Mr. Harriman stated with regards to the Friends of the Libby and a member of the Libby Board brought up a concern that a Board of Selectmen member is not a full member of the Board. He was provided with the By Laws and it clearly states a Board of Selectmen member is to be a full member of the Board and the Friends of the Libby wanted him to address this inquiry with the Board.

The Board agreed that a member of the Board of Selectmen is to be a full member of the Board as outlined in the By Laws.

Mr. Harriman was also asked by the Friends to inquiry on the directional signage for the museum along the roadway and who should maintain such.

Mr. Owen replied that directional signage in Wolfeboro should be maintained by Wolfeboro.

Town Manager's Report

Mr. Owen stated the following:

- He provided the revised Budget schedule.
- He stated the Energy Committee has put out a press release seeking membership to keep that Committee going.
- The Code Officer position was offered to a candidate who has declined the offer and they are presenting the offer to the alternate candidate.
- Tuesday was the deadline for Assessing Services proposals and he is seeking a member of the Board to review the two proposals received. Linda Murray volunteered.
- The Town has been served with a lawsuit from Fairpoint Communications with regards to taxing the utility poles but noted the Town has a signed agreement dated 1953 with Fairpoint's predecessor that they agreed to pay taxes to the Town for the value of the assets.
- The Town will be in court with Josephine Amatucci on September 17th, 2014.
- GI Plastek ribbon cutting ceremony for the expansion is scheduled for September 10th at 11:00 AM.
- Town Employee Appreciation Day is September 5th at noon and the Town Offices will be closed.
- He provided an update on the Town Hall renovation project and that masonry work has begun. He provided a photo of a sample of the wash used to clean the bricks and that the Town will need to choose a color of grout for the building. He stated that the architects indicated they would have the pricing set to CCI (the contractor) and CCI has indicated they would provide the Town with the not to exceed price by September 25th.

Mr. Harriman questioned if the brick grout color needs to be approved by the DHR as it is a Historic building.

Mr. Owen replied he would look into that.

Committee Reports

Mr. Harriman attended the Planning Board meeting which was a work session discussing the sign ordinance.

Chairman Murray attended the following:

- The CIP Committee reviewed the Electric Department and half of the Parks and Recreation requests.
- The Milfoil Committee will be doing a chemical treatment of Back Bay the week of September 9th and signs notifying the public of such will be going up tomorrow. She stated they have already starting drawing down the dam. She also attended a Joint Board Milfoil meeting.
She attended two advisory meetings for the Town Hall.
- She will be attending the Chamber quarterly meeting tomorrow.

Ms. Silk stated the next Household Hazardous Waste Collection (including medicine) is next week in Alton and there are only two more collections in Wolfeboro before they close for the season.

Public Comment

Ms. Ryan questioned how much the wash treatment for the bricks on Town Hall will cost.

Mr. Senecal replied it is incorporated in the exterior work as a whole which is about \$300,000.

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 8:26 PM to discuss litigation, personnel and collective bargaining. Dave Senecal 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 9:06 PM.

Chairman Murray stated the non-public session minutes of September 3rd, 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 9:07 PM. Member Dave Bowers seconded. Being none opposed, the motion passed.

Respectfully submitted,

Amelia Capone-Muccio
Recording Secretary

Amy

Settlement Agreement Statement to the Public

On behalf of the Taxpayers of Wolfeboro, the Board of Selectmen has reached an agreement to settle all claims between the Town of Wolfeboro and Wright-Pierce for a one-time payment to the Town of \$7.5 million payable within 90 days. The Board hopes to sign the settlement agreement in the next day or two. Settling this case will allow the Board of Selectmen and Staff to turn their attention to addressing the Town's effluent disposal issue.

The Board of Selectmen would like to publicly thank our Attorney Rhian Cull of Hinckley, Allen & Snyder, Boston for her outstanding representation of the Town in this matter. She had a superb command of the facts and masterfully articulated the Town's position. We are very pleased with the excellent job she did for the Town.

The Board agreed to take part in settlement mediation with mediators Pat and Devon Coughlin. The Board would like to thank them for their help in bringing this matter to conclusion.

I would like to read a letter from them:

9-3-14
BOS
attached

September 3, 2014

TO: Town of Wolfeboro Town Counsel
c/o Rhian M. J. Cull, Esq.
Counsel for Wolfeboro Town Counsel
Hinckley, Allen & Snyder LLP
28 State Street
Boston, MA 02109-1775

RE: **Wolfeboro Wright-Pierce Mediation**

Ladies and Gentlemen:

We wish to express our appreciation for everyone's patience and hard work at last week's mediation.

It is not often that we have a mediation involving a municipality where all of the Town's elected officials are engaged, present and willing to make hard decisions for the benefit of the taxpayers.

We are also appreciative of Wright Pierce's willingness to work affirmatively to resolve this conflict.

The mediation of this dispute was difficult for everyone involved.

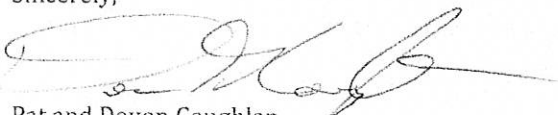
We feel strongly that the Town succeeded in reaching the best possible resolution available. This result would not have been possible had the Town not pursued the underlying litigation. We believe resolving the case at this time also provides a far greater benefit to the Town than any result that would have arisen from continuation of the litigation process going forward.

We also know that settlement of this matter puts Wright Pierce in a position to move forward free of the uncertainties and burdens of litigation.

In short, the settlement of this case, while not easily arrived at, in our opinion represents the best available outcome for all involved.

Again, we appreciate everyone's dedication and foresight. It has been a pleasure working with you.

Sincerely,

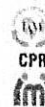

Pat and Devon Coughlan

Conflict Solutions
(Administrative Offices)
112 Plains Road
Raymond, ME 04071

Conflict Solutions
75 Pearl Street
Portland, ME 04101

Conflict Solutions
301 Clematis Street
Suite 3000
West Palm Beach, FL 33401

Conflict Solutions
1540 Star Pointe Lane
Naples, FL 34112



7-3-14
BUS
Attachment

We Need Change

MOULTONBOROUGH HAS THREE TIMES MORE PEOPLE IN THEIR TOWN THAN WOLFEBORO. THEY DO NOT HAVE A POLICE COMMISSIONERS OR A MAYOR. THE TOWN ADMINISTRATOR AND THE SELECTMEN CONTROL THE POLICE. THERE IS A SEPARATE AND DIFFERENT PERSONNEL POLICY FOR THE POLICE, THAN FOR THE OTHER EMPLOYEE'S OF THE TOWN.

WE MUST CHANGE OUR GOVERNMENT, AS THIS TOWN IS OUT OF CONTROL, THEY ARE CORRUPT IN THE SENSE THAT THEY IGNORE POLICE MISCONDUCT EVEN THOUGH THEY KNOW THE POLICE COMMISSIONERS DO NOT ADDRESS POLICE MISCONDUCT, AND THEREFORE, A VICTIM HAS NO WHERE TO GO TO HAVE THE POLICE INVESTIGATED AND PROSECUTED. THE TOWN MANAGER AND THE SELECTMEN ARE UNDER THE SPELL OF THE POLICE, THEY ALSO PRACTICE THE CODE OF SILENCE, THEY AID AND ABET POLICE MISCONDUCT. BY IGNORING IT. IN FACT, TO NOT GET INVOLVED ENTIRELY THEY RECENTLY ON MAY 7, 2014 THE TOWN CHANGED THEIR PERSONNEL POLICY TO EXCLUDE THE POLICE IN ANY OF THEIR EMPLOYEE POLICIES, WHERE THEY STATED "PROBLEMS ARISING IN THE POLICE DEPARTMENT SHALL BE UNDER THE JURISDICTION OF THE POLICE COMMISSIONER." WHICH MEANS THEY WOULD NOT BE INVOLVED WITH POLICE MISCONDUCT.

THIS HAPPENED ON MAY 7, 2014, THE DAY WHEN I WENT INTO THE POLICE STATION TO SEE POLICE CHIEF CHASE AND ASK HIM TO DO AN INVESTIGATION ON LT. DEAN RONDEAU WHO ACCUSED ME OF A BOGUS TRAFFIC VIOLATION, WHICH HE REPORTED HAPPENED AT THE LAKE WENTWORTH STATE PARK, THE DAY I WAS IN MASS. AT THE TIME, AND IN THREE BANKS THAT COULD SHOW ME IN THEIR VIDEO CAMERA'S IN THE LOBBY. WITHOUT ALLOWING ME DUE PROCESS OF THE LAW AND GIVE ME A SUMMONS HE INSTEAD WROTE DIRECTLY TO THE DEPT. OF SAFETY AND STATED THAT BECAUSE I WAS A HAB ITUAL OFFENDER I SHOULD BE RE-TESTED AS I WAS A THREAT TO THE PUBLIC. I WAS NOT EVEN IN NEW HAMPSHIRE THAT DAY. RONDEAU ACCUSED ME OF THIS BOGUS VIOLATIONIN RETALIATION....BECAUSE I HAD BEEN INSISTING THAT CHIEF CHASE DO A CRIMINAL INVESTIGATION ON POLICE OFFICER JAMES O'BRIEN WHO COMMITTED A VERY VERY SERIOUS FELONY CRIME. HE SHOULD BE IN PRISON. OFFICER JAMES O'BRIEN IS A FELON HE IS NOT A POLICE OFFICER. LT. DEAN RONDEAU IS NOT A POLICE OFFICER HE IS A FELON.

THE DAY I WENT INSIDE THE POLICE STATION ON MAY 7, 2014 , THE SAME DAY THAT THE THE TOWN CHANGED THE PERSONNEL POLICY TO EXCLUDE THE POLICE, ON THAT DAY WHEN I WAS

9-3-14
BOS attend

COMPLAINING ABOUT RONDEAU AND ASKING FOR AN INVESTIGATION AND SHOWED CHIEF CHASE MY EVIDENCE THAT I WAS NOT IN NEW HAMPSHIRE AT THE TIME, THE POLICE CHIEF BECAME VERY ANGRY AND LOUNGED AT ME AND WITH A RED FACE HE STATED, 'IF YOU EVER ACCUSE MY MEN OF A CRIME AGAIN I WILL GET YOU AND ARREST YOU ON THE SPOT.'" NOT LONG AFTER THE CHIEF WAS BEHIND ME IN HIS CRUISER FOLLOWING ME, I DID NOT STOP BECAUSE I WAS AFRAID OF HIM, ACTUALLY I WAS GOING TO SEE THE SHERIFF ABOUT HIS CRIMINALLY THEATENEING ME, AND WHEN I STOPPED MY CAR THE CHIEF ACCUSED ME OF SPEEDING, DISOBEYING A POLICE OFFICER AND HE PUT ME IN JAIL. AND EVEN IF I WAS GUILTY OF THESE CRIMES I SHOULD NEVER HAVE GONE TO JAIL. I HAVE A TRIAL SEPT. 17, WHERE CHIEF CHASE IS TRYING TO PUT ME IN JAIL.....BECAUSE I ACCUSED 'HIS MEN' OF MISCONDUCT. WHICH I HAD EVERY RIGHT TO DO SO UNDER THE LAW.

THERE IS NO POLICE ACCOUNTABILITY IN THE TOWN AND IN THE POLICE STATION AND THE RESULTS IS THAT WE HAVE THREE FELON POLICE OFFICERS.....INCLUDING THE POLICE CHIEFS WHO ARE WALKING THE STREETS OF OUR TOWN ACTING LIKE THEY NEVER DID ANY WRONG.

I HAVE NO INTENTIONS OF MAKING THEM GET AWAY WITH THEIR CRIMES, I AM GOING TO TAKE ONE STEP AT THE TIME.