

Wolfeboro Board of Selectmen
Public Meeting Minutes-Unapproved
October 18, 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, Finance Director Pete Chamberlin, Planning Director Matt Sullivan, Fire Chief James Pineo, Welfare Director Amy Capone-Muccio, Libby Museum Director Alana Albee, Tax Collector Brenda LaPointe, Assessor Todd Haywood 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 September 27, 2017 Special Meeting Minutes.

It was moved by Dave Bowers and seconded by Brad Harriman to accept the minutes of September 27, 2017 as written. Linda Murray abstained. Members voted and being none opposed, the motion passed.

Chairman Freudenberg asked for approval from the Board of the October 4, 2017 Regular Meeting Minutes.

It was moved by Linda Murray and seconded by Dave Bowers to accept the minutes of October 4, 2017 as written. Chairman Freudenberg abstained. Members voted and being none opposed, the motion passed.

Bulk Vote

A. Weekly Manifests

October 13, 2017
October 20, 2017

B. Property Tax Refund/Abatements

- i. Abatement #5 (2017) Tax Map 133, Lot 20-E9

C. Notices of Intent to Cut Wood or Timber

- i. Governor Wentworth Highway Tax Map 167, Lot 6

D. Raffle Permit – Wolfeboro Lions Club – 26th Annual Turkey Trot Raffle

Dave Senecal questioned the Intent to Cut Wood Notice because it did not have any estimated amounts.

It was moved Dave Senecal and seconded by Linda Murray to table Bulk Item C, Notice of Intent to Cut Wood. Members voted and being none opposed, the motion passed.

It was moved by Dave Bowers and seconded by Brad Harriman to approve the rest of the Bulk Vote in A through D above, except for item C. Members voted and being none opposed, the motion passed.

New Business

A. Monthly Budget Expenditures and Revenues Report

Pete Chamberlin, Finance Director, addressed the Board. He stated on average we should have spent 75% of our budget at this time. The initial percentages expended-to-date as of the end of September 2017 are as follows: the General Fund is at 74%, the Water Fund is at 82%, the Electric Fund is at 69%, the Sewer Fund is at 80%, the Pop Whalen Fund is at 61% and overall expended-to-date is at 73%. He stated on page 13 under Technology line item 01-41990-725 Computer Hardware there is an overage shown of \$4,830.99. There was \$7,200 that needed to be journaled out for the lease of the new computer software for the Fire Department so really the line is at \$2,900.

Linda Murray questioned Capital Outlay. She stated there still isn't much activity in the 2015 Clark House Museum, Cate Park Stonewall and the Clark House Museum Engine. She questioned if these things were going to get done this year.

Mr. Chamberlin stated Ms. Collins assured him that these things were going to be completed.

Mr. Chamberlin passed out a Revenue Report. He stated revenues remain steady and are a little bit ahead.

B. Capital Improvements Plan (CIP) for 2018-2027

Kathy Barnard, Chairman of the Planning Board, addressed the Board. She stated we are here to present the 2018-2027 Capital Improvements Plan. This plan is prepared yearly to provide a guide for the Board of Selectmen and the Budget Committee. It is a ten year plan recommended for municipal projects over \$100,000.00. The plan spreads out the projects while considering the needs of the department heads and the impact on the taxpayers. This plan was developed by the CIP Committee. The plan was submitted to the Planning Board and last night they held a Public Hearing on the document. They voted unanimously to adopt the plan and to forward it to the Board of Selectmen and the Budget Committee. She thanked all the members of the committee and department heads, Matt Sullivan and Dave Owen for all their help.

Matt Sullivan, Planning Director, addressed the Board. He stated the CIP is a planning tool and not a budgetary tool so the plan is not binding in any way but used as a guide for the Board of Selectmen and the Budget Committee. There are a few projects that are under \$100,000.00 but they are part of larger asset management plans or capital plans. These plans are prioritized and are submitted by the department heads. He gave a powerpoint presentation of the 2018-2017 Capital Improvement Plan.

Linda Murray stated the Fire Truck for \$550,000.00 is based on current funds. There will be a warrant article for \$186,000.00 to be added to the Fire Truck Capital Reserve. The same thing happens with the Public Works Truck. We are asking for \$150,000 but there will be a warrant article for \$170,000.00. The same is true for the Waste Water Treatment Plant. There is \$132,000.00 listed here but we usually put in \$125,000.00. Linda Murray stated the Board of Selectmen are the agents that are responsible for spending the money for the Capital Reserve Accounts and we feel we have the responsibility to tell the people what is being taken out before we ask the people to put money in.

It was moved by Brad Harriman and seconded by Dave Senecal to concur with the adoption of the 2018-2027 Capital Improvements Plan. Members voted and being none opposed, the motion passed.

C. Class VI Road Building Permit Application

Linda Murray stepped down.

Dave Owen stated on September 27, 2017 the Board held a Public Hearing on the application for a building permit on the Class VI portion of Stoneham Road. The Board allowed everyone to say what they had to say before closing the Public Hearing. The draft decision has been developed and each criteria in the Board of Selectmen Class VI Road Policy has been addressed.

Brad Harriman stated at the Public Hearing we heard both sides, the applicant and the abutting neighbors. Public Works and the Fire Department sent letters with their input as well. He stated after reviewing all the procedures and elements of the Class VI Road

Policy he was in favor of granting the building permit to the Simmons on Stoneham Road.

Dave Senecal MOVED, pursuant to the authority under RSA 674:41 I (c) (I), that the Board approve the application of Michael A. Simmons dated August 25, 2017 for a building permit on his property located on the Class VI portion of Stoneham Road, in accordance with the Board's written Notice of Decision of this date. Chairman Freudenberg seconded. Dave Bowers abstained. Linda Murray had stepped down. Members voted and being none opposed, the motion passed.

D. Removal of a Nuisance Tree on Cotton Mountain Road

Dave Owen stated this tree is in danger of collapsing at any time. It is hollow at its base. The tree is located on Cotton Mountain Road, a scenic road but there is a provision statute that allows the Board of Selectmen to declare the tree to be a public nuisance because of its threat to public safety or property. The Department would like to request that the Board of Selectmen exercise their rights and have the tree taken down.

Linda Murray showed the photo of the tree. She stated the tree looks very hollow at the center and for safety reasons it should be cut down.

Dave Owen stated the power lines run right beside the tree so if the tree falls it will take the electric lines as well.

It was moved by Dave Bowers and seconded by Dave Senecal to declare that the large Ash tree at 96 Cotton Mountain Road to be a public nuisance because of the imminent threat it poses to public safety and property, and to authorize its removal. Members voted and being none opposed, the motion passed.

E. Revised Welfare Guidelines

Amy Capone-Muccio, Welfare Director, addressed the Board. She stated she has three minor changes to the guidelines. She stated on page 14 she would like to add a Shelter Sponsorship Agreement which states the applicants must agree to follow the Shelter's rules and policies. She stated on page 15 there was a language change to item 3 Food. Lastly, she stated form M is something she already uses in her computer system for the software but she would like to use it in the application. It is a form that the landlord will fill out to provide better communication between the Welfare Department, landlord and the tenant.

It was moved by Dave Senecal and seconded by Linda Murray to approve and sign the revised Welfare Guidelines. Members voted and being none opposed, the motion passed.

F. Payment-In-Lieu-of-Taxes Agreement with Hearthstone Homes, Inc.

Dave Owen stated Hearthstone Homes has agreed to increase their contribution for municipal services from \$19,000.00 in 2017 to \$20,000.00 in 2018. He stated he recommended its approval.

Linda Murray stated she was fine with it. She stated we are really giving them a \$3,493.85 break; otherwise, their tax bill would be \$23,493.85.

It was moved by Linda Murray and seconded by Dave Senecal to approve and sign the Payment-in-Lieu-of-Taxes Agreement with Hearthstone Homes, Inc. for 2018. Members voted and being none opposed, the motion passed.

G. Budget Hearings

i. Libby Museum

Alana Albee, Libby Museum Director, addressed the Board. She stated the admission changes were implemented and it had a major impact on the museum's revenue. She stated she had estimated the increase to be about 30% and it actually hit a 56% increase over the 2016 income to the Town. The Libby Museum brought in roughly over \$4,800.00 this year. The number of visitors was up 58% over the number of visitors in 2016 and we had the highest number of visitors this year over the last six years. This year we had some new things happen including a new logo and website, a movie night and three monthly art exhibits. We received donations of Native American artifacts. She stated her first approach as the director of the Libby Museum was to take care of the collection. We began by taking a first time electronic inventory. We cleaned many of the displays and began the process of tyvek covers for winter to take care of the items.

Linda Murray questioned line 01-45891-341 Telephone. She stated the cell phone cost of \$150.00 should be included since we do it for everyone else.

It was moved by Linda Murray and seconded by Chairman Freudenberg to add \$150.00 to line 01-45891-341 Telephone making the total cost \$752.00. Members voted and being none opposed, the motion passed.

Ms. Albee stated she proposed an increase to line 01-45891-380 Outside Services for Pest Control for \$170.00 and Spider Brushing for \$300.00.

The Board agreed.

Linda Murray questioned line 01-45891-435 Building Maintenance. She stated only \$233.93 has been spent.

Ms. Albee stated there is some tree work that has been done but overall there has been an overage spent.

Ms. Murray questioned if it wasn't done because it was being applied somewhere else. Ms. Albee agreed.

Ms. Murray stated ok.

Ms. Murray stated she wanted it noted so the Budget Committee knows the reason this was not fully spent.

Reinstatement/Addition List

Ms. Murray stated lines 01-45891-341 Telephone, 01-45891-380 Outside Services and 01-45891-410 Electricity should be included.

It was moved by Linda Murray and seconded by Brad Harriman to add \$470.00 to line 01-45891-380 Outside Services. Members voted and being none opposed, the motion passed.

It was moved by Linda Murray and seconded by Brad Harriman to add \$573.00 to line 01-45891-410 Electricity. Members voted and being none opposed, the motion passed.

Linda Murray asked to revisit lines 01-45891-434 Office Equipment, 01-45891-550 Printing, 01-45891-562 Advertising and 01-45891-810 Travel/Meetings.

Ms. Albee stated the brochures are one of the areas where we have gone over budget. We ran out of brochures at the museum this summer. This is the most important one.

Capital Outlay

Ms. Albee stated the ADA Ramp is the ramp at the back of the building which sits against the rear wall. It exasperates the moisture into the building which is causing black mold in the office and room where the children meet in the summertime. Because the drain is blocked the water is sitting there. We have had a drawing made for moving the ramp away from the building to reduce the mold.

Ms. Murray questioned the priority ranking between line 01-49618-650 Libby New ADA Ramp and Storage Shed and line 01-49618-700 Tyvek Winter Covers. She stated Ms. Albee marked both as first so which one should be first.

Ms. Albee stated the Tyvek Winter Covers are to cover the items in the museum to save them from getting moisture. It is a special cloth. The cost is less than \$10,000.00 since \$3,000.00 has been funded already. The ADA Ramp is the first priority and the second priority would be the Tyvek Covers but please note that if the second priority is not done it will deplete the collection even further.

Ms. Murray suggested taking the Tyvek Covers out since the Budget Committee will be looking for things to cut.

Brad Harriman stated he agreed with Ms. Murray that one item needed to be picked over another. He stated the mold issue is a health and safety issue. He felt the ADA Ramp needed to be done first.

It was moved by Linda Murray and seconded by Brad Harriman to remove line 01-49618-700 Tyvek Winter Covers and leave line 01-49618-650 Libby New ADA Ramp and Storage Shed in. Members voted and being none opposed, the motion passed.

Dave Bowers stated he is more liberal and would have voted for both items but agreed with the Board that the budget is very small. He stated the Libby Museum is the only museum that we own.

ii. Conservation Commission

Lorna Clark, Vice Chairman of the Conservation Commission, addressed the Board. She stated we are asking for level funding and she was here to answer questions.

Linda Murray questioned line 01-46110-490 Other Property Services. She stated nothing has been spent so far this year. She asked if projects would be taking place this year.

Ms. Clark stated we will be treating invasive species out of the Front Bay Park either today or tomorrow and Goodwin's Basin will be mowed soon.

iii. Town Clerk

Ms. Waterman is on vacation. The Board agreed to move her to another night.

iv. Tax Collector

Brenda LaPointe, Tax Collector, addressed the Board. She stated the tax budget is the same with a few expenditures for health care for personnel that have had some life changes. We now offer interactive voice response for bill payments and invoices can be received by text messages. Both items were added with no cost to the Town. We are asking for a new check scanner.

Linda Murray questioned the 100 series. She asked if there was a Deputy Tax Collector because there were no funds in the budget.

Ms. LaPointe stated she has a Deputy Tax Collector and she believed that the negotiations last year included an increase for her.

Mr. Owen stated we did away with the separate stipend and it was rolled into her regular compensation.

It was moved by Linda Murray and seconded by Brad Harriman to add \$720.00 to line 01-41504-740 Machinery & Equipment for a new check scanner. Members voted and being none opposed, the motion passed.

v. Assessing

Todd Haywood, Assessor, addressed the Board. He stated the budget increase was 0.68% which was mostly attributed to wages and benefits.

Linda Murray questioned line 01-41503-382 Abatement Processing. She stated it doesn't seem like there will be that many abatements.

Mr. Haywood stated this year's abatements are pretty much finished but there could be a little bit more when the tax bills go out in November. He agreed with Ms. Murray but it was a contracted number and if it isn't used the Town will not be charged.

Mr. Owen stated that is what the contract calls for and if all the hours are not used then we will not be charged.

H. Wolfeboro Community TV Supplemental Funding Request

Mary DeVries, Volunteer Chairman of Wolfeboro Community Television, addressed the Board. She thanked the Board of Selectmen for their time. She stated Wolfeboro Community Television is requesting a supplemental budget request in the amount of \$6,152.00. She introduced the members of the committee.

Wendy Fenderson, Governor Wentworth Regional School District Representative, addressed the Board. She stated Mr. Goodwin has been working over the last several months to insure that Wolfeboro Community Television equipment remains reliable and current with our changing world in technology. He has expanded our use of video capabilities and is assuring our equipment is always functioning at full capacity. He has worked significantly hard to improve the environment in which our current equipment sits with the improvements of supplying air conditioning in our Lakes Region Technology Center. This will ensure our equipment to last far into the future. An area of significant improvement that he has made has been in regards to capability of the live sound feed from the station to the broadcast as well as uploading our videos on YouTube. It has been such an improvement that we have been able to receive accolades from Senator Jean Shaheen's office saying wow what a great community asset the Wolfeboro Community has because your quality of sound is superb. Ms. Fenderson stated as a new board member she is proud of all that has been accomplished of behalf of the Wolfeboro Community Station. It is not only an asset to Wolfeboro but to all the surrounding communities. These are necessary changes that benefit our viewers and it enables Wolfeboro to have a 21st century community station at its disposal.

Timothy Goodwin, Executive Director of Wolfeboro Community Television, addressed the Board. He stated he would address any technical questions. Mr. Goodwin stated we have made good strides but we really need some help to end the year off well and we are hoping that the Board of Selectmen could help us.

Brad Harriman stated the overages were brought to our attention at the last couple of meetings we had. There was a fundraiser, the Rotary Club Auction that we had anticipated making a good chunk of money and it did not end up running this year. The Rotary Club members had some issues so they postponed the fundraiser this year which left us scrambling on how to come up with the money. Mr. Harriman stated he suggested that Wolfeboro Community Television ask the Board of Selectmen for some help. He stated as Ms. Fenderson pointed out a lot of these improvements have been great for the sound quality and we have made great strides in technology.

Mr. Owen stated the franchise fee received in 2016 was for \$127,672.08 and the station's budget that was approved was for \$96,800.00. The difference went into the General Fund. He stated they are requesting an additional \$6,152.00 and staff recommends that it be paid as an over-expenditure from the Cable Channel line item in the Selectmen's Executive Budget. There will be other surpluses in the Executive Budget which will hopefully cover this additional amount.

Dave Bowers congratulated Wolfeboro Community Television for the superb job they are doing! He stated we are not getting calls anymore about people not being able to see or hear the broadcasts. He stated he will vote his support in this matter if it comes to a vote.

Linda Murray stated she is comfortable with this because the franchise fees keep going up and Wolfeboro Community Television did not receive any more money. She stated she was comfortable with allocating the \$6,151.63 and over spending it in the Executive Budget. She stated she went through the other budgets today and there was some extra money in assessing, the Town Clerk budget and some in elections. She felt comfortable this would not over extend the budget. She stated she would approve it, Ms. Murray stated and they have improved things because she no longer gets any calls.

It was moved by Brad Harriman and seconded by Dave Senecal to authorize Wolfeboro Community Television to over spend by \$6,152.00 to cover the unforeseen expenses. Members voted and being none opposed, the motion passed.

I. Signage RE: Bicyclists Downtown

Jim Nupp, member of the Pathways Committee, addressed the Board. He stated he was here tonight to ask permission from the Board of Selectmen to request from the State two bicyclist signs. The signs would be placed at either end of Downtown and would indicate that bicyclists may use the full length of the travel lanes. The signs would be 30 inches by 30 inches.

Chairman Freudenberg showed the design of the sign to the audience.

Mr. Nupp stated the signs would help to increase safety issues and certain criteria would need to be met before the State approved the signs. Mr. Nupp stated Mr. Ford supports the use of the signs. Mr. Nupp stated this is the first step and then the State has to approve the signs. Mr. Nupp has been in touch with NHDOT. The State will provide the signs but the Town will have to pay for them. Mr. Nupp stated Mr. Ford has money in his budget that could pay for the signs. The cost will be roughly \$200.00. The State will confer with Mr. Ford on where the signs will be placed.

Dave Bowers asked if there has been any problems with bicyclists and motorists. He stated he liked the proposal.

Mr. Nupp stated during the summer months when traffic is busy there have been a few issues but the signage will help a great deal.

Linda Murray stated she was concerned with the placement of the sign by Harvest Market because of the gardens there. She would like the placement of the signs to be thought out carefully.

Mr. Nupp stated it is the State's call where the signs will be placed but he was told they do not like to put signs where there is parking on either side of the road. The sign probably would be closer to the post office and Mr. Ford thought the other sign would be close to the bank. He stated since it is a State road they have the final say.

The Board thanked Mr. Nupp.

Old Business

None

Other Business

None

Town Manager's Report

Mr. Owen stated the following:

The Christina Fay trial is ongoing at the District Court and they will be in court tomorrow.

John Burt reported last week that Meredith Village Savings Bank has raised the interest that it pays on Town funds that are in deposit there. The rate is going from ½ percent to 9/10 percent. It is a substantial increase on the General Fund deposits and the Conservation deposits.

The Center Street Construction Project is ongoing. They are mostly staging this week and next week excavation of a major drainage trench going through the parking lot and by the side of TD Bank will begin.

Mr. Bowers questioned why the interest rate was so low.

Mr. Owen stated we are limited to what type of investments municipalities can make.

The Seven to Save Event will be at the Great Hall on Friday, October 27th. Tours of the Town Hall and some of the other historic buildings in Town will start at 4:00 PM. The Event will start at 5:00 PM. The Town Hall and the Pickering House were both on the Seven to Save List so they are using Wolfeboro to show other communities what can be done.

Governor Sununu's staff will be in the Great Hall tomorrow at 1:00 PM to NH's 10 Year Energy Strategy.

There is a workshop called Road Maintenance 101 being offered in Concord, NH on November 7, 2017. Brad Harriman will be one of the panelists.

Mr. Owen stated he will be away for five days beginning tomorrow and returning on Thursday, October 26th.

Committee Reports

Brad Harriman stated he attended a Planning Board Meeting last night where they adopted the CIP Plan. He attended Budget Meetings as well.

Dave Senecal attended Budget Meetings.

Linda Murray attended the Chamber Executive Board Meeting, the Chamber Social, the Friends of the Town Hall Meeting and the EDC Meeting. The EDC is reviewing their mission and looking at material for the Master Plan Chapter. She also attended a CIP Meeting.

Dave Bowers attended the Heritage Commission Meeting. He stated a citizen wrote him a letter about the Governor Wentworth Historical Site being overgrown with poison ivy and trees. It has not been maintained and asked Mr. Bowers if he could help by putting them in touch with the NH Historical Society. Mr. Bowers stated that Maggie Stier told him that residents do not want tourists there and agreed the site was in poor condition. . Mr. Bowers will be contacting the State so they know about the issue.

Questions from the Press

None

Public Input

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

Mary DeVries addressed the Board. She stated the Chamber of Commerce have visitors who have asked about going to that site. It is an attraction for the Wolfeboro Community. They are coming to the Information Center to ask for directions.

Mr. Bowers asked Ms. DeVries to write a letter on Wolfeboro Chamber letterhead that he could include in his letter to the State. He would like the site to be able to have visitors since it is State owned.

Ms. DeVries stated she would be happy to do that for him.

Suzanne Ryan, resident of Stoneham Road, addressed the Board. She stated she would like to speak about the Class VI Road issue in regard to Administrative missteps. The first misstep was on May 24, 2016 when the Planning Board Meeting had no objections or information about a public hearing. Ms. Ryan stated Mr. Harriman assumed or interpreted that meeting was a public hearing when in fact it was just a meeting. The second misstep was on July 20th when Mr. Rines from White Mountain Survey (for the Simmons) addressed the Board with the first plan of 2015/2016 and the agenda was not transparent. There was no address, directions or property given in any way so abutters would have any idea of what would transpire. The Board on the July 20th meeting had no discussions, no public input, no abutters rule, no policy evaluation criteria used, no material used and in a couple of minutes it was moved to approve. She stated this plan would have destroyed the Green's frontage and stonewalls. On July 31, 2016 the Greens wrote a cordial letter to the Board of Selectmen and the Planning Board and no one from the Town in any way ever acknowledged their letter. Ms. Ryan stated on August 3, 2016 she requested the Board of Selectmen follow the policy of evaluation criteria vs development. She stated Mr. Senecal this was the first start of your interpretation one building one lot theme. We had all the information we needed and all we needed was your statement. This is the start of Mr. Senecal misleading the Board on an assumption. He knew or should have known that it was not the case. He sat on March 10, 2008 on the Zoning Board of Appeals as Vice Chairman and he is very familiar with Class VI Road Policy since he sat on the Wiggin's case, which is very similar to this one that we have before us. This was the start of one house one lot. Ms. Ryan stated Attorney Puffer tried to set the record straight with the Vuchon vs New Durham case and RSA 71:641 which states no buildings permitted unless street access to Class V or better applies to all building permits not applications and not just subdivisions. Ms. Ryan stated Attorney Puffer represented the Board of Selectmen in an appeal in 2008 and he quoted applicants for building permits had argued that they were not subdividing their property RSA 674:41 in the Town Class VI Road Policy under the statute it did not apply to their property. However, the Supreme Court rejected that argument holding the language of RSA 674:41 quote "clearly unambiguously it applies to all building applications not just to subdivisions". On August 17, 2016 Ms. Ryan restated requests to follow policy and gave all the paperwork she had on the case of Vuchon vs New Durham, third party liability and a composite map showing the Simmons access through a trail and a right of way through their front lots. Ms. Ryan stated at that time Mr. Senecal repeated again one

building one lot. It was some time after that period that Mr. and Mrs. Simmons exchanged lots. Ms. Simmons deeded the top lot to Mr. Simmons and he deeded the bottom two lots to her. Ms. Ryan stated in doing so they intentionally cut off their access. On September 17th Ms. Ryan submitted a citizen's petition that requested a public comment for open government and responsiveness and there was no response from the Board. During and up until now several of Simmons' plans have been revised by White Mountain Survey and they have gone to the Public Works Department. Ms. Ryan stated through the efforts of the Greens, White Mountain Survey was forced to or was compelled to submit a new plan and that plan came before the Board on September 27, 2017. She stated September 27th was the first public hearing. Mr. Hyde and the attorneys went through some of their criteria of the policy but up until tonight the Board of Selectmen did not go through the criteria of their policy. The next misstep was administrative and it was that the hearing was closed and was not offered a continuance, therefore shutting off public comment. Another misstep was on October 3, 2017 when the Planning Board agenda stated public hearing driveway permit. Attorney Spector heard the appeal for the driveway permit when the Board discussed the jurisdiction issue it immediately stated no jurisdiction which closed any chance for public comment. Another way of addressing that would have been to hear it, deny it and it would have gone to court if necessary. Lastly, she stated regarding the one lot one building theme vs development. She stated any construction or grading activity or real estate other than agricultural is in fact development. Ms. Ryan stated two acres of land is being disturbed. The land which in a rural area and on a scenic road. She stated it cannot be said that it is not development. The road is being developed from a scenic path to a vehicle used pathway or roadway. They will be developing the site with a house, septic and a well. There will be easements for drainage so it is development. She stated the Town Ordinance states that a developer or owner is someone who intends to improve or to construct improvements on his or her property. Ms. Ryan stated that she sincerely and whole heartedly disagreed with the lead Mr. Senecal gave to the Board of Selectmen. She stated Mr. Senecal totally misdirected the Board and in doing so the Town has spent \$16,000.00 for these missteps which could have easily been done through some kind of public discussion with the Greens and the other abutters. A resolution may have come to pass but now we are at a cross road!

Mr. Bowers stated the reason he abstained from the vote was because he felt after a long hearing where everyone could say what they wanted to that the property was bought by people who knew it was not buildable unless it was a special exception. It is not a surprise if it got voted against. After hearing Ms. Ryan and the Roessigers he felt the Board could vote how they saw fit.

Mr. Owen stated the Board could vote how they saw fit but there are criteria and a policy that needs to be followed.

Mr. Bowers questioned if the Board could overrule it.

Mr. Owen stated sure.

Ms. Ryan stated Mr. Senecal was the Vice Chairman when the Wiggins case came through and he knew every aspect of it. She stated she knows he does not have a lapse of memory and he guided the Board in this progress in a very unprofessional manner. She stated she is being as polite as she can possibly be.

Matt Sullivan stated the Board has already made a decision on this matter and he recommended that the Board did not discuss it in any detail with the members of the public at this time.

Kevin Green stated there was never any public notification and by the time his wife and him found out about what was going on we wrote a letter to each and every Planning Board member and all the Selectmen. We brought the twelve envelopes into the Town Hall and some women took them and said she would make sure everyone got the envelopes. Mr. Green stated Ms. Barnard stated they never received the envelopes and that we did not follow procedure. We thought we gave the envelopes to a Town employee and we thought they would be delivered to the Board. He questioned if the letters were received. He stated Mr. Harriman stated he did not receive the letter.

Mr. Harriman stated he did not answer that last night.

Mr. Green stated the sound in here is pretty bad. He questioned if Ms. Barnard had received her letter.

Ms. Barnard stated she had.

Mr. Harriman quickly interrupted and asked if the Board should be responding.

Mr. Green stated the next step was that we come in and asked to see the file. We received a few pieces of paper and a plan. The plan turned out to be not the plan that was Mr. Rines talked about at the court. Mr. Green stated he hired a professional engineer to go through the plan. He stated he spent several thousand dollars on the wrong plan. The way this system works here is everything that is important is scattered on people decks so then the information that is in the file is not correct. He stated he felt they had not been treated well and the first night anyone could speak was the night his wife died. He stated he holds them partially responsible for her death and any money he has will be spent on litigation.

Mr. Bowers stated he felt the public had an opportunity to speak and no one told anyone to sit down when they were speaking.

Mr. Green stated they were told 3 minutes and the body language of the Selectmen was not friendly.

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

Respectfully Submitted,
Michele Chamberlain