

**TOWN OF WOLFEBORO
DELIBERATIVE SESSION**

FEBRUARY 2, 2010

**Submitted by:
Lee Ann Keathley**

**TOWN OF WOLFEBORO
DELIBERATIVE SESSION
February 2, 2010
MINUTES**

Board of Selectman Present: Dave Senecal, Chairman, Kristi Ginter, Vice-Chairman, Marge Webster, Sarah Silk, Linda Murray, Members.

Budget Committee Present: John MacDonald, Chairman, Scott Smith, Vice-Chairman, Allan Bailey, Harold Parker, Ned Giroux, John Burt, 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 stated Article 1 is related to the election of Town Officials & Selectmen. He stated Articles 2 through 9 are related to the Town of Wolfeboro's Planning & Zoning Ordinance and the Planning Board has held the statutory public hearings on such. He reviewed the SB2 process for the Deliberative Session and informed the public of the Town vote on March 9, 2010.

Moderator Walker read Article 11 as follows;

ARTICLE 11: Center Street Drainage Upgrades

To see if the Town will vote to raise and appropriate the sum of Six Hundred Thousand dollars (\$600,000) for completing phase 2 of the upgrades to the drainage system in the Center Street Area which will include, but is not limited to construction of the Glendon Street outfall and the cleaning and culvert upgrade of the Center Street outfall, said sum to be in addition to any federal, state or private funds made available therefor, and further to authorize the issuance of not more than six hundred thousand dollars (\$600,000) of bonds or notes for these purposes in accordance with RSA Chapter 33, Municipal Finance Act, and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest, maturity and other terms for this purpose.

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

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

(3/5 vote required)

Linda Murray stated the project is a multi-phased project; addressing the flooding that takes place on Center and Lehner Street.

Dave Ford stated flooding causes sewer system overflows and health concerns. He stated the original system was installed in the 1940's with considerable development since that time and no upgrades. He stated the Town funded an engineering study in 2007. He stated 2010 would include the Glendon Street outfall storm water treatment, drainage upgrades to Glendon and School Streets, some Center Street outfall work and additional engineering for NH DOT funded municipally managed project. He stated 2011 would include the completion of the Center Street outfall, drainage upgrades to Center, Lehner and Grove Streets. He stated there is a potential for 2/3rd funding from NHDOT through the muni-managed project. He reviewed the breakdown in costs for the project.

John Linville stated that some of the drainage project was to be funded by the now defunct GreatWaters Bank and questioned whether the sum noted in the warrant article has been adjusted to reflect the monies not received by the GreatWaters Bank project.

Dave Ford stated following advice from legal counsel, the Town has released GreatWaters Bank of their obligation because the project is not going forward. He stated the \$50,000 in engineering costs incorporate that project and it is believed the Town will receive 2/3rd funding from the State for the 2011 construction.

Suzanne Ryan questioned whether the project is bid price or an estimated price.

Dave Ford replied engineering estimate based on detailed drawings.

Suzanne Ryan questioned whether \$600,000 would be enough.

Dave Ford replied yes.

It was moved by Suzanne Ryan and seconded by John Linville to strike "a" & "of" prior to and following "sum" and insert "not to exceed" following "sum". The motion failed.

Moderator Walker read Article 12 as follows;

ARTICLE 12: Replace Water Lines in Glendon and Lehner Street and Other Downtown Streets

To see if the Town will vote to raise and appropriate the sum of Six Hundred Thousand dollars (\$600,000) to replace the water mains and appurtenances in Glendon and Lehner Streets and other streets in downtown Wolfeboro, said sum to be in addition to any federal, state or private funds made available therefor, and further to authorize the issuance of not more than six hundred thousand (\$600,000) of bonds or notes for these purposes in accordance with RSA Chapter 33, Municipal Finance Act, and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest, maturity and other terms for this purpose. Without impairing the status of these 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 Water Enterprise Fund. This project will not cause any increase in tax rates.

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

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

(3/5 vote required)

Marge Webster stated the article addresses the replacement of the oldest water lines in Town and sidewalks with a potential for grant money.

Dave Ford stated the proposal includes the replacement of old unlined cast iron pipes with cement lined ductile iron pipe and upgrades to Lehner Street (1400'), Glendon Street (440') and School Street (140'). He reviewed the costs associated with the project; noting grant money is available and would be sought.

Bob Smart questioned the impact on the water rate.

Dave Ford stated the rate increase in 2009 would cover the costs of the bond.

Moderator Walker read Article 13 as follows;

ARTICLE 13: ADA Improvements-Pop Whalen Arena

To see whether the Town will vote to raise and appropriate the sum of One Hundred Fifteen Thousand Five Hundred Forty-six dollars (\$115,546) for the purpose of designing and constructing Americans with Disabilities Act (ADA)-compliant entrances and restrooms at Pop Whalen Arena, said sum to be in addition to any federal, state, or private funds made available therefor, and further to authorize the issuance of not more than one hundred fifteen thousand five hundred forty-six dollars (\$115,546) of bonds or notes for these purposes in accordance with RSA Chapter 33, Municipal Finance Act, and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest, maturity and other terms for this purpose. Without impairing the status of these bonds or notes as general obligations of the Town, it is intended that the portion of principal and interest on said bonds which is allocable to fifty percent (50%) of the cost of the improvements at the Pop Whalen Arena shall be paid from the Pop Whalen Enterprise Fund.

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

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

(3/5 vote required)

Kristi Ginter stated the improvements are required because the current bathrooms are too small to accommodate the necessary ADA upgrades.

Ethan Hipple stated the article addresses the lack of ADA compliant bathrooms; noting the Town is under the directive of Department of Justice to make the necessary improvements. He reviewed the architectural plans.

Linda Murray stated the article addresses the need for a handicap accessible bathroom for Abenaki as well.

It was moved by John Burt and seconded by Scott Smith to strike "or private funds made available therefor, and further to authorize the issuance of not more than one hundred fifteen thousand five hundred forty-six dollars (\$115,546) of bonds or notes for these purposes in accordance with RSA Chapter 33, Municipal Finance Act, and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest, maturity and other terms for this purpose. Without impairing the status of these bonds or notes as general obligations of the Town, it is intended that the portion of principal and interest on said bonds which is allocable to".

Discussion of the motion:

John Burt expressed concern for the indebtedness of the Town and requested the bonding be waived. He reviewed the Town's debt service since 1991; noting in 2010 14% would be paid to principal and interest. He stated the article should be paid with current funds.

Dave Owen stated the BOS supported bonding the amount 5-0 because the Pop Whalen Enterprise Fund is the Town's smallest fund only generating \$20,000/year. He stated bonding helps ease the burden of users of the arena; noting to pay cash would be an undue burden.

It was moved by John Burt and seconded by Scott Smith to strike "or private funds made available therefor, and further to authorize the issuance of not more than one hundred fifteen thousand five hundred forty-six dollars (\$115,546) of bonds or notes for these purposes in accordance with RSA Chapter 33, Municipal Finance Act, and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest, maturity and other terms for this purpose. Without impairing the status of these bonds or notes as general obligations of the Town, it is intended that the portion of principal and interest on said bonds which is allocable to". The motion failed.

ARTICLE 14: 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 Thousand dollars (\$200,000) 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, and further to authorize the issuance of not more than two hundred thousand dollars (\$200,000) of bonds or notes for these purposes in accordance with RSA Chapter 33, Municipal Finance Act, and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest, maturity and other terms for this purpose.

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

(Recommended by the Budget Committee by a vote of 6-0, with 2 abstentions)

(3/5 vote required)

Kristi Ginter stated the area is heavily used by the Town's Parks & Recreation programs and poses a number of safety hazards for the Town.

Ethan Hipple the improvements would include replacement of tennis and basketball courts, basketball hoops and backboards at Foss Field. He stated the facility is heavily used and in need of repair (30 years old); cracked and warped surfaces. He reviewed the cost estimate.

John Linville questioned whether any work would involve NH DES.

Ethan Hipple stated the Town has been assured by the contractor that the repairs do not require any subsurface digging or excavating; noting the existing surface would be grinded down with new fill atop.

John Linville questioned whether holes would be dug for the fencing.

Ethan Hipple replied yes.

John Linville questioned whether the Town has contacted NH DES and whether \$200,000 would be enough money in case hazardous mitigation is necessary.

Ethan Hipple stated the contractor has done their due diligence in providing the quote and has been assured that excavation would not occur to the level that NH DES would be involved.

John Linville stated the due diligence should have included discussion with NH DES.

Suzanne Ryan questioned whether clay courts v. asphalt courts have been investigated.

Ethan Hipple replied no, the quote is for an asphalt court.

Suzanne Ryan requested such be considered.

Frank Giebutowski questioned whether the proposal would go out to bid.

Ethan Hipple stated any project over \$1,000 goes out to bid.

It was moved by John Burt and seconded by Scott Smith to strike "and further to authorize the issuance of not more than two hundred thousand dollars (\$200,000) of bonds or notes for these purposes in accordance with RSA Chapter 33, Municipal Finance Act, and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest, maturity and other terms for this purpose."

Discussion of the motion:

John Burt stated he supports the article however, does not agree with bonding the amount.

Dave Owen stated the impact of Mr. Burt's amendment would be to delete the bonding authority which would change the tax rate impact of the article from 1.1 cent per one thousand to ten cents per thousand in 2010.

Mark Puffer stated if the authorization of issuance for bonds or note is deleted then it would change the percentage of vote to simple majority.

John Burt stated he is aware it would have a greater impact to the tax rate however, he would rather pay now. He stated he believes the Town should pay as they go.

Jerry Moss questioned the tax impact cumulatively over the bonding period.

Pete Chamberlain stated generally speaking, it doubles the cost over the period of the bond.

Charlene Seibel questioned the anticipated life of the surface replacements, the anticipated current interest rate the Town would be getting and the length of the bond.

Dave Owen stated the interest on the last bond was 2.99%, the life expectancy of the courts is 20–25 years and the length of the bond would be determined by the BOS; noting such is typically a 10-year or 20-year term.

Member of the public questioned the cost over the course of ten years.

Dave Owen stated it cannot be said definitely what the amount would be because the interest rate and length of bond has not yet been determined.

Bob Lemaire stated he has reviewed such previously with the Finance Director; noting it would consist of straight amortization of the principle over the ten years paying the outstanding interest yearly.

Kurt Dietzer questioned whether the trust fund for Foss Field has been exhausted.

Sarah Silk stated Article 30 speaks to the discontinuation of the Foss Field light fund.

It was moved by John Burt and seconded by Scott Smith to strike "and further to authorize the issuance of not more than two hundred thousand dollars (\$200,000) of bonds or notes for these purposes in accordance with RSA Chapter 33, Municipal Finance Act, and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest, maturity and other terms for this purpose." 44 voted in favor of the amendment. 50 voted in opposition to the amendment. The motion failed.

ARTICLE 15: Smith River Streambank Stabilization

To see if the Town will vote to raise and appropriate the sum of One Hundred Seventy-Five Thousand dollars (\$175,000) to construct Streambank stabilization improvements along Smith River, just downstream of the Crescent Lake Dam, said sum to be in addition to any federal, state or private funds made available therefor, and further to authorize the issuance of not more than one hundred seventy-five thousand dollars (\$175,000) of bonds or notes for these purposes in accordance with RSA Chapter 33, Municipal Finance Act, and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest, maturity and other terms for this purpose.

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

(Recommended by Budget Committee by a vote of 6-1, with 1 abstention)

(3/5 vote required)

Kristi Ginter stated as a result of the 1999 Crescent Lake Dam upgrades river conditions were altered which have created severe erosion problems along the stream bank and loss of private property.

Dave Ford reviewed the existing conditions. He stated engineering was done last year and the Town is currently in the process of obtaining the necessary permits for the site. He reviewed the cost estimate. He stated the erosion has created soil migration downstream causing an environmental impact.

John Linville questioned whether the dam modification took into account potential erosion and questioned whether the Town has any recourse for liability with the engineer or construction company who performed the modifications.

Dave Ford stated it is his recommendation to fix the problem and go forward rather than expend funds for litigation.

Jerry Moss questioned whether the dam modification project was Town or State funded.

Dave Ford replied Town funded.

It was moved and seconded to not reconsider Articles 11 through 15. The motion passed.

Moderator Walker read Article 16 as follows;

ARTICLE 16: ADA Improvements-Beach Bathhouses

To see whether the Town will vote to raise and appropriate the sum of One Hundred Thirty Four Thousand Four Hundred Fifty Four dollars (\$134,454) for the purpose of designing and constructing Americans with Disabilities Act (ADA)-compliant entrances and restrooms at the Carry Beach bathhouse and Brewster Beach bathhouse, said sum to be in addition to any federal, state, or private funds made available therefor, and further to authorize the issuance of not more than one hundred thirty four thousand four hundred fifty four dollars (\$134,454) of bonds or notes for these purposes in accordance with RSA Chapter

33, *Municipal Finance Act*, and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest, maturity and other terms for this purpose.

(Recommended by Board of Selectmen by a vote of 4-1)

(Not Recommended by Budget Committee by a vote of 7-0, with 1 abstention)

(3/5 vote required)

Kristi Ginter stated the article was not recommended by the Budget Committee; noting the Committee recommended a temporary solution for ADA compliant porta-potties. She stated the BOS were supportive of a permanent and long term solution to the problem that would address the Town's ADA issues.

Ethan Hipple stated additions would be created to the existing bathrooms at Carry and Brewster Beach. He reviewed the costs associated with such.

Kristi Ginter questioned the cost for ADA compliant temporary bathrooms.

Ethan Hipple replied \$800.

Moderator Walker read Article 17 as follows;

ARTICLE 17: 2010 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 \$24,773,435. Should this article be defeated the operating budget shall be \$23,917,037, 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 5-0)

(Recommended by Budget Committee by a vote of 9-1)

John Burt presented the 2010 Operating Budget.

Marge Webster recommended support of the budget; noting such was reviewed by Department Heads, Town Manager, BOS and Budget Committee.

Jerry Moss commended the Town for being 5.5% under budget in 2009 however, noted an 8% increase in the operating budget from the 2009 actual budget and the 2010 proposed budget. Given the current economic environment, he questioned how the Town could absorb the increase.

Dave Owen stated the debt service would be coming on line for the Rapid Infiltration Basin (RIB) project (noting a half million dollar increase in the operating budget). He stated the 2010 tax rate assumes the Town would not have any surplus to apply to offset the budget however, he is not sure such is the case. He stated last year the Town had \$3.72 million in the unreserved fund balance and applied \$1.3 million to offset the tax rates.

Jerry Moss questioned whether the funds associated with the RIB project would be passed through to the users of the system.

Dave Owen stated the sewer system is subsidized by the General Fund / taxpayers.

Linda Murray stated there was a significant increase in the welfare budget due to the economy in addition to costs associated with the union contracts that were voted in previously.

Judy Breuninger questioned the expense of \$14,000 for a cemetery.

Dave Owen stated such is related to a survey and layout of a new cemetery.

It was moved and seconded to not reconsider Articles 16 and 17. The motion passed.

Moderator Walker read Article 18 as follows;

ARTICLE 18: Public Buildings Evaluation & Capital Assets Management Plan

To see whether the Town will vote to raise and appropriate the sum of Sixty Thousand Dollars (\$60,000) for the purpose of obtaining a professional evaluation of the conditions of the following Town Buildings: Dockside, Public Safety Building, Libby Museum, Highway Garages, and the Solid Waste Facility, such evaluations to assess building conditions, identify and prioritize issues of concern and list required upgrades and their costs to protect the Town's assets, make them more energy efficient and to develop a long-term Building Facilities Capital Assets Management Plan.

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

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

Linda Murray stated the Planning Board requested the BOS submit a Municipal Asset Inventory and Management Plan. She stated the Town is not aware of the condition of the Town's buildings.

Suzanne Ryan stated she supports the article.

Richard O'Donnell stated he supports the article however, questioned why the following Town owned buildings are not included in the article such as Clark House Museum, Libby Museum, Schoolhouse, Municipal Electric building on Lehner Street, Community Center and the Firehouse.

Linda Murray stated the Library and Community Center was on the list last year. She stated additional buildings may have to be added in future years.

Moderator Walker read Article 19 as follows;

ARTICLE 19: *To see whether the Town will vote to raise and appropriate the sum of one hundred ten thousand dollars (\$110,000) for the purpose of making repairs and improvements to and maintaining the John Brewster Memorial Building (Wolfeboro Town Hall), including, but not limited to, constructing American with Disability Act ADA-compliant entrances, fixing a leak in the roof, repairing/replacing windows and window sills, installing a fire alarm system and reconstructing and insulating the rear entrance door/wall, said sum to be in addition to any federal, state or private funds made available therefore.*

(Submitted by Petition)

(Recommended by Board of Selectmen by a vote of 4-1)

(Recommended by Budget Committee by a vote of 9-0 with 1 abstention)

Sarah Silk stated the Town has received reports from the Department of Justice for ADA, Primex Insurance and Department of Labor relative to the current state of the building.

Rob Houseman stated the money being requested is a bare bones request and not an attempt to refurbish the building for the long term. He stated the repairs include the leak in the roof, windows, rear entrance to the main building and other deficiencies to the structure itself. He stated ADA compliance has been put off waiting for a solution to the Town Hall issue however, at this point the Town needs to take action. He stated the NH Department of Labor is requiring the Town to address safety concerns.

Joyce Davis stated she supports the article. She stated the Friends of Town Hall gathered signatures and filed the petition warrant article after the BOS voted to cut the original request submitted by Town Staff from \$110,000 to \$50,000. She stated the Friends of Town Hall believed the amount reduced by the BOS was inadequate to perform the immediate critical repairs to the Town Hall. She stated the article is recommended by both the BOS and Budget Committee.

Randy Walker stated he has three amendments to the warrant article by Suzanne Ryan, John Burt and Dick Shurtleff.

It was moved by Suzanne Ryan and seconded by Todd Fichter to strike "\$110,000.00" & replace with "\$7,585.00" and insert between "wall," & "sum", "and whereas the Board of Selectmen were authorized as the agents to expend by the

Town vote in 2001, the Board of Selectmen withdraw \$102,415.00 from the Town Office Facility Capital Reserve Account established for such stated purpose thus arriving at the sum total of \$110,000.00."

Discussion of the motion:

Suzanne Ryan stated some of the money has been raised through capital reserve which started in 2001; the fund designated the BOS as the expending agent. She stated she retrieved the figure from the Trustee of the Trust Fund. She requested verification on having \$102,415.00 in the fund. She stated she doesn't want to pay for it twice.

Linda Murray stated typically the BOS says they will raise and appropriate the \$110,000 all together and then state that \$102,415.00 would be taken from the Capital Reserve Account and raise from general taxes \$7,585.00. She recommended the BOS do such for this warrant article.

Suzanne Ryan stated she would defer to Attorney Puffer.

Mark Puffer concurred with Ms. Murray's recommendation.

Suzanne Ryan questioned whether the other amendments include the language recommended by Ms. Murray.

Randy Walker replied yes.

Suzanne Ryan withdrew her motion. Todd Fichter withdrew his second.

It was moved by Dick Shurtleff and seconded by Suzanne Ryan to strike "\$110,000.00" & replace with "\$112,415.00" and insert following "wall," "said sum to consist of \$10,000 to be raised by taxation and the remainder to be transferred for this purpose from the Town Office Facility Capital Reserve Fund established under Article 12 in the 2001 Town Warrant, said sums to be in addition to any Federal, State or private funds made available therefore."

Discussion of the motion:

Dave Owen stated he would argue against doing such because the Town administration has been aware of the capital reserve fund for quite some time and has viewed it as the Town's rainy day fund in case something calamitous should happen at the Town Hall in between the annual opportunities to approach the voters.

Dick Shurtleff stated the account is a capital reserve fund and there is no mention of a rainy day rather, it specifically mentions repairs and the reconstruction of the Town Hall necessary at that time in 2001. He stated in 2001 the Town was a tenant in the building and it was written with the intent of repairs and reconstruction. He disagrees with Mr. Owen's approach.

Kristi Ginter stated that should there be any calamity that occurs, it is within the authority of the BOS to call a Special Town Meeting to raise funds from the voters for such.

John Burt expressed concern for depleting the fund in total and recommended leaving \$5,000 to \$10,000 in the account. He stated his amendment would include \$95,000

Dick Shurtleff stated other articles on the warrant reflect housekeeping issues related to cleaning up outstanding capital reserve funds that have been left dormant (Foss Field lights, fire truck). He disagreed with Mr. Burt's recommendation.

Linda Murray agreed with Mr. Burt because a final solution for the building has not been decided upon.

Dick Shurtleff read Article 12 from 2001.

It was moved and seconded to terminate debate on the amendment for Article 19. The motion passed.

It was moved by Dick Shurtleff and seconded by Suzanne Ryan to strike "\$110,000.00" & replace with "\$112,415.00" and insert following "wall," "said sum to consist of \$10,000 to be raised by taxation and the remainder to be

transferred for this purpose from the Town Office Facility Capital Reserve Fund established under Article 12 in the 2001 Town Warrant, said sums to be in addition to any Federal, State or private funds made available therefore." The motion failed.

It was moved by Suzanne Ryan and seconded by Todd Fichter to insert following "wall," "said sum to consist of \$10,000 to be raised by taxation and \$100,000 to be transferred for this purpose from the Town Office Facility Capital Reserve Fund established under Article 12 in the 2001 Town Warrant, said sum to be in addition to any Federal, State or private funds made available therefore."

Discussion of the motion:

John Burt stated he supports leaving funds in the capital reserve account. He stated when the Town purchased the building there was no consideration to add to the fund; noting such should have been equivalent to the amount of rent that would have been spent.

Dick Shurtleff stated the BOS added \$25,000 per year for two years following 2001. Relative to the amendment, he disagrees with such.

Bob Lemaire stated it is quite a revelation that the funds exist and that the BOS were aware of it; noting the leaks in the roof have been issues for several years now and no one has even mentioned there is money available to fix the leaks and do the necessary repairs. He stated he supports the motion.

Rob Houseman questioned whether the language in Article 12 from 2001 is broad enough to use for the proposed expenditure.

Mark Puffer replied yes.

Dave Owen stated that if the roof is opened up to repair the gable, more repairs may be necessary and if there is no contingency fund the repairs will not be able to be done.

Suzanne Ryan stated it is the BOS' role to prioritize what is addressed.

Dick Shurtleff stated he is speaking on his own behalf and not representing the consensus of the trustees.

Jim Roulliard questioned whether a petition warrant article can be amended.

Randy Walker replied yes.

It was moved and seconded to terminate debate on the amendment for Article 19. The motion passed.

It was moved by Suzanne Ryan and seconded by Todd Fichter to insert following "wall," "said sum to consist of \$10,000 to be raised by taxation and \$100,000 to be transferred for this purpose from the Town Office Facility Capital Reserve Fund established under Article 12 in the 2001 Town Warrant, said sum to be in addition to any Federal, State or private funds made available therefore." The motion passed (61-54).

Charlene Seibel noted the following error; American with Disability Act should be Americans with Disabilities. She recommended, for consistency purposes, to bold language beginning with "including" and ending with "wall".

Noreen MacDonald requested the BOS to work on fixing those things that would help get additional funding from other sources.

It was moved and seconded to not reconsider Articles 18 and 19. The motion passed.

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 five hundred fifty thousand dollars (\$550,000) 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 8-0)

Linda Murray stated the increase is related to the road inventory conducted by the Lakes Region Planning Commission which showed that the \$400,000 yearly allocation would be inadequate and it would take the Town 25 years to complete all the roads. She stated \$550,000 would allow the Town to complete the roads in 18 years which is closer to the life of the improvements being done.

Dave Ford stated there are 64 miles of Class V Town roads with an inadequate road base and poor drainage. He stated the 2010 improvements would include Bay Street, Pleasant Street, Northline Road, Varney Road, Trask Mountain Road, College Road and Brown Road with engineering and permitting for Pleasant Valley Road.

John Struble questioned whether the Bay Street improvements would include the construction of a sidewalk or pedestrian walkway; noting hazardous conditions relating to such.

Dave Ford stated to install a curb and sidewalk would require a closed drainage system and would increase the cost considerably. He stated the improvements to Bay Street include widening the road, install fog lines and provide a 1'-2' shoulder. He stated there are also right-of-way and telephone pole location issues related to the installation of sidewalks.

Moderator Walker read Article 21 as follows;

ARTICLE 21: Handicapped Accessible Restroom at Public Safety Building

To see whether the Town will vote to raise and appropriate the sum of Ninety Thousand dollars (\$90,000) for the purpose of constructing an Americans with Disabilities Act (ADA)-compliant restroom and associated improvements off the lobby of the Public Safety Building as required by the U.S. Department of Justice, said sum to be in addition to any federal, state or private funds made available therefor.

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

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

Kristi Ginter stated such is a requirement by the US Department of Justice.

Dave Owen stated on December 4, 2008 the Town received a letter from the US Department of Justice concerning the Public Safety Building (he read the letter). He reviewed the floor plan and proposed location for the unisex handicap accessible bathroom.

Bob Lemaire requested further detail of the proposed improvements.

Dave Owen stated the cost estimate from the architect was between \$73,000 and \$90,000. He stated the BOS opted for the higher estimate for the warrant article; noting the estimate includes the reconfiguration of remaining space in addition to the construction of the bathrooms.

Bob Lemaire questioned whether the cost estimate is consistent with what was bid out previously on other projects.

Dave Owen replied yes.

Moderator Walker read Article 22 as follows;

ARTICLE 22: Library Expansion Feasibility Study

To see whether the Town will vote to authorize the Wolfeboro Public Library Board of Trustees to expend a sum, not to exceed Sixty Thousand dollars (\$60,000), for the purpose of a feasibility study including, but not limited to, conceptual alternative plans

for expansion of the Wolfeboro Public Library. Said sum to be taken from the Wolfeboro Public Library's Building Trust Fund, and it will have no impact on the tax rate.

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

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

Cindy Scott stated the warrant article will give the Library Board of Trustees permission to spend monies from the library building trust fund for the project. She stated the monies would be used to hire an architect and engineering evaluations necessary to complete the study. She stated no taxpayer money would be used for the study. She stated there will be an amendment to decrease the amount of the article. In 2005, she stated a space needs study was conducted for the library and it had been determined that the library was too small with what was currently being attempted to do and too small to incorporate any future growth. She stated there has been a 46% increase in the number of people coming to the library from 2002. She stated the consultant recommended expanding the library to 20,000 SF (building currently consists of 10,000 SF). She stated the abutting property was acquired in 2008.

It was moved by Candace Thayer and seconded by Mike Hodder to reduce the amount of Article 22 from "\$60,000" to \$40,000".

Discussion of the motion:

Candace Thayer stated the \$60,000 figure was a placeholder number due to submittal deadlines for the budget; noting \$60,000 was the high bid from the 17 proposals received. Following further review and discussion of the bids, she stated the trustees do not believe they will exceed \$40,000 for the study.

It was moved by Candace Thayer and seconded by Mike Hodder to reduce the amount of Article 22 from "\$60,000" to \$40,000". The motion passed.

It was moved and seconded not to reconsider Articles 20, 21 and 22. The motion passed.

Moderator Walker read Article 23 as follows;

ARTICLE 23: Complete Upgrades to Railroad Station

To see if the Town will vote to raise and appropriate the sum of Seventy-Seven Thousand dollars (\$77,000), a bid price, to complete the upgrades to the Town-owned Historic Railroad Station building which will include, but not be limited to, new asphalt shingles, roof repairs, exterior painting and insulation, said sum to be in addition to any federal, state or private funds made available therefor.

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

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

Dave Ford stated that due to the age of the facility and lack of maintenance over the years, additional improvements were found to be necessary following the construction done in 2009. He stated the building contained asbestos and lead paint, sills were rotted, the floor was in danger of failing; noting numerous code issues. He stated the 2010 improvements would include insulating the building, complete roof repairs and paint the building.

Moderator Walker read Article 24 as follows;

ARTICLE 24: South Main Street (Route 28) Corridor Study and Conceptual Design

To see if the Town will vote to raise and appropriate the sum of Ninety-Nine thousand dollars (\$99,000) to fund the study and conceptual design of improvements to the South Main Street/Center Street Corridor (Route 28) from Alton Town Line to Wolfeboro Falls.

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

(Recommended by Budget Committee by a vote of 6-2)

Sarah Silk stated the Town of Wolfeboro is not in the State's draft ten year plan for projects; noting that Wolfeboro is not included because the Town does not have a plan. She stated the goal is to get into the State's 10-year program. She stated the study would be broken down into five sections with the hope to qualify the Town to get on the plan quicker.

Dave Ford stated the intent is to define the problem statement; noting there are no bike paths, inadequate side walks and inadequate road conditions. He stated the study would be the Town's commitment to move forward using context sensitive design solutions.

John Linville stated Wolfeboro is taking over the maintenance of a Class I State road outside the white lines. He stated he has never seen the BOS take a formal vote on such; noting he has only seen the DPW recommend it. He stated he read the project requests submitted by Dave Ford and relative to the article it was noted the responsibilities of the consultant has traditionally been the work of the State of NH. He questioned why the article is on the ballot given the state of the economy.

Dave Ford stated there is documentation from the NH DOT to the Town that gives them the responsibility for drainage outside the white lines. He stated Town Counsel contacted the State's attorney and verified that the State does not own sidewalks and bike paths. He stated the Town needs to take the lead in preserving their community.

Linda Murray stated the BOS did receive all the legal opinions and were fully aware the Town would be assuming responsibility outside the white lines and voted for it.

Dave Ford stated that while the Town is fronting the money, if the Town gets on the 10-year plan the Town receives 100% of the grant money and if the Town gets the municipally managed project, such is 2/3rd funded.

Suzanne Ryan stated the 1955 NH DOT letter to the BOS stated the State would only be responsible for 24' width along Route 28. She stated there is nothing in State Law of the law in 1955 or 1957 where the legislature suggests the State could require Towns to maintain a form of compact highway to maintain drainage structures or improvements beyond the 24' that does support the State's highway beyond the 24'. She stated in 1955, 24' may have been a reasonable width for Route 28 however, it does not mean that 24' is safe or reasonable today. She stated drainage structures or other improvements beyond the 24' are necessary for the integrity and safety of the State highway; noting it the State's responsibility and not the taxpayers of Wolfeboro to maintain the integrity of the State's highway. She asked whether the Town has received in writing that the State guarantees or confirms that if the study is done the State will in fact move Wolfeboro up, and if so, in what position and what year and what else would the Town be signing on for.

Dave Ford stated that fighting against NH DOT doesn't work; noting the Town has to play the game. He stated the road is a State road however, it is primarily used by members of the community. He stated he wants to solve problems and preserve the gateway.

It was moved by Suzanne Ryan and seconded by John Linville to amend Article 24 to read as follows; "To see if the Town will vote to raise and appropriate the sum of Ninety-Nine thousand dollars \$99,000 for the taxpayers of Wolfeboro to fund the study and conceptual design of improvements for the State of New Hampshire's highway known as the South Main Street/Center Street Corridor (Route 28) from Alton Town Line to Wolfeboro Falls." The motion failed.

It was moved by Noreen MacDonald and seconded by John Linville amend Article 24 to read as follows; To see if the Town will vote to raise and appropriate the sum of Ninety-Nine thousand dollars (\$99,000) to fund the study and conceptual design of improvements to the South Main Street/Center Street Corridor (Route 28) from Alton Town Line to Wolfeboro Falls, so the Town can potentially qualify for State grants and funding. The motion passed.

Moderator Walker read Article 25 as follows;

ARTICLE 25: Replace HD-10, a 1.5 Ton Plow Truck with Wing and Sander

To see whether the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) for the purpose of replacing HD-10, a 2003 1.5-ton truck for use by the Highway Division of the Department of Public Works.

TOWN OF WOLFEBORO

DELIBERATIVE SESSION MINUTES

February 2, 2010

(Recommended by Board of Selectmen by a vote of 5-0)
(Recommended by Budget Committee by a vote of 8-0)

Dave Ford stated the article is part of the Public Works Vehicle Replacement Program; noting the existing 2003 HD-10 would be forwarded to the Solid Waste Facility.

It was moved by John Burt and seconded to add the following language to Article 25; "such funds to come from the Public Works Vehicle and Equipment Capital Reserves Fund."

Discussion of the motion:

John Burt stated there is money in the capital reserve fund and should be used to purchase the vehicle.

Dave Owen stated the Town is trying to build up the Capital Reserve Fund; noting money is being placed into the account this year however, not being taken out.

John Burt stated the money put into the fund is not enough to support the purchases of vehicles and equipment. He stated there is approximately \$103,000 in the account.

Linda Murray stated the CIP Committee reviewed the list of vehicles, the Committee felt \$100,000 could be spent on a vehicle and money could be placed into the reserve account.

Dave Ford stated the intent is to purchase one vehicle in addition to increasing the capital reserves fund.

It was moved by John Burt and seconded to add the following language to Article 25; "such funds to come from the Public Works Vehicle and Equipment Capital Reserves Fund." The motion failed.

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

Moderator Walker read Article 26 as follows;

ARTICLE 26: Dockside Upgrades - Phase 2

To see if the Town will vote to raise and appropriate the sum of seventy thousand dollars (\$70,000) to replace the chain link fence with black wrought-iron fence, upgrade lighting and extend stamped concrete surface between Dockside restaurant and Main Street, said sum to be in addition to any federal, state, or private funds made available therefor.

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

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

Note: This is a 3 phase project; Phase 1 was to engineer and permit a solution to Flooding in the Center Street Area (\$120,000 authorized in 2008). Engineering completed and permits have been obtained. This project (Phase 2) is for the construction of the Glendon Street outfall and the cleaning and culvert upgrade of the Center Street outfall. Phase 3 of the project in future years will be for additional culvert upgrades in the Municipal parking lot, Lehner St. and Pine Street.

Linda Murray reviewed the previous upgrades to dockside.

Dave Ford stated the upgrades include extending the stamped concrete from Dockside to the Main Street Bridge, replace the chain link fence with black iron rail and install attractive appropriate lighting to make the area safe and inviting.

Kathy Eaton stated she is in favor of the article. She stated she heard the comments and saw the impact to the improvements to the waterfront area. She stated she would like to see the project completed.

ARTICLE 27: Fire Trucks and Apparatus Replacement Capital Reserve Account

To see if the Town will vote to raise and appropriate the sum of One Hundred Thirty-Seven Thousand Seven Hundred Fifty dollars (\$137,750) to be transferred to the 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 8-0)

Marge Webster stated the account is for the purchase of new equipment for the Fire Department when needed.

ARTICLE 28: Public Works Vehicle and Equipment Capital Reserve Account

To see if the Town will vote to raise and appropriate the sum of Ninety-Five Thousand dollars (\$95,000) to be transferred to the existing Public Works Vehicle & 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 7-1)

Marge Webster stated the account is for the purchase of vehicles and equipment for the Public Works Department.

ARTICLE 29: Discontinue Old Fire Truck Capital Reserve Account

To see if the Town will vote to discontinue the old Fire Truck Capital Reserve Account, established under Article 4 of the 1990 Town Warrant, and for the Trustees of Trust funds to pay all monies in such Account, currently estimated at \$67,015.69, to the Town treasury, as required by RSA 35:16-a. Further, to raise and appropriate the amount of Sixty-Seven Thousand Fifteen dollars and sixty-nine cents (\$67,015.69), to be added to the new Fire Truck and Apparatus Replacement Capital Reserve Account established under Article 30 of the 2009 Town Warrant, to be under the care and control of the Trustees of Trust Funds. This article will have no impact on the tax rate.

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

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

Marge Webster stated such is a housekeeping issue to discontinue the account and place the funds into the new capital reserve account (Article 27).

It was moved by Dick Shurtleff and seconded by Suzanne Ryan to amend Article 29 as follows; Article 29: Change the Purpose of the Old Fire Truck Capital Reserve Account. To see if the Town will vote to change the purpose of the Old Fire Truck Capital Reserve Account established under Article 4 of the 1990 Town Warrant and Currently Estimated at \$67,505.11 as required by RSA 35:16, such sum to be applied to reducing the 2010 tax rate and direct the Trustees of Trust Funds to take the necessary action. 2/3 vote required.

Discussion of the motion:

Dick Shurtleff stated he doesn't mind the BOS and the Town borrowing his money to pay for a vehicle or put money into a capital reserves account to purchase a vehicle at a later date however, he resents the Town taking the interest on the money. He stated the remaining funds reflect interest and should be given back to the taxpayers.

Dave Owen stated in effect that is what the current warrant article does. He stated the language of the article reflects careful review by Town Counsel; noting the statute specifically states any funds remaining when a reserve fund is discontinued the funds shall be returned to the treasury. He stated the funds are going to offset the tax rate in the following year.

Dick Shurtleff stated that putting the money in the Town Treasury doesn't offset the 2010 tax rate.

Dave Owen stated following the completion of the audit, it will close out to the unreserved fund balance and such is then available to offset the tax rate.

Dick Shurtleff stated the funds are available and isn't automatically put towards the tax rate.

Dave Owen stated when the Town goes to the Department of Revenue Administration to set the tax rate a decision is made as to the amount of surplus funds that will be applied to the tax rates.

Dick Shurtleff stated the difference in his amendment is that it is guaranteed to go against the 2010 tax rate. He stated this is a definition of money laundering.

Dave Owen disagreed.

Linda Murray stated the Town is giving it to the Treasury and then appropriating the same amount again.

It was moved and seconded to terminate debate. The motion passed.

Scott Smith questioned whether the motion deletes the language that appropriates the money to transfer into the 2010 warrant article.

Randy Walker replied yes.

It was moved by Dick Shurtleff and seconded by Suzanne Ryan to amend Article 29 as follows; Article 29: Change the Purpose of the Old Fire Truck Capital Reserve Account. To see if the Town will vote to change the purpose of the Old Fire Truck Capital Reserve Account established under Article 4 of the 1990 Town Warrant and Currently Estimated at \$67,505.11 as required by RSA 35:16, such sum to be applied to reducing the 2010 tax rate and direct the Trustees of Trust Funds to take the necessary action. 2/3 vote required. The motion failed.

It was moved by Charlene Seibel and seconded not to reconsider Articles 26, 27 and 29. The motion passed.

ARTICLE 30: Discontinue Foss Field Lights Capital Reserve Account

To see if the Town will vote to discontinue the Foss Field Lights Capital Reserve Account, established under Article 16 of the 1999 Town Warrant, and to return the balance in this Account, currently estimated at \$25,877.72, to the Town treasury, pursuant to RSA 35:16-a.

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

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

Marge Webster stated the intent is to discontinue the Foss Field Lights Capital Reserve Account and place the funds to the Town Treasury.

ARTICLE 31: *To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) for the purpose of enabling the Wolfeboro 250th Committee to plan, coordinate, promote, and conduct a year-long program or activities for all Town Residents to celebrate Wolfeboro's 250th Anniversary.*

(Submitted by Petition)

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

(Recommended by Budget Committee by a vote of 6-2 with 2 abstentions)

Kathy Eaton stated Wolfeboro was established in 1759 and the committee is requesting an appropriation of \$10,000 to help plan, coordinate, promote and conduct a year long program of activities for all Town residents and to celebrate Wolfeboro's 250th birthday. She stated the Committee expects the money to be matched by private contributions and donations; noting the committee was established by the BOS. She stated that if the funds are not fully expended those funds will be returned to the Town. She stated a kickoff reception was held in November 2009 and participated in First Night. She stated a scavenger hunt is scheduled, 4th of July float and marching unit, 3 day celebration in August at Brewster field and encampment. She stated promoting the celebration will be good for the economy.

It was moved by Suzanne Ryan and seconded by Todd Fichter to amend Article 31 as follows; add to the end of the article "Expenditures to be authorized by the Board of Selectmen."

Discussion of the Motion:

Linda Murray stated she doesn't feel the need for the amendment given the fact that both she and Dave Owen serve on the Committee and would report back to the BOS.

It was moved by Suzanne Ryan and seconded by Todd Fichter to amend Article 31 as follows; add to the end of the article "Expenditures to be authorized by the Board of Selectmen." The motion failed.

ARTICLE 32: Retaining Three Tax-Deeded Parcels for Conservation Purposes

To see if the Town will vote, pursuant to RSA 80:80,V, to retain and hold for public use three tax-deeded parcels of land, said parcels to be managed and controlled by the Wolfeboro Conservation Commission, as follows:

| <u>Tax Map-Lot No.</u> | <u>Location</u> | <u>Acreage</u> |
|------------------------|----------------------------|----------------|
| 27-6 | Off Brown's Ridge Road | .21 |
| 151-38 | Governor Wentworth Highway | .85 |
| 98-16 | North Line Road | 29.50 |

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

Sarah Silk stated two of the lots were for sale and no one wanted the properties including the abutters therefore the Conservation Commission will manage and control the lots. She stated the third lot is a lot the Town already owns.

Dan Coons stated the land on North Line Road has been owned by the Town for approximately 15 years and has particular conservation value as it abuts a Prime Wetland and contains a number of wetlands and streams on the property with a valuable upland and wetland buffer to the Prime Wetland of Sargents Pond.

ARTICLE 33: Blind Exemption

To see if the Town will vote to adopt the provisions of RSA 72:37 for exemption for the blind for fifteen thousand dollars (\$15,000) of assessed value. The intent is to readopt for clarification of the existing exemption already in place.

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

Sarah Silk stated such relates to a housekeeping issue that the BOS has been requested to place on the warrant to clarify issues from the Assessing office.

ARTICLE 34: Solar Exemption

To see if the Town will vote to adopt the provisions of RSA 72:62 for exemption from the assessed value for persons owning real property which is equipped with a solar energy system as defined in RSA 72:61. The amount to be ten thousand dollars (\$10,000) for such system.

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

Sarah Silk stated the article standardizes the exemption for all solar systems.

It was moved and seconded not to reconsider Articles 30, 31, 32, 33 and 34. The motion passed.

ARTICLE 35: *To see if the Town will vote to establish a Heritage Commission, as defined by the North Wolfeboro and Cotton Mountain Historic District boundaries, to manage, recognize, and protect historical and cultural resources and authorize the Board of Selectmen to appoint five members and three alternates to the commission in accordance with the provisions of RSA 673:4-a. Said Heritage Commission purpose and authority shall be in accordance with RSA 674:44-a, b, c, d. and shall be advisory and review in nature only.*

(Submitted by Petition)

Todd Fichter reviewed the RSA's included in Article 35. He stated the warrant article came about as a result of the petition warrant article to abolish the HDC and is intended as a safety net should the residents vote to pass the latter article. He stated the article is for the residents in the Historic District who believe strongly in oversight and protection of historical resources, for the residents who care about the Historic District is preserved, conserved and fostered and intended to provide an advisory voice for those currently dissatisfied with the HDC in the hopes to find a common ground.

It was moved by Todd Fichter and seconded by Charlene Seibel to place Article 35 on the ballot as written.

Randy Walker stated the article is already on the warrant.

It was moved by Kristi Ginter and seconded to amend Article 35 as follows: To see if the Town will vote.

Discussion of the motion:

Kristi Ginter stated she understands the Article, as originally written, may pose legal issues with conflicting powers related to the RSA. She stated the voters need to be advised to any potential legal pitfalls of any petition warrant article. She stated statutorily, the Heritage Commission usually oversees an entire Town and not just a portion of a town.

Referencing Article 35 as originally written prior to the amendment, Mark Puffer stated he believes there is a typographical error in that he thinks the petitioners intended to reference 674:44-b.1; noting said RSA then has a., b., c., & d. as subparts to it. He questioned the intent of the Heritage Commission.

Todd Fichter stated 674:44-a refers to the establishment of the commission, 674:44-b lists the powers, 677:44-c refers to separate commissions and 674:44-d refers to appropriation authorized.

Mark Puffer recommended the language be amended to reflect 674:44 a through d.

Charlene Seibel requested Ms. Ginter to explain what other issues there may.

Kristi Ginter stated the statutory language indicates that Heritage Commissions oversee the whole town and the conflicting language in the warrant article is that it limits it to only certain sections of town which could lead to potential legal challenges for the people who live within those sections.

Todd Fichter stated he would like to hear Town Counsel's opinion regarding comments made by Ms. Ginter.

Mark Puffer stated he sees two problems with the article; noting the statute says that Heritage Commissions shall have advisory and review authority. He stated he is unsure that such can be limited and have only advisory powers because the statute does not allow for that. He stated that if a Heritage Commission is adopted, there isn't authority in the statute to limit it to a specific geographical area within the town. He stated if a Heritage Commission is adopted it has certain powers throughout the Town. He stated he cannot deal with the issues with certainty however, the issues do raise potential legal challenges to the validity of the Heritage Commission.

It was moved by Kristi Ginter and seconded to terminate debate on Article 35. The motion passed.

It was moved by Kristi Ginter and seconded to amend Article 35 as follows: To see if the Town will vote. The motion passed.

Todd Fichter requested reconsideration.

Kristi Ginter requested the article not be reconsidered.

Randy Walker stated the vote can be reconsidered; questioned Mr. Fichter's intent.

Todd Fichter questioned whether an amendment could be made.

Randy Walker replied yes.

It was moved by Todd Fichter and seconded by Suzanne Ryan to amend Article 35 as follows; To see if the Town will vote to establish a Heritage Commission, as defined by the North Wolfeboro and Cotton Mountain Historic District boundaries, to manage, recognize, and protect historical and cultural resources and authorize the Board of Selectmen to appoint five members and three alternates to the commission in accordance with the provisions of RSA 673:4-a. Said Heritage Commission purpose and authority shall be in accordance with RSA 674:44-a through d. and shall be advisory and review in nature only.

Discussion of the motion:

Linda Murray verified the potential legal issues are based on the commission being advisory.

Mark Puffer stated the commission cannot be advisory only.

Mike Parton stated in order to make a rationale decision on the article he would want to know what the authorities are under 674:44-b.

Todd Fichter and Randy Walker read the statute.

It was moved and seconded to terminate debate. The motion passed.

It was moved by Todd Fichter and seconded by Suzanne Ryan to amend Article 35 as follows; To see if the Town will vote to establish a Heritage Commission, as defined by the North Wolfeboro and Cotton Mountain Historic District boundaries, to manage, recognize, and protect historical and cultural resources and authorize the Board of Selectmen to appoint five members and three alternates to the commission in accordance with the provisions of RSA 673:4-a. Said Heritage Commission purpose and authority shall be in accordance with RSA 674:44-a through d. and shall be advisory and review in nature only.

Todd Fichter clarified the boundaries of the North Wolfeboro and Cotton Mountain Historic District would be deleted.

Randy Walker verified the motion would read as follows;

It was moved by Todd Fichter and seconded by Suzanne Ryan to amend Article 35 as follows; To see if the Town will vote to establish a Heritage Commission, as defined by the Town of Wolfeboro, to manage, recognize, and protect historical and cultural resources and authorize the Board of Selectmen to appoint five members and three alternates to the commission in accordance with the provisions of RSA 673:4-a. Said Heritage Commission purpose and authority shall be in accordance with RSA 674:44-a through d. and shall be advisory and review in nature only.

Bob Lemaire stated by removing the Cotton Mountain boundaries it then becomes everyone's problem. He stated the article is a back door way to establish the same thing the Town is voting against in another article (to abolish the HDC). He stated he doesn't want this to become his problem.

Charlene Seibel requested clarification; Heritage Commissions according to the statute are advisory therefore, how the commission would create a problem for the Town if it is advisory.

It was moved by Charlene Seibel and seconded to amend Article 35 as follows; To see if the Town will vote to establish a Heritage Commission in accordance with the provisions of RSA 673:4-a and in accordance with RSA 674:44-a through d.

It was moved and seconded to terminate debate on the amendment of Article 35. The motion passed.

It was moved by Charlene Seibel and seconded to amend Article 35 as follows; To see if the Town will vote to establish a Heritage Commission in accordance with the provisions of RSA 673:4-a and in accordance with RSA 674:44-a through d. The motion failed.

It was moved and seconded to not reconsider Article 35. The motion passed.

ARTICLE 36: To see if the Town will vote to approve the following resolution to be forwarded to our State Representative(s), our State Senator, the Speaker of the House, and the Senate President.

Resolved: The citizens of the New Hampshire should be allowed to vote on an amendment to the New Hampshire Constitution that defines "marriage".

(Submitted by Petition)

Ron Figley stated the intent of the petition is allowing the people to vote and nothing to do with any other controversy that it may generate. He stated the State of NH does not have the referendum process as in Maine and the article is a way to communicate to the legislators that people have different views on the issue.

John Struble stated he has the honor to be the first and only same sex marriage in Wolfeboro. He stated he is opposed to the article and to the transparent disingenuousness of how the article is worded. He stated NH does not have the referendum process and it would require a substantial review of NH law to create such. He stated when any group of citizens is allowed to decide on whether the rights of their fellow citizens should be restricted, whether their fellow citizens should not enjoy the rights that they themselves enjoy and have enjoyed throughout their entire life, whenever that happens, how can we call it the Live Free or Die state. He stated he has lived in NH for 25 years, came out of the closet at 13 and has lived 45 years of his life as a second class citizen in his own country; at what point do we have to do enough or be enough to be afforded the full and equal status of other citizens that merely have a different sexual orientation.

It was moved by John Struble and seconded to amend Article 36 as follows; To see if the Town will vote to approve the following resolution to be forwarded to our State Representative(s), our State Senator, the Speaker of the House, and the Senate President.

Resolved: The citizens of the New Hampshire commend the Governor and Legislature for supporting equal marriage rights for all New Hampshire citizens.

It was moved and seconded to terminate debate. The motion passed.

It was moved by John Struble and seconded to amend Article 36 as follows; To see if the Town will vote to approve the following resolution to be forwarded to our State Representative(s), our State Senator, the Speaker of the House, and the Senate President.

Resolved: The citizens of the New Hampshire commend the Governor and Legislature for supporting equal marriage rights for all New Hampshire citizens. The motion passed.

Pat Waterman requested a moment of silence for the passing of Donald Brooks (first Parks & Recreation Director) and John Schaefer (served on ZBA).

The meeting adjourned at 11:10 PM.

Lee Ann Keathley