

Wolfeboro Board of Selectmen
Public Meeting Minutes-Approved
September 6, 2017

Members present: Chairman Luke Freudenberg, Brad Harriman, Linda Murray, Dave Bowers and Dave Senecal

Staff present: Town Manager David W. Owen, Police Captain Mark Livie, Fire Chief James Pineo, Parks and Recreation Director Christine Collins, Public Works Director Dave Ford and Recording Secretary Michele Chamberlain

Chairman Freudenberg opened the meeting at 6:30 PM.

Non-Public Session RSA 91-A:3, II

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

Consideration of Minutes

Chairman Freudenberg asked for approval from the Board of the August 10, 2017 Special Meeting Minutes.

It was moved by Chairman Freudenberg and seconded by Dave Bowers to accept the minutes of August 10, 2017 with amendments to pages 1 and 5. Members voted and being none opposed, the motion passed.

Chairman Freudenberg asked for approval from the Board of the August 16, 2017 Regular Meeting Minutes.

It was moved by Chairman Freudenberg and seconded by Dave Bowers to accept the minutes of August 16, 2017 with an amendment to page 7. Members voted and being none opposed, the motion passed.

Public Hearings

A. Temporary Outdoor Event Permits

- i. Hospital & Community Aid Association, Inc. to hold Fall Fundraisers on September 29-30, October 6-7, 13-14, 20-21, 27-28, November 3-4, 10-11, 17-18, December 1-2 and 8-9, 2017 from 10 AM--2 PM at 65 Pine Hill Road

Jane Wass, Member of Hospital & Community Aid Association, Inc., addressed the Board. She stated this is a fall fundraiser from donated items to purchase equipment for patient care for Huggins Hospital and Huggins Backbay Rehab.

Chairman Freudenberg opened the public hearing.

Chairman Freudenberg closed the public hearing.

Linda Murray stated there was a request from the Fire Department. The request stated to maintain vehicle access at all entrances and to comply with the New Hampshire Fire Code.

Ms. Wass agreed.

It was moved by Brad Harriman and seconded by Dave Senecal to approve the issuance of a Temporary Outdoor Event Permit to the Hospital & Community Aid Association, Inc. to hold Fall Fundraisers on September 29-30, October 6-7, 13-14, 20-21, 27-28, November 3-4, 10-11, 17-18, December 1-2 and 8-9, 2017 from 10 AM--2 PM at 65 Pine Hill Road. Members voted and being none opposed, the motion passed.

B. Acceptance of Grants Over \$10,000

- i. Accept Additional Allocation of Highway Block Grant Funds in the amount of \$153,088.07.

Mr. Owen stated the Board previously discussed the use of these funds and agreed to apply them to the reconstruction of the worst part of North Wolfeboro Road, but the Board still needs to have the Public Hearing and formally accept these grant funds so the money can be legally spent during the fiscal year.

Chairman Freudenberg opened the public hearing.

Dave Ford, Public Works Director, addressed the Board. He stated we are getting permission to spend the money but he wanted the Board to understand that the schedule is tight. He stated he is a little concerned because he had hoped to get to North Wolfeboro Road but he still has other commitments that need to be done first so it might not be until the middle of October. He stated if he has any delays or problems with other projects then this project could be delayed until next year.

Chairman Freudenberg closed the public hearing.

It was moved by Chairman Freudenberg and seconded by Linda Murray to approve the acceptance of a grant of additional allocation of Highway Block Grant funds in the amount of \$153,088.07 for highway construction. Members voted and being none opposed, the motion passed.

C. Proposed Revision of Town Code Chapter 126-Sewers

i. Rules and Regulations for the Operation and Maintenance of the Wolfeboro Municipal Sewer System

Mr. Owen stated the proposed revised Sewer Use Ordinance has undergone a couple of reviews and revisions since the Board saw it last, including a further review by Town Counsel. Mr. Owen stated Mr. Ford is present to discuss this further.

Dave Ford, Public Works Director, addressed the Board. He stated this ordinance is being driven by our administrative order by consent with the New Hampshire Environmental Services to update our sewer system so it will be consistent with NH DES regulations. Mr. Ford stated the old regulations never had anything specific about payments on the connection fees. He stated the RSA's do allow payment plans for non-profits and a three year plan for residential. He stated the fees are part of the project and he is recommending that part to come out. He stated payments will be due upon connection.

Linda Murray questioned how a restaurant could get a copy of the FOG manual. She asked if they could get it online or from Mr. Ford.

Mr. Ford stated either way.

Linda Murray stated a while ago a flyer was sent out to residents about the benefits of wiping grease from their pans before washing. She asked if that flyer was going to be sent out again. She stated people can help the Town without upgrading their systems by just being diligent about removing grease when they can.

Mr. Ford stated in the fall he will do a public outreach.

Mr. Freudenberg opened the public hearing.

Mr. Freudenberg closed the public hearing.

Mr. Owen stated that Town Counsel suggested that the Health Agent for the Town review the proposed regulations. She has done that and has given her approval to the regulations.

Mr. Owen stated there is a typo in the revised ordinance. The ordinance still references RSA 252 which does not exist anymore. Mr. Owen asked that the Board consider continuing the public hearing at the next Board of Selectmen meeting so this could be fixed.

Mr. Ford asked if this could be approved since he has a deadline of the end of September. He asked where the mistake was in the ordinance.

Mr. Owen stated it was on the front page. He stated RSA 252 no longer exists.

Mr. Ford asked if it could be approved with that edit.

Linda Murray asked if it could be approved with Mr. Owen making sure all the RSAs are correct. Ms. Murray stated she would approve it with the condition that Mr. Owen, Mr. Ford and Marie make sure all the RSAs are correct.

Mr. Ford stated he thought they did that but they would proofread it again.

The Board and Mr. Owen agreed to approve the ordinance with the edits corrected.

It was moved by Linda Murray and seconded by Brad Harriman that the Board of Selectmen vote to amend Chapter 126 of the Wolfeboro Town Code by adopting the proposed ordinance governing the Operation and Maintenance of the Municipal Sewer System as submitted with the condition that Dave Owen and Dave Ford will reproof the document and make sure all the RSAs are correct. Members voted and being none opposed, the motion passed.

The new sewer ordinance as approved by the Board is as follows:

Chapter 126

SEWERS

ARTICLE I

Operation and Maintenance of Municipal Sewer System

- § 126-1 - Established
- § 126-2 – Enactment.
- § 126-3 – Other requirements.
- § 126-4 – Enforcement.
- § 126-5 – Definitions; word usage.
- § 126-6 - Use of Public Sewers Required
- § 126-7 – Private Wastewater Disposal
- § 126-8 – Building Sewers and Connections
- § 126-9 – Power of Assessment and Collection
- § 126-10 – Sewered Waste Restrictions
- § 126-11 – Tampering with Wastewater Facilities; Violations
- § 126-12 – Other Provisions; Severability; Deciding Authority
- § 126-13 – Right to Prohibit Certain Persons
- § 126-14 – Powers and Duties of Superintendent and Employees
- § 129-15 – Violations and Penalties

ARTICLE I
Operation and Maintenance of Municipal Sewer System

§ 126-1. Established.

The Rules and Regulations herein set forth for the maintenance and operation of the Wolfeboro Municipal Sewer System, established by the Selectmen of the Town of Wolfeboro as necessary or desirable for the efficient operation of said Wolfeboro Municipal Sewer System and for accomplishing the purpose of RSA 149-I, as amended, and for the protection of the health and safety of the people of Wolfeboro and for accomplishing the purposes of RSA 147, as amended.

§ 126-2. Enactment.

Pursuant to RSA 149-I, and every other authority thereto enabling, the Selectmen of Wolfeboro enact and ordain the following Rules and Regulations, which are also adopted by the Health Officer and approved by the Selectmen pursuant to RSA 147.

§ 126-3. Other requirements.

This ordinance is not intended to replace or void the BOCA Basic Plumbing Code (latest edition) or any other code, ordinance, regulation or lawful requirement of the Town of Wolfeboro (See Article VIII).

§ 126-4 Enforcement.

The Water and Sewer Utilities Department of the Town of Wolfeboro shall be responsible for the enforcement of this ordinance, for issuing permits and inspection as provided herein, and for the collection of inspection and permit fees as provide herein.

§ 126-5 Definitions; word usage.

A. Unless the context specifically and clearly indicates otherwise, the meaning of the terms and phrases used in the Ordinance shall be as follows:

“BOD” – (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

“BROWN GREASE” – shall mean waste that is recovered from grease interceptors.

“BUILDING DRAIN” – That part of the lowest piping of a private sewerage system which receives the discharge from waste and other sanitary sewerage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet beyond the foundation walls of the building or structure.

“BUILDING SEWER” – That part of the private sewerage system which extends from the end of the building drain to a public sewer, individual sewage disposal system, private wastewater collection system, or other point of sewerage disposal.

“COMBINED SEWER” – shall mean a sewer intended to receive both wastewater and storm or surface water.

“DOMESTIC WASTEWATER or SANITARY SEWAGE” – shall mean normal water carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm water.

“EASEMENT” – shall mean an acquired legal right for the specific use of land owned by others.

“FATS, OILS AND GREASES” (FOG) – shall mean organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “greases”.

“FLOATABLE OIL” – is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater is considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

“GARBAGE” – shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

“GREASE INTERCEPTOR” – shall mean all devices constructed to separate and trap or hold waterborne fats, oil, greases, and grease complexes from discharged wastewater in order to prevent grease from entering the sanitary sewer system,

including those formerly known as grease traps. The grease interceptor may be an internal grease interceptor or an external grease interceptor located outside, or both.

IMPROVED PROPERTY” – shall mean any property located within the Town of Wolfeboro upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

“INDUSTRIAL ESTABLISHMENT” – shall mean any room, group of rooms, building or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from domestic wastewater, shall be discharged.

“INDUSTRIAL WASTES” – shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

“LICENSED SEPTAGE HAULER” - shall mean a hauler holding a license currently approved by the New Hampshire Department of Environmental Services for pumping and hauling septage or grease as well as approved by the authority where the septage and grease is being disposed.

“NATURAL OUTLET” – shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

“NHDES” – New Hampshire Department of Environmental Services

“NON-CONFORMING SYSTEM” – Any system which does not conform to Sewer Ordinances, or any application where a system is required but not installed.

“OWNER” – shall mean any Person vested with ownership, legal or equitable, sole or partial, or possession of any Improved Property.

“PERSON” – shall mean any individual, firm, company, association, society, corporation, group, or other legal entity.

“PH” – shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

“PRIVATE SEWER” - The portion of the sewer system that is not the responsibility of the government agency or public utility to operate and maintain

including building sewers, building drains and/or private wastewater collection systems.

“PRIVATE WASTEWATER COLLECTION SYSTEM” - A service connection that collects the wastewater from more than one building drain and may include gravity sewers, manholes, pumping stations, force mains, and other infrastructure that collects and conveys wastewater to the public sewer.

“PROPERLY SHREDDED GARBAGE” – shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.

“PUBLIC SEWER” – shall mean a common sewer controlled by a governmental agency or public utility.

“SANITARY SEWER” – shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

“SERVICE CONNECTION” - The location in the sewer system where the fiscal responsibility for operation and maintenance of the sewer transitions between the private sewer and public sewer. This typically occurs where a building sewer or private wastewater collection system enters a municipal sewer main or manhole.

“SEWAGE” – is the spent water of a community. The preferred term is “wastewater”

“SEWER SYSTEM” – shall mean all facilities for collecting, a pumping, treating, transporting and disposing of sewage.

“SEWER” – shall mean a pipe or conduit for carrying wastewater or drainage water.

“SHALL” – is mandatory; “MAY” is permissive

“SLUG” – shall mean any discharge of water or wastewater which is concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and

shall adversely affect the collection system and/or performance of the wastewater treatment works.

“STANDARD LABORATORY PROCEDURE” – shall mean those procedures or tests for the examination of water and wastewater as described in “Standard Methods for the Examination of Water and Wastewater”, latest Edition, as published jointly by the American Public Health Association, Inc., American Water Works Association, and the Water Pollution Control Federation.

“STORM DRAIN” – (sometimes termed “Storm Sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

“SUSPENDED SOLIDS” – shall mean total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as non-filterable residue.

“TOWN” – shall mean the Town of Wolfeboro, Carroll County, New Hampshire, a municipality of the State of New Hampshire, acting by and through its authorized representatives, including Board of Commissioners, if hereafter created.

“UNPOLLUTED WATER” – is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

“WASTEWATER TREATMENT WORKS” – shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge, sometimes used as synonymous with “Waste Treatment Plant” or “Wastewater Treatment Plant”, or “Water Pollution Control Plant”.

“WATERCOURSE” – shall mean a channel in which a flow of water occurs, either continuously or intermittently.

“YELLOW GREASE” – shall mean oil and grease that comes directly from fryers and other cooking equipment.

B. Word usage. Shall is mandatory; “may” is permissive.

§ 126-6 – Use of public sewers.

- A. Pursuant to the provisions of RSA 147:8 and RSA 149-I:6 and any other authority thereto enabling the owner of any Improved Property benefited, improved, served or accommodated by any existing or future public sewer within three hundred (300') feet, of the property line shall connect such Improved Property therewith, in such manner as the Town of Wolfeboro may require, within forty five (45) days after notice to said owner from the Town of Wolfeboro to make such connection for the purpose of discharge of all Domestic Wastewater or Industrial Wastes from such Improved Property into the Public Sewer subject to such limitations and restrictions as shall be established by the Town of Wolfeboro from time to time. Each such owner shall, within the same time limit, cease and desist from all further discharge of Domestic Wastewater and/or Industrial Wastes into any other conduit or pre-existing system whether privately or publicly owned.
- B. All Domestic Wastewater and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Public Sewer as required under § 126-6 shall be conducted into a Public Sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Town of Wolfeboro, from time to time.
- C. No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town of Wolfeboro any human or animal excrement, garbage, solid waste, Domestic Wastewater or Industrial Wastes.
- D. No person shall discharge or permit to be discharged to any natural outlet within the Town of Wolfeboro any Domestic Wastewater, Garbage or Industrial Wastes in violation of Section A, except where suitable treatment has been provided which is satisfactory to the Town of Wolfeboro, and the New Hampshire Department of Environmental Services (NHDES).
- E. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any Improved Property which has been

connected to a Public Sewer or which shall be required under § 126-6, to be connected to a Public Sewer.

- F. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are discharged into the system shall notify the Town Manager or Director of Water and Sewer Utilities in writing at least forty-five (45) days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources involving a loading exceeding fifty (50) population equivalents or any increase in industrial discharges must be approved by the NHDES.
- G. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a Public Sewer, unless in connection with a Building Sewer System requiring pumping facilities.

§ 126-7. Private wastewater disposal.

- A. Where a public sanitary sewer is not available the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by NHDES and the Town. The application and fee for such permit shall be in accordance with State and Town regulations.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Town. The Town shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the Town when the work is ready for the final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Town. Such inspection shall be made by the Permit Officer or his designated representative.
- D. The type, capacities, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the Town and NHDES. No permit shall be issued for any new private wastewater

disposal system employing subsurface soil absorption facilities where the lot area is less than what is required by subdivision lot size requirements of the NHDES. No septic tank or cesspool shall be permitted to discharge to any natural outlet. Except for special reasons the Town will approve plans for new systems, extensions or replacement sewers only when designated upon the separate plan in which water from roofs, streets, and other areas, and groundwater from foundation drains are excluded.

- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with suitable material.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- G. No statement contained in the article shall be construed to interfere with any additional requirements that may be imposed by the Town or NHDES.
- H. "Septic Tank Waste" (Septage) will be accepted into the sewer system at a designated receiving structure within the wastewater treatment plant area, provided such wastes do not contain unusual toxic or pollutant material and provided such discharge does not violate any other special requirement established by the Town. Permits to use such facilities shall be under the jurisdiction of the Town or its duly authorized representative. Fees for dumping septage shall be established AS PART OF THE USER CHARGE SYSTEM. The Wastewater treatment plant operator, acting in behalf of the Town, shall have the authority to limit the disposal of such wastes if such disposal would interfere with the wastewater treatment plant operation. Procedures for the disposal of such wastes shall be in conformance with the operations policy of the Town's wastewater treatment plant supervisor and disposal shall be accomplished under his/her supervision unless specifically permitted otherwise. NOTE: The Town because of the type and size of its wastewater treatment facility can only process some much septage per week. As a result of these limitations the Town has an

inter-municipal agreement with the Plymouth, NH wastewater facility to accept Wolfeboro septage as needed.

§ 126-8. Building sewers and connections.

- A. Except as otherwise provided in the §126-7, each Improved Property shall be connected separately and independently with a Public Sewer. A Building Sewer Grouping of more than one (1) Improved Property on one (1) Building Sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause as noted in § 126-8-S
- B. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. But the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- C. Old building sewers may be used in connection with new building only when they are found to meet all requirements of this article, and at the discretion of the Town, based on examination, closed circuit television inspection and pressure test performed at the Owner's expense under Town supervision.
- D. The size, slope, alignment, materials of construction of a pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town.
- E. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such building drain shall be lifted by means approved by the Town of Wolfeboro and discharged to the building sewer.
- F. No person shall connect roof downspouts, foundation drains areaway drains, or other sources of surface runoff or any other sources of surface runoff or

groundwater or building floor drains to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

- G. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. All such connections shall be made gas and water tight and verified by proper testing methods. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.
- H. The Building Sewer shall be continued from the building to the municipally owned Town sewer main. The invert of the Building Sewer at the point of connection to the public sewer shall be at the same elevation as the stub provided by the Town. A smooth, neat joint shall be made and the connection of the Building Sewer to the public sewer shall be made secure and watertight and acceptable to the Town of Wolfeboro.
- I. During construction of a new public sewer, the Town of Wolfeboro may, at its expense, construct Building Sewers for existing buildings from the main to the curb or property line. All costs and expenses of construction of the remainder of the Building Sewer, including connection to the structures served, shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and save harmless the Town of Wolfeboro, its officers and agents, from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or its connection to the Sewer System. After the initial construction of the Building Sewer, the Owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance and of reconstruction (if needed) of the Building Sewer beginning at the Public Sewer and ending at the building.
- J. If the owner of any Improved Property located within the Town of Wolfeboro and benefited, improved, served or accommodated by any Public Sewer or to which any Public Sewer is available, after forty-five (45) days' notice from the Town of Wolfeboro, in accordance with § 126-6-A shall fail to connect such Improved Property, as required, he shall be subject to the burdens and penalties prescribed in RSA 149-I and of RSA 147 and regulations issued pursuant thereto; or the

Town of Wolfeboro may make such connection and may collect from such owner the costs and expenses thereof by such legal proceedings as may be permitted by law. The Town of Wolfeboro shall have full authority to enter on Owner's property to do whatever is necessary to properly drain the Improved Property into the Public Sewer.

- K. No person shall uncover, connect with, make any opening into, or use, alter or disturb in any manner any public sewer or any part of the Sewer System or Building Sewer without first obtaining a permit, in writing, from the Town, and paying to the Town applicable Connection Fees imposed by the Town against the Owner of each Improved Property who connects such Improved Property to a Public Sewer.
- L. The applicant for the Building sewer permit shall notify the Town when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Superintendent or his designated representative. If any part of a Building Sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property to be connected to the Public Sewer.
- M. There shall be two (2) classes of building sewer permits:
 - (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town. A connection fee as set by the Town shall be paid to the Town at the time the application is filed.
- N. Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property. The owner is responsible to ensure that no stormwater, groundwater or other drainage enters the building sewer, per § 126-8-F. If the Town finds a building sewer does not meet this requirement, all necessary repairs and or replacements shall be the responsibility of the owner.

- O. Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Streets, sidewalks, and other public property disturbed in the course of the work on a Building Sewer shall be restored, at the cost and expense of the Owner of the Improved Property being served, in a manner satisfactory to the Town.
- P. If any person shall fail or refuse, upon receipt of a notice from the Town of Wolfeboro, in writing, to remedy any unsatisfactory condition with respect to a Building Sewer, within forty-five (45) days or receipt of such notice, the Town of Wolfeboro may remedy any unsatisfactory condition with respect to a Building Sewer and may collect from the Owner, the costs and expenses thereof by such legal proceedings as may be provided by law. The Town shall have full authority to enter on the Owner's property to do whatever is necessary to remedy the unsatisfactory condition.
- Q. The Town reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Public Sewer and the Sewer System, which additional rules and regulations, to the extent appropriate, shall be a part of these regulations.
- R. New or replaced building sewers shall have a two-way cleanout tee, riser and cap installed at the edge of the roadway right of way and at intervals of no greater than 150' along the length of the building sewer to facilitate inspection and cleaning.
- S. The Town will consider private collection systems on a case-by-case basis when requested of the Planning Board and Water and Sewer Utilities Department. The owner of any existing private wastewater collection system shall provide information about the system requested by the Town including, but not limited to:
 - Owner contact information for regulatory or other enforcement actions;
 - Identify a person responsible for operation and maintenance of the system with 24-hour emergency contact information that the Town can use in the event of an emergency;
 - Information about the private system including, but not limited to: record drawings, pumping station design flow, emergency power provisions, O&M activities and schedule that activities are performed, and any other

information that the Town needs to evaluate the impact of the private system to the public sewer.

§ 126-9. Powers of assessment and collection.

A. The assessment and collection of the expense of constructing and maintaining the Sewer System shall be governed by the provisions of RSA 149-I:7-18, inclusive, and any other applicable general laws. The Selectmen of the Town shall have all the powers granted to boards of mayor and alderman thereunder with references to establishing and assessing sewer charges and/or rentals. If the Town of Wolfeboro votes to establish a Board of Sewer Commissioners, they shall have all the powers of the Selectmen hereunder as provided in RSA 149-I:19.

B. Access fee.

- (1) For any structure to which sewer becomes available as defined by § 126-6, after May 1, 1987, a flat rate access fee (also referred to as Connection Charge) shall be paid each time a new connection is made to the sewer system.

This fee is for the right to connect to and to use a portion of the capacity of the sewer system. See the Water and Sewer Rate Schedule as updated from time to time for Connection Fees.

- (2) Changes in use. If a change in the use of the property occurs which will increase the water consumption/sewer discharge after the access fee has been paid, access fees for the additional use must be paid. Access fees paid will not be refunded as a result of changes in use which reduce water/sewer usage.
- (3) Access fees shall be charged for all new connections to the existing water and sewer mains within the Town System.
- (4) Access fees shall be charged for all connections to water and sewer main extensions to the Town System.
- (5) Payment. All access fees are due and payable upon connection to the service provided.

§ 126-10. Sewered waste restrictions.

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to storm sewers, if available, or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Town, and the NHDES to a storm sewer, if available, or an approved natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, wastestreams with a closed flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, sludge disposal practice or constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard at the wastewater treatment plant, or its receiving waters.
 - (3) Any waters or wastes having a pH lower than 5.5, or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel engaged in the operation and maintenance of the sewer system and the wastewater treatment plant.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewer system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground

by garbage grinders.

D. No Person shall discharge the following:

- (1) Wastewater that causes the temperatures at the introduction into the wastewater treatment plant to exceed 104°F (40°C).
- (2) Wastewater not in compliance with categorical pretreatment standards as found at 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (3) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.
- (4) Trucked or hauled pollutants, except at discharge points designated by the Town.
- (5) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent or sludge to fail a toxicity test.
- (6) Any hazardous waste listed or designated by DES under ENV-Hw 400.
- (7) No person shall discharge or cause to be discharged for the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Town, that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming such opinion as to the acceptability of these wastes, the Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. NHDES may also be consulted for aid in forming an opinion as to the acceptability of any waste entering the wastewater collection and treatment works.
- (8) Wastewater having a temperature higher than one hundred fifty (150°) (65°C).

- (9) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0° to 65°C).
- (10) Wastewater from industrial plants containing floatable oils, fats, or grease.
- (11) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Town.
- (12) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (13) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting and excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the wastewater treatment plant exceeds the limits established by the Town for such materials.
- (14) Any waters or wastes containing phenols or other taste-or odor-producing substances, in such concentrations as to exceed limits which may be established by the Town as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (15) Any medical or infectious waste, pharmaceuticals, radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State or Federal regulations.
- (16) Material which exerts or causes:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids, (such as, but not limited to sodium chloride and

sodium chloride and sodium sulfate).

- (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solution).
 - (c) Unusual BOD, Chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on a sewage treatment works.
 - (d) Unusual volume of flow or concentration of wastes or both constituting “slugs” as defined herein.
- (17) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.
- (18) Any water or wastes which, by interaction with other water or wastes in the public sewer system, releases obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment process.
- (19) A dental practice which manages dental amalgam shall install and maintain an amalgam separator in accordance with federal and/or state regulations.

E. Discharge of Prohibited materials; pretreatment.

- (1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 126-6 of this Article, and which in the judgment of the Town, may have deleterious effect upon the sewer system, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:
- (a) Reject the waste,
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers,

- (c) Require control over the quantities and rates of discharge, and/or,
- (d) Require payment to cover the added cost of handling and treating the waste under the provision of § 126-15 of this Article.

- (2) If the Town permits the pretreatment of equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town, and subject to the requirements of all applicable codes, ordinances, and laws. The permit issued by the Town shall be in accordance with all applicable federal and/or state regulations. It shall be illegal to meet the requirements of this sewer ordinance by diluting wastes in lieu of proper pretreatment.

F. Fats Oil & Grease.

These regulations include guidelines for the control of fats, Oil, and Grease (FOG) including voluntary inspection and monitoring program for users. (Information about FOG and guidelines for complying with these regulations is documented in a manual compiled by the Wolfeboro Water and Sewer Utilities Department titled Fats, Oils and Grease (FOG) Prevention Program Ordinance Manual and is available at Wolfeboro Town Hall). It should be noted that Board of Selectmen voted to make this a voluntary program with no fees and fines, as the department does not have the manpower to implement the necessary applications, fees and inspections at this time.

- (1) No User shall allow wastewater discharge to the sewer line leaving the property to exceed 100 milligrams per liter of FOG.
- (2) Grease Interceptors shall be required at all restaurants, nursing homes, hospitals or cooking establishments and other facilities from which grease can be expected to be discharged, as required by the State of New Hampshire.
- (3) All Grease Interceptors shall:
 - (a) Be of a type, design, and capacity specified by the latest edition of the New Hampshire Building Code, governed by the International Plumbing Code for Interceptors and separators.

- (b) Be readily and easily accessible for User cleaning and Town inspection.
- (c) Access manholes shall be provided over each grease interceptor inlet and outlet and sanitary tee. The access manhole shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manhole shall also have readily removable manhole type access to facilitate inspection, grease removal, and wastewater sampling activities.
- (d) Be installed on the building drain/sewer that extends from the food preparation and clean up areas. No sanitary facilities shall be connected to the Grease Interceptor.
 - 1. Be manually inspected bi-weekly (every two weeks).
- (4) Operation and Maintenance Requirements:
 - (a) In the maintaining of all such Grease Interceptors the owner(s) shall be responsible for regular inspection and cleaning. Inspections shall be conducted on a bi-weekly basis. Grease Interceptors shall be cleaned prior to the level of grease reaching 25% of the effective depth of the interceptor or at least twice each year/season, whichever is sooner. Inspections may be reduced to monthly if a monitoring system is installed that conforms to the requirements below.
 - 1. A monitoring system shall use ultrasonic transducers and an embedded microprocessor to continuously sense the positions of the floating solids, bottom solids and the liquid level within the grease interceptor. Monitoring systems shall comply with standard PDI-G 102. This information is transmitted to a control unit located within the building. The monitor's control unit shall be programmed to alert the owner when the grease level is less than or equal

to 22% capacity so that pumping can be arranged prior to reaching 25% capacity as defined within the operations and maintenance requirements. The monitor shall also alert emergency conditions prior to tank failure due to overfilling.

- (5) Waste grease and oil shall not be disposed of by the sanitary sewer. All waste grease and oil must be collected in an appropriate container provided by a Town approved vendor and stored in location approved by the town on the premise. The container must be stored on an impervious surface. Containers must be capable of being sealed or be stored in a sheltered area to prevent entry of precipitation and vermin. Any removal and hauling of the collected materials not performed by the owner(s) personnel must be performed by currently licensed waste disposal firms.

- (a) The User shall maintain a written record, using forms developed by the Wolfeboro Water and Sewer Utilities Department, of grease interceptor inspection and maintenance for no less than three years and such records must be available for inspection by the Town at all times. These written records shall also include documentation of the proper removal and disposal of both yellow and brown grease. Upon request by a Wolfeboro Official, an owner or operator shall furnish these records.

- (b) Users who are required to install Grease Interceptors are expected to employ best management practices in food preparation and cleanup. These best management practices shall assure that fats, oils, and greases are not directly discharged to the building drain. For example; waste food or trimmings including fats, oils, and greases shall not be discharged to the building drain through a garbage grinder, oil from deep fat frying shall not be discharged to the building sewer, etc. Best Management Practices are outlined in the

“Fats, Oils and Grease (FOG) Prevention Program Guidance
Manual” available at Wolfeboro Town Hall.

- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.
- H. When required by the Town, the Owner of any property serviced by a Building Sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Town. The structure shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- I. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Town may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Town. Such records shall be made available upon request by the Town to other agencies having jurisdiction over discharges to the receiving waters. These records shall remain available for a period of at least 5 years. These requirements may include:
 - (1) Wastewaters discharge peak rate and volume over a specified time period.
 - (2) Chemical analyses of wastewaters.
 - (3) Information on raw materials, processes and products affecting wastewater volume and quality.
 - (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
 - (5) A plot plan of sewers of the user’s property showing sewer and pretreatment facility location.
 - (6) Details of wastewater pretreatment facilities.

(7) Details of systems to prevent and control the losses of materials through spills to the public sewer.

- J. The Town, through its duly authorized employees and officials, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Town or its representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- K. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard, and shall be determined at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole, from the building sewer, in the public sewer to which the Building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewer system and to determine the effect of constituents upon the sewer system and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas PH's are determined from periodic grab samples.)
- L. No statement contained in the Article shall be construed as precluding any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town

for treatment, subject to extra payment therefore, by the industrial concern. Provided that such agreements do not contravene any requirements of existing Federal or State laws and/or regulation promulgated thereunder, and are compatible with any User Charge and Industrial Cost Recovery System in effect.

§ 126-11. Tampering with wastewater facilities; violations.

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ 126-12. Other provisions; severability; deciding authority

- A. In any case where a provision of this ordinance is found to be in conflict with a provision or any ordinance or code of the Town of Wolfeboro, existing on the effective date of this ordinance, or adopted hereafter, the provision which, in the judgment of the Selectmen establishes the higher standard for the promotion and protection of the health and safety of the people of the Town of Wolfeboro shall prevail. In any case, where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the Town of Wolfeboro existing on the effective date of this ordinance, or adopted hereafter, which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.
- B. If any section, subsection, paragraphs, sentence, clauses, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared to be severable.
- C. In the case of a dispute, the Selectmen of the Town shall be the deciding authority.

§ 126-13. Right to prohibit certain persons.

The Town reserves the right to prohibit any person from installing builder sewers, septic tanks, leaching fields or other facilities for the handling or disposing of sanitary sewage or industrial wastes, if in the past, said person has refused to abide by this ordinance or if said person's performance has proven to be of inferior quality and therefore requires an unusual amount of supervision by the Town in relation to other persons.

§ 126-14. Powers and duties of department.

A. Inspections

- (1) The Director of Water and Sewer Utilities and any other duly authorized official or employee of the Town, bearing proper credentials and identification, shall be permitted to enter all properties at reasonable times for any of the following purposes:
 - (a) to inspect the nature, extent, construction, maintenance, or operation of private facilities to determine if such facilities comply with the provision of this ordinance and other applicable laws and regulations including, but not limited to, inspections to determine compliance with § 126-8 of this ordinance which prohibits certain discharges of the sewer system;
 - (b) to perform any other act of inspection permitted or required under this ordinance which reasonably requires access to any property.
- (2) Any owner or occupant of the property who refuses to grant consent to a duly authorized town official or employee to enter the property for any purpose stated in this section or elsewhere in this ordinance shall be guilty of a violation of this ordinance and shall be subject to a fine of not more than one thousand dollars (\$1,000) for each day that such consent is withheld. In addition, any duly authorized town official or employee acting on behalf of the board of selectmen may obtain an administrative inspection warrant pursuant to RSA 595-B to allow access to the property

for any purpose specified in this section or under any other provision of this ordinance.

- B. The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- C. While performing the necessary work on private properties, referred to in § 126-14-A, above, the Superintendent or duly authorized employees of the Town shall observe all safety rules appreciable to the premises established by the company, and the company shall be held harmless from injury or death to the Town employees, and the Town shall indemnify the company against liability claims or demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 126-10.
- D. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private property through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 126-15. Violations and penalties.

- A. Any person found to be violating any provision of this ordinance shall be served by the Town with written notice stating the nature of the violation and providing a

reasonable time limit for the satisfactory correction thereon. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- B. Any person who shall continue any violation beyond the time limit provided for in § 126-11 shall be fined not more than one thousand dollars for each day of violation.
- C. Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned by Town by reason of such violation.

EFFECTIVE DATE

These Revised Rules and Regulations become effective upon their adoption by the Board of Selectmen of the Town of Wolfeboro, this day of 6th day of September 2017 by the Selectmen of the Town of Wolfeboro, Carroll County, State of New Hampshire, at a duly called and duly held session of said Board Selectmen.

Original Sewer Ordinance was Adopted and Approved January 13, 1982; Revisions approved 4-29-87; 1-24-90 and 1-24-06. This version of the Sewer Ordinance was Adopted and Approved on the effective date noted.

Bulk Vote

A. Weekly Manifests

August 25, 2017
September 1, 2017
September 8, 2017

B. Property Tax Credits/Exemptions

Approvals:

- i. 1 Bayberry Lane Tax Map 177, Lot 10-1
- ii. 12 Pleasant Valley Road Tax Map 244, Lot 58
- iii. 5 Foxglove Lane Tax Map 201, Lot 34-124

C. Notice of Intent to Cut Wood or Timber

- i. Haines Hill Road Tax Map 71, Lot 12

D. Application for Current Use

- i. Grandview Commons:
Tall Pines Way Tax Map 199, Lots 15-5,
15-6, 15-7, 15-8, 15-9, 15-10,
15-11, 15-12, 15-13, 15-14,
15-15, 15-16, 15-17, 15-18,
15-19, 15-20, 15-21 15-22,
15-23, 15-25, 15-00
Grand View Blvd. Tax Map 13, Lots 26-24,
26-26, 26-27, 26-28

E. Raffle Permit—Department of Parks & Recreation

It was moved by Dave Senecal and seconded by Brad Harriman to approve the items listed on the agenda in the Bulk Vote in A through E above. Members voted and being none opposed, the motion passed.

Appointments

A. Member of the Board of Library Trustees

Mr. Owen stated the Library Trustees requested that Thomas Madden be appointed as a full member of the Board of Library Trustees until the Town election in March 2018.

Thomas Madden addressed the Board. He stated he has lived in Wolfeboro for about a year and before coming to Wolfeboro he was the Director of the Durham Public Library in Durham, NH. He stated a new library was built when he was there.

It was moved by Linda Murray and seconded by Dave Bowers to approve the appointment of Thomas Madden as a full member of the Board of Library Trustees from a term through March 13, 2018. Members voted and being none opposed, the motion passed.

B. Alternate Member of the Board of Library Trustees

Jane Newcomb addressed the Board. She stated she has served as a regular member of the Board of Trustees in the past and would like to serve as an alternate member.

It was moved by Dave Senecal and seconded by Brad Harriman to approve the appointment of Jane Newcomb as an Alternate Member of the Board of Library Trustees for a term through July 31, 2018. Members voted and being none opposed, the motion passed.

Dave Bowers stated Jane Newcomb has been an important member of the library for many years.

New Business

A. Transfer of Cable Franchise

Ed Merrill, General Manager of Metrocast Communications, addressed the Board. He stated he is responsible for the operations in New Hampshire and Maine. Mr. Merrill stated he is here tonight as a representative for Metrocast and introduced Fran Bradley, the representative for Atlantic Broadband.

Fran Bradley, Government & Franchising Manager for Atlantic Broadband, addressed the Board. He stated Atlantic Broadband is anticipating the closing at the first of the year and that all of the local employees of Metrocast will become Atlantic Broadband employees. He stated meetings have already taken place with the employees and they seem to be very happy. Mr. Bradley stated they have a pretty good idea on how to integrate the systems of Metrocast. He stated Atlantic Broadband purchased the Connecticut Metrocast branch about two years ago and have had great success. Mr. Bradley stated they feel like it will be a very smooth transition.

Linda Murray asked about the upgrades/double internet speed. She asked what the public would gain with Atlantic Broadband taking over Metrocast.

Mr. Bradley stated Atlantic Broadband felt there was a lot of room for growth of the cable side as well as the broadband side with increasing speeds and providing different alternative speeds. He stated they are looking at developing an extensive business service group that would work with small, medium and large businesses on cable, broadband, enterprise services and host of voice to give them an alternative.

Ms. Murray thanked Mr. Bradley.

Brad Harriman stated Tim Goodwin, Director of Wolfeboro Community Television, would like to talk to Mr. Bradley in the near future because the Television is funded by the franchise fees. Mr. Harriman stated they need to work together.

Mr. Bradley stated as of the closing Atlantic Broadband will be bound by all the same terms and conditions of the franchise agreement that exists with Metrocast. He stated all of that will become our responsibility.

Mr. Freudenberg stated back in the spring we had a wind storm that knocked out Metrocast service for a lot of customers. He stated Facebook was the mechanism used to communicate with customers. He expressed that communication with the public is key in situations like this. He stated the Fire Chief, Police Chief and State government could not get information on when service would be potentially restored. He stated this is

frustrating for anyone in government. He asked what commitment Atlantic Broadband would have to communicate with the general public when there is an outage.

Mr. Merrill stated he was out in the field for that storm. He stated he understands the frustrations. He stated they could not tell customers when service would be restored until they found out exactly what was going on to fix it. He stated they were working around the clock to fix the problem. He stated when they knew that service was going to be restored they notified customers right away. Mr. Merrill stated that the storm took out our primary and our redundant fiber. He stated since then they have rerouted and we have distinct redundant fiber routes throughout the whole system now. Mr. Merrill stated we have identified those problems and corrected them so it won't happen again.

Mr. Bradley stated Atlantic Broadband has an extensive social media group because we recognize that is the way people communicate now. He stated that commitment will continue over into these systems.

Mr. Owen questioned the density requirements of broadband and cable service out to the different parts of the community. He stated we still have some parts of Town and rural areas that do not have broadband service. He asked if Atlantic Broadband would extend their infrastructure to these un-serviced areas of our community.

Mr. Bradley stated they would be bound by the same density requirements as Metrocast.

Mr. Owen stated some communities on the other side of the lake have less density requirements than what we have. Mr. Owen asked if there was a standard requirement.

Mr. Bradley stated he did not think there was a standard requirement across the cable industry. He stated he did not think it was an issue of extending the service but more of a cost issue. He stated in some cases Atlantic Broadband has offered service in areas that did not make economical sense by supplying the cost to the municipalities. He stated Atlantic Broadband supplied a list of the cost for each area and in some cases the municipalities funded the bill. He stated that Atlantic Broadband could offer that service if that is something the Town would want to consider.

Mr. Owen read the Resolution.

RESOLUTION

A RESOLUTION APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE GRANTED BY THE TOWN OF WOLFEBORO

FINDINGS

- A. The Town of Wolfeboro ("Franchising Authority") has received a request from MetroCast Cablevision of New Hampshire, LLC ("MetroCast") to assign to Atlantic Broadband (NH-ME), LLC, a wholly-owned, indirect subsidiary of Cogeco Communications, Inc., ("Atlantic Broadband") the cable television franchise held by MetroCast ("Franchise").
- B. The Franchise requires that MetroCast obtain the Franchising Authority's prior consent for the assignment of the Franchise by MetroCast to Atlantic Broadband.
- C. MetroCast and Atlantic Broadband have properly requested the Franchising Authority's consent to the assignment and transfer of the Franchise and related assets to Atlantic Broadband.
- D. Atlantic Broadband has the financial, technical, and legal ability to fulfill the obligations of the Franchise, and the assignment of the Franchise to Atlantic Broadband will serve the public interest.

ORDINANCE

Based on the above findings, the Town of Wolfeboro resolves as follows:

- 1. The Franchising Authority consents to the transfer to Atlantic Broadband of the Franchise and all of MetroCast's rights in and under the Franchise.
- 2. Upon the closing of the sale of MetroCast's cable system to Atlantic Broadband ("Closing"), Atlantic Broadband shall become bound by the Franchise and shall perform and discharge all obligations and duties under the Franchise that arise on and after the Closing.
- 3. Upon Closing, the Franchising Authority releases MetroCast from all obligations and liabilities under the Franchise that relate to periods from and after the Closing.
- 4. Upon Closing, Caisse de dépôt et placement du Québec ("CDPQ") will have an indirect equity interest in Atlantic Broadband.

5. Atlantic Broadband may: (a) assign or transfer its assets to an entity directly or indirectly controlling, controlled by, or under common control with Atlantic Broadband; (b) restructure debt or change the ownership interests among its existing equity holders and/or CDPQ; (c) pledge or grant to any lender a security interest in Atlantic Broadband's assets to secure indebtedness; and (d) sell equity interests in Atlantic Broadband or any of Atlantic Broadband's affiliates.
6. All Franchising Authority action necessary to approve this Resolution and the Franchise transfer has been duly and validly taken.
7. *This Resolution is effective upon adoption.*

It was moved by Linda Murray and seconded by Dave Bowers to approve the following Resolution below. Members voted and being none opposed, the motion passed.

B. Request for Public Hearing – Building Permit on a Class VI Road

Mr. Owen stated Michael Simmons, who was granted a building permit to build a residence on a Class VI road on July 20, 2015, is now requesting that the Board schedule a public hearing to consider a new application for a building permit on a Class VI road. Mr. Owen stated it has been in litigation for a period of time now and the parties would like to resolve some of the issues relative to the procedure that was followed by having a new public hearing. Mr. Owen stated if the Board agreed to hold the public hearing then 14 days legal notice is required, therefore, it would have to be sometime after the September 20th Selectmen's meeting. He suggested having a special meeting on Wednesday, September 27th.

The Board agreed to September 27th at 6:30 PM.

It was moved by Chairman Freudenberg and seconded by Dave Senecal to hold a public hearing on the application for a building permit on Stoneham Road, a Class VI road, on September 27, 2017 at 6:30 PM. Linda Murray abstained. Members voted and being none opposed, the motion passed.

Mr. Owens stated there was another piece of this request. He stated the Planning Board has already considered this application for a building permit and they recommended that the Selectmen should amend its Class VI Road Policy to require that all future applications for a building permit on a Class VI Road to include review by the Conservation Commission to review environmental impact. Mr. Owen stated if the Board agreed to amend the Class VI Road Policy then the public hearing would not be allowed on September 27th because it would need to be reviewed by the Conservation Commission first. He suggested that the Board hold the recommendation or chose a future date so the policy does not become effective immediately.

Ms. Murray stated she would like to look at changing the Class VI Road Policy and also add the requirement that the Board schedule a public hearing on each Class VI Road building permit application.

It was moved by Dave Senecal and seconded by Chairman Freudenberg to table the second section in reference to Class VI Roads and the Conservation Commission. Members voted and being none opposed, the motion passed.

Linda Murray stated we could still add the portion about having a public hearing on each building permit application on a Class VI Road.

It was moved by Linda Murray and seconded by Chairman Freudenberg to add the section that the Board schedules a public hearing on each Class VI Road building

permit application. Dave Senecal was opposed. Members voted and the motion passed.

Mr. Owen asked to clarify if the Board just voted to amend the Class VI Road Policy and require a public hearing for each building permit.

Ms. Murray stated that is correct.

C. Center Street Construction Project Update

Dave Ford, Director of Public Works, addressed the Board. He stated there have been some problems with the contractor and state regulations but we have resolved them with NH DOT. He stated the workers have now been scheduled to take the Hazwoper Training Class for the week of September 11, 2017. They will need the following week to get all of the medical evaluations completed so it would appear work would start on the site the week of September 25, 2017. During the first week they will complete test pitting and set up the ground water treatment system. If all goes well they should start replacing drainage pipes by the first week in October. Although there are possibilities due to weather or training that could delay the project. Mr. Ford stated when the schedule is firmed up we will be notifying property owners and businesses with a specific schedule on how the construction will impact them. He stated he will explain how temporary detours will be set up but businesses will remain open and pedestrian access will be available to their facilities. Mr. Ford wanted everyone to be aware there will be a big frack tank that will be set up by the sewage pump station and all the ground water will be pumped into that so it can be treated before it is discharged into the sewer system. He stated most of the work will be reimbursed through the petroleum fund. Mr. Ford stated updates will be posted in the newspaper and on the Town website.

Linda Murray asked if the schedule for the construction would be on the homepage.

Mr. Ford stated a tab will be set up for Center Street Construction so that it brings you directly to the information.

Ms. Murray questioned if the link would be on the homepage.

Mr. Ford stated yes, he believed so.

Mr. Ford stated construction started today for a separate project by the old Foss Field building. We are putting up a new pavilion. He stated the drainage went in well and we are now planning for the foundation.

D. Update on Status of Decommissioning Fire Alarm System

James Pineo, Fire Chief, addressed the Board. He stated some of the street boxes on the poles have been removed. In early August the system sustained damage due to the failure of a circuit board which resulted in troubleshooting the system and taking corrective

measures which included disabling sections within the system. These sections were: South Main Street from the Library to Middleton Road, Center Street- full length including all branch lines and Sewall Road. Mr. Pineo stated next year we will be asking the Board for a Capital Outlay Project to remove the remainder of the fire alarm system. Mr. Pineo would like some guidance from the Board on how to dispose of the old equipment. He stated the preliminary inventory of the Wolfeboro Fire Alarm Equipment include 45 street boxes, 2 master boxes, 1 municipal panel, 1 power supply, 1 punch register, 1 take-up reel, 1 entrance cabinet fuse and 1 nicopress sleeve. He stated he has an estimate from the current contractor of what the cost would be if they were to buy the equipment from us. He stated there are some street boxes on buildings and there is some confusion on who owns these street boxes, whether it is the premises or the Town. Mr. Pineo stated there is not good documentation about who owns the street boxes so he would like the Board's opinion about what should be done with the boxes.

Dave Bowers asked if he could buy ten of them at the cost of \$75 each and give one to the Fire Department as a souvenir and any of the equipment that interests the Historical Society for the Fire Museum.

Ms. Murray stated if our Town policy stated we need to go out to bid, then we need to go out to bid.

Mr. Owen stated it isn't a question of if we need to go out to bid but we have some options. The options are do we want to take all these boxes and sell them off individually or in groups or do we do an RFP or an information to bidders which allows a company to buy them deducting the cost of the boxes from the bill. It will be subject to proper procedure either way.

Mr. Pineo stated we are only looking for direction on when we build the RFP if it will be sold off at a lot in that process or are we going to sell them as a credit to the Town.

Mr. Bowers stated he would buy all the boxes at the offered price of \$75 each and he will make them available to anyone who wants one at that price and that way it preserves them. He stated street boxes are available on Ebay from \$70 to \$150. He stated then the street boxes can be retained from anything you do and say they are being retained by the Town.

Mr. Pineo stated he just wanted to know what the Board wanted him to do so they could begin working on the RFP process.

Linda Murray stated she wants to do whatever will get the Town and the taxpayers the most money. She questioned if other vendors would offer more money.

Mr. Pineo stated L.W. Bills Company has their own machine shop that manufactures a lot of these parts and they resell the products to other municipalities. He stated there are other companies that do the line work but there probably aren't any other companies on the east coast that will buy the equipment back.

Dave Senecal stated he thought retired firefighters or active firefighters would be interested in buying the equipment.

Mr. Pineo stated he wanted direction from the Board so everyone knows ahead of time the direction we are going in.

Mr. Owen stated it sounds like the preferred direction is to offer the street boxes for sale for \$75.

Dave Senecal thought more money could be obtained.

Mr. Bowers stated \$75 is what this offer is so he would give the Town the money so the Town could have them. He stated he would not be making any money on this but trying to preserve them for those people that might want them.

Linda Murray questioned if we are just talking about the street boxes or all the equipment.

Mr. Owen stated he did not think there would be buyers for the other equipment.

Mr. Pineo stated with the information he has gathered tonight he can exclude the street boxes from the RFP and all other equipment can be put in the RFP as purchasable for credit for decommissioning the system.

The Board agreed.

E. Parks & Recreation Program Rates for 2018

Christine Collins, Parks & Recreation Director, addressed the Board. She suggested increasing the fees for the Day Camp, Abenaki Rates and the Pop Whalen Daily User Rates. She stated currently the rates are as follows:

Day Camp \$50/\$80
Abenaki Daily Rate \$5/\$17
Youth Season Pass \$30/\$102
Adult Season Pass \$45/\$153
Senior Season Pass \$30/\$102
Family Season Pass \$105/\$357
Pop Whalen Daily Rate \$5/\$6
Skate Rentals \$3

Ms. Collins proposed increasing the rates for 2018 to the following:

Day Camp \$75/120
Abenaki Daily Rate Resident \$8/\$20

Youth Season Pass \$50/\$125
Adult Season Pass \$70/\$160
Senior Season Pass \$50/\$125
Family Season Pass \$160/\$370
Pop Whalen Daily Rate \$6/\$7
Skate Rentals \$5

Ms. Murray was concerned with the rates increasing for low income families. She stated when she thought of Abenaki if they couldn't afford downhill skiing they could do cross country skiing so there was another outlet for that. She felt comfortable with the Day Camp rates increasing because there was assistance for families at the Children's Center. She stated the only rate increase she had a problem with was Pop Whalen because we did away with the outside rink. She stated she understands it is too costly and difficult to maintain an outside rink. Ms. Murray stated she had talked to Christine Collins and they talked about establishing some scholarship money through the Welfare Department and then she would be okay with the rate increase. She stated it is important in today's world that children have positive outdoor activity.

Ms. Collins stated last year they had the Roger Raulin Fundraiser. She spoke to his mom and she would like to help develop a scholarship. The fundraiser was a great success and we would like to continue it this year as a collaborative event with Backbay Hockey. She stated the funds that are raised could be split between Backbay Hockey and the Parks & Recreation Department for Pop Whalen.

Ms. Murray thanked Ms. Collins

It was moved by Linda Murray and seconded by Dave Senecal to approve the proposed increases to the Parks & Recreation Department's user fees for the Day Camp program, Abenaki Rates, and Pop Whalen Daily User Fees for 2018 as proposed. Members voted and being none opposed, the motion passed.

F. Cemetery Rules and Regulations and Fee Schedule

Mr. Owen stated a new cemetery on Middleton Road will be opened shortly. He stated there will be an additional 546 burial plots available in Wolfeboro. The new cemetery is nearly completed. There is a fence that will be installed that will mirror the fence that is on the opposite side of the road by the old cemetery. The granite posts and chains have been ordered and will be installed as soon as they are received.

Ms. Collins stated the granite post and chains have been dropped off and will be installed either tomorrow, Friday or Monday depending on the weather. She stated the area has been mowed already.

Mr. Owen explained that the Town does not have any existing Cemetery Rules and Regulations and thought this an opportune time to establish some rules and regulations for the new cemetery, and to revisit our cemetery fee schedule. All of the other towns

around us have Cemetery Rules and Regulations and a sampling of some of those are included in your agenda packet with their cemetery fee schedules. The proposed new Cemetery Rules and Regulations have been sent out and reviewed by both local funeral directors as well as by Town staff. Brian Lord was especially helpful with his feedback and suggestions. Mr. Owen stated we need to generate fees for the sale of graves account because we are going to have a more active cemetery program. He stated next year Christine and her staff will be implementing a new renovation program that they established and money will be needed to fund that program.

Ms. Murray questioned if the funds were going into a separate account or in the general fund.

Mr. Owen stated it is held by the Trustees of Trust Funds in the Sale of Graves Account.

Ms. Murray stated so when the grave sites are sold they get the money.

Mr. Owen stated yes, they get the money and then we tell them what we need and they are usually pretty accommodating. He stated they gave us \$30,000 for the development of the cemetery on Middleton Road.

Mr. Owen stated a proposed columbarium will be installed at the new cemetery, which is becoming more popular and a standard feature in cemeteries as more people opt to be cremated. This is a structure where urns are placed. Alton Cemetery just installed a columbarium and there is one at Lakeview Cemetery as well. Funding for the columbarium will be pursued through the sale of the graves account as well.

Ms. Murray stated it seems like it is getting more expensive to die. She stated in 2009 the cost was \$150 and then it went to \$500 and now we are suggesting \$800.

Mr. Owen stated the cemeteries have been neglected for a long time and we are trying to take better care of them. He stated he thought the fees were in line with other communities.

It was moved by Dave Senecal and seconded by Brad Harriman to approve the proposed Cemetery Rules and Regulations including the proposed new Cemeteries Fee Schedule. Members voted and being none opposed, the motion passed.

G. Town Manager Search Process

Linda Murray stated Mr. Owen will be retiring and then Pete Chamberlin will be retiring at the end of June. She stated she gave the Selectmen the ad that went into the newspaper, questions that were developed by MRI (Ideal Candidates Profile) and a challenge statement when we started the search for a Town Manger before. She asked if the Board was comfortable with the documents and stated we need to decide if we are staying with MRI or going out to bid. She suggested staying with MRI. She stated the first thing we need to do is decide the amount of money that should be put in the 2018

budget. She stated the maximum amount of leave time we could owe Mr. Owen would be around \$21,000.00 and money will need to be put in for the search for the new town manager. The search last time cost approximately \$10,400.00 when all expenses were figured in. Ms. Murray stated she looked at the 2017 budget and there is a fund called Miscellaneous Executive Operating Expense and only \$420.70 has been spent. She suggested that they take \$3,000.00 from that fund and begin the Town Manager search. She stated we will also need to decide if we will have MRI search for the Finance Director and money will need to be put in the budget for that as well. Ms. Murray asked the Board if they would agree to use the \$3,000.00 in the operating account. She suggested meeting with MRI in October so they could start the process, in November to look at the final documents, get the ad out in the paper by December, get the applicants by the middle of January and then give them a month to complete the essays and then start interviewing in the middle of March. She stated then we could have the new Town Manager in place so he/she could have a few months with Pete Chamberlin before he retires.

Chairman Freudenberg agreed.

Dave Bowers stated we need to start as early as possible. He suggested having the person start a few months ahead of time so he/she could work with Mr. Owen for a while. Mr. Bowers stated having a Town Manager is very crucial and hopefully we will find one as qualified as the one we have now.

Linda Murray suggested putting more money in the salary range of the budget. She stated the last recruitment had a salary range of \$90,000.00 to \$100,000.00 and Mr. Owen is at \$106,000.00 so she thought that was something that needed to be looked at. She stated last time MRI contacted the Board. She stated we could have them contact the whole Board, one person or Mr. Owen. She stated her preference is that it is the Board of Selectmen's responsibility so we should be the ones managing it. She stated if the whole Board did not want to do it then she would be willing to be the contact person. She stated she went through the process when they hired Mr. Owen and she thinks it turned out very well.

Mr. Owen stated he had a conversation with MRI last week and they are interested in the job. He stated there would be some economic savings in the fact that they have already done a fair amount of the work so if the Board wishes to use MRI's services again he could contact them.

Mr. Bowers stated he was in favor of using MRI.

Ms. Murray stated it would save us money and we went out to bid last time so she was fine with using MRI.

Dave Senecal stated we should all be contacted either through one person or individually so we all have the information so we will be able to discuss it.

Ms. Murray agreed.

Dave Senecal stated Linda Murray volunteered and that is fine but we all need to receive the information.

Ms. Murray stated she would see that everyone received the information.

Mr. Senecal agreed that one contact person was a good idea.

Ms. Murray agreed.

Ms. Murray stated a date needs to be set that we all complete Mr. Owen's evaluation form. Then a date needs to be set when we meet as a group to review it and then set a date to meet with Mr. Owen.

Brad Harriman suggested September 27, 2017 after the public hearing.

The Board agreed.

Ms. Murray suggested meeting with Mr. Owen on October 18, 2017.
The Board agreed.

Old Business

None

Other Business

None

Town Manager's Report

Mr. Owen stated the following:

A notice was received day that the Cotton Valley Rail Trails will be holding an event on September 30th at 10:30 AM. It is the ribbon cutting for the completion of the 12 mile Cotton Valley Rail Trail.

The check that was received from the Friends of the Town Hall to repair the clock tower clocks will have the work done on September 19th.

The appeal of the Hope House with Families in Transition project has been withdrawn so that project can move forward and they are hoping to start construction before the end of fall.

We received a check for a payment from a Welfare lien for the amount of \$3,952.43.

The Department of Environmental Services performed a sanitary survey on the Town of Wolfeboro's water system and it got a very good review by the State DES.

The Foss Field Pavilion work started yesterday.

The Lakes Region Household Hazardous Product Facility has a new promotional pamphlet available showing the dates and times of collections in Wolfeboro.

The letter to request to reduce the speed limit by the Golf Club was sent out by Dave Ford on August 18th to NH DOT.

There will be a meeting of the Budget Committee on next Wednesday, September 13th and the hydrant fees will be discussed.

Committee Reports

Brad Harriman attended a Wolfeboro Community Television Meeting and a Planning Board Meeting.

Dave Senecal attended a Zoning Board of Adjustment Meeting.

Linda Murray attended the Milfoil Joint Committee Meeting. The dash unit is out in Backbay and there has been a significant amount of growth since they were here in June. They will be here until next week so people will see them out working again. Ms. Murray attended two CIP Meetings. She stated on the August 25th meeting the CIP had a presentation from the Library Director on the expansion and upgrade to that facility and on September 1st the CIP had a report from DPW about some emergency repairs to the Town Docks. There was also a presentation on the Public Safety Building and most of the discussion was about a feasibility study.

Questions from the Press

None

Public Input

Limited to 3 Minutes per resident, not to exceed 15 minutes in total

John Burt addressed the Board. He stated last September at a Budget Meeting he asked what the progress of the new cemetery was. He asked again in November for an update and felt there was reluctance from the Town to proceed. Mr. Owen assured him that was not true. In May, Mr. Burt visited the site of the new cemetery and did not see any work being done. Mr. Burt asked Mr. Chamberlin if he would be able to buy a plot by the 31st of August. Finally, in June Mr. Burt stated he saw some work being done in the cemetery in the far corners and in July, Dave Ford became involved in the project.

Mr. Burt stated it seems like a lot of requirements have been added to allow the new cemetery to be completed. He stated it is four and a half years later and this minor project has not been completed. He stated the reason he wanted this new cemetery was because the old cemeteries were not very appealing. He stated he would like to know why it is taking so long and if he can get a date when he can purchase a plot.

Mr. Owen stated Mr. Burt could purchase a plot tomorrow.

Mr. Burt thanked Mr. Owen. He asked the cost of the plot.

Mr. Owen stated it will be \$800.00.

It was moved by Dave Senecal and seconded by Dave Bowers to adjourn at 8:15 PM. Members voted and being none opposed, the motion passed.

Respectfully Submitted,
Michele Chamberlain