

**Board of Selectmen Meeting
Minutes of 07/21/08
5:30 p.m.**

Selectmen:

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

Town Manager:

Carol M. Granfield

Recording Clerk:

Karin Nelson

Call to Order: Chairman Peter Brothers called the meeting to order at 5:35 p.m. He made announcements pertaining to fire exits, listening assisted devices and the use of microphones. He introduced the Board, Town Manager and Recording Clerk.

ACCEPTANCE AND/OR CORRECTION OF MINUTES:

08-63 Minutes of 6/30/08 Workshop and 7/07/08 Meeting

Selectman Palm motioned to accept the minutes of the June 30, 2008 workshop and 7/07/08 Board meeting as presented. Seconded by Selectman Flanders. 5-0. All in favor. Motion passed unanimously.

TOWN MANAGER'S REPORT:

- The paving of the Waukegan restroom/bath house walkway is scheduled for Monday, July 28. When paving is complete, Code Enforcement will issue a certificate of occupancy allowing it to open. When all final bills are submitted, Director of Administrative Services Brenda Vittner, will prepare a financial report and present it to the Board.
- The Town Manager was very proud to announce that over the past two weeks I.T. Specialist Eric Ferland went through extensive training to become certified by Microsoft. He was certified in several areas including Systems Administrator, Systems Engineer, and Certified Technology Specialist.
- The Meredith Ideas session was very successful with an excellent turnout. The session generated 48 ideas which will be placed on the website along with a status report so that residents can track the implementation progress of their ideas.

- On Saturday, July 26, The Town will hold a household hazardous waste collection at the transfer station from 8:30 a.m. to 12:00 p.m.
- The Board will hold a workshop on Monday, July 28, at 4:00 p.m. The purpose of the workshop will be to discuss budget philosophy.

VISITOR'S AND RESIDENT'S COMMENTS:

Resident Karen Sticht requested that the Town address the need for restrooms at Hesky Park. She expressed surprise that the nearest public restroom is in the gas station across the street. She asked that a port-o-potty be set up in the Lago parking lot. The Board instructed the Public Works Director to move the spare seasonal port-o-potty from Prescott Park to Hesky Park.

Resident Jim Hughes commented that there were excellent restroom facilities in Hesky Park many years ago. However, the toilets broke so frequently that the restrooms were removed. He also stated that he had requested several months ago that the Community Center parking area designated for buses be re-stripped. He advised the Board that many senior citizens use the Community Center and are not handicapped, but walking the distance from the parking lot to the Center entrance is difficult for them.

SELECTMEN COMMENTS:

Selectman Flanders informed the Board that the Planning Board conducted a site walk at Boynton Road. Approximately two meetings ago, there was debate as to whether the road was properly designed. The Planning Board also had a site walk at Calvary Bible Church which will soon have another application coming through. The last Planning Board meeting was quite lively due to an application from Acme Chopper to put a shop in the triangle between Waukevan St. and Hwy. 104. The Planning Board voted unanimously to request a re-hearing and appeal a decision by the Zoning Board regarding that application. He would like the Board of Selectmen to review a letter from Mr. Vadney, Chairman of the Planning Board, to the Zoning Board requesting the re-hearing. He also asked that his fellow Selectmen make every effort to attend the Zoning Board meeting on August 14 to familiarize themselves with the issue which may eventually make its way to the Board of Selectmen.

Selectman Lovett announced that the next Water System Committee meeting is Tuesday, July 22, from 5-7 p.m. at the Town Hall Annex.

NEW BUSINESS:

08-64 Public Hearing
Request to Accept Wall Street Extension as a Town Road

Selectman Flanders motioned to open a Public Hearing in regards to a Request to Accept Wall Street Extension as a Town road at 5:54 p.m. Seconded by Selectman Palm. 5-0. All in favor. Motion passed unanimously.

On 6/30/08 a workshop was held to consider the request of Mr. Juve to accept the recently constructed extension of Wall Street. As a result of that workshop, the Board requested advice from Town Counsel on several aspects associated with the proposed acceptance. These issues were as follows:

- Whether the Board's authority to accept the dedication is limited only to the improved roadway portion within the dedication associated with the three-lot Juve subdivision or whether the Board has the authority to additionally accept the unimproved portion of the previously dedicated Right-of Way thru to Winona Forest; and
- Whether a deed to the dedication is required; and
- Whether the Board has the authority to stipulate any future paving of Wall Street should be accomplished via a betterment assessment against those lots utilizing Wall Street; and
- Whether the Board is obligated to discontinue the existing cul-de-sac as noted on the plan; and
- Whether any action to accept this road as a Town road establishes precedent.

The Board also wanted to ensure that residents had the opportunity to comment on the issue prior to a decision.

Community Development Director, John Edgar, gave a brief overview regarding the history of the road and extension for the public present at the meeting. He also reviewed an aerial map of the Heritage Ridge subdivision and a map illustrating the existing road and the extension. Mr. Edgar then reviewed the legal opinion regarding the five points of concern which arose from the 6/30/08 workshop. In his response, Town Counsel Walter Mitchell stated that the Board does have the authority to accept the unimproved portion of Wall Street, provided the process of Dedication and Acceptance is followed. Counsel also sighted that there is no legal requirement for a deed.

The Board's third concern was whether the Board has the authority to stipulate that the cost of any future improvements to Wall Street be accomplished via a betterment assessment against those lots utilizing Wall Street. Counsel found that the present Board could not bind a future Board or Town Meeting.

Counsel also found that the Board of Selectmen is not obligated to discontinue the existing cul-de-sac. Only the voters at a Town Meeting have the authority to discontinue

a right-of-way. Regarding the Board's last concern on the risk of establishing a precedent, each decision is made based on the associated circumstances. In this situation, there are significant strategic reasons for accepting the road extension.

Public Works Director, Mike Faller, inspected the road and has recommended that should the Board accept the road extension. It be graded and rolled prior to the Town assuming maintenance responsibilities.

Chairman Brothers opened the floor to the public for questions or comments.

Residents Jim Hughes, Norm Noel, and Jack Bicknell spoke in favor of acceptance of the road extension. Subject property owner, Richard Juve, spoke of the benefits that the Town would derive from acceptance of the extension. Resident Duncan McNeish asked the Board to comment on the possibility of setting a precedent for future road acceptances. He also encouraged acceptance of the road extension as a protection to Lake Waukegan from further runoff silt.

Chair Brothers stated that setting a precedent is not a concern, adding that there is great strategic value in acceptance of the road extension. He does not think that it is necessary to accept the unimproved class VI portion of Wall Street at this time, as there has been no previous Board discussion regarding creating a right-of-way to Winona Shores Road. Selectmen Flanders responded that he does not think that there is a risk of setting a precedent. He added that in the past, discussion regarding extension of the road through to Winona Shores Rd. centered on obtaining access to extend the sewer line through the undeveloped portion, making sewers available to the Winona Forest area. That would provide substantial protection to Waukegan as the town water source. He added that if the Board accepts the class VI portion of the road, the Town would ensure the legal right to install a sewer line in the future. He proposed accepting the motion which includes accepting the class VI portion of the road.

Director Edgar advised that there is a piece of property that lies between the end of Wall Street and Winona Shores Rd. and that right-of-way issues must be resolved before connecting the roads or a sewer line installation could take place.

Selectman Flanders motioned to close the public hearing on the road acceptance at 6:57 p.m. Seconded by Selectman Lovett. 5-0. All in favor. Motion passed unanimously.

Selectman motioned to conditionally accept the dedication of the Wall Street Extension at 6:58 p.m. (also referred to as Wall Street), so called, subject to the following conditions:

- 1. The conditionally accepted dedication shall include the improved portion as a Class V road AND the un-improved portion of the remaining 1981 dedication as a CLASS VI road as documented on plans entitled Subdivision Plan for Richard Juve, revised to 8/8/07, prepared by Harry F. Wood, III, LLS, approved by the*

- Planning Board on 8/17/07 and on plans entitled Subdivision Plan "Heritage Ridge", dated 11/79, prepared by Harry F. Wood III, approved by the Planning Board on 7/28/81.*
- 2. The discontinuance of the existing cul-de-sac **IS NOT** required as a condition of acceptance as the area of dedication is sufficiently documented on the plans referred to previously.*
 - 3. The acceptance of the dedication in this instance is premised in part upon unique circumstances including (1) the proximity of the road in relation to Lake Waukegan, the towns drinking water supply and (2) that the right-of-way may have future strategic value to the town as a pedestrian and/or vehicular link between the Winona Forest neighborhood and Waukegan Street and in relation to the potential sewer utility planning.*
 - 4. Expenses incurred by the town associated with the acceptance process, specifically the legal review, notification costs and recording fees shall be borne by the applicant.*
 - 5. A draft easement shall be submitted for review by the Town Attorney. That applicant shall submit a certification of title to the property prepared by his attorney to confirm whether there are mortgages on the property that must be released. Drainage and turnaround easements together with releases, if required shall be fully executed and recorded at the Belknap County Registry of Deeds.*
 - 6. The Department of Public Works shall verify that the roadway has been re-graded and rolled to the Department's satisfaction.*
 - 7. Final acceptance, meaning the assumption of maintenance responsibilities of the town, shall begin upon the Town Manager's certification to the Board of Selectmen that all conditions of acceptance have been met to the town's satisfaction.*

Seconded by Selectman Palm.

Selectman Palm commented that it may cause confusion to refer to "Wall Street Extension" rather than "Wall Street". The Board asked that both names be used in the motion. Discussion ensued regarding future improvement of the road including paving and installing sidewalks. The Board is aware that it cannot bind future Boards of Selectmen or Town Meetings with their decision. However, the Board reached a consensus to reflect on record that the cost of future improvements to the Wall Street Extension (also referred to as Wall Street) not fall on taxpayers, but on those residents who would directly benefit from the improvements.

Resident Jim Hughes asked Chair Brothers to read the motion again and for the Board to vote on the issue. Chair Brothers answered that the Board has already made a motion and has discussed the issue at length. He does not see a need to repeat the motion.

Chairman Brothers called for a vote at 7:07 p.m. 5-0. All in favor. Motion passed unanimously.

08-65 Quarterly Financial Update

Director of Administrative Services, Brenda Vittner, updated the Board on the Town's quarterly financial status. All Department Heads have been asked to cut their budgets and hold off on spending where possible. Certain costs are beyond control, such as fuel (unleaded and diesel), heating oil, propane, electricity and mileage. Due to those factors, travel expenses have increased. Mileage increased from \$0.505 per mile to \$0.585 per mile. A "no out of state travel" policy has been enacted which will help to offset high gas prices. Electricity expenses are up by \$17,000. Heating oil is down slightly due to a new boiler at Town Hall. Ms. Vittner feels that heating oil and propane may go down slightly, therefore has not put it out to bid thus far. An energy committee is set to examine the Town's energy usage and explore methods of maximizing energy efficiency. Unleaded fuel has increased by \$18,000. Diesel fuel has increased by \$63,000. The Board's recent decision to reduce the number of take-home vehicles will help to reduce mileage costs, in addition to closer scrutiny of all vehicle usage.

With regard to revenue, boat taxes are down. Interest income is down; therefore the Town is shopping financial institutions hoping to acquire the best rates. State revenues are slightly down from 2006, but are up from 2007. Motor vehicle permits are down by \$50,000 from 2007, which indicates that consumers are holding onto their vehicles for a longer period of time. Building permits are up due to a single permit of \$40,000. Selectman Worsman commented that there are three large building projects that are taking place this year which will produce building permit revenue.

Director Vittner stated that Solid Waste revenue is up, due to a rate increase. The Parks and Recreation Department is on target. Boat launch revenues are up, due to the special revenue fund established at Shep Brown's Marina and more frequent manning of the Hesky Park launch ramp. Water and Sewer are on target and will be undergoing a budget review. The property tax collection rate is steady and the tax lien collection is down slightly. Overall, revenues are close to expectations. It will be important to continue to monitor utility and fuel costs weekly.

Selectman Palm commented that he is glad to see departments cutting as many expenses as possible in order to offset increased costs. Selectman Lovett asked whether rising costs would diminish the possibility of a budget surplus at the end of the year. Director Vittner answered that the possibility of a budget surplus has indeed diminished. Selectman Worsman asked if departments were conservative enough in their budget projections. Director Vittner replied that, minus the motor vehicle revenues, budget projections are within expected range. Selectman Worsman asked if \$250,000 that was set aside in the Public Works budget for a project that has since been scrapped, is available to encumber. Director Vittner answered that she would have to wait to see if

other projects in the Public Works department run over budget, thereby using the possible surplus. There are also budget shortfalls to consider.

08-66 Permit Fees for Use of Town Properties

The Board of Selectmen requested a review of fees charged for events and use of Town property to determine if fees should be charged or changed for use of Town property such as Hesky Park and other locations. Parks and Recreation and Public Works Outdoor Facility Use Permits were reviewed. The Parks and Recreation fees were found to be adequate. A fee schedule has been created to the Facility Use for Public Works locations which is consistent with the Parks and Recreation fee schedule.

The Town Manager's recommendation is to accept the fee schedule added to the Facility Use Permit for Public Works locations. Further, it is recommended to exclude the use of Hesky, Clough and Scenic Park from commercial use, other than as referenced by the Town Code regarding docks. It is also not intended to charge for taking wedding pictures at the gazebo.

The Board agreed with the recommendation that non-profit groups would continue to use the facilities at no charge. Selectman Worsman asked whether the Town had received any donations from non-profit groups for use of facilities. The Town Manager stated that no significant donations had been received.

Selectman Worsman inquired about the boat docks located next to the Church Landing gazebo, asking if they are public or private. The Town Manager responded that the docks nearest the gazebo are public docks. The docks nearest the Christmas Loft are private.

Selectman Flanders motioned to accept the fee schedule as presented and to direct the Town Manager to proceed with implementation. Seconded by Selectman Palm. 5-0. All in favor. Motion passed unanimously.

In further discussion, Selectman Worsman asked if there was any way to encourage non-profit organizations to donate funds to offset Town expenses when non-profits use Town facilities. The Town Manager noted that many of the non-profits are struggling due to a decrease in donations and grant funding. Chair Brothers commented that the benefit the community derives from services provided by non-profit organizations is more important than collecting a nominal fee. Selectman Flanders stated that an organization that he is associated with called C.O.R.E. depends on grant funding and that grant funding has been reduced.

OLD BUSINESS:

08-57 Acceptance of Easement and Road Improvements – Gilman Hill Road

At the July 7 workshop, a concern was expressed about the cost of moving the existing stone wall in the event the expansion of Gilman Hill Road was needed in the future. The applicant agreed to remove the language from the warranty easement deed.

Chairman Brothers shared that he had taken pictures of the wall. He stated that it was not well formed and was inconsequential.

Selectman Worsman motioned that: (1) The Board of Selectmen accept the proposed 17' roadway easement and authorize the execution and recording of the document and (2) the Board of Selectmen authorizes improvements to Gilman Hill Road as recommended by the Department of Public Works and pursuant to the Planning Board's conditional approval granted on December 11, 2007. Seconded by Selectman Flanders.

5-0. All in favor. Motion passed unanimously.

ADJOURNMENT:

Selectman Worsman motioned to adjourn at 7:45 p.m. Seconded by Selectman Palm. 5-0. All in favor. Motion passed unanimously.

Respectfully submitted,

Carol M. Granfield, Town Manager

Peter F. Brothers, Chairman

Karin Nelson, Recording Clerk

Miller C. Lovett, Vice Chairman

Robert C. Flanders

Charles G. Palm

Colette Worsman