

**TOWN OF WOLFEBORO
BUDGET COMMITTEE
DRAFT MINUTES
December 18, 2023**

I. Call To Order

Chairman MacDonald opened the meeting at 6:00 pm at the Wolfeboro Public Library.

Members Present: John MacDonald, Chairman, Bob Tougher, Vice-Chairman, Bob Loughman, Brian Black, Bob Moholland, Paul O'Brien, Bobbi Boudman, Matt Plache, Members, Brian Deshaies, BOS Representative, Linda Murray, BOS Alternate Representative.

Member Absent: Tom Bell, Member (excused).

Staff Present: Jim Pineo, Town Manager, Kathy Carpentier, Finance Director, Lee Ann Hendrickson, Administrative Assistant.

II. Pledge of Allegiance

The Committee participated in the pledge of allegiance.

III. Public Comment

Suzanne Ryan stated the Budget Committee will be discussing a letter to the NH DRA presented to the Committee by the BOS. She read page 9 of the audit as follows; *"The unassigned fund balance drastically took a temporary decrease because of the Pop Whalen expansion project which was completed with an offsetting donation in the amount of \$2,700,000 due to the Town on July 23, 2023. The check was dated 2023 and the funds were treated as a revenue; noting revenues are measurable and available (page 27), available and collectible for the current period or soon enough to pay the current liability typically sixty days after the fiscal year and defers any amount received by that date. In general, other revenues such as taxes are recognized when cash is received. This \$2 million was not a revenue in 2022. Town Treasurer has custody of all monies belonging to the Town."* She questioned the Town Treasurer's role in accepting the checks. Referencing page 31, she read the following; *"General Fund Deficit – the General Fund reports an unassigned deficit balance of \$295,000 as of December 2022 resulting from the Pop Whalen renovation which were anticipated to be funded through general obligation debt and private donations. The Town issued a debt related to this project during 2022 but did not receive any donation funds until July 2023. It is expected that the unassigned fund balance in the General Fund will be replenished as of December 31, 2023 if it was not used for the roads."* She asked if the \$113,000 includes plowing money or is the money being added.

IV. 2024 Budget

Agencies

Children Unlimited

No representative present.

John MacDonald confirmed that staff spoke with a representative from the agency.

Lee Ann Hendrickson stated she exchanged several emails; noting Schelley Rondeau stated she would be in attendance at this evening's meeting.

It was moved by John MacDonald to decrease 01-44184-830 Children Unlimited, Inc. from \$2,730 to \$0. Bob Moholland seconded the motion.

Discussion of the motion:

John MacDonald stated agencies have always been required to come before the Budget Committee to provide an opportunity to explain what they do and what they contribute to the community. He stated there were issues with notification to the agencies however, such has been corrected. He stated that if his motion passes that Children Unlimited will have an opportunity to again request funding.

Roll call vote: Bobbi Boudman – no, Bob Tougher – yes, John MacDonald – yes, Bob Moholland – yes, Brian Black – yes, Matt Plache – yes, Bob Loughman – yes, Paul O'Brien – yes, Brian Deshaies - yes. The motion passed (8-1-0).

Caregivers of Southern Carroll County

Chris Rose reviewed the program and services provided.

John MacDonald requested Ms. Rose to state the phone number of the agency.

Chris Rose replied 569-6870. She read a letter of a client's experience.

Letter to NH Department of Revenue Administration

It was moved by Bobbi Boudman to move review of the letter to the NH Department of Revenue Administration to the end of the agenda due to the number of members of the public present. Paul O'Brien seconded the motion. Roll call vote: Bobbi Boudman – yes, Bob Tougher – no, John MacDonald – no, Bob Moholland – no, Brian Black – yes, Matt Plache – no, Bob Loughman – yes, Paul O'Brien – yes, Brian Deshaies - yes. The motion passed (5-4-0).

Warrant Articles

Jim Pineo reviewed the following warrant articles; Port Wedeln Drainage Upgrade and Town Road Upgrades.

Steve Randall reviewed the proposed improvements included in the Town Road upgrades.

Jim Pineo reviewed the Police Vehicle Replacement warrant article.

Mark Livie stated the Department lost one vehicle last year and two this year due to undercarriage corrosion; noting the Department is down to 9 vehicles currently. He stated the purchase would be a hybrid Explorer.

Paul O'Brien asked if the request is a need, want, or desire.

Mark Livie replied need; noting there are nine vehicles in the fleet, four of which have over 100,000 miles.

Bob Loughman confirmed the cost (\$74,000) includes the vehicle being completely outfitted.

Matt Plache requested the breakdown of the make of the vehicles.

Mark Livie replied 9 Explorers.

Brian Deshaies questioned the cost between the hybrid and regular vehicle and the advantages of one over the other.

Mark Livie stated the hybrid costs \$4,000 more and noted the gas powered vehicles are faster.

John MacDonald questioned the need for 10 cruisers.

Mark Livie stated that is what is believed the operation should be.

John MacDonald questioned why a cruiser is driving from Alton in the mornings.

Mark Livie stated such is a contract with the Police Commissioners; noting it is in the MOU.

John MacDonald questioned why a cruiser would be seen in Brookfield.

Mark Livie stated if an officer works a midnight shift and the request is approved, an officer is allowed to take a vehicle home.

John MacDonald asked if any other officer is allowed to bring home a cruiser.

Mark Livie stated it all depends on the turnaround and if the request is approved.

John MacDonald questioned the company that provided the quote for the cruiser.

Mark Livie replied McFarley Ford.

Jim Pineo reviewed the following warrant articles; Library Landscaping (reauthorization), Library Solar, Public Works Vehicles & Equipment Replacement Capital Reserve Fund, Building Maintenance Capital Reserve Fund, Water Resources Non-Capital Reserve Funding, and Abenaki Ski Area Capital Reserve Funding.

Paul O'Brien asked if there is a spending plan for 2024 if the warrant article passes.

Chuck Smith stated the funds are for the purchase of a groomer.

Jim Pineo stated there are no funds expected to be used in 2024; noting the funds are being collected for the purchase of a groomer.

Chuck Smith provided a list of intended capital expenses to Mr. O'Brien.

Jim Pineo reviewed the Tree Removal & Replacement Expendable Trust Fund warrant article.

Matt Plache questioned the outcome of the trees following removal.

Steve Randall stated the logs are not cut and split and the Department has been speaking with the Warmth and More Fund. He stated the Department does not have the resources to process the wood; noting he is looking into alternatives.

Bobbi Boudman questioned the amount of funds being held back for replanting.

Steve Randall replied \$35,000; noting he anticipates planting a dozen trees next year. He referenced the tree study that was conducted by Bartlett Tree. He reviewed the process of tree removal on scenic roads.

Jim Pineo reviewed the following warrant articles; Municipal Electric Bucket Truck Replacement, Maplewood and Highland Terrace Water Main Installation, Wastewater Treatment Plant Capital Reserve Fund.

John MacDonald questioned the balance of the Wastewater Treatment Plan Capital Reserve Fund.

Kathy Carpentier replied \$7,000 after this year's commitments.

John MacDonald questioned the life expectancy of the plant prior to the replacement of such.

Jim Pineo replied within five years. He stated the Basis of Design report noted a project cost of \$12 million; noting that project was reviewed by the engineering firm to cut the project back to a bare minimum rehabilitation project. He stated the engineers cut the cost of the project back to \$6.5 million however, at that cost the project was no longer eligible for the State Revolving Loan Fund and loan forgiveness. He stated the BOS has decisions to make relative to the project.

John MacDonald asked if the project would increase the Town's capacity.

Jim Pineo stated he does not believe so.

Jim Pineo reviewed the South Main Street Center Street to Smith River Bridge Sewer Engineering warrant article.

Paul O'Brien questioned the route of the project.

Steve Randall replied Pickering Corner to Downtown at the bridge. He stated the engineering for the water line is 90% completed; noting such would go out to bid in January 2024. He stated construction is expected for 2025.

Jim Pineo stated he is hoping the Town will receive 50% loan forgiveness for the project. He reviewed the Parks & Recreation Tractor Purchase warrant article.

John MacDonald asked why a tractor is necessary to move snow at the site.

Beau Betz stated the pitch of the roof (ice rink) is different from the previous roof. He stated there was a tremendous amount of snow that came off the roof last year; noting the snow came off the roof and fell into the parking spaces that line the building; noting parking is crucial to both Abenaki and Pop Whalen. He stated had cars been in those parking spaces where the snow fell from the roof there would have been tremendous damage to the vehicles. He stated staff will be diligent to block off the spaces this year when there is a heavy load on the roof.

Paul O'Brien confirmed there are no snow guards on the roof.

Jim Pineo stated the Town is in consultation regarding such.

Beau Betz reviewed the emergency exits.

Bobbi Boudman questioned the equipment currently being used for cemetery and other work.

Beau Betz stated the Department has had to rent equipment or borrow equipment from Public Works; noting such can be problematic when the equipment is not available.

Bobbi Boudman asked if additional staff would be required to run the tractor.

Beau Betz replied no. He stated the Department has one dump truck that they currently use to snowplow the parking lot. He reviewed other uses for the tractor and noted the purchase does not include a trailer.

John MacDonald asked Mr. Randall if the Public Works Department could save the Town \$90,000 and plow/move the snow at the facility. He stated he is hoping the Departments could share equipment.

Steve Randall stated the Departments do share equipment and stated his Department could assist by pushing back the snow; noting that his Department may not be able to assist during a storm. He stated the existing tractor for his Department is 23 years old and will be retired next year.

Paul O'Brien asked if the Department was asked for a lease price for the tractor.

Bob Moholland questioned the size of the tractor.

Steve Randall replied 65 HP, 72" bucket, Kubota including a set of forks, fork rakes, and snowblower. He stated the Kubota dealer is eager to work with the Town. He stated the Parks and Recreation Department has researched a lease purchase option.

Bob Moholland recommended contacting Coyote.

Bobbi Boudman questioned the impact to the life of the tractor if it is being driven to the beaches.

Steve Randall recommended the tractor be trailered; noting the Town has a trailer that would hold the tractor.

Brian Deshaies stated he made a suggestion at a BOS meeting that the town does a \$50,000 capital reserve fund for one year and then purchase the equipment the second year.

Brian Black confirmed there is no other vehicle/equipment available in other Town departments.

Paul O'Brien stated he was of the understanding that there was no one available to help the Department. He disagreed with Mr. Deshaies to wait another year.

Steve Randall stated that currently, the Highway Department pushes back the snow after storm events however, if there is an emergency such as the zamboni exit being blocked, his Department may be tied up and unable to assist.

Bob Tougher stated the BOS recommended the purchase of the equipment 3-2; noting a split vote. He questioned whether 25% of the cost could be owned by the Pop Whalen Enterprise Fund.

Beau Betz stated the Department identified the need for the tractor last year.

Brian Deshaies asked if the purchase was included in the CIP.

Bob Loughman replied no.

Bob Tougher stated initial discussions were under \$100,000.

Jim Pineo stated the equipment purchase was introduced last year however, the request was pulled back to evaluate whether or not there could be sharing between the Department of Public Works and Parks and Recreation. He stated it was determined that the volume of usage by each Department required two distinct tractors.

John MacDonald asked if a larger percentage of the cost could be paid for by the Pop Whalen Enterprise Fund. He stated he will not support the article as currently written.

Jim Pineo stated he could present the request to the BOS and requested a vote from the Budget Committee regarding such.

It was moved by John MacDonald to not accept the current language of the Parks & Recreation Tractor Purchase warrant article. Matt Plache seconded the motion.

Discussion of the motion:

Bob Tougher stated he is willing to accept the current language however, hopes the BOS will review the matter. He recommended reducing the amount.

Jim Pineo stated he would take it back to the BOS however, requested specificity from the Committee that the warrant article is being sent back to the BOS for reconsideration with the recommendation that a portion of the purchase be allocated to the Enterprise Fund.

John MacDonald withdrew his motion. Matt Plache withdrew his second.

It was moved by John MacDonald to send back the Parks & Recreation Tractor Purchase Warrant Article to the BOS for consideration of assigning a minimum of 40% to the Pop Whalen Enterprise Fund. Paul O'Brien seconded the motion.

Discussion of the motion:

Brian Black asked if it is being anticipated that the use of the tractor would be utilized at least 40% by Pop Whalen and 60% by Parks and Recreation.

The Committee discussed the usage of the tractor.

Bob Loughman asked Mr. MacDonald to consider a minimum of 25% rather than 40%.

John MacDonald stated he would not change his motion.

Paul O'Brien stated the Pop Whalen Enterprise Fund in no way is showing a surplus even with 87% of the debt for the ice arena build being carried by the general taxpayers. He stated there is no way this is going to be paid for other than by general taxation however, he is fully supportive of the concept that costs are assigned where they are incurred.

Roll call vote: Bobbi Boudman – yes, Bob Tougher – yes, John MacDonald – yes, Bob Moholland – yes, Brian Black – yes, Matt Plache – yes, Bob Loughman – yes, Paul O'Brien – yes, Brian Deshaies - yes. The motion passed (9-0-0).

Jim Pineo reviewed the Used Ambulance Purchase (such is being considered by the BOS on December 20), Historical Society Lease (nonfinancial), Pump Station Reauthorization, and Jockey Cove Engineering (such is being considered by the BOS on December 20) warrant articles.

Revisit Items

Emergency Management

Jim Pineo stated the BOS approved \$2,700 to update the Town's Emergency Operations plan and stated the BOS is considering the lease purchase for the portable radios on December 20.

It was moved by Bob Tougher to increase 01-42900-380 Outside Services from \$0 to \$2,700. Paul O'Brien seconded the motion. All members voted in favor. The motion passed (9-0-0).

Highway Department Tractor

Jim Pineo stated he does not recommend a lease purchase associated with such. He stated over the term of the lease there was an additional cost of \$18,000 to lease the equipment. He reviewed the cost of a 5-year lease, unit price, and interest rates.

Library Water & Sewer

Alison Rutley noted the following adjustments to such; \$641 for water and \$854 for sewer for 2024. She noted such is a three-year average.

It was moved by Bob Tougher to decrease 01-45500-412 Water from \$1,241 to \$641. Bob Moholland seconded the motion. All members voted in favor. The motion passed (9-0-0).

It was moved by Paul O'Brien to increase 01-45500-413 Sewer from \$682 to \$854. Bob Tougher seconded the motion. All members voted in favor. The motion passed (9-0-0).

Bob Tougher confirmed the rates reflect the most recent rate increases.

V. Other Business

Letter to NH Department of Revenue Administration

Jim Pineo stated the BOS held a meeting this afternoon regarding the overexpenditure of the 2023 budget. He stated when the Pop Whalen project was passed by the voters there was an initial operating Memorandum of Understanding which contemplated architectural and engineering services. He stated following the passing of the warrant article the Town had to quickly transition into a construction MOU and methodology in which the funds would come into the Town as a result of the warrant article passing. He stated when the warrant article was developed there should have been language that reflected when the funds would be coming into the Town of Wolfeboro; noting such was a simple oversight that took place. He stated as the project moved forward a working MOU was developed; noting such outlined when the funds would come in. He stated the BOS motioned to sign the letter to the NH DRA and also discussed a letter to the general population to explain what took place. He asked that the Budget Committee consider signing the letter to the NH DRA for the overexpenditure of the 2023 budget if required and noted the Town has collected \$2.19 million of the \$2.7 million from the Friends of Pop Whalen. He stated there is a shortfall of \$113,000 that has not yet been identified.

The Committee reviewed the letter to the NH DRA, dated December 14, 2023.

Bob Loughman questioned whether Town Counsel has provided an opinion regarding the letter.

Jim Pineo stated he received such today; noting Town Counsel stated the letter is consistent with RSA 32:11. He stated Town Counsel noted that he was not able to find any definitive case law relative to the matter.

Bob Tougher stated Town Counsel could not find anything that would prevent the Select Board from drawing the money from the Electric Enterprise Fund and described an exception to DRA approval because of a sudden or unexpected emergency in that the Select Board can authorize the transfer of funds from the Electric Fund to address the situation.

Paul O'Brien asked what will be done differently in the future.

Jim Pineo stated the Town will not utilize the fund balance for warrant articles based on the timing associated with the audit report. He stated in the future there will be more definition to MOUs and identify within the warrant article when donated funds would be due.

Paul O'Brien reviewed the facts of the situation as he understands them.

Bobbi Boudman expressed concern for moving forward with the balance of \$568,000 that the Town is still owed and asked where such is being accounted for.

Kathy Carpentier stated the BOS provided a one-year extension for the remaining balance however, the Town is receiving payments as they are received by the Friends of Pop Whalen.

Bobbi Boudman asked if the Town is still showing \$568,000 more than what the Town has.

Kathy Carpentier replied no.

Bobbi Boudman asked where the shortfall of \$568,000 is being accounted for. He asked if the Budget Committee reviews the MS-535 prior to the BOS signing such.

John MacDonald replied no.

Bobbi Boudman questioned whether the Committee should review such.

Kathy Carpentier stated the MS-535 is prepared by the auditor following the completion of the audit; noting the report indicates what occurred in the previous year.

Bob Tougher confirmed that all the information is represented on the MS-737 which is signed by all of the Budget Committee members.

Bob Moholland stated the Town should have ensured that the Friends of Pop Whalen had the \$2.7 million; noting the Town forced the Railroad Museum to raise their funds prior.

Matt Plache confirmed the shortfall of \$113,000 is included in the request to overexpend the budget by \$175,000. He stated the letter does not articulate what the emergency is.

The Committee discussed paying back the Electric Enterprise Fund; noting a reduction in the payment from the Administrative Cost Allocation is proposed.

Jim Pineo stated the spending freeze remains in place and believes a large majority of the \$113,000 will be paid from the 2023 budget.

Bobbi Boudman stated she appreciates including a mea culpa in the letter; noting she feels such is important.

Paul O'Brien stated the Treasurer's report is showing a balance of approximately \$1.7 million of cash on hand.

Kathy Carpentier stated the Town has an investment account as well.

Paul O'Brien stated the Town has to be 10% of the General Fund as a guideline and believes the Town may be at the guideline by the end of the year.

It was moved by Bob Loughman that the Budget Committee sign the letter to the NH DRA as written, dated December 14, 2023. Bob Tougher seconded the motion.

Discussion of the motion:

Bobbi Boudman asked if there will be a public meeting scheduled held by the BOS to allow for the public to ask questions.

Linda Murray replied no. She stated the BOS discussed writing a statement that would be read at a BOS meeting and the statement would be published. She stated she and the other Selectmen would speak to anyone regarding the matter.

Brian Deshaies stated he would think the Budget Committee would want to be part of that because everybody missed the error.

John MacDonald stated the Town pays attorneys a lot of money to review documents and the Budget Committee is not going to take responsibility for the error.

Bobbi Boudman stated the Budget Committee is taking responsibility by signing the document.

John MacDonald stated he is signing the letter because it is the right thing to do. He stated a mistake was made and it needs to be done for the community.

Linda Murray stated the Committee is signing the letter because that is the process; noting by Statute the Committee has to sign it (there has to be a majority vote of the Committee).

John MacDonald requested the BOS in the future come to the Budget Committee and inform them of what the BOS are doing. He stated the Committee did not know anything about the issue and that is why the

Budget Committee should not take any responsibility for it. He stated the Budget Committee was not aware of anything that was happening.

Linda Murray stated she does not believe the Budget Committee holds any responsibility and believes the issue lies within the authority of the BOS; noting the BOS came to the Committee because they had to and that it was their responsibility to do so.

Paul O'Brien stated the Town found out about the issue when the audit was released and noted there needs to be more connectivity within the organization.

The Committee agreed that the signatures would reflect today's date despite the letter being dated December 14.

Roll call vote: Bobbi Boudman – yes, Bob Tougher – yes, John MacDonald – yes, Bob Moholland – yes, Brian Black – yes, Matt Plache – yes, Bob Loughman – yes, Paul O'Brien – yes, Brian Deshaies - abstain. The motion passed (8-0-1).

It was moved by Paul O'Brien to include the Grant Award Letter dated June 1, 2022, the letter from NH DRA dated December 15, 2023 the BOS and Budget Committee's letter to NH DRA, dated December 14, 2023, and the copy of the MS-434R to the December 18, 2023 minutes. Matt Plache seconded the motion. Roll call vote: Bobbi Boudman – yes, Bob Tougher – yes, John MacDonald – yes, Bob Moholland – yes, Brian Black – yes, Matt Plache – yes, Bob Loughman – yes, Paul O'Brien – yes, Brian Deshaies - yes. The motion passed (9-0-0).

VI. Approval of Minutes
November 29, 2023

It was moved by Bob Loughman to approve the November 29, 2023 Budget Committee minutes as submitted. Bob Moholland seconded the motion. Bob Tougher, John MacDonald, Bob Moholland, Brian Black, Matt Plache, Bob Loughman, Paul O'Brien, Brian Deshaies voted in favor. Bobbi Boudman abstained. The motion passed (8-0-1).

November 30, 2023

It was moved by Bob Loughman to approve the November 30, 2023 Budget Committee minutes as submitted. Paul O'Brien seconded the motion. Bob Tougher, John MacDonald, Bob Moholland, Brian Black, Matt Plache, Bob Loughman, Paul O'Brien, Brian Deshaies voted in favor. Bobbi Boudman abstained. The motion passed (8-0-1).

VII. Public Comment
None.

VIII. Adjournment

It was moved by Paul O'Brien to adjourn the December 18, 2023 Budget Committee meeting. Bob Loughman seconded the motion. All members voted in favor. The motion passed.

Next Budget Committee meeting is scheduled for December 28, 2023 at 6:00 PM at the Wolfeboro Public Library.

There being no further business before the Committee, the meeting adjourned at 8:35 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson

GRANT AWARD LETTER

June 1 2022

The Friends of Pop Whalen, a 501(c) (3) non-profit volunteer organization established in 2019 to enhance and preserve the Pop Whalen Ice and Arts Center as a four season venue (the "Friends") is pleased to confirm this Grant Award to the Town of Wolfeboro (the "Town") for the payment of direct costs incurred by the Town in connection with the Pop Whalen Ice and Arts Center Expansion and Renovation Project approved by the Town vote on March 8, 2022.

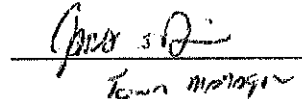
The Friends will make periodic grants from the "Friends of Pop Whalen Construction Fund" to the Town for the Pop Whalen Ice and Arts Center Renovation and Expansion Project on a schedule to be mutually agreed upon that reflect the Town's requirements and the availability of monies in the Construction Fund. Based upon the donations and pledges received by the Friends of Pop Whalen to date, it is expected that \$2,700,000.00 will be available by July 31, 2023 for these grants. The total grants may be more however not less than \$2,700,000.00 depending upon the actual receipt by the Friends of donor donations and pledge payments to the Construction Fund.

This letter and the attached Agreement of General Terms, Conditions and Understandings specify the terms and conditions to accepting our grants. Please read them carefully, sign that agreement and this letter and return to the President of the Friends of Pop Whalen by U.S. Mail to PO Box 1140 Wolfeboro NH, 03894.

Friends of Pop Whalen



Town of Wolfeboro


Town Manager

GRANT AWARD LETTER

June 1 2022

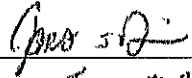
The Friends of Pop Whalen, a 501(c) (3) non-profit volunteer organization established in 2019 to enhance and preserve the Pop Whalen Ice and Arts Center as a four season venue (the "Friends") is pleased to confirm this Grant Award to the Town of Wolfeboro (the "Town") for the payment of direct costs incurred by the Town in connection with the Pop Whalen Ice and Arts Center Expansion and Renovation Project approved by the Town vote on March 8, 2022.

The Friends will make periodic grants from the "Friends of Pop Whalen Construction Fund" to the Town for the Pop Whalen Ice and Arts Center Renovation and Expansion Project on a schedule to be mutually agreed upon that reflect the Town's requirements and the availability of monies in the Construction Fund. Based upon the donations and pledges received by the Friends of Pop Whalen to date, it is expected that \$2,700,000.00 will be available by July 31, 2023 for these grants. The total grants may be more however not less than \$2,700,000.00 depending upon the actual receipt by the Friends of donor donations and pledge payments to the Construction Fund.

This letter and the attached Agreement of General Terms, Conditions and Understandings specify the terms and conditions to accepting our grants. Please read them carefully, sign that agreement and this letter and return to the President of the Friends of Pop Whalen by U.S. Mail to PO Box 1140 Wolfeboro NH, 03894.

Friends of Pop Whalen

Town of Wolfeboro


Town Manager

AGREEMENT OF GENERAL TERMS, CONDITIONS AND UNDERSTANDINGS

In addition to the terms and conditions in the Grant Award letter dated June 1, 2022, the Friends of Pop Whalen (the "Friends") is agreeing to award Grants (described below) to the Town of Wolfeboro, New Hampshire (the "Town") contingent upon the following terms, conditions and understanding (the "Agreement", which together with the Grant Award letter is known as the "Grant Award").

Expenditure of Funds

Grants will be made for the purpose of the Pop Whalen Ice and Arts Center Renovation and Expansion Project approved in Warrant Article 11 at the Town vote on March 8, 2022 (the "Project"), of at least \$2,700,000.00 thereby reducing the amount of the bond issued by the Town to finance the Project. Grants may not be used for any other purpose.

Tax-Exemption

The Town is a lawfully constituted body corporate and politic of the State of New Hampshire and will issue tax exempt bonds to finance the Project. The Friends hereby agree to take all action necessary or omit to take actions necessary to ensure that the interest on the bonds issued by the Town continue to be excluded from gross income for federal income tax purposes.

Expenditure of Other Fund

Nothing contained in the Grant Award shall prohibit the Friends from accepting funds, and paying such funds to the Town, for items or work that are beyond the scope of the Project, provided that the donor of such funds makes that intent clear. Nothing contained herein shall obligate the Town to accept funds, or perform work that is beyond the scope of the Project, unless the Town chooses to do so in its sole discretion.

Required Notification

The Town is required to provide the Friends with immediate written notification of (1) any changes in the Town's tax-exempt status; (2) the Town's inability to expend a Grant for the purposes described in section Expenditure of Funds; or (3) any expenditure of Grant funds made for any purpose other than those for which the Grant was intended.

The Friends is required to provide the Town with immediate written notification of (1) any changes in the Friends tax-exempt status; (2) the Friends inability to expend a Grant for the purposes described in section Expenditure of Funds; or (3) any expenditure of Grant funds made for any purpose other than those for which the Grant was intended.

Relationship Between the Parties

The Friends and Town agree that the Grant Award does not create a principal-agent relationship or employer/employee relationship of any type between the parties and that neither the Town nor the Friends will, by act or omission or commission, foster any belief on the part of third parties that such relationship exists.

No Benefits to Friends or Any Individual

Nether the Friends nor any individual board member of the Friends is receiving any benefits as a result of Grants made, and the full amount shall be a contribution to the Town.

Entire Agreement

The Grant Award letter to the Town of Wolfeboro dated June 1, 2022 and these General Terms, Conditions and Understandings constitute the entire agreement between the parties regarding the Grants, and supersede all previous related understandings or written or oral agreements between the parties.

Amendment

Unless otherwise permitted herein, any alteration in the terms of this Agreement must be in written form and must be signed by an authorized representative of the Friends and the Town.

Applicable Laws

The provision of this Agreement shall be construed and enforced according to the laws of the State of New Hampshire. Any lawsuit, action or proceeding resulting from, or related to this Agreement, shall be commenced in a court of competent jurisdiction located in the State of New Hampshire.

Authority to Sign

The signer for the Town, the Town Manager, certifies that he is an authorized officer and that, as such, is authorized to observe all of the terms and conditions placed on Grants, and in connection with Grants to make, executed and deliver all grant agreements, representation, receipts, reports and other instruments of every kind.

Mrs. Murray stated that that she sent in her comments to the Town Manager and understands this will be discussed and decided at a public hearing on June 15, 2022. She questioned the adoption of the trails.

Mr. Pineo replied he understood that the Board would like the adoptions of the trails to be a Warrant Article.

Mr. Deshaies agreed they discussed that and agreed it would be a Warrant Article. He also provided Mr. Pineo with feedback on the MOU.

The MOU will be discussed June 15, 2022 and is noticed at a Public Hearing.

H. Approval: Commercial Vessel Landing Permits for 2022

i. Libby Barge-Ambrose Marine Construction

ii. Libby Barge-Wolfboro Dock Company

iii. Dockside- Dive Winnepesaukee Corp.

Luke Freudenberg stepped down for this discussion and vote.

Brian Deshaies made a motion to issue Ambrose Marine Construction a Commercial Vessel Landing barge permit for the Libby Dock for the 2022 season, to issue Wolfboro Dock Company a Commercial Vessel Landing barge permit for the Libby Dock for the 2022 season (contingent upon insurance cert) and for a Commercial Vessel Landing permit for the Mail Boat (Dive Winn) for the 2022 Season (contingent upon a insurance). Linda Murray seconded, all in favor motion passed.(noted Luke Freudenberg did not participate in the vote)

Luke Freudenberg returned to meeting

I. Amendment to Grant award letter and agreement Pop Whalen MOU

Linda Murray stepped down from this discussion and vote.

Mr. Pineo summarized the request per his memo dated May 25, 2022 with regards to the donation of not less than \$2.7 million dollars.

Victor Drouin, Friends of Pop Whalen address the request.

Mr. Harriman has no issue with the request, he noted Suzanne Ryan's earlier request.

Mr. Pineo said he will provide her request via email

Luke Freudenberg moved to approve amendment to the grant award letter and agreement with Pop Whalen MOU as requested at this meeting. Brian Deshaies

seconded, all in favor, motion passed. (noted Linda Murray did not participate in the vote)

Linda Murray returned to meeting

7. Other Business

Linda Murray received a complaint from the Daughters of the American Revolution about Banners placed at Pickering Corner near the Monuments, her suggestion is to form a committee in regard to place Temporary Event Banners near the monuments.

Dave Ford spoke to the issue also, stating that no Banners should be placed at that corner as it is a dangerous and out of respect of the Monuments.

The Board agreed to form a sub-committee to discuss the issue.

8. Committee Reports

Brian Deshaies spoke to the Energy Committee and the EV chargers, that will be up and running soon, he also spoke to the Milfoil committee and all the work they have done removing it.

Luke Freudenberg attended a Cable Franchise meeting, and the Wolfeboro Waters Committee meeting

Linda Murray attended a Friends of Pop Whalen meeting, Wolfeboro Waters Committee Meeting, and involved with the Milfoil update

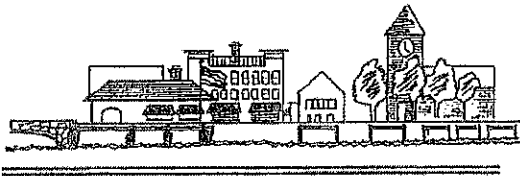
Brad Harriman had a Community TV meeting

9. Town Manager's Report

Mr. Pineo received a complaint that the doors where sticking at the Albee Beach House and requested that if this type o thing happens to notify the Town. He also met with the Treasurer and Finance Director regarding impact fees and he met with Parks and Rec Director for updates. He also noted that the CIP packets will be available for review, there will be a Public Safety Building Committee Forum on June 9th in the Great Hall and the Budget Committee will meet June 7th.

10. Questions from the Press

Elissa Paquette commented on the Memorial Day activities being well attended, also when speaking with people at the Town Docks of how impressed everyone was with the new dock upgrades.



*Town of
Wolfeboro*

BOARD OF SELECTMEN

Linda Murray, Chair

David Senecal, Vice

Brian Deshaies

Luke Freudenberg

Brad Harriman

James S. Pineo, Town Manager

**Memorandum of Understanding
Friends of Pop Whalen and the Town of Wolfeboro NH
Regarding Donated Funds for Architectural and Structural Engineering**

The 2021 Town of Wolfeboro Deliberative Session asked voters the following question which was titled Article 14: Pop Whalen Enterprise Fund

To see if the Town will vote to raise and appropriate the sum of One Hundred Twenty Dollars (\$125,000) general taxation and not from the Pop Whalen Enterprise Fund for the purpose of providing professional design services for, roof, insulation, dehumidification, electrical upgrades and to develop a scope of work for repairs to the Pop Whalen Ice Arena. This appropriation is non-lapsing pursuant to RSA 32:7, VI and shall lapse on December 31, 2022, or upon completion of the project, whichever occurs first.

This article was unanimously recommended by the Board of Selectmen, Budget Committee, and ultimately by the voters 883 yes – 352 no.

On June 8, 2021 the Town of Wolfeboro entered into contract with Banwell Architects of Lebanon, New Hampshire for a Scope of Work for the renovation and expansion of the Pop Whalen Ice and Arts Center. (Contract attached)

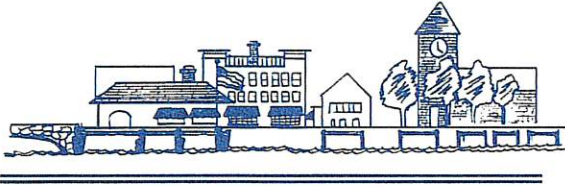
Banwell Architects has provide a fee schedule of \$227,350.00 for architectural and structural engineering which is based on the concept plan dated 5/19/2021 which is contained in the June 8, 2021 contract with Banwell Architects. Phase I in the amount of \$89,350.00 is the sole responsibility of the Town of Wolfeboro. Phase II in the amount of \$138,000.00 is broken out as follows: \$38,000.00 Town of Wolfeboro and \$100,000.00 the Friends of Pop Whalen.

It is understood that the Friends of Pop Whalen shall generously donate \$100,000.00 to the Town of Wolfeboro at the September 1, 2021 Board of Selectmen meeting. These funds shall be book to the Town of Wolfeboro account number 05-35080-150 and shall be for the exclusive purpose of architect and structural engineering fees for the Pop Whalen expansion, and shall be expended through account number 05-45890-380.

It is the intention of the Town of Wolfeboro to bring a Warrant Article in 2022 for Phase I of the Towns share of renovations to the Pop Whalen Ice and Arts Center.

This Memorandum of understanding shall expire upon completion of the contract with Banwell Architects.

09/01/2021



*Town of
Wolfeboro*

BOARD OF SELECTMEN

Brad Harriman, Chair
Luke Freudenberg, Vice
Brian Deshaies
Linda Murray
Dave Senecal

James S. Pineo, Town Manager

Thursday December 14, 2023

Administration Unit
Attn: Commissioner Lindsey M. Stepp
PO Box 457
Concord, NH 03302-0457

Commissioner Stepp,

The Wolfeboro Board of Selectmen and Budget Committee send you this letter pursuant to the Emergency Expenditure and Overexpenditures provision of RSA 32:11. We respectfully ask for consideration by the New Hampshire Department of Revenue Administration to over expend the 2023 fiscal year operating budget by a not to exceed amount of \$175,000. The reasoning for our request is as follows:

- 1) On November 22, 2023, NHDRA notified the Town that it was disallowing funds for Warrant Article 18 in the amount of \$547,736. At the time that the Town received this notice, only \$71,426.77 of the appropriated funds had not been expended. As a result, the Town was required to identify funds to cover the balance of \$434,645 within the general fund.
- 2) When the Town received notice of the disallowance, the Town Manager immediately initiated a spending freeze. Working with the Finance Director, the Town Manager was able to identify an additional \$363,218.27 of cost-cutting measures to reduce the anticipated shortfall at year's end to \$113,117.96.
- 3) The Town Manager and Finance Director are hopeful that they will be able to close this gap at year's end without any further appropriations, however, they are concerned about the impact winter weather could have on the budget. The Director of Public Works has estimated the average monthly expenses for winter weather are \$54,882 based on: overtime/salt/sand. This does not include regularly schedule hours of operation.
- 4) In July 2023, the Town of Wolfeboro experienced a significant rain event where town-maintained roads suffered damages. The Town incurred \$118,983.31 in costs for materials and overtime labor. The Town has submitted an application under the disaster declaration to FEMA in the amount of \$1,195,309.49. The Town believes that it may be able to recover as much as 75% of the requested amount. This sudden and unexpected emergency necessitated the expenditure of funds to remedy storm damage that would not have otherwise been spent during FY 2023.
- 5) In 2022, the Town of Wolfeboro entered into an agreement with the Friends of Pop Whalen ("FOPW") for the donation of \$2,700,000 for a renovation/expansion of the Pop Whalen Ice & Arts Center. As part of the agreement, the FOPW was to provide their contribution on or before July 31, 2023. To date the Town has received \$2,190,000, with the balance due on July 31, 2024 as agreed to by the Wolfeboro Board of Selectmen.

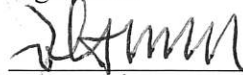
- 6) The 2023 MS-232-R reflects approved appropriations, after the NHDRA disallowance, of \$50,763,346. This includes the Town's enterprise funds: Electric, Water, Sewer, Pop Whalen Ice & Arts Center.
- 7) The 2022 Audit report indicates that the enterprise funds have a combined unrestricted fund balance of \$8,169,115, with the Electric Enterprise Fund holding \$6,425,620 of said funds.

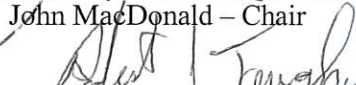
The Town of Wolfeboro respectfully asks for the Commissioner's consideration to allow the Town to overspend the 2023 General Fund Operating budget in the not to exceed amount of \$175,000 by the following method:

- 1) Allow for a revenue transfer in the amount of \$175,000 from the Electric Enterprise fund for the 2023 over expenditure.

In closing, should you have questions please contact James S. Pineo, Town Manager at 603-569-8161.

Wolfeboro Budget Committee
Signatures


 12/18/23
John MacDonald – Chair

 12/18/23
Robert Tougher – Vice Chair


Thomas Bell – Member

 12/18/23
Brian Black – Member

 12/18/23
Bobbi Boudman – Member


 12/18/23
Robert Loughman – Member

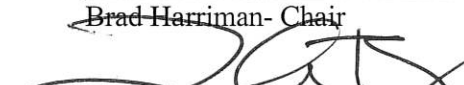
 12-18-23
Robert Moholland – Member


 12/18/23
Paul O'Brien – Member

 12-18-23
Matthew Plache – Member

Wolfeboro Board of Selectmen
Signatures


Brad Harriman – Chair


Luke Freudenberg – Vice Chair


Brian Deshaies – Member


Linda Murray – Member


David Senecal – Member


James Scott Pineo – Town Manager

Cc: Nathan Fennessy – Legal Council
Timothy Greene – Auditor
Barry Muccio – Director Wolfeboro Electric Department

NH DEPARTMENT OF REVENUE ADMINISTRATION
MUNICIPAL & PROPERTY DIVISION
P.O. BOX 487, CONCORD, NH 03302-0487

RSA 32:11 EMERGENCY EXPENDITURE REVENUE SOURCE FORM

Town: Town of Wolfeboro FY: 2023 Date: 12/14/2023

ACCT.#	SOURCE OF REVENUE	REVENUE FROM MS-4	UPDATED ESTIMATE
TAXES			
3120	Land Use Change Tax		
3180	Resident Tax		
3185	Timber Tax	\$ 20,000.	
3186	Payment in Lieu of Taxes	27.	
3189	Other Taxes	20,000.	
3190	Interest & Penalties on Delinquent Taxes	51,431.	
	Inventory Penalties		
3187	Excavation Tax (\$.02 cents per cu yd)		
LICENSES, PERMITS & FEES			
3210	Business Licenses & Permits	1,500	
3220	Motor Vehicle Permit Fees	1,750,000	
3230	Building Permits	93,000.	
3290	Other Licenses, Permits & Fees	161,776.	
3311-3319	FROM FEDERAL GOVERNMENT		
FROM STATE			
3351	Shared Revenues		
3352	Meals & Rooms Tax Distribution	606,014.	
3353	Highway Block Grant	180,116.	
3354	Water Pollution Grant	256,009.	
3355	Housing & Community Development		
3356	State & Federal Forest Land Reimbursement	40.	
3357	Flood Control Reimbursement		
3359	Other (Including Railroad Tax)	1,019,158.	
3379	FROM OTHER GOVERNMENTS	65,308.	
CHARGES FOR SERVICES			
3401-3406	Income from Departments	304,400.	
3409	Other Charges		

RSA 32:11 EMERGENCY EXPENDITURE REVENUE SOURCE FORM

(continued)

 Town: Town of Wolfeboro FY: 2023 Date: 12/14/2023

ACCT.#	SOURCE OF REVENUE	REVENUE FROM MS-4	UPDATED ESTIMATE
MISCELLANEOUS REVENUES			
3501	Sale of Municipal Property		
3502	Interest on Investments	250,000.	
3503-3509	Other	1,064,637.	
INTERFUND OPERATING TRANSFERS IN			
3912	From Special Revenue Funds	10,000.	
3913	From Capital Projects Funds		
3914	From Enterprise Funds - Other (Pop Whelan)	402,703.	
	Sewer - (Offset)	1,478,202.	
	Water - (Offset)	1,812,942.	
	Electric - (Offset)	10,617,970.	10,792,970.
	Airport - (Offset)		
3915	From Capital Reserve Funds		
3916	From Trust & Fiduciary Funds		
3917	From Conservation Funds		
OTHER FINANCING SOURCES			
3934	Proc. from Long Term Bonds & Notes	15,830,000.	
	Unreserved Fund Balance Used as Revenue	302,237.	
	TOTAL REVENUE	36,297,470.	36,472,470.
	TOTAL INCREASE IN REVENUE		175,000.
Total Voted Appropriations From Annual & Any Special Meeting(s): *			\$50,763,346.
Increase in Expenditures Requested Under RSA 32:11:			\$175,000.
FOR DRA USE ONLY			
Unreserved Fund Balance = \$		No Means No?	
Amount previously used for tax rate or emergency = \$		MBA?	
Remaining balance = \$		Hearing Date:	
5% amount =		Reviewed by: _____ Date: _____	
10% amount =		Approved by: _____ Date: _____	
		Denied Because:	

* as adjusted by DRA



Revised Estimated Revenues Adjusted

Wolfeboro

For the period beginning January 1, 2023 and ending December 31, 2023

In accordance with RSA 21-J:35, the department is notifying you of the following changes in the estimated revenues used in computing the tax rate.

Account	Source	Estimated Revenue	Change Amount	Estimated Revenue Adjusted
Taxes				
3120	Land Use Change Tax - General Fund	\$0	\$0	\$0
3180	Resident Tax	\$0	\$0	\$0
3185	Yield Tax	\$20,000	\$0	\$20,000
3186	Payment in Lieu of Taxes	\$28	(\$1)	\$27
3187	Excavation Tax	\$0	\$0	\$0
3189	Other Taxes	\$20,000	\$0	\$20,000
3190	Interest and Penalties on Delinquent Taxes	\$51,431	\$0	\$51,431
9991	Inventory Penalties	\$0	\$0	\$0
Taxes Subtotal		\$91,459	(\$1)	\$91,458
Licenses, Permits, and Fees				
3210	Business Licenses and Permits	\$1,500	\$0	\$1,500
3220	Motor Vehicle Permit Fees	\$1,750,000	\$0	\$1,750,000
3230	Building Permits	\$93,000	\$0	\$93,000
3290	Other Licenses, Permits, and Fees	\$161,776	\$0	\$161,776
3311-3319	From Federal Government	\$0	\$0	\$0
Licenses, Permits, and Fees Subtotal		\$2,006,276	\$0	\$2,006,276
State Sources				
3351	Municipal Aid/Shared Revenues	\$0	\$0	\$0
3352	Meals and Rooms Tax Distribution	\$565,658	\$40,356	\$606,014
3353	Highway Block Grant	\$178,491	\$1,625	\$180,116
3354	Water Pollution Grant	\$120,000	\$136,009	\$256,009
3355	Housing and Community Development	\$0	\$0	\$0
3356	State and Federal Forest Land Reimbursement	\$40	\$0	\$40
3357	Flood Control Reimbursement	\$0	\$0	\$0
3359	Other (Including Railroad Tax)	\$678,112	\$341,046	\$1,019,158
3379	From Other Governments	\$65,308	\$0	\$65,308
State Sources Subtotal		\$1,607,609	\$519,036	\$2,126,645
Charges for Services				
3401-3406	Income from Departments	\$304,400	\$0	\$304,400
3409	Other Charges	\$0	\$0	\$0
Charges for Services Subtotal		\$304,400	\$0	\$304,400



New Hampshire
Department of
Revenue Administration

2023
MS-434-R

Revised Estimated Revenues Adjusted

Account	Source	Estimated Revenue	Change Amount	Estimated Revenue Adjusted
Miscellaneous Revenues				
3501	Sale of Municipal Property	\$0	\$0	\$0
3502	Interest on Investments	\$250,000	\$0	\$250,000
3503-3509	Other	\$1,064,637	\$0	\$1,064,637
Miscellaneous Revenues Subtotal		\$1,314,637	\$0	\$1,314,637
Interfund Operating Transfers In				
3912	From Special Revenue Funds	\$10,000	\$0	\$10,000
3913	From Capital Projects Funds	\$0	\$0	\$0
3914A	From Enterprise Funds: Airport (Offset)	\$0	\$0	\$0
3914E	From Enterprise Funds: Electric (Offset)	\$10,617,970	\$0	\$10,617,970
3914O	From Enterprise Funds: Other (Offset)	\$402,703	\$0	\$402,703
3914S	From Enterprise Funds: Sewer (Offset)	\$1,734,211	(\$256,009)	\$1,478,202
3914W	From Enterprise Funds: Water (Offset)	\$3,843,992	(\$2,031,050)	\$1,812,942
3915	From Capital Reserve Funds	\$0	\$0	\$0
3916	From Trust and Fiduciary Funds	\$0	\$0	\$0
3917	From Conservation Funds	\$0	\$0	\$0
Interfund Operating Transfers In Subtotal		\$16,608,876	(\$2,287,059)	\$14,321,817
Other Financing Sources				
3934	Proceeds from Long Term Bonds and Notes	\$14,140,000	\$1,690,000	\$15,830,000
Other Financing Sources Subtotal		\$14,140,000	\$1,690,000	\$15,830,000
Total Revised Estimated Revenues and Credits		\$36,073,257	(\$78,024)	\$35,995,233



Revised Estimated Revenues Summary

	Estimated	Change Amount	State Adjusted
Subtotal of Revenues	\$36,073,257	(\$78,024)	\$35,995,233
Unassigned Fund Balance (Unreserved)	\$302,237	\$0	\$302,237
(Less) Emergency Appropriations (RSA 32:11)	\$0	\$0	\$0
(Less) Voted from Fund Balance	\$850,000	(\$547,763)	\$302,237
(Less) Fund Balance to Reduce Taxes	\$0	\$0	\$0
Fund Balance Retained	(\$547,763)	\$547,763	\$0
Total Revenues and Credits	\$36,923,257	(\$625,787)	\$36,297,470 ✓
Requested Overlay	\$75,000	\$0	\$75,000

Assessment Overview

Total Appropriations	\$50,763,346 ✓
(Less) Total Revenues and Credits	\$36,297,470 ✓
Net Assessment	\$14,465,876

Explanation of Adjustments

Account	Reason for Adjustment	Warrant Number
3186	MC: Adjusted to MS1	16
3352	MC: State Aid Adjustment	16
3353	MC: State Aid Adjustment	16
3354	MC: State Aid Adjustment	16
3359	MC: State Aid Adjustment	16,17
3914S	MC: Adjustment	16,20,22
3914W	MC: Municipality Adjustment	16,20,22,14,19
3934	MC: DRA Adjustment	,11,13