

**TOWN OF WOLFEBORO
DELIBERATIVE SESSION
February 8, 2011
MINUTES**

Board of Selectman Present: Linda Murray, Chairman, Sarah Silk, Vice-Chairman, Dave Senecal, Chuck Storm, Members.

Budget Committee Present: John MacDonald, Chairman, Scott Smith, Vice-Chairman, Allan Bailey, Harold Parker, Bob Tougher, Frank Giebutowski, Robert Moholland, Brian Black, Members.

Staff Present: David Owen, Town Manager, Mark Puffer, Town Counsel, Pete Chamberlain, Finance Director, Pat Waterman, Town Clerk, Rob Houseman, Director of Planning & Development, Dave Ford, Director of Public Works, Barry Muccio, Director of Operations, MED, Ethan Hipple, Director of Parks & Recreation, Stu Chase, Police Chief, Phil Morrill, Fire Chief, Brenda LaPointe, Tax Collector.

Moderator Randy Walker opened the Deliberative Session at 7 PM. He reviewed the SB2 process for the Deliberative Session and informed the public of the Town vote on March 8, 2011. He stated Article 1 is related to the election of Town Officials & Selectmen. He stated Articles 2 through 11 are related to the Town of Wolfeboro's Planning & Zoning Ordinance and the Planning Board has held the statutory public hearings on such.

Moderator Walker read Article 12 as follows;

ARTICLE 12: Renovation of Brewster Memorial Hall

To see whether the Town will vote to raise and appropriate the sum of four million dollars **(\$4,000,000) for the purpose of renovating the Brewster Memorial Hall building and grounds**, to include both the exterior and interior of the building, **to make it completely handicapped accessible and building and fire code compliant**, plus landscaping and parking improvements. This also includes all costs for the architect's services, construction manager services, and contingencies. Further to authorize the issuance of not more than three million nine hundred ninety-four thousand fifty dollars (\$3,994,050) of bonds or notes for this purpose in accordance with RSA Chapter 33, Municipal Finance Act, such sum to be reduced by any federal, state, or private funds made available therefor, to authorize the Board of Selectmen to issue, negotiate, sell and deliver such bonds or notes and to determine the rate of interest, maturity and other terms for this purpose and to authorize the Board of Selectmen to take any other action or to pass any other vote relative thereto; and further to authorize the Selectmen **to transfer the balance of the Capital Reserve Fund** for Town Office facility, which currently has a balance of five thousand nine hundred fifty dollars **(\$5,950)**, for this purpose.

(Recommended by Board of Selectmen by a vote of 4-0)

(Recommended by Budget Committee by a vote of 9-0)

Linda Murray stated the first study regarding the deficiencies of Brewster Memorial Town Hall was submitted to the BOS in 1998 and since then 5 other studies have been done. She stated in 2004 the voters passed a petition warrant article to purchase Brewster Memorial Town Hall for \$1 or by eminent domain; noting such passed by 77.6%. She stated the Friends of Wolfeboro Town Hall requested the BOS to enter into a partnership to put together a warrant article; noting the Friends of Wolfeboro Town Hall raised \$45,000 to bring this option to the voters.

Rob Houseman reviewed the floor plans including the basement plan. He noted the following funding to date; \$500,000 Town funding (2007) and \$45,000 private funding (Friends of Town Hall). He stated the plans are not complete nor should they be; noting it is a construction management process (CM process) which is the contracting method utilized by clients who want the benefits of having a contractor on board before the planning and design phase is finished. He stated the Town has full construction drawings and bid specifications from McGinley Kalsow and a revised project scope plans from Newport Collaborative. He stated the Town has gone out to bid (Request for

Qualifications) and has hired a construction manager, CCI. He stated CCI has prepared the detailed cost estimate. He noted the following work to be completed under the CM process; firm up the design and create bid documents, design the HVAC system (based on performance standards) and design the electrical system. He stated in December 2010 the BOS authorized Staff to hire Building Sciences (a firm that looks at old brick buildings and how to make them cost effective and energy efficient buildings); noting the report was submitted today. He reviewed the site plan and stated the preliminary budget total including soft cost is \$3,933,000.00; noting the goal is to have a maximum price by March 2011. He reviewed the estimated cost per year for \$4,000,000.00 (20 year bond @ 4.5%). He reviewed the 2007 Master Plan goals which included the maintenance and renovation of the current location of Town Hall to accommodate office and civic, cultural and recreational activities for all ages. He stated the purpose of the renovation is to address health and safety issues for the users of the building, ADA compliance, code compliance, energy efficiency, Master Plan compliance, modern and efficient workspace. He stated it is the culmination of 12 years of study and is the highest priority for Asset Management improvements.

Joyce Davis, Chairman, Friends of Wolfeboro Town Hall, stated she supports the article and speaks on behalf of the Friends of Wolfeboro Town Hall. She stated the Friends of Wolfeboro Town Hall was formed in 2007 with the following mission; to inform and educate the community about the restoration and renovation of Town Hall, to advocate for public and private funding and to provide ongoing support for its ongoing improvements. She stated volunteer labor has been used to paint the building's trim, placed a plaque on the building commemorating its listing on the national listing of historic places and worked on having Brewster Memorial Hall placed on the NH Preservation Alliance's Seven to Save list of the most important and endangered historic buildings in NH. She stated the Friends of Wolfeboro Town Hall successfully lobbied last year for the passage of a warrant article to expend \$110,000 for much needed repairs of the building. She stated the Friends of Wolfeboro Town Hall engaged Newport Collaborative Architects in 2009 to produce revised plans for the complete renovation of the Town Hall and raised \$45,000 in private funds to produce the plans that are the basis of Article 12. She stated that upon completion of those plans, the Friends of Wolfeboro Town Hall presented the plans as a gift to the Town. She stated the plan leaves the auditorium to be developed in a later phase through the resources of a public-private partnership.

Josephine Amatucci asked how much it would cost and questioned where the contingency money is coming from. She stated the Town is asking the voters for \$4,000,000.00 and telling the voters they feel they can meet that \$4,000,000.00; however, the voters don't know what they are getting for that amount.

Rob Houseman stated the Town is working toward the development of a guaranteed maximum price (component of the Construction Management process). He stated CCI has provided a cost of \$3,703,000.00 which includes a contingency cost of \$270,000.00+.

Josephine Amatucci stated it has never been clear what the voters are getting for their money and questioned the investment by the Town. She questioned whether the basement area proposed to be used for storage is located where the asbestos is.

Randy Walker stated the investment by the Town is \$4,000,000.00.

Rob Houseman stated the cost includes asbestos abatement.

Gary Baker expressed support of the article.

Mimi Dye stated Brewster Memorial Hall is an iconic building and is the Town's signature building and expressed support of the warrant article.

Stephen Larry questioned the analysis of the tax rate; noting it is a static analysis. He stated he believes the impact on the tax rate will be slight. However, there are other articles being presented this year that needs votes. He questioned whether the Town offices have to be located at Brewster Memorial Hall and requested voters to consider such when voting.

John White stated he is impressed by the volunteer basis and feels the plan is a good plan and expressed support for the article.

Alan Kasiowicz stated the building is an iconic building and needs to be preserved however, believes \$4,000,000 should not be invested to preserve the Town Hall for offices. He stated the building should be renovated to be a community oriented building that is designed to provide for services to all the people of the community such as a community center or senior center. He recommended the Town vote no for Article 12 and yes for Article 34.

It was moved by Suzanne Ryan and seconded to amend Article 12 by inserting "not to exceed" following four million dollars (\$4,000,000.00).

Discussion of the motion:

Suzanne Ryan stated it has been said that \$4,000,000 would not be exceeded therefore, she cannot see any objection as to why the language can't be included.

It was moved by Suzanne Ryan and seconded to amend Article 12 by inserting "not to exceed" following "four million dollars (\$4,000,000.00)". The motion failed (73-61).

Suzanne Ryan stated she would like to offer another amendment that would zero out Article 16 if Article 12 passes.

It was moved by Suzanne Ryan and seconded to increase the sum from "\$4,000,000.00" to "\$4,100,000.00" and insert the following as the last sentence of the article; "to raise and appropriate through taxation \$100,000.00 for costs contracted and associated with renting, fitting out, and moving to and from interim Town Offices at Huggins Hospital to house Town Departments during the period of the Brewster Memorial Hall renovations."

Discussion of the motion:

Roger Murray stated Ms. Ryan is trying to amend Article 16 rather than Article 12 and should be addressed when Article 16 is reviewed.

Suzanne Ryan stated that should Article 16 fail she questioned how the Town would get the money to move and rent space during renovations.

Randy Walker stated Article 16 is for \$50,000.00 and questioned why the motion includes an increase of \$100,000.00.

Suzanne Ryan stated a similar amount would be necessary to move back to Town Hall.

Randy Walker stated such would be addressed in the future if necessary.

Linda Murray stated the BOS pulled out the moving and rental expenses from the bonded warrant article because the BOS saw no need to bond rent and moving expenses. She stated money cannot be held over that is raised by taxation.

Suzanne Ryan stated the money could be encumbered.

It was moved by Suzanne Ryan and seconded to increase the sum from “\$4,000,000.00” to “\$4,100,000.00” and insert the following as the last sentence of the article; “to raise and appropriate through taxation \$100,000.00 for costs contracted and associated with renting, fitting out, and moving to and from the interim Town Offices at Huggins Hospital to house Town Departments during the period of the Brewster Memorial Hall renovations.” The motion failed.

John Burt questioned the renovation of the auditorium and whether the Friends of Town Hall would be providing \$240,000 for said renovation.

Linda Murray stated the auditorium will not be completed at this time.

Rob Houseman stated the auditorium is a stand alone project funded by the Friends of Town Hall.

John Burt questioned the use of the excess money if the guaranteed maximum price falls under the \$4,000,000.00.

Rob Houseman stated the Town has a plan and there are items that need to be included to make the building more energy efficient.

John Burt stated he supports Article 12.

In response to Mr. Kasiowicz’s comments, Mike Hodder stated that housing the Town offices and staff in the Town Hall serves a public purpose and serves the community of Wolfeboro. He stated it is a well thought out crafted plan and supports Article 12.

Dwight Devork, former Chairman of the Wolfeboro Town Hall Restoration Committee, stated the Town Hall is the Town’s biggest icon and encourages support of the project.

It was moved by Dwight Devork and seconded by Allan Bailey to terminate debate on Article 12. The motion passed.

It was moved by Harold Parker and seconded by Allan Bailey to not reconsider Article 12. The motion passed.

Moderator Walker read Article 13 as follows;

ARTICLE 13: Install Fire Protection System at Pop Whalen Arena

To see whether the Town will vote to raise and appropriate the sum of two hundred twenty-six thousand two hundred forty-eight dollars **(\$226,248) from the Pop Whalen Fund for the purpose of installing state-required fire protection system at the Pop Whalen Ice Arena.** Further, to authorize the issuance of not more than two hundred twenty-six thousand two hundred forty-eight dollars (\$226,248) of bonds or notes for these purposes in accordance with RSA Chapter 33, Municipal Finance Act, said sum to be reduced by any federal, state, or private funds that may also be made available for this purpose, to authorize the Board of Selectmen to issue, negotiate, sell and deliver such bonds or notes and to determine the rate of interest, maturity and other terms for this purpose and to authorize the Board of Selectmen to take any other action or to pass any other vote relative thereto. Without impairing the status of such bonds or notes as general obligations of the Town, it is intended that payment of all principal and interest on said bonds or notes **shall be paid from the Pop Whalen Enterprise Fund**, and that **this project will not cause any increase in tax rates.** Completion of this project is necessary in order for the Pop Whalen Ice Arena to receive a required occupancy permit for October of 2011.

(Recommended by the Board of Selectmen by a vote of 4-0)

(Recommended by the Budget Committee by a vote of 9-0)

Ethan Hipple stated the Town is under mandate from the local and State Code Officers (State of NH Department of Safety Division of Fire Safety) to install a fire suppression system; noting the code review was triggered by the installation of ADA restroom facilities. He stated the Town received a one year occupancy exemption which expires on 9/2/11; noting the rink will be closed if the project is not completed. He noted the following users of the ice arena; 55,000 visitors annually, Back Bay Hockey Association, Kingswood Regional High School hockey, Brewster Academy (4 hockey teams), She Wolves Women's hockey, 2 men's league hockey teams and 1 co-ed hockey league. He reviewed the costs associated with the installation of the fire suppression system; noting the bond payments would be covered by the Enterprise Fund therefore there is no impact to the tax rate. He stated the Friends of Abenaki is splitting the cost with the Town for the pump house and transformer. He stated water would be provided from Abenaki Pond.

Victor Drouin, President, Back Bay Hockey Association, stated the Association supports the warrant article.

Judy Breuninger stated she supports the warrant article.

John Burt questioned whether the article would require an increase in user rates.

Ethan Hipple replied yes, noting the Enterprise Fund would cover the cost.

John Burt stated the statement that there is no tax impact is incorrect because the Town pays for a portion of the public skate fees.

Linda Murray verified Mr. Burt's statement is accurate.

Moderator Walker read Article 14 as follows;

ARTICLE 14: Pleasant Valley Road Electrical Conversion Project

To see if the Town will vote to raise and appropriate the sum of six hundred seventy five thousand dollars **(\$675,000) from the Electric Fund for the voltage conversion of Pleasant Valley Road from 4kV to 12kV**, which is a sequential part of the Electric Department's Distribution System Planning Study and Protective Device Coordination Study dated May, 2002. Said improvements to consist of new 15kV Hendrix Spacer cable throughout the existing three-phase service area, replacement of deficient pole structures, transformers and insulators. And to authorize the issuance of bonds or notes not exceeding six hundred seventy-five thousand dollars (\$675,000) for said purpose, in accordance with RSA Chapter 33, the Municipal Finance Act, said sum to be reduced by any federal, state, or private funds made available therefor, to authorize the Board of Selectmen to issue, negotiate, sell and deliver such bonds or notes, and to determine the rate of interest thereon and the maturity and other terms for this purpose and to authorize the Board of Selectmen to take any other action or to pass any other vote relative thereto. Without impairing the status of such bonds or notes as general obligations of the Town, it is intended that the payment of all principal and interest on said bonds or notes shall be paid from the Electric Fund, and that **this project will not cause any increase in tax rates.**

(Recommended by Board of Selectmen by a vote of 4-0)

(Recommended by Budget Committee by a vote of 9-0)

Barry Muccio stated that all three-phase open wire cross arm construction to be replaced with new 15kV insulated Hendrix Spacer Cable System including new pole structures, transformers and insulators where required. He stated tree trimming would be required to install new pole structures and conductors. He stated the project will have no effect on the tax rate; noting the project will be bonded and paid for by the Electric Fund with revenue generated by the existing rate structure. He also noted the project funding will not require an electric rate increase (the project funding represents 1/8 of a cent on the existing residential kilowatt hour rate of \$.1564/kWh based on a 10-year bond rate of 4.5%).

Lorraine Crocker stated the Town has been surveying the road and questioned whether trees that would be taken down are located on private property.

Barry Muccio stated the Electric Department is not surveying at this time and the department would review the tree trimming on a case by case basis. He stated the Public Works Department is currently surveying the road.

Moderator Walker read Article 15 as follows;

Article 15: Petition Article for New Town Office Facilities

To see if the town will vote to raise and appropriate the total sum of, one million six hundred thousand dollars (\$1,600,000.) an amount which includes a 10% contingency fee, including but not limited to the purpose of building a new town hall facility and to do minor repairs in the Brewster Town Hall. A breakdown is as follows: to build a new 6,000 square foot energy efficient town hall facility for certain employees for the sum of \$975,600. with an extra \$100,000 to install a geothermal heating and cooling system in this building, to build this building on land owned by the Town of Wolfeboro commonly known as and identified as 263 South Main Street, lot 61. Additional costs for landscaping/parking. Reimbursement to the Library Trustees for costs they incurred to retain library/parking privileges on the land, for a total sum of \$174,460. Also included are cost for some minor repairs to the Brewster Town Hall amounting to \$100,000 for a geothermal heating and cooling system, for energy efficiency, and \$15,000. to remove the asbestos in the building. To fit-up the new town hall facility, to move certain employees, records and equipment from the current Brewster Town Hall to the new town hall facility location, for a sum not to exceed \$60,000. Finally, to authorize the issuance of not more than one million six hundred thousand dollars (\$1,600,000.) of bonds or notes to fund this appropriation in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon, maturity, and other terms and conditions of such borrowing.

Submitted by Petition

(Not Recommended by Board of Selectmen by a vote of 4-0)

(Not Recommended by Budget Committee by a vote of 9-0)

Josephine Amatucci stated this article is not in competition with Article 12; noting she wanted to provide the voters with an alternative. She stated that for the same money as Article 12 the Town could have a new Town Hall, renovate the Brewster Town Hall, have an expanded library and new police department in addition to opening up retail space at the Brewster Town Hall that would generate money for future renovation of the Brewster Town Hall. She stated her plan would allow for more parking, less crowding and open up retail space at the Brewster Town Hall. She reviewed the phased plan and budgeting of the phases. Referencing the Ida Glidden lot, she stated the governing body of the Town will try to tell the people that Article 15 is illegal and that the Town cannot build a new Town Hall on the lot because there is a restriction on the land. She stated the governing body will say the library has exclusive use of the land according to the master deed and that the intent to buy the land was for library purposes. She disagreed with such and stated she has retained advice from a prestigious law firm and was told by Attorney Santuccio that the library does not have exclusive use of occupancy on the land and the Town can build a new Town Hall on the land. She stated the law firm states the following, "It is our opinion that the language in the deed does not state that a town hall cannot be built on that property and the language in the deed can be read to state that the property does not require exclusive library use. The language in the use restriction in the master deed is ambiguous. There is no plain unmistakable implication that the library has the exclusive use and occupancy of the land which is required by law to enforce a restriction. Also, there is the public interest defense. The party must show that the restriction applies to the property by the covenants plain and unmistakable implication. This master deed does not have a plain and unmistakable implication." She read the deed language; noting the deed was dated 12/19/08. She stated to prove the intent in the master deed if it is contrary to other legal interpretations Mr. Puffer, Town Attorney, would have to go before a judge before the Deliberative Session to retrieve the court's interpretation of the intent of the master deed. She stated she does not believe he has done such. She stated that without a judicial review the Town Attorney cannot present his biased interpretation of the wording in the master deed. She stated the governing body will attempt to use Ida Glidden's testimony to prove that the intent of the purchase of her property was for library use.

Mark Puffer, Town Counsel, stated he was asked to review the restriction in the deed. He stated a court will not look at what a person may wish the property to be used for, nor will a judge look at what may be a good use for the property rather, the court/judge will look at the language of the deed itself. He read the Ida Glidden deed, dated 12/08; "*This conveyance is made upon the express condition that said tract be used and occupied for library purposes. This use restriction is an essential part of*

the contract between the grantor (Ida Glidden) and the grantee (Town of Wolfeboro)...” He stated restrictive covenants such as these are enforceable and would be enforceable in this circumstance. He further stated the deed goes on to say the right to enforce that provision is granted to the Library Board of Trustees; noting that a private citizen could enforce it as well. He stated at minimum, the court would say that land next to the existing library must at least be used primarily for library purposes. He stated it is possible that a court would allow some minor or incidental use of the property as long as the primary or predominant use is a library. He stated a court would likely say the sole and exclusive use consistent with the deed language is to be used for library purposes. He stated Ms. Amatucci cited opinions from the Dewhurst Law Firm; noting Attorney Santuccio wrote an opinion that the deed does not say you can’t use the property for a Town Hall. He stated the deed does say the land is conveyed under the expressed condition that it be used for library purposes; therefore, the warrant article to use the property for something other than library purposes would be illegal.

John Sandeen, Chairman, Library Board of Trustees, stated the Library Trustees oppose the Petition Warrant Article regarding the taking of the 263 South Main Street property for a Town Hall Annex; noting the 263 South Main Street property is to be used only for library purposes.

It was moved by John Sandeen and seconded to amend Article 15: Petition Article for New Town Office Facilities as follows; strike “one million six hundred thousand dollars (\$1,600,000.)” from the first & last sentence of the article and replace with zero dollars (\$0) and replace all other dollar figures in the warrant article with zero dollars.

Discussion of the motion:

John Sandeen stated the 263 South Main Street property is not available for the building of a Town Hall Annex as proposed in the warrant. He read the following motion from the 2/3/11 meeting of the Library Board of Trustees and passed unanimously by the Board, *“The Wolfeboro Public Library Board of Trustees states its intent to use the property at 263 South Main Street for library purposes as required by the expressed condition of the deed to the Town and to take steps as necessary to enforce such expressed condition should any party attempt to use said property for other than library purposes.”* He read the following statement; *“The Board’s intent always has been to use the 263 South Main Street property to expand the library building. From the first knowledge of the Board that 263 South Main Street property was available for purchase to the final signing of the deed, our vision has been unanimously focused on expansion of the library building. Our building expansion intent was clearly stated to the Selectmen and to the Town citizens in multiple public meetings over the past three years. Our expansion intent was brought to a vote of the Wolfeboro citizens last March and overwhelmingly approved to proceed to develop conceptual architectural plans for the expansion of the library. These conceptual plans are now complete and were brought to the Selectmen at their December 1st meeting and are now publicly available. These conceptual plans show unambiguously the Library Board’s intent to expand the library building using both the 259 and 263 South Main Street properties. A further statement needs to be made about the 263 South Main Street deed restricting the property use “for library purposes.” The 263 property was purchased using only Library Building Fund money, not taxpayer money, and received the approval of the Library Trustees, the Board of Selectmen and the residents of Wolfeboro via public hearings. Therefore, the deed restriction for library use was made an important part of the purchase agreement negotiation with the seller. The Board of Trustees’ legal counsel advised us to ensure that the deed was restricted to protect the long-term rights of the Library and provided the Board with the specific wording of the restriction. Based on the Trustee Board’s legal and fiduciary responsibilities for the support of the Wolfeboro Public Library and the funds entrusted to us, we are compelled to uphold the rights of the Library as set forth in the deed. Therefore, we will take all necessary steps to oppose the taking of 263 South Main Street for any other purpose. Any use of the 263 South Main Street property other than for library expansion violates the terms of the agreement.”* He read a letter from Ida Glidden, dated 2/3/11.

It was moved by John White and seconded by Jim O’Rourke to terminate debate on Article 15. The motion passed.

Randy Walker stated the vote has to be done by secret ballot since the article has been amended.

It was moved by John Sandeen and seconded to amend Article 15: Petition Article for New Town Office Facilities as follows; strike “one million six hundred thousand dollars (\$1,600,000.)” from the first & last sentence of the

article and replace with zero dollars (\$0) and replace all other dollar figures in the warrant article with zero dollars. The motion passed; 117 in favor, 14 opposed.

It was moved by John White and seconded by Jim O'Rourke to not reconsider the amendment for Article 15. The motion passed.

It was moved by John White and seconded by Jim O'Rourke to not reconsider Articles 13, 14 & 15. The motion passed.

Moderator Walker read Article 16 as follows;

ARTICLE 16: Interim Town Offices

To see whether the Town will vote to raise and appropriate the sum of fifty thousand dollars **(\$50,000) for the costs associated with renting, fitting out, and moving to interim Town Offices** at Huggins Hospital to house Town Departments **during the period of the Brewster Memorial Hall renovations in 2011.** This article shall be null and void if the Brewster Memorial Hall Renovations article fails to be approved by the voters. [Note: A similar amount will be required for rent and moving expenses back to the Town Hall in 2012.]

(Recommended by Board of Selectmen by a vote of 4-0)

(Recommended by Budget Committee by a vote of 9-0)

Rob Houseman reviewed the Lease & Occupancy Agreement between the Town of Wolfeboro and Huggins Hospital. He stated the rent is \$6,250 monthly which includes heat, electric, water, sewer and repairs; noting the lease is subject to the passage of Article 12; Renovation of Brewster Memorial Hall and Article 16; Interim Town Offices.

Dwight Devork questioned the cost of rent and anticipated construction phase.

Rob Houseman replied the rent is \$6,250 per month including utilities and the construction phase is 12 months; however, he hopes to decrease such to 10 months or less; noting \$26,000 would be saved in construction fees per month.

Suzanne Ryan questioned the anticipated fit out and moving costs.

Rob Houseman reviewed the moving expenses.

Suzanne Ryan verified the "notes" would not be on the ballot.

Dave Owen stated tax impact language would not be on the ballot either.

Moderator Walker read Article 17 as follows;

ARTICLE 17: Upgrade Parking Lots to ADA Standards

To see if the Town will vote to raise and appropriate the sum of one hundred fifty thousand dollars **(\$150,000) to regrade and repave** and upgrade the following Town-owned **parking lots to meet ADA standards, as per the settlement agreement between the Town of Wolfeboro and the U.S. Department of Justice:** Dockside parking lot, Library Parking Lot, Depot Parking Lot, Clark Park parking lot, and Libby Museum parking lot.

Dave Ford stated the article is related to the settlement agreement between the Town of Wolfeboro and Department of Justice in which the Downtown handicap parking spaces are required to be less than 2% grade; noting the spaces do not meet those requirements.

Moderator Walker read Article 18 as follows;

ARTICLE 18: Municipal Buildings Maintenance Upgrades

To see if the Town will vote to raise and appropriate the sum of one hundred fifty thousand dollars **(\$150,000) for the purpose of making some of the recommended building maintenance improvements** identified in the Bergeron

Technical Services Reports to the following Town facilities: Libby Museum, Public Works Garage and Highway Garage, Highway Tractor Shed, Solid Waste Facility, Public Safety Building, and Dockside.
(Recommended by the Board of Selectmen by a vote of 5-0)
(Recommended by the Budget Committee by a vote of 9-0)

Dave Ford stated there is no long term maintenance plan for Town owned facilities; noting a detailed inspection in 2010 of several buildings was completed and many Life Safety and Building Code issues were cited. He stated the intent is to develop a long term maintenance plan to include phased work; noting this warrant article would address the following; Libby Museum (Life Safety and Code issues, entrance and replacement of failed septic system), Dockside, Solid Waste Facility and Public Works and Highway Garage (Life Safety and Code issues) and Highway Tractor Shed (replace roof).

Moderator Walker read Article 19 as follows;

ARTICLE 19: Radio Communications Improvements-Phase I

To see if the Town will vote to appropriate the sum of fifty-five thousand dollars **(\$55,000) for the purpose of acquiring and installing a 100' self-supporting radio transmission tower and associated equipment on a reinforced concrete base at the Public Safety Building.** This is the first of a three-phase approach to eliminating the current dead zones in emergency radio dispatch reception and communications in Wolfeboro and to insure the safety and efficiency of communications with Police, Fire, DPW, Parks & Recreation, and Electric Department personnel.

(Recommended by Board of Selectmen by a vote of 4-0)

(Recommended by Budget Committee by a vote of 8-1)

Sarah Silk stated radio communication is deficient in a number of areas throughout the Town and a 3-phase project is proposed; noting the project includes a 100' tower with a 20' antennae and concrete base to support such located at the Public Safety Building.

Stu Chase stated in October 2010 a police officer was involved in a violent fight with an impaired person on Brown's Ridge Road. He stated the officer activated his emergency button on the radio however, the signal strength was not strong enough. He stated there were two additional incidents with the Fire Department and Police Department. He requested support from the community. He stated Phase 2 would include a repeater on Bennett Hill and Phase 3 would include a repeater on Trask Mountain Road.

Beverly Woods stated the warrant article reads "To see if the Town will vote to appropriate..." and questioned whether it should read "raise and appropriate".

Linda Murray stated the 2007 Master Plan goal includes providing adequate communication and integration for the Public Works Department, Fire Department and Police Department.

Steve Buck stated he supports the article; however, he expressed concern that towers have a tendency to grow and to turn into a cell tower with a series of arrays. He verified the tower would consist of a single antenna. He questioned whether the structure is strong enough to support a cell tower.

Sarah Silk stated it is a 100' self standing tower.

Moderator Walker read Article 20 as follows;

ARTICLE 20: Upgrade Town Roads

To see whether the Town will vote to raise and appropriate the sum of seven hundred fifty thousand dollars **(\$750,000) for upgrading Town roads and drainage systems.**

(Recommended by Board of Selectmen by a vote of 5-0)

(Recommended by Budget Committee by a vote of 9-0)

Linda Murray stated the CIP Committee reviewed the issue and recommended increasing the amount to address additional roads.

Dave Ford stated the Town has over 64 miles of road and many are in poor condition. He stated over the past 10 years 27.4 miles of road have been upgraded however, they are losing ground. Therefore, the increase in funding would increase the number of road miles per year and increase preventative maintenance. He stated the following roads are included in the upgrade; Springfield Point, Hemlock Drive, Pleasant Street, Lucas Street, College Road, Forest Road, Waumbec Road, Pleasant Valley Road, School Street, Glendon Street and Lehner Street.

Suzanne Ryan questioned what the Town gains in years and miles of road by increasing the funding by \$200,000.

Dave Ford replied approximately 1 mile per year.

It was moved and seconded to not reconsider Articles 16, 17, 18, 19 & 20. The motion passed.

Moderator Walker read Article 21 as follows;

ARTICLE 21: 2011 Operating Budget

Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by the vote of the first session, for the purposes set forth therein totaling \$25,498,128. Should this article be defeated the operating budget shall be \$24,967,575, which is the same as last year, with certain adjustments required by the previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

(Recommended by Board of Selectmen by a vote of 4-0)

(Recommended by Budget Committee by a vote of 8-0)

John MacDonald reviewed the 2011 Operating Budget; noting a \$4.01 tax rate impact. He stated the BOS approved a 1% salary increase for non-union personnel, including Department Heads. He also reviewed the following budgets; General Government (noting an overall decrease by \$30,635), Public Safety (noting an overall increase by \$29,435), Highway & Streets (noting an overall increase by \$39,331), Sanitation (noting an overall decrease by \$32,667), Health & Welfare (noting an overall increase by \$27,374), Culture & Recreation (noting an overall increase by \$29,943) and Economic Development (noting an overall decrease by \$4,978). He reviewed the Sewer, Water, Electric and Pop Whalen Funds. He stated the 2011 proposed budget is \$25,498,128.

Referencing the Radio Read Water Meter Study, Suzanne Ryan questioned whether the Town would do away with the meter readers.

Dave Ford stated that currently users are billed quarterly; noting 1/3 of the meters are read each month. He explained the potential of reading both electric and water on a monthly basis; noting such would be funded 50% with the Electric Department with a potential warrant article in 2012 related to such to include cost savings and software costs.

It was moved and seconded to not reconsider Article 21. The motion passed

Moderator Walker read Article 22 as follows;

Article 22: Sidewalk Upgrades—Downtown Core

To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars **(\$100,000) for the purpose of improving concrete sidewalks in the downtown core**, said sum to be in addition to any federal, state, or private funds that may also be made available for this purpose.

(Recommended by Board of Selectmen by a vote of 5-0)

(Recommended by Budget Committee by a vote of 9-0)

Dave Ford stated the Downtown concrete sidewalks are in disrepair and the proposal includes new concrete sidewalks in front of the Post Office, Black's Gift Shop, Cate Park and Hunter's IGA Market (construct new sidewalk from Union Street to Glendon Street). He stated the construction of the sidewalks would be coordinated with drainage projects.

Moderator Walker read Article 23 as follows;

ARTICLE 23: Reconstruct and Resurface Basketball and Tennis Courts at Foss Field

To see whether the Town will vote to raise and appropriate the sum of two hundred and ten thousand dollars **(\$210,000) for the purpose of reconstructing and resurfacing the basketball and tennis courts at Foss Field** and replacing the fence around them, said sum to be in addition to any federal, state, or private funds that may also be made available for this purpose.

(Recommended by the Board of Selectmen by a vote of 5-0)

(Recommended by the Budget Committee by a vote of 6-3)

Ethan Hipple stated the courts are over 30 years old and the cracks have been refilled and sealed every year and resurfaced every five years. He stated the courts have heaved and water pools on them creating unsafe surfaces; noting 4,000 linear feet of cracks. He noted 100+ daily users including 100 children and 45 adults in the Parks & Recreation programs and the Kingswood tennis team.

Moderator Walker read Article 24 as follows;

Article 24: Design of Pine Street/Crescent Lake Road Improvement Project

To see if the Town will vote to raise and appropriate the sum of ninety-five thousand dollars **(\$95,000) for the purpose of developing and engineering design of improvements to the Pine Street/Crescent Lake Road corridor**, including surveying, easements, subsurface investigations, permitting, final design, and bidding documents, said sum to be in addition to any federal, state, or private funds that may also be made available for this purpose.

(Recommended by Board of Selectmen by a vote of 5-0)

(Recommended by Budget Committee by a vote of 9-0)

Dave Ford stated Pine Street is in disrepair and requires upgrades to drainage, sidewalks, road, sewer and water. He stated the warrant article provides the authorization to develop detailed plans and construction cost estimates for the project; noting such would take at least 1 year and construction is not proposed until 2013. He stated a survey would be conducted and the department would seek input from the residents.

Dwight Devork stated Planning Board approval for the Huggins Hospital project included repaving Crescent Lake Avenue.

Dave Ford stated improvements to Christian Ridge Road were part of the Planning Board approval not Crescent Lake Avenue.

Moderator Walker read Article 25 as follows;

ARTICLE 25: Fire Trucks and Apparatus Replacement Capital Reserve Account

To see if the Town will vote to raise and appropriate the sum of one hundred seventy-five thousand six hundred dollars **(\$175,600) to be placed in the existing Fire Trucks and Apparatus Replacement Capital Reserve Account**, to be under the care and control of the Trustees of Trust Funds.

(Recommended by Board of Selectmen by a vote of 5-0)

(Recommended by Budget Committee by a vote of 9-0)

Phil Morrill requested support of the warrant article.

Linda Murray stated the warrant article is supported by the CIP Committee.

John Burt stated he supports the warrant article. However, such should include inflation.

It was moved and seconded to not reconsider Articles 22, 23, 24 and 25. The motion passed

Moderator Walker read Article 26 as follows;

ARTICLE 26: Public Works Vehicles and Equipment Capital Reserve Account

To see if the Town will vote to raise and appropriate the sum of one hundred fifty-five thousand dollars **(\$155,000)** to be placed in the existing Public Works Vehicles & Equipment Capital Reserve Account, to be under the care and control of the Trustees of Trust Funds.

(Recommended by Board of Selectmen by a vote of 5-0)

(Recommended by Budget Committee by a vote of 9-0)

Linda Murray stated the warrant article is supported by the CIP Committee and includes inflation.

Moderator Walker read Article 27 as follows;

ARTICLE 27: Police Union Contract Agreement

To see if the Town will vote to approve the cost items included in the collective bargaining agreement reached between the Board of Selectmen and Local #39 of the New England Police Benevolent Association (NEPBA) which calls for the following increases in salaries and benefits at current staffing levels:

<u>Year</u>		<u>Estimated Increase</u>
2011	Salaries	\$7,774
	Benefits	<u>\$2,108</u>
	Total 2011	\$9,878

and further to raise and appropriate the sum of **\$9,878** for the upcoming fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits over those of the appropriation at current staffing levels paid in the prior fiscal year.

(Recommended by Board of Selectmen by a vote of 4-0)

(Recommended by Budget Committee by a vote of 9-0)

Sarah Silk stated it is a one year agreement.

Moderator Walker read Article 28 as follows;

ARTICLE 28: AFSCME Contract Agreement

To see if the Town will vote to approve the cost items included in the collective bargaining agreement reached between the Board of Selectmen and Local #534 of the American Federation of State, County, and Municipal Employees (AFSCME) which calls for the following increases in salaries and benefits at the current staffing levels:

<u>Year</u>		<u>Estimated Increase</u>
2011	Salaries	\$ 1,200
	Benefits	<u>\$8,359</u>
	Total 2011	\$9,559
2012	Salaries	\$12,400
	Benefits	<u>\$12,008</u>
	Total 2012	\$24,408

and further to raise and appropriate the sum of **\$9,559** for the upcoming fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits over those of the appropriation at current staffing levels paid in the prior fiscal year.

(Recommended by Board of Selectmen by a vote of 4-0)

(Recommended by Budget Committee by a vote of 9-0)

Dave Owen stated the warrant article includes a 2 year agreement; noting cost items include an additional tier to the longevity schedule.

Suzanne Ryan verified that if the voters vote yes that they are approving the second year of the contract.

Moderator Walker read Article 29 as follows;

Article 29: Renew Lease for Dockside Restaurant

To see whether the Town will vote to approve, in accordance with RSA 41:11-a, **a five (5) year lease**, beginning January 1, 2012, **with a five (5) year extension** beginning January 1, 2017, providing that both parties agree to such extension, of the restaurant at the Town Docks to Garwoods, Inc.

(Recommended by Board of Selectmen by a vote of 5-0)

Bob Lemaire stated the operator asked for a 3 year lease at a BOS meeting and the Town was offered a 5 year lease with a 5 year extension. He questioned whether a rate has been set.

Dave Owen stated there is no new lease agreement or rent price established. He stated the article is seeking the authority for the BOS to enter into said lease.

Bob Lemaire questioned whether it makes sense to have a 10 year lease.

Suzanne Ryan stated she opposes the article.

Member of the public questioned whether RSA 41:11-a requires the name of the lessee be noted in the article.

Linda Murray stated Article 30 is more generic and allows the Town to enter into five year leases on any Town owned property.

John White stated longevity is an asset to the Town.

Kathy Eaton stated she is in favor of the article as written.

Moderator Walker read Article 30 as follows;

Article 30: Rental or Lease of Town Property

To see if the Town will vote, pursuant to RSA 41:11-a, to authorize the Board of Selectmen **to rent or lease Town property for a term of up to five (5) years** without further vote or ratification of the Town. Such authority to rent or lease Town property shall be limited to periods where the property is not needed for public use, and shall not include the authority to rent or lease property whose management is delegated to other public officers such as conservation land managed by the Conservation Commission or land managed by the Library Trustees.

(Recommended by Board of Selectmen by a vote of 5-0)

Suzanne Ryan stated she opposes the article.

It was moved by Sarah Silk and seconded by Harold Parker to not reconsider Articles 26, 27, 28, 29 & 30. The motion passed.

Moderator Walker read Article 31 as follows;

Article 31: Petition Article for Retail Use of Part of Brewster Hall

To see if the town will vote to use part of the Brewster Town Hall for retail rental purposes.

Submitted by Petition

(No Recommendation by Board of Selectmen)

Suzanne Ryan stated the BOS already have authority to lease and rent therefore, the Petition Warrant Article is moot.

Mark Puffer stated the BOS only have the authority to enter into leases for up to one year.

It was moved by Bob Lemaire and seconded by Julie Jacobs to amend Article 31 to read as follows; "To see if the town will vote to allow use of part of Brewster Town Hall for retail rental purposes."

Discussion of the motion:

John White stated he hopes the amendment fails and recommended an amendment that reads "To see if the town will vote to allow no use of part of Brewster Town Hall for retail rental purposes." He stated he would like to see the building be used as a Town Hall.

Suzanne Ryan stated Mr. Lemaire's amendment is reasonable.

It was moved by Bob Lemaire and seconded by Julie Jacobs to amend Article 31 to read as follows; "To see if the town will vote to allow use of part of Brewster Town Hall for retail rental purposes." The motion failed; 27 in favor, 43 opposed.

It was moved by Roger Murray and seconded to amend Article 31 to read as follows; "To see if the town will vote to allow use of part of Brewster Town Hall for rental purposes." The motion passed.

It was moved and seconded to not reconsider Article 31.

Moderator Walker read Article 32 as follows;

Article 32: General Wolfe Memorial

To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) for the purpose of mounting a permanent memorial to General Wolfe in a prominent public location in Wolfeboro, said sum to consist of the balance of \$4,224 from the 2010 warrant article No. 31 for the celebration of the 250th anniversary of Wolfeboro's naming plus an additional appropriation of \$5,776, such sum to be used in conjunction with other funds raised by the Wolfeboro Historical Society and other private donations to mount an appropriate memorial to Wolfeboro's namesake.

(Submitted by Petition)

(Recommended by Board of Selectmen by a vote of 4-0)

(Recommended by Budget Committee by a vote of 7-2)

Kathy Eaton expressed support of the article and reviewed the past year's efforts regarding the Town's celebration of its 250th anniversary.

It was moved by Kathy Eaton and seconded to amend Article 32 to read as follows; "To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) for the purpose of mounting a permanent memorial to General Wolfe in a prominent public location in Wolfeboro, such sum to be used in conjunction with other funds raised by the Wolfeboro Historical Society and other private donations to mount an appropriate memorial to Wolfeboro's namesake." The motion passed.

It was moved by John White and seconded to terminate debate on Article 32. The motion passed.

Moderator Walker read Article 33 as follows;

Article 33: Petition Article

To see if the Town will vote to direct the Board of Selectmen to adopt and implement a formal written Public Advertized Sealed Bid Policy to include but not limited to purchase of goods and services, leases and sale of real estate and assets so as to secure the highest and best terms and value for the taxpayers of Wolfeboro.

(Submitted by Petition)

(No Recommendation by Board of Selectmen)

Suzanne Ryan stated the petition warrant article was put forth because of the five year lease warrant articles and is self-evident for securing the highest and best value lease of real estate. She stated the Town does have a purchase of goods and services policy; therefore, the article needs to be amended.

It was moved by Suzanne Ryan and seconded to amend Article 33 by striking “purchase of goods and services,”. The motion passed.

It was moved by John White and seconded to amend Article 33 by striking “direct” and replacing such with “advise”.

Discussion of the motion:

John White stated without the amendment it ties the BOS' hands and doesn't feel that everything should be put out to bid and allows the BOS to use their best judgment.

It was moved by John White and seconded to amend Article 33 by striking “direct” and replacing such with “advise”. The motion passed.

It was moved by John White and seconded to not reconsider Articles 32 & 33. The motion passed.

Moderator Walker read Article 34 as follows;

Article 34: Petition Article

To see if the Town will vote to raise and appropriate the sum not to exceed Two Hundred and Fifty Thousand dollars (\$250,000) for the express purpose of replacing and upgrading the electric service and wiring in the basement, first floor and Annex of Brewster Memorial Hall for safety and code compliance, also said sum includes installation for a insulation cap to said building. This Warrant Article is separate and apart from any other associated with Brewster Memorial Hall, should any other pass this article is negated and the sum shall not be raised and appropriated.

(Submitted by Petition)

(Not Recommended by Board of Selectmen by a vote of 4-0)

(Not Recommended by Budget Committee by a vote of 8-1)

It was moved by Suzanne Ryan and seconded to amend Article 34 as follows; delete “for the express purpose of replacing and upgrading the electric service and wiring in the basement, first floor and Annex of Brewster Memorial Hall for safety and code compliance, also said sum includes installation for a insulation cap to said building.” & replace with “for the purpose of carrying out essential maintenance, repairs and improvements to Brewster Memorial Town Hall to include but not limited to ADA improvements, Life Safety Code improvements and such other work as prioritized by the Board of Selectmen and/or their designee.”

Discussion of the motion:

Suzanne Ryan stated Budget Committee members believed the language was too explicit to a particular task and it would perhaps be cumbersome to do the work without other components. She stated this article is a fallback position if Article 12 fails and provides an option to the voters.

Alan Kasiowicz stated the article allows the Town to continue with the essential improvements to Brewster Memorial Town Hall and supports the article.

Randy Walker stated he received a petition to vote by secret ballot.

Suzanne Ryan stated only she and Alan Kasiowicz are present and questioned whether the request can be withdrawn.

Randy Walker ruled the request as defective.

It was moved by Suzanne Ryan and seconded to amend Article 34 as follows; delete “for the express purpose of replacing and upgrading the electric service and wiring in the basement, first floor and Annex of Brewster Memorial Hall for safety and code compliance, also said sum includes installation for a insulation cap to said building.” & replace with “for the purpose of carrying out essential maintenance, repairs and improvements to Brewster Memorial Town Hall to include but not limited to ADA improvements, Life Safety Code improvements and such other work as prioritized by the Board of Selectmen and/or their designee.” The motion passed.

It was moved by Peter Goodwin and seconded to amend Article 34 as follows; delete “Two Hundred and Fifty Thousand dollars (\$250,000)” and replace with “zero dollars (\$0)”.

Discussion of the motion:

Gary Baker stated he is opposed to Article 34 and requested the voters to support Article 12.

Dave Skarnulis stated he supports the amendment; however, he is concerned the article will confuse the voters.

It was moved by John Burt and seconded to terminate debate on Article 34. The motion passed.

It was moved by Peter Goodwin and seconded to amend Article 34 as follows; delete “Two Hundred and Fifty Thousand dollars (\$250,000)” and replace with “zero dollars (\$0)”. The motion passed.

It was moved and seconded to adjourn the February 8, 2011 Town of Wolfeboro Deliberative Session.

The meeting adjourned at 11:23 PM.

Lee Ann Keathley
Lee Ann Keathley