

**SELECTMEN'S WORKSHOP**  
**Minutes of 08-31-09**  
**4:15 p.m.**

**Selectmen:**

*(Absent with Notice)*

*Peter F. Brothers, Chairman*  
*Miller C. Lovett, Vice Chairman*  
*Robert C. Flanders*  
*Charles G. Palm*  
*Colette Worsman*

**Co-Interim Town Managers:**

*John C. Edgar*  
*Brenda L. Vittner*  
*Karin Landry*

**Recording Clerk:**

Call to Order: Chairman Peter Brothers called the meeting to order at 4:15 p.m. He introduced the Board, Co-Interim Town Managers, and the Recording Clerk and made announcements pertaining to fire exits and cell phones. Written material pertaining to agenda items was available for the public.

**W09-38 Winnepesaukee Rowing Club**

The purpose of the agenda item is to update the board on the Winnepesaukee Rowing Club's existing and proposed activities in and around the public docks/ramp area at Lake Waukegan. Karen Mitchell of the Club was in attendance to answer questions posed by the Board.

Co-Interim Town Manager John Edgar introduced the matter. The Town acquired the property from Gerrity Lumber in October 1978, reserving a right of way over the traveled portion of Railroad Avenue for reasonable ingress and egress from Waukegan Street. He summarized the activities surrounding the Club's use of the area since December, 2003, when the Board indicated that it was favorable towards the Club's proposed use of the site. The workshop was prompted by concerns raised by residents this spring and summer relative to the Club's use of the area, including interfering with the public's use of the ramp, parking, and pedestrians crossing the road to use the ramp. At times, there is significant activity in the area and opportunities to explore public safety should be explored. In addition, representatives of the Club have expressed a desire to have dialogue with the Town regarding future operations of the Club including:

- (1) Allowing the Club to install a third boat rack.
- (2) Replacing the decking material on the existing floating dock
- (3) Exploring an interest in giving Town employees an opportunity to experience rowing.
- (4) Locating a port-a-potty at the ramp/dock location.

Mr. Edgar obtained feedback from various department heads:

Police

- 1) Four incident reports in the last two years including a stolen motor from a WRC boat, vandalism, vehicular speeding while the WRC was unloading, and a report of children jumping off the dock.
- 2) Vehicular speed on Waukewan Street remains a concern
- 3) Area posted “No Parking” on treatment plant side is used for parking when the facility peaks.
- 4) There is one fixed, yellow “ramp ahead” sign approaching the ramp from the Village. There are no signs that warn of pedestrian crossings.

#### Water

- 1) The Department uses the paved chute for chemical deliveries to the plant. WRC accommodates the Department when they need to access the water treatment plant. This arrangement is satisfactory to the Department.
- 2) The two gated driveways at the plant need to be kept clear of parked vehicles and safe site distance must be maintained for exiting vehicles at the two driveway locations.
- 3) If a portable toilet is permitted, it should be chained to the fence in order to prevent vandalism.

#### Fire

- 1) Access to the fire hydrant is imperative.
- 2) The gate at Railroad Avenue provides a second means of egress to the lumber yard in the event of a fire, and provides access between the lumber yard and the lake in the event an additional water supply is needed. An access lane needs to be maintained for emergency vehicles.

#### Parks and Recreation

- 1) The Department is willing to explore the possibility of developing a paddle sport program for the future.
- 2) The Department is willing to discuss expanded hours of operation at the Waukewan Bathrooms.

#### Administrative Services/Human Resources

- 1) The Town is willing to explore the Club’s offer to provide rowing opportunities/instruction to Town employees.

#### Public Works

- 1) Additional signage, pavement markings, and temporary cones or signs may promote safety.
- 2) The possibility of the Club obtaining permission from the lumber company to locate their trailers on the back side of the fence near the gate or relocating a rack in the waterfront pocket park was discussed.

The Town has not been asked by the Club for financial support.

Karen Mitchell of the Club thanked the Board for the favorable working relationship the Club has enjoyed with the Town for many years. The Club is very happy with their arrangement with the Town, and they want to be certain that the Town is happy with their use of the property.

The Board posed questions surrounding the Club's activities. When the dock was installed in 2006 there were 20-25 youth and adults combined in the Club. There is currently upwards of 20 adults and 30-40 kids. The adults utilize the ramps from 5-5:30 a.m. to 7 a.m., and the children utilize the ramps from 3-4 p.m. - 5:30- 6 p.m. There is a Learn to Row program that takes place on three Saturdays in both June and July from 9 a.m. - 12 p.m.

The Chair expressed concerns with safety matters. Anything that can be done to improve the pedestrian safety would be beneficial. There must be adequate access to the lumber yard in the event of a fire. He supports the activities of the Club, but in view of the Club's growth, suggested that the directors of the Club look at alternatives including different locations and storing boats differently. The goal is to maintain the Club's usage while sharing the facility with the general public without overexposing the activities of the Club. He does not like the look of boats on the property that are not stored on racks. It is difficult to expand usages without infringing upon others. Steps to store boats offsite will minimize the impact the Club has on the use of the facility.

Ms. Mitchell detailed the complaints the Club has received from residents, most of which have been related to access to parking in the area.

Selectman Worsman posed questions regarding membership in the Club. Individuals must demonstrate an interest, sign a statement saying they can swim and tread water for a certain amount of time, and are over the age of 12. Although anyone meeting the criteria is allowed to join, the Club would provide for special membership incentives for Town employees. The Selectman's biggest concern is with congestion in the area. If another rack is allowed, it will accommodate more people, fostering growth to a level that cannot be managed. Ms. Mitchell explained that the storage of single person boats owned by Club members accounts for most of the boats that are being stored on the ground. She suggested the possibility of initiating a fee for the members storing single person boats, thereby generating income for the Club and keep membership fees down. There was a general consensus among the Board and Mr. Edgar that they do not support creating exclusive use for club members.

Ms. Mitchell told the Board that although there are a variety of other locations the Club is interested in, they do not have docks that accommodate the 40' long, 4 man boats used by Club members. She pointed out that Pocket Park is an excellent location for a boat storage facility. There was a consensus among the Board that any expansion of activity in the area will probably meet with resistance from a practical standpoint, and the Rowing Club should move forward keeping in mind that the park needs to be shared by others rather than moving in a direction that places additional pressure on the Town resource.

Selectman Flanders is concerned that the gate to the lumber yard would be obstructed. The entrance must be available for access by emergency vehicles.

There was a consensus among the Board that signage to promote a calming of traffic should be put in place to improve public safety. Public Works Director Mike Faller does not believe an official crosswalk will be effective because of a shortened site distance as a result of a curve in the road.

Selectman Worsman suggested opening the bathrooms at 5 a.m. instead of 6 a.m. on a trial basis. Mr. Edgar suggested the combination of the use of cones, pavement markings, and pedestrian symbols to calm traffic during heightened levels of pedestrian crossing.

A permit is not required to resurface the top of the dock. The Club intends to replace the existing material with beige plastic decking. Mr. Edgar directed the Club to draw up a set of plans, make the proper notifications, and notify the Code Enforcement Officer, before commencing work.

There was a consensus among the Board that they do not support the addition of a third boat rack by the Club. The single shells are privately owned and should be stored elsewhere and carried to the dock. Dialogue ensued regarding removing one of the trailers and storing boats on racks on the grassy area, which would facilitate easy access to the lumber yard. The exact spot for parking would be lined. Selectman Worsman expressed concerns with creating difficulties for Buildings & Grounds in maintaining the area. Mr. Edgar will have additional dialogue with the departments affected by utilizing the grassy area for racks.

There was a consensus among the Board that a combination of the use of cones, pavement markings, and pedestrian symbols will be put in place in order to calm traffic through the area. The Board does not support the addition of a third storage rack. The storage of boats on the ground is equally inappropriate. The personal watercraft should be taken off site at the end of the day so that only boats owned by the Club are stored on site. The Waukegan bathrooms will be opened at 5 a.m. on a trial basis.

The Board does not wish to memorialize anything in a letter of understanding until the changes that have been discussed are in place and have been proven to be effective.

#### **W 09-39 Water/Sewer Access Fee Discussion**

Dave Thorpe, Chairman of the Water System Advisory Committee, presented the Committee's Fourth report to the Board of Selectmen. Water and sewer access, connection, and service fees are in need of an update and revision to assess more equitable fees based on expected usage and to be more consistent with current costs. Because the fee structures for sewer activities are identical and equally in need of revision; the discussions and recommendations include both water and sewer fees.

#### **Need to Update/Revise Water and Sewer Fees:**

Access Fees. Meredith's equivalent unit determination schedule references an obsolete DES Design Flow table. Significant deviation from DES rules exists in the Meredith equivalent unit table, some of which create serious inequities. Adopting the current DES design rules without changing the access fee rates will result in revenue reductions. Access fees are crucial in keeping the funds in reserve at an acceptable level.

Connection Fees. The definition of Connection Fees is inconsistent in the Water Use Ordinance. The fee charged is inconsistent with the purpose/definition of the Connection Fee.

Service Fees (Call outs, inspections, and service fees). Some current service fees are below actual cost, while some are high and inconsistent. The fee table is overly complicated and inconsistent from one type of fee to another.

**Reasons for adopting proposed changes:**

Access Fees. Using an "Equivalent Unit" System (EUS) is a mechanism for charging future water and sewer users for utilization of water and sewer infrastructure on a proportional basis to their expected use. The current EUS has significant errors and inconsistencies. The fees are currently calculated on a two-tier basis, which is inconsistent with the amount of service to be used and complicates the structure. The Committee recommends that the equivalent unit system be retained, but that it is brought up to date. A single tier system is recommended. Using a single-tier system, all units are assessed at the same rate, a two-bedroom home is considered one unit, with additional bedrooms calculated using the same ratio. The same Equivalent Unit Access Fee table should be used for sewer access fees. The DES rules provide for multiple, well defined use categories. The DES design rules will be used for determining access fees; however, the Town's actual usages can be used for demand forecasting. The Town Ordinance will be updated to be consistent with the DES rules.

Mr. Thorpe summarized the current access and connection fees for water and sewer. A flat connection fee of \$100 will correct the inequities in the current system. A model of activity over the past two years was developed to identify a revenue neutral (in the aggregate) access fee of \$1,950. Although total revenue to the Town with the revenue neutral fees would be approximately equal to that which would have been received with the current rates, some use categories will change a significant amount. Higher rates than the revenue-neutral rates are required, justified, and recommended. The access fees are used to build reserve funds to do major capital repairs and extend the system. Dialogue ensued regarding the effects of an \$88M capital project that will be undertaken by the Winnepesaukee River Basin. There was a 17.9% increase in the WRB's billing to the Town from 2008-2009. Meredith's share accounts for 7.6% of the WRB's capital. The debt for the project will be phased in over a period of time.

The Committee favors using the capital value of the infrastructure per unit of capacity as an equitable system of determining the access fee. The committee's recommendation (including the Winnepesaukee River Basin facilities) is \$5,000 for water and \$6,400 for sewer, increasing the revenue neutral model by approximately three times. Mr. Thorpe reviewed access fees for surrounding communities.

Connection Fees. Connection fees are assessed to compensate the Town for administrative costs and inspections costs. The Committee recommends a \$100 fee for a one-time inspection when connecting to the system. Doing so will result in loss of revenue on the connection fee side that will be recaptured when the access fee rate is set.

Service Fees: Service Fees compensate the Town for actual costs plus overhead. The Committee recommends a service fee of \$50 an hour, and \$75 an hour for overtime for all services with the exception of meter repair and calibration, which will be recommended by Water & Sewer Superintendent Brian Carroll.

A meter fee of actual cost plus 25% is recommended by Mr. Carroll.

Dialogue ensued regarding the proposed changes. The DES index is the only known index of its kind. The rewritten Ordinance will provide for updating fees on a regular basis. Selectman Flanders pointed out the advantages to connecting to the sewer system as opposed to installing private facilities, and that existing usages can be compared to projections for usage in the laundromat category. There will be nothing in the Ordinance that will preclude special arrangements with a developer for a particular project. Dialogue ensued regarding potential revenues from increased access fees. Mr. Edgar cautioned that the numbers are a comparative analysis, not revenue projections, and should not be used for budgeting purposes. The permit and fee tables of the Ordinance must be rewritten, and a public hearing must be held, before new rates can take effect. Selectman Palm suggested taking a phased approach, having a public hearing for the access, connection, and miscellaneous fees, and a subsequent public hearing for usage rates. There was a consensus among the Board that the phased approach is a good way to proceed, and that they should move forward immediately. Selectman Flanders pointed out that although increased access fees will not affect existing user's rates, if the Board does not take appropriate action, more money would have to be generated from rate payers in the future. Selectman Worsman is concerned that the connection fee covers all costs to the Town, including employee benefits.

Mr. Carroll told the Board that he is focusing on the wastewater system. Although discrepancies exist in the system, the system is not as deficient as the water plant. He will include some capital costs in the department's proposed 2010 budget. Mr. Thorpe reported that the refurbishment of the water plant is on schedule, and that the plant is expected to be running at full capacity in October. The plant is using 100,000 gallons less average per day than it has for the same period in the past. The maximum daily demand is decreasing. The plant has decreased its running time from 24/7 to approximately 7 hours per day, and saved \$13,000 in chemicals during the first six months of the year.

The Chair introduced incoming Town Manager Phillip Warren, Jr., who attended the meeting and will begin work on September 8.

The Board took a short break at 6:22 before continuing with the third agenda item.  
The Board reconvened at 6:32 p.m.

**W09-40      Annex Wall Update**

Co-Interim Town Manager Brenda Vittner introduced the matter. Dialogue took place at the July 16, 2009 workshop concerning the need to repair the rear wall below the annex garage and various options to the repair. At the completion of the workshop, it was determined that staff would look at one more option for repair/upgrade. That option, referred to as option #6, includes the removal of the small addition off the back of the original building as well as the garage removal, excavation, and repair to the wall failure, installing drain options, and replacement of the building foundation with new walls and footings. A budget for option #6 was developed by Bauen Corporation. The estimate includes building demolition, existing stone retaining wall repair, construction associated with the restoration of all exterior walls, and restoration of interior areas as needed, at an approximate cost of \$90,000, including contingency. Code Enforcement Officer Bill Edney and Public Work Director Mike Faller were in attendance to answer questions posed by the Board.

The Board reviewed photographs of the site in order to better visualize the options available for repair/upgrade. Selectman Palm reminded Ms. Vittner that the Town Assessor should be consulted regarding how option #6 will affect the value of the building. He reiterated concerns with the condition of the flat roof that would be left above the addition if option #5 is pursued. Dialogue ensued regarding options #5 and #6, including the work that is required to finish the interior and exterior wall for option #6, the effect on the resale value of the building for each option, and the repair of the flat roof in option #5.

The Chair spoke in support of option #5, in order to preserve space and avoid work in connection with establishing a second means of egress. He believes the money would be better spent in improving the entire length of the wall. Selectman Flanders supports option #6 as a permanent solution to the problem. He raised concerns with the quality of the foundation below the addition, and the lack of proper frost protection. He would like clarification from the contractor that in option #5, the footings would go below the frost line. Selectman Palm is concerned that there will be deferred problems and expenses, including the repair of the roof, if option #5 is pursued. Dialogue ensued regarding the existing foundation and various options for frost protection. The building does not sit on the stone wall; it is inside the stone wall on some kind of footing, or small foundation. Dialogue ensued regarding options for frost protection. Selectman Worsman is leaning toward pursuing option #5. Any time a building is made smaller it will lose value, and the roof issue can be resolved in the future. Removing the addition will create hardships in the work environment for employees. A logical decision must be made based on the current budget year.

Mr. Faller told the Board that option #5 will allow for easy access to the foundation wall from above for excavating behind the wall, providing for drainage, and repairing the foundation. It includes supporting the building during excavation and making a good foundation wall under the addition. Since the failure of the retaining wall, a neighbor built a 2 1/2' to 3' retaining wall outside the failed wall that provides some level of support to the wall, but will make the job of repairing the failed wall more difficult. The estimates for option #5 and #6 were rough estimates for the purpose of deciding what direction to take.

The Chair summarized by saying the new construction must meet or exceed new construction standards. Salvaging usable space in the area has some value. There is a consensus among the Board that the wall must be stabilized all the way around. The winter season is approaching. There is a neighbor who is exhibiting a reasonable degree of agitation. There was a consensus among the Board that a Request for Proposal should be put out for options #5 and #6 in order for them to have solid numbers to make an intelligent decision. Ms. Vittner will work with Messrs. Edney and Faller to put together an RFP for options #5 and #6. Mr. Warren suggested putting option #5 out to bid, with option #6 as an alternate or increment. The Board authorized Mr. Faller to seek permission from the abutter to proceed with cleaning up the rubble from the failed wall, without jeopardizing the existing wall. A written document granting permission will be drawn up. Attorney Nix will be consulted regarding the situation with the abutter.

*Selectman Palm motioned to adjourn the meeting at 7:15 p.m. Seconded by Selectman Flanders. 5-0. Motion passed.*

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Respectfully submitted,

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John C. Edgar, Co-Interim Town Mgr.

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Peter F. Brothers, Chairman

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Brenda L. Vittner, Co-Interim Town Mgr.

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Robert C. Flanders

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Karin Landry, Recording Clerk

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Charles G. Palm

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Colette Worsman

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