

Wolfeboro Board of Selectmen  
Public Meeting Minutes-Approved  
September 7, 2016

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

**Staff present:** Town Manager David W. Owen, Police Captain Dean Rondeau, Parks and Recreation Director Christine Collins, Public Works Director Dave Ford and Recording Secretary Michele Chamberlain

Chairman Harriman opened the meeting at 6:30 PM.

Chairman Harriman stated the meeting would not be live tonight because they were having technical difficulties. He also wanted to remind everyone that elections would be held next Tuesday, September 13 at the Great Hall.

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

Mr. Owen stated a non-public session is needed to discuss litigation and the approval of previous non-public minutes.

**Consideration of Minutes**

Chairman Harriman asked for approval from the Board of the August 17, 2016 Regular Meeting Minutes.

Linda Murray asked for corrections to be made to the August 17, 2016 Regular Meeting. She also wanted to remind everyone that minutes can be reviewed on the Town website.

**It was moved by Linda Murray and seconded Dave Bowers to accept the minutes of the August 17, 2016 Regular Meeting with amendments to pages 2,4,7,8 and 9. Members voted and being none opposed, the motion passed.**

**Public Hearings**

**A. Proposed Amendment to Wolfeboro Town Code Governing the Use of Class V Roads by Off Highway Recreational Vehicles**

Chairman Harriman opened the public hearing.

Linda Murray stepped down due to a conflict of interest.

Roger Murray, Attorney for Port Wedeln Association, addressed the Board. He stated the Association would like an Ordinance that would authorize the use of Off Highway Recreational Vehicles. The Ordinance would allow the use of OHRVs, including golf carts registered as OHRVs pursuant to RSA 215-A:21 on Port Wedeln Road, Winterhaven Road, Lloyd Road and Bernard Drive in the Port Wedeln Subdivision. The use of OHRVs on said roads is limited to travel to and from the individual lots within the Port Wedeln Subdivision and the Port Wedeln beach and docks on Lake Winnepesaukee. Mr. Murray stated it would be easier for the elderly since the hill one must walk up and down is very steep. He stated all OHRVs, including golf carts, shall be registered in accordance with RSA 215-A:21 and shall display the registration plate or decal as provided in that statute. No person shall operate an OHRV on said roads unless licensed to drive a motor vehicle by the State of NH or in accordance with the laws of another state or province of Canada. He stated the Ordinance was approved by Police Chief Chase and Police Captain Dean Rondeau. Mr. Murray stated all operators of the OHRVs shall keep to the extreme right and yield to all conventional motor vehicle traffic. OHRVs shall be operated at a maximum speed of 20 miles per hour or the posted speed limit, whichever is lower. OHRVs must have at least one, but not more than two headlights, and one or more rear taillights in working order when operating at any time during the period from one-half hour after sunset to one-half hour before sunrise, adequate brakes capable of stopping the vehicle within 40 feet at 20 miles per hour, a current registration decal and mufflers and exhaust systems complying with the requirements of RSA 215-A:21. Any trailer towed behind and OHRV shall be equipped with reflectors and a rigid hitch such as a tow bar. Any person operating an OHRV, including a golf cart, on said roads, and all passengers in said OHRVs shall be deemed to have waived all claims against the Town of Wolfeboro for its decision to allow the operation of such OHRVs on public roads as permitted by this Ordinance. Any person who violates this Ordinance shall be guilty of a violation. The fine shall be \$600 for the first offense, \$700 for a second offense, \$800 for a third offense, \$900 for a fourth offense, with a maximum of \$1,000 for any subsequent offenses. Mr. Murray stated there are rules and procedures set in place and if the Ordinance is granted he felt it would be a solution for the use of golf carts within the subdivision of Port Wedeln because without the Ordinance things will continue as they are now.

Chairman Harriman questioned whether the Port Wedeln Association had voted at their last meeting and had a majority vote to request this Ordinance.

Mr. Murray stated at their last meeting in the spring the Port Wedeln Association voted to work with the Town about reaching an agreement about use of golf carts within the subdivision of Port Wedeln. He stated the Association has not had a meeting since but he has been working with a committee from the Association and the goal was to come up with a way that golf carts could be operated.

Chairman Harriman asked if the Board had any questions.

Dave Senecal questioned how many OHRVs/golf carts could be parked by the beach because he assumed there was a parking area.

Mr. Murray stated there was a parking area and if the Ordinance was approved the Association plans to expand that area but he would let a member of the Association address that question.

Thomas Tobyne, resident of Port Wedeln, addressed the Board. He stated the area currently can park between 16 and 17 golf carts. He stated the Association is working on a master plan to expand the area of their water front property and parking would be an area that would be addressed in this plan. The Association has a committee working on a policy for the use of golf carts within the subdivision and some of the things they are addressing are the size of the OHRV's and parking.

Dave Senecal questioned if the golf carts would be used to only go from your house to the beach or if they would be allowed to drive over to a friend's house.

Mr. Tobyne stated the use of the OHRVs was strictly to go to the beach.

Dave Senecal asked so it is house to the beach only.

Mr. Murray stated the intent is so people are not joy riding.

Dave Bowers asked if the Association was aware of the letter sent to the Town Manager by Frank Alberio.

Mr. Tobyne responded he had received the letter and stated Mr. Alberio was concerned about the size of the OHRVs. Mr. stated he responded to Mr. Alberio by telling him about the committee the Association had formed and about the regulations they are placing on the size of the OHRVs. He stated Mr. Alberio was fine once he realized there would be restrictions on the size of the OHRVs.

Mr. Tobyne stated the gentleman at the top the hill will have a problem if we don't have parking for golf carts because then there will be approximately 40 cars parked and this will be a safety issue.

Dave Senecal questioned Captain Dean Rondeau about whether the Board of Selectmen can restrict the size and type of vehicles with this Ordinance.

Captain Rondeau stated the Board can structure the Ordinance any way they would like but the Ordinance right now does not have a restriction on the size of an OHRV.

Chairman Harriman opened the public hearing.

Richard and Linda Duarte, Residents of Port Wedeln, addressed the Board. Linda Duarte displayed a poster of various pictures of golf carts issues taken from their property. Mr. Duarte stated he and his wife are not against the use of golf carts and wanted to make that very clear. Mr. Duarte stated they had some concerns with misuse of golf carts and stated if golf carts are used in responsible ways they would not be against the use of them. Mr.

Duarte read from a handout that he passed out to the Board of Selectmen. Mr. Duarte stated the following:

We are not against the responsible use of golf carts, per se, as noted in Norman Rautenberg's email to the association, however we do have some major concerns regarding the continued irresponsible use by some, which has occurred over the past number of years, and which has been relayed to the Board of Selectmen in our letter dated July 14, 2016. We have 5 major concerns and they are enforcement by the Town, density of golf carts, parking, additional liability, and noise & pollution.

#### 1. Enforcement by the Town

We think most people here would agree that our home is by far the one that will be impacted the most by any Ordinance that is created by the Town. We see each electric golf cart and hear each gas powdered golf cart as it comes down the hill to the beach or goes back up the hill, due to the placement of our home. The letter we distributed at the July 20<sup>th</sup> Selectmen's Meeting cited examples of irresponsible behavior we have seen that other Port Wedeln residents have possibly not witnessed. We do not wish to be the "Port Wedeln Police". How does the Town plan on monitoring these so-called violations that Atty. Mr. Murray refers to in Section 8 of the proposed Ordinance? It is unreasonable to assume that a golf cart owner for 10 – 20 years will turn in a fellow golf cart owner for a violation. What provisions is the Town making if this Ordinance is passed?

#### 2. Density of Golf Carts

Presently there are approximately 40 golf cart owners in Port Wedeln. If this Ordinance is passed, there will undoubtedly be more home owners purchasing golf carts. How does the Association plan on dealing with increased numbers as more homes are built and more owners purchase golf carts?

#### 3. Parking

Photos #1 and #2 give a small glimpse of what the present parking situation is like on any given weekend. The impact on our home is clearly obvious to the point where golf carts are now parking on our property. What will parking become if 40 or more golf cart owners decide they wish to go to the beach at any one time?

#### 4. Additional Liability

Photo #3 indicates a sample of some of the trucks we have seen this summer, as new homes are being built in Port Wedeln. There is clearly a danger present to any golf cart operator driving on the same road as these huge trucks. Photo #4 shows our vehicle coming out of our driveway at 50 Winterhaven Road, not far from where Winterhaven & Lloyd intersect. There have been many close calls as we exit our driveway. This is basically a three way intersection with golf carts coming up the hill from the beach,

vehicles or golf carts driving from Lloyd to Winterhaven, golf carts or vehicles coming down Winterhaven and us, or any visitors we have attempting to exit our driveway. Just two weekends ago, there were two separate close calls with two golf cart owners as we attempted to exit our driveway. There is no question additional liability to the Town will be present.

## 5. Noise & Pollution

The gas powdered golf carts create both air and noise pollution. Because of the hill adjacent to our home, which the golf carts need to climb, these vehicles expel more fumes into the air as the operators push the pedal down attempting to make the hill.

As indicated by the photos #5 & #6, the edge of our porch is less than 20 feet from the asphalt where the golf carts travel. Further exacerbating this situation, the gas powered vehicles are noisy & disrupting. They are extremely loud.

On a number of discussions with Captain Rondeau, he advised us that gasoline powered golf carts are becoming a thing of the past, due to their negative impact on the environment, and are being replaced with electric. The electric golf carts we have seen this summer are next to silent. Note that electric golf carts can be purchased new or used in Hooksett, NH or Laconia, with prices beginning at approximately \$3,000.

We are respectfully requesting that the Ordinance include that all gas powered golf carts be placed with electric by May 1, 2018 and also that no ATV's be allowed at the beach as part of this Ordinance. This is a clean and more energy efficient solution for everyone in Port Wedeln and will be far more keeping with the natural beauty and surroundings here in the Lakes Region, which we all come here to enjoy.

## 6. Summary

Despite all of the above concerns, we are in a position to compromise and agree to the Ordinance provided:

- a. The Town demonstrates and outlines a specific mode of enforcement.
- b. The ATV exclusion is incorporated.
- c. All golf carts are electric as of 5/1/18.

Because of all the above concerns, we would like to suggest to the Board of Selectmen that they hold off from making a decision tonight, until they have the opportunity to view the site and fully understand the concerns being made.

Thank You,  
Richard and Linda Duarte

Dave Bowers stated he didn't believe the Town was responsible for liability of the golf carts. Mr. Bowers asked Captain Rondeau if the Town was liable. He asked Mr. Duarte if he had voted for the use of golf carts in the Association.

Mr. Duarte replied he had voted yes for a solution for the use of golf carts but not for the Ordinance itself.

Mr. Bowers stated he thought these concerns were something the Association was responsible for and they should address these concerns.

Mr. Senecal questioned if Mr. and Mrs. Duarte were against golf carts.

Mr. Duarte stated they were not against responsible use of golf carts.

Mr. Senecal stated I don't believe any of us are but we can't stop stupid. He stated some people just do stupid things and I can't stop them and you can't stop them. The Ordinance won't control that either. The Ordinance will only give authority to the Police Department to act on these actions. Mr. Senecal stated we can't stop people from having accidents. He stated any responsible use of golf carts makes sense but we can't stop people from being irresponsible. Mr. Senecal stated whether the Ordinance is passed or not we can't stop people from being irresponsible with any vehicle. Mr. Senecal stated parking is an issue that needs to be addressed.

Mr. Duarte agreed but he was concerned on who was going to enforce the rules of the use of golf carts being used irresponsibly. He stated the Wolfeboro Police would not be able to patrol Port Wedeln 24 hours a day 7 days a week. Mr. Duarte agreed with Mr. Senecal about parking being an issue and that it needs to be addressed. The Master Plan would accommodate 20 additional spaces but what would happen once so spaces were taken.

Norman Rautenberg, President of Port Wedeln Association addressed the Board. He stated Mr. and Mrs. Duarte had complained about golf carts being on their property. Mr. Rautenberg stated he asked the owners to move the two golf carts in question until he could go to the register of deeds to see if that was their property or not. Mr. Rautenberg stated the property was part of the Port Wedeln Association. On October 17, 2008 a proposed boundary adjustment was developed between the Wheelers, the Duartes and the Port Wedeln Association.

Dave Bowers asked how many golf carts could be parked in that area.

Mr. Rautenberg responded about 20 golf carts on a busy weekend and it gets a little crowded but everyone seems to make it work.

Dave Bowers asked how he felt about limiting the number of golf carts and banding ATVs. Some ATV's go 50 mph.

Mr. Rautenberg stated the intention is to have the speed at 20 mph or less. He stated he was not part of the committee that would be writing the by-laws but size was something they were looking at. Mr. Rautenberg stated without the use of golf carts, we are looking at a problem at the top of the hill with congestion.

Dave Bowers didn't think the Town was to be involved with people squabbling over parking if the Selectmen allowed the use of golf carts.

Mr. Rautenberg stated the Association didn't want a problem either so they would be developing a plan.

Dave Bowers stated the Association is using golf carts right now so why did the Board of Selectmen need to be involved.

Mr. Rautenberg stated the use of golf carts on public roads are illegal.

Dave Bowers asked if they were registered?

Mr. Rautenberg stated they would have to be registered through OHRV.

Brad Harriman stated we need to get back on track here. The parking is an issue within the Association. He wanted to stay focused on the issue of the Ordinance which was allowing golf carts on a Class V road.

Mr. Duarte stated Mr. Rautenberg was incorrect he was referring to the two golf carts parked near the tree which is our property.

Chairman Harriman stated that is on the private part which the Board will not discuss because it is not part of the Ordinance.

Diane Ulwick, resident of 56 Port Wedeln Road, addressed the Board. She stated she has lived here since 1988 and we have always had golf carts and there has never been an accident. She stated with making people register their golf carts then they will be required to have liability insurance and this will be good for everyone.

Linda Duarte, resident of Winterhaven Road, addressed the Board. She stated her biggest concern is the noise and pollution with the use of golf carts. She stated her husband and her bought their home because they loved the porch. She stated they see each electric powered golf cart and they hear each gas powdered golf cart that goes up the hill. She stated they can't sit out on their porch because of the noise the gas powdered golf carts create. They create pollution and are bad for our environment. We come to the Lake to see the beauty of the lake and trees and then we hear the noise of the golf carts. She suggested that only electric golf carts be allowed which would be a compromise between them and the Association. She suggested the Board to come out and see the property in question.

Tom Burns, resident of Winterhaven Road, addressed the Board. He stated he was surprised with all the controversy about using golf carts. He recently had knee surgery and needs to use his golf cart to get down to the beach. When he bought his home a few years ago he was told he could use a golf cart to go down to the beach. He urges the Selectmen to vote yes on the Ordinance.

Mr. Murray stated the Ordinance proposed significant fines for violations. He stated they were talking about OHRVs because there is no statute to allow you to use golf carts. The parking is being addressed and there will be no liability to the Town. The noise and pollution of golf carts would be the same as if a car was used and parking of cars in that area will be a problem. He stated the Ordinance would be a solution to these problems.

Linda Duarte asked if this is voted on will there be a re-course or is it a forever Ordinance.

Mr. Murray stated the Selectmen could change the Ordinance.

Captain Dean Rondeau stated the Board of Selectmen can modify it any way that they would like. He stated the Chief and I both support this Ordinance.

Frank Cannali, resident of 28 Port Wedeln Road, addressed the Board. He stated his wife and him have been residents since 1994 and have had a golf cart that whole time and there has never been an issue until recently. He felt the noise a gas powered golf cart created so not any noisier than someone mowing their lawn with a gas powered lawn mower. He stated this is the reality of the situation.

Thomas Tobyne stated the use of OHRVs is not a new idea in the State of NH. In Coos County there are 12 communities that allow the use of golf carts. He felt that the use of golf carts was not out of control in the Port Wedeln Association and they were used very responsibly.

Wayne Ulwick, resident of 56 Port Wedeln Road, addressed the Board. He stated he has an OHRV and goes down to the beach at 5 AM and tries to be quiet but when he starts his boat it probably wakes up everyone all the way to Winter Harbor. He stated the problem started when some people let their children ride the golf carts when they had a party down at the beach. This is when this problem began. This Ordinance if passed will be a better thing.

Chairman Harriman closed the public hearing.

Luke Freudenberg stated he was in favor of the Ordinance but wished that the Association had come to the Board with a plan for clarification on what the Association would allow for an OHRV.

Chairman Harriman stated the Association could still make these clarifications. He thought it was at their best interest to make these clarifications.



Dave Senecal stated he was concerned that this was not addressed at the Association annual meeting. He felt that without any restrictions the problem could get worse. He stated he was in favor of this Ordinance.

Dave Bowers stated he was in favor of the Ordinance as well.

Chairman Harriman stated he felt good about passing the Ordinance because the Chief and Captain were both in favor of it.

**It was moved by Dave Bowers and seconded by Dave Senecal to amend the Town Code Chapter 164 Vehicles and Traffic by adding a new Article V entitled “Use of Class V Roads by Off-Highway Recreation Vehicles” to read as stated in the public hearing notice. Members voted and being none opposed, the motion passed.**

The audience applauded.

#### **Bulk Vote**

##### **A. Weekly Manifests**

August 26, 2016  
September 2, 2016  
September 9, 2016

##### **B. Property Tax Refund/Abatements: Approvals:**

i. Abatement/Refund #3 (2016) Tax Map 224, Lot 1

##### **C. Notices of Intent to Cut Wood or Timber**

i. Bryant Road Tax Map 152, Lot 3  
ii. Stoneham Road Tax Map 155, Lot 4  
iii. Stoneham Road Tax Map 139, Lots 4, 7, and 8

##### **D. Vouchers to Trustees of Funds for Withdrawal from Capital Reserve Funds**

i. Wastewater Treatment Plant Capital Reserve Fund \$17,278.28  
ii. Foss Field Replacement Building Capital Reserve Fund \$4,655.00  
iii. DPW Vehicle/Equipment Replacement Capital Reserve Fund  
\$173,946.85

Mr. Owen stated an amended voucher was sent out to replace the DPW/Equipment Replacement Capital Reserve Fund. It has been revised to delete the amount for the Solid Waste's repair of their baler, as it was a repair not new equipment. The amended voucher amount was for \$160,541.10.

Chairman Harriman asked for a motion for the amended voucher.

**It was moved by Dave Senecal and seconded by Luke Freudenberg to approve the items amended voucher for \$160,541.10. Members voted and being none opposed, the motion passed.**

**It was moved by Linda Murray and seconded by Luke Freudenberg to approve the items A through D in the Bulk Vote. Members voted and being none opposed, the motion passed.**

### **New Business**

#### **A. Ambulance Services Contract Extension**

Mr. Owen stated we received a letter from Stewart's Ambulance Service offering to extend their contract for an additional two years. The only increase in cost will be the less of either 3% or the annualized change in the Northeast Region CPI as published by the Bureau of Labor Statistics. As our experience and working relationship with Stewart's has been excellent, both your Fire Chief and Town Manager recommend that the contract be extended for 2 years.

Chairman Harriman stated he was happy to see this extended.

**It was moved by Dave Senecal and seconded by Linda Murray to approve the extension of the Town's contract with Stewart's Ambulance Service for 2 years, subject to the same terms and conditions as the current contract. Members voted and being none opposed, the motion passed.**

#### **B. Revised Pop Whalen Arena Ice-Time Rates for 2016-2017**

Christine Collins, Director of Parks and Recreation, addressed the Board. She stated that the Parks & Recreation Department has received substantial pushback from Pop Whalen Arena users about the new ice time rates with a 7.5 % increase as approved by the Board at its July 20<sup>th</sup> meeting. Apparently, Ethan Hipple had informed arena customers last winter to expect about a 3 % increase for the coming year, and that's what they budgeted for, but he did not inform her about it. Therefore, she is asking the Board to revisit the matter of ice time rates and to break the 7.5 % increase into two phases, 3 % for the 2016-17 season, and 4.5 % for the 2017-18 season, which will make it easier for the user organizations to absorb the increase. This proposal does not affect the other Ice Program

Rates, like resident and non-resident passes, that were approved by the Board in July, only the ice-time rates. Ms. Collins stated this change would show the users that we are trying to work with them and it will not affect the budget.

Chairman Harriman thought it was a good idea.

Linda Murray agreed and stated we are only talking about ice time and she is hoping we don't have a large increase in the cost of season passes as well.

Christine Collins stated we are just talking about ice time not public skate time.

**It was moved by Luke Freudenberg and seconded by Dave Senecal to approve the proposed revised hourly Pop Whalen Arena Ice Time rates for the 2016-17 season, as follows: Winter Discount Weekday \$159/hr, Winter Discount Weekend \$170/hr, Winter Regular Weekday \$182/hr and Winter Regular Weekend \$193/hr. Members voted and being none opposed, the motion passed.**

#### **C. Authorize the Issuance of a Building Permit on a Class VI Road - New Garden Road**

Mr. Owen stated this application was in the works prior to the building permit on a Class VI Road for Stoneham Road. It has been reviewed by the Planning Board and the Conservation Commission and both recommended favorably upon it. In addition, the DPW and Fire Department have reviewed the application as recommended by the Planning Board, and neither Department has any issue with it.

Zachary Prior, Resident of New Garden Road, addressed the Board. He asked if the Board had any questions.

Linda Murray stated she would like to read the Town's Class VI Road Policy to the public.

She stated she was in favor of his request but would like to go over each condition for the Board of Selectmen Class VI Road Policy. She stated the only problem she could foresee would be ruts put in the road from construction trucks so Mr. Prior would be responsible for fixing them if they occurred.

Mr. Prior agreed.

**It was moved by Luke Freudenberg and seconded by Dave Senecal to authorize the issuance of a building permit for a residential structure on a parcel of land at 236 New Garden Road (Tax Map 254, Lot 4), on a Class VI Road, subject to satisfying all of the zoning and building code requirements to the satisfaction of the Codes Officer and the Fire Code requirements to the satisfaction of the Fire Department, and subject to the condition that prior to the actual issuance of a building permit for**

**this project the applicant shall produce evidence of notice of the limits of the Town's responsibility and liability has been recorded in the Registry of Deeds. Members voted and being none opposed, the motion passed.**

#### **D. Possible Establishment of a No Wake Zone in Wolfeboro Bay**

John Ratcliffe, resident of Wolfeboro, addressed the Board. He stated he has been boating out of Wolfeboro Bay since 1992 through the Windrifter and the Corinthian Yacht Club. He would like to clarify that he does not want a No Wake Zone in all of Wolfeboro Bay but just a section similar to what Alton has. He stated he has witnessed some very close calls and he is concerned about the welfare of the Windrifter, the Corinthian Yacht Club, the Town Docks and the safety of people using the Bay.

Chairman Harriman asked about the map of the No Wake Zone. Mr. Chairman would like to know where the line to the mooring field would be drawn.

Mr. Ratcliffe stated the line is something that needs to be looked at.

Dave Bowers stated that there are more kayaks, paddleboards and sailboats being used than in previous years. He stated he felt a Public Hearing would be needed to discuss the boundary lines.

Mr. Ratcliffe agreed and hoped to get some input from Brewster Academy and maybe from the Town Docks Committee.

Chairman Harriman agreed that a Public Hearing was needed.

Mr. Owen stated the Town Dock Committee will have their first meeting next week.

Mr. Owen stated when he and Mr. Ratcliffe spoke about this matter the mechanism for adopting a No Wake Zone was not having the Town adopt an Ordinance but to bring a petition to the Marine Patrol with 25 signatures or more. Mr. Owen asked Mr. Ratcliffe if that was correct.

Mr. Ratcliffe replied yes, that's correct and asked for a list of the abutters.

Mr. Owen stated we could do an abutter's list with the Tax Maps.

Captain Dean Rondeau stated he would like to have an exception made to the No Wake Zone to include the Fire Department, Police Department, Fish & Game, Marine Patrol and the MailBoat due to emergency issues.

Linda Murray agreed. She stated a Public Hearing is needed and the Dock Committee should be involved.

Dave Senecal stated he was not ready to vote on this yet.

Luke Freudenberg stated he would like to see more people involved in this decision. He stated there is only one No Wake sign coming into Wolfeboro Bay so maybe a few more signs would be helpful. He felt that a Public Hearing was definitely needed.

Steve Durgin, resident of Sewall Road, addressed the Board. He questioned where the waves come from since it isn't from fast boats. He stated the line where the No Wake Zone is put could affect Town Businesses. He agreed that a Public Hearing was needed so people could talk about it.

Dave Bowers stated that most of the damage has been done by waves, nature and wind, not by boats.

Mr. Durgin agreed.

Chairman Harriman stated this was not a Public Hearing but these are conservations that need to happen with the Town Dock Committee and residents of the Wolfeboro Bay Area. He stated we are not here to make a decision tonight because a Public Hearing is needed.

A Wolfeboro resident stated he thought the help of the Marine Patrol was needed to help with this decision.

Another Wolfeboro resident stated the 150 foot marker is not enough. He felt more were needed.

#### **E. Conference: DPW Director**

Dave Ford, Director of Public Works, addressed the Board. He discussed the following:

- 1- Highway Department Backhoe deficiencies, discuss repair vs replace
  - a. Hwy backhoe requires \$15K plus in repairs
  - b. Additional corrosion problems also need to be addressed
  - c. Equipment Capital Reserve Schedule replacement is 2023
  - d. Request to replace in 2017 and modify replacement schedule without changing funding schedule

Linda Murray asked if the backhoe was used for any winter projects.

Mr. Ford said it was used for snow removal but not for digging.

Mr. Ford asked if they could consider doing these changes now or in the spring.

Linda Murray thanked Mr. Ford for his reports.

Linda Murray stated if we have the money and the equipment is in delicate shape then we should get it. She stated Mr. Ford knew what the Town needed and she was glad to see a small amount left in the Capital Reserve Fund.

Chairman Harriman was concerned with the safety of the workers so he felt the equipment should be bought now.

Dave Senecal asked if the HD-15 was going to be replaced with a mini excavator.

Mr. Ford replied a mid-size.

Mr. Ford asked if he could go to an auction to look for equipment.

The Board told Mr. Ford to go forward with finding a replacement for the backhoe.

Chairman Harriman offered to help Mr. Ford.

## 2- Water Quality Grant (319) need to discuss implementation strategy

- a. Discuss construction of BMP's
- b. Phasing project construction

Mr. Ford stated this was a project Rob Houseman was going to work on but now that he is gone we have two problems. Mr. Ford stated he does not have time to devote to the project and the money that had been budgeted for the project might not be best used in this way. Mr. Ford asked the Board of Selectmen for permission to use the money for the Capital Outlay Project that was scheduled for a construction project with \$13,000 going to the engineering construction company (Tighe & Bond) and the balance going to the building of a rain guard at the State Park.

Chairman Harriman asked if Tighe & Bond were locked into that number.

Mr. Ford replied yes and that he had a written proposal from them.

Linda Murray asked if Mr. Ford was going to modify the construction plan.

Mr. Ford stated yes.

Linda Murray asked if there would be money put in the 2017 budget to complete this project. She stated she did not want to see the project get shrunk or not completed.

Mr. Ford stated he wants to make sure the project is successful. He does not want to build something and then have to tear it down. Also he wants to make sure the grant is not lost.

Linda Murray stated her concern.

Chairman Harriman stated that both projects are going to get done but may have some engineering changes.

Mr. Ford wanted to notify the people that live nearby so they know what is going to happen.

Linda Murray asked Mr. Ford if he had talked to the Lake Wentworth Association about the change that he planned to do

Ann Blodget, President of Lake Wentworth Foundation, addressed the Board. She stated Mr. O'Connell and her had worked heavily on getting the grant. She was concerned when she heard there was going to be changes to the grant.

Jack O'Connell, Member of the Lake Wentworth Foundation, addressed the Board. He stated he had worked on a number of projects with Mr. Ford and Mr. Houseman on multiple 319 grants over the last six to seven years. He stated both gentlemen were terrific to work with and because Mr. Houseman left it will create a gap in how to manage some of these projects. He stated it was extremely important to finish the project on the Trite's site. He was a little disappointed that the 109 project wouldn't be completed but felt Mr. Ford knew what he was doing.

Mr. Ford stated the project was not going to be cancelled but it would be revisited and he wanted the public's opinion.

Linda Murray asked if the Public Hearing should be scheduled and if Mr. Ford was ready.

Mr. Ford replied no I am not.

Linda Murray asked when we should schedule the Public Hearing.

Mr. Ford replied in a month because he would like to be prepared.

Linda Murray stated so in a couple of months.

- 3- Cautionary Speed Limits/traffic calming signage on Whitten Neck Road
  - a. Add 15 MPH yellow cautionary signs on Whitten Neck Road, either side of Path and Bridge
  - b. Share the road signage

Cautionary Speed Limit signs were approved to be posted to the approaches to the tracks and trail on Whitten Neck Road.

#### **4- Setting 2017 Budget Hearings**

Mr. Owen stated at the next Regular Meeting, September 21, 2016 all of the Social Service Agencies will be coming in to make their requests.

The Board decided on the following dates to have Budget Hearings.

October 12<sup>th</sup> @ 6 PM  
October 17<sup>th</sup> @ 6 PM  
October 20<sup>th</sup> @ 6 PM  
October 25<sup>th</sup> @ 6 PM  
October 27<sup>th</sup> @ 6 PM if needed

The Operating budget should be ready for the Wednesday, November 2<sup>nd</sup> meeting.

#### **Old Business**

Linda Murray stated the reception for Rob Houseman was last night and she thought about 75 people attended. It was a very nice event.

#### **Other Business**

Chairman Harriman stated we are having trouble viewing archives of previous meetings because Wolfeboro Community Television switched contracts from EZ Stream to Livestream. He stated Wolfeboro Community Television is working on a link to fix this problem.

Linda Murray asked if we lost all archived previous meetings.

Pete from Community Television stated no, he has them.

Mr. Owen stated the Town might have to take out a subscription with Livestream but the cost would be significantly lower.

#### **Town Manager's Report**

Mr. Owen stated the following:

The Town Employees' Appreciation Day is this Friday, September 9 at Albee Beach from noon to four pm.

The Center Street project is out to bid. The bid opening is tomorrow, September 8<sup>th</sup>.

The CIP Committee is doing a site walk of the Rapid Infiltration Basins Site this Friday morning at 8:45 am.

Todd Haywood, the general assessing contractor, offered to extent the same billing rates for 2017 as 2016 if the Board agreed to an extension through the end of 2018.



Linda Murray asked if she was correct that they only had one other applicant last time.

Mr. Owen stated he thought there had been a few but thought if Mr. Haywood was giving the same rates it made sense to continue with his service.

**It was moved by Dave Bowers and seconded by Linda Murray to retain the services of Todd Haywood for 2 years (2017-18). Members voted and being none opposed, the motion passed.**

Mr. Owen stated the Town had received a revised copy from the Pathways Committee about the scaled back bike lanes proposal. It was not received in time to have the Public Hearing tonight. The proposal is for “Sharrow” symbols to be painted on North and South Main Street from Center Street to Sewall Road. Additionally it is proposed that signs reading (Bike Symbol) May Use Full Lane be placed at or near the beginning of the center lane use areas on Main Street. Mr. Owen suggested having the Public Hearing the first week in October.

Linda Murray stated she thought the Committee was suggesting that bicyclists use the center of the travel lane.

Chairman Harriman agreed.

Linda Murray asked for comments from the police and public safety.

The Public Hearing was set for October 5<sup>th</sup>.

The Interim Town Planner attended his first Planning Board Meeting last evening.

We received revised data from the Pay & Classification Study. It looks good and we are preparing for the employee information meetings next Friday, September 16<sup>th</sup>.

We did training last Friday on the new Town website with administrative assistants.

We had received a citizen warrant article submitted by Ms. Josephine Amatucci. It was reviewed by Town Counsel and we were told it needed to go on the warrant.

### **Committee Reports**

Dave Bowers attended the Library Trustees Meeting. He stated Mike Hodder had resigned and a new chairman has not yet been appointed. He stated he is exploring some of the byways in Wolfeboro.

Chairman Harriman attended a Planning Board Meeting with six public hearings. One will be a new bank coming to Town at the Sunoco Station and a new dormitory for Brewster Academy. He also attended a Community Television Meeting.

Linda Murray attended a CIP Committee Meeting. The Library presented some preliminary floor plan designs, and will have a not-to-exceed price submitted by October 1<sup>st</sup>. She attended the Chambers Quarterly Meeting which was held at the Abenaki Ski Lodge.

Dave Senecal attended two Zoning Board of Adjustment Meetings, a Carroll County Coalition of Public Health Meeting and a seminar on signs of bacteria.

Luke Freudenberg attended the Chamber Quarterly Meeting and the Beer Festival

### **Questions from the Press**

Mr. Beeler asked about the petition warrant article from Ms. Josephine Amatucci.

Mr. Owen stated he would give him a copy.

### **Public Input**

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

Suzanne Ryan, resident of Stoneham Road in Wolfeboro, addressed the Board. She handed out materials that she read from. Her letter stated the following:

I am here to follow up on the August 3<sup>rd</sup> and 17<sup>th</sup> meeting regarding the request for a Public Hearing regarding the BOS authorization for a building permit to be issued on a Class VI Town road (which by the way the plan that you used was entitled driveway which it is not!)(with out conditions and little regard to the provisions on your Class VI Road Policy).

The Process and Transparency

You addressed items 1,2, & 3 .... State Law ... but didn't address the criteria of the policy adopted by the Board which is:

How the BOS will "evaluates"(Your wording) the application .... A thru G (distort the Master Plan,"occasion" includes conditions for Bonding, change in vertical or horizontal grade/vertical alignment, width not to exceed 12 feet you approved up to 18 feet, drainage, gates & bars, and stonewalls.

Let's be clear.... From the first meeting I said that the policy does not mandate you hold a hearing ... I gave you information on case law that shows why you should and Atty Puffer's strong advise that it would be prudent to do so under RSA 43:1 (when

conflicting rights or claims off different persons a hearing is to be held) such advise was also to adopt the Class VI Policy..... Which the BOS did in both incidences....

And let's also be clear Mr. Harriman in reference to a letter you sent 8/6/16.... It is not the responsibility nor does the law provide for the Planning Board to set policy by requesting the BOS hold a hearing.... and in fact why would they consider it as a condition of their recommendation when they were told that yes in fact a hearing would be held... and that was not a misspeak.... Mr. Houseman had every reason to believe that a hearing would be held given past practice, that reply was a cya answer....you threw them under the bus.

So let's get back to why if not law for the sake of argument you should hold a hearing .... It comes down to Fairness and Transparency... just look to NH Constitution & Bill of Rights... Fairness matter of law and Article 8 speak to .... Government should be open, accountable and responsive.

It has been a month ... I have yet to hear a clear vote on the request.

Therefore, I am requesting that you vote up or down on granting a Hearing tonight and if it is no..... as far as I am concerned the discussion has ended. The administration of this application has been a disaster – Why?....With that said I submit to you a Citizens Petition requesting an Abutters Hearing.

Linda Murray stepped down.

Chairman Harriman stated no discussion will be made tonight but September 21<sup>st</sup> there will be a discussion of the issue.

Ms. Ryan asked to clarify if the discussion would be holding a Public Hearing on this issue or Linda's suggestion to amend the Class VI Policy going forward.

Chairman Harriman stated it would be on amending the Class VI Policy going forward.

The Board decided to talk about Ms. Ryan's concern on that night also.

Chairman Harriman stated the Board will vote on this issue at our next meeting.

Ms. Ryan thanked the Board.

Chairman Harriman asked for any other public input.

**It was moved by Dave Senecal and seconded by Dave Bowers to enter into non-public session under RSA 91:3 II (e) to discuss litigation. Roll call vote, Chairman Harriman – yes, Linda Murray – yes, Luke Freudenberg – yes, Dave Senecal – yes, and Dave Bowers – yes. Being none opposed, the motion passed.**

The Board re-entered public session at 9:37 PM.

**Linda Murray moved the Wolfeboro Board of Selectmen to seal the minutes of the September 7, 2016 non-public meeting. Dave Bowers seconded. Roll call vote, Chairman Harriman – yes, Linda Murray – yes, Luke Freudenberg – yes, Dave Senecal – yes, and Dave Bowers – yes. Being none opposed, the motion passed.**

**It was moved by Dave Bowers and seconded by Dave Senecal to adjourn at 9:38 PM. Members voted and being none opposed, the motion passed.**

Respectfully Submitted,  
Michele Chamberlain