

Wolfeboro Board of Selectmen  
Public Meeting Minutes-Approved  
August 17, 2016

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

**Members absent:** Luke Freudenberg and Dave Senecal

**Staff present:** Town Manager David W. Owen, Police Captain Dean  
Rondeau, Finance Director Pete Chamberlin, Public Works  
Director Dave Ford and Recording Secretary Michele Chamberlain

Chairman Harriman opened the meeting at 6:30 PM.

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

Mr. Owen stated a non-public session is not needed.

**Consideration of Minutes**

Chairman Harriman asked for approval from the Board of the August 3, 2016 Regular Meeting Minutes.

**It was moved by Dave Bowers and seconded by Linda Murray to accept the minutes of the August 3, 2016 Regular Meeting with amendments to pages 3 and 4. Members voted and being none opposed, the motion passed.**

**Bulk Vote**

**A. Weekly Manifests**

August 5, 2016  
August 12, 2016  
August 19, 2016

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

- i. Abatement/Refund #2 (2016) Tax Map 203, Lot 62

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

- |      |                 |                                            |
|------|-----------------|--------------------------------------------|
| i.   | Bennett Road    | Tax Map 112, Lot 2                         |
| ii.  | York Road       | Tax Map 80, Lot 1 and<br>Tax Map 81, Lot 1 |
| iii. | Beach Pond Road | Tax Map 130, Lot 29                        |

**D. Accept Gifts of Real Property of Less than \$5,000**

- i. 2 VHF Marine Radios with retail value of \$99.99 each

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

**Appointments**

**A. Ad Hoc Committee to Explore Expanding the Town Docks**

Dave Owen stated at the Board's July 20<sup>th</sup> meeting, it voted to establish an ad hoc committee to explore the possibility of expanding the Town docks and other dock-related issues. He stated an email was sent out to those who had participated in the ad hoc Public Restrooms Committee to see how many of them would want to participate in this new effort. John Thurston, Bob Tougher and Paul O' Brien volunteered as representatives.

Mary Devries stated she and Mr. Steve Durgin would like to be on the committee.

Ms. Murray stated that she had asked for a list of adjustments made to the 2016 budget such as amounts for Pay and Classification Study and spending of DWP surplus so when the Board starts reviewing the 2017 budget it will have the adjustments made to the 2016 budget line items.

Brad Harriman stated Dave Senecal stated he was interested in being on the committee.

Mr. Owen stated Adam Tasker indicated he would be the DPW's representative on the Committee and Christine Collins will represent Parks and Recreation.

**New Business**

**A. Monthly Budget Expenditures and Revenue Reports**

Pete Chamberlin, Finance Director, addressed the Board. He stated the overall expended-to-date percentage is around 57%. The General Fund is at 56.392%. The Water Fund is at 73.213%. The Electric Fund is at 51.890%. The Sewer Fund is at 75.049% and the Pop Whalen Fund is at 58.663%.

Mr. Chamberlin stated Ms. Murray had asked about some changes that were made and those changes have been adjusted.

Ms. Murray stated she had asked for adjustments to be made for the Pay Classification Study and the Grant money so before budgets were done the Board would have a clear picture of where they were.

Ms. Murray thanked Mr. Chamberlin for making these adjustments.

## **B. Quarterly Capital Projects Update Report**

Dave Ford, Public Works Director, addressed the Board. He read the results of his Capital Projects Update Report to the Board. He stated the Center Street Reconstruction project is now out to bid and is in the Manchester Union Leader. He stated he has a bid meeting scheduled for next Thursday and hopes to have construction started by October with most of the work being done in the spring of 2017. Mr. Ford stated the newspaper and the Town Web Page will have details of when the work is to be done and the detours so the Businesses and the people will be aware. He stated he was aware how painful this project could be for the Town but felt communication would help. Mr. Ford stated he hoped to have the Route 28 Study wrapped up in a year but he had fallen behind on this project because of Scott Pike resigning.

Linda Murray asked if he still planned to tour different towns to see their roundabouts.

Mr. Ford stated yes so they could see roundabouts similar in nature before making decisions.

The design of the Pine Street/Crescent Avenue project is basically completed.

The Sewer Collection Upgrades has a balance which will be used in the Center Street Project.

Mr. Bowers stated he received numerous questions from the public about the Center Street Project. He stated someone even thought the Wolfeboro Falls Post Office was being moved. He felt communication would play a huge factor in this project running smoothly.

Mr. Ford agreed and stated as previously stated there will be notices about the project in the newspaper.

Mr. Ford stated the Sidewalk Upgrade Project has been completed. He stated he was asked by some people why the project stopped there. Mr. Ford stated he hoped to continue with sections being done one at a time in the future.

Ms. Murray asked if both sides of the road would be done from the Library to the Highschool.

Mr. Ford stated no. It will be from the Highschool down to the Library.

Mr. Ford stated not much has happened since we last spoke about the Libby Repairs.

Mr. Ford stated the 2015 Road Upgrades have been completed.

Mr. Ford stated the WWTF Effluent Disposal Study is being worked on and the pilot study is underway. The Pilot piping should be completed this week and we will invite the Board Members when it is completed.

Brad Harriman asked if the company had any comments about how the project was going.

Mr. Ford stated there has been a small amount of feedback with very little detail.

Ms. Murray asked if DES had responded to the Town's request to increase the weekly amount of effluent to be sprayed to the spray fields.

Mr. Ford responded, yes it is now three inches per week instead of two inches.

Mr. Ford stated the 2016 Sidewalk Upgrades are being worked on with our major fall project being the sidewalk from the Highschool heading back to Weston Autobody.

Mr. Ford stated he hoped to have the design for the Dockside Parking Lot available in 30 days.

Mr. Ford stated he is behind on the Town Asset Management Plan.

Linda Murray stated it looked as if a contract is out on that and wanted to know if that was correct.

Mr. Ford stated yes there is.

Linda Murray asked about the budget of the project.

Mr. Ford stated the money would be used and the budget would be correct.

Mr. Ford stated the Whitten Neck Road Water Line Upgrade has been completed this week.

Mr. Ford stated the Town Road Upgrade would start in September on the Port Wedeln Road. He stated the tree crew started removing trees this week.

Mr. Ford felt that the Pleasant Valley Road Bridge Design needed to be discussed in greater detail before proceeding because of some questions about wetlands. Mr. Ford asked if he could submit the engineering study to NHDOT for approval. The Board agreed to this.

Mr. Ford stated the Mast Landing Parking Lot Project engineering is 50% complete.

Mr. Ford stated he is working with Adam Tasker on the Solid Waste Building Expansion Design. He stated they are working with metal building contractors to develop structural plans and specifications for the building addition.

Mr. Ford stated they are working with W & C on electrical upgrades for the WWTP Cap Reserve Fund.

Mr. Ford stated he will now talk about the 2016 Capital Outlay Projects.

He stated the BMPs Lake Wentworth project is on hold and needs to be reassessed on the best way to proceed.

Linda Murray asked what will happen to the grant money that they had applied for and stated if we weren't going to proceed then we shouldn't have applied for the grant.

Mr. Ford felt they had filled their commitment for the grant.

Mr. Ford stated the Asset Management Plan has been delayed.

Mr. Ford stated the Winter Harbor Watershed project has been signed with UEI as the engineering contract. The company should have a design of Stormwater mitigation for White Gate Lane by the end of the summer.

Mr. Ford stated the WTP Replace Filter Media Project and the WTP Control Upgrades were completed.

Mr. Ford stated the WS-4 Meter Truck has been received two months ago and the WS-7 Truck has been delayed due to factory issues.

Mr. Ford asked for any questions.

Mr. Owen stated he would address the Supplemental Capital Projects Summary.

Mr. Owen stated the acquisition of the Old Railroad Building is not completed because the owner has not yet removed the oil tanks.

Linda Murray asked who is speaking to Wolfeboro Oil since Mr. Houseman was the one in communication with them.

Mr. Owen stated he would be in communication with them and the Chairman of the Heritage Commission would be as well.

Mr. Owen stated the remaining \$ 2,500 retainage for the Town Hall renovations would be paid this week.

Mr. Owen stated the Abenaki Ski Lodge Construction has been completed with a small balance left.

Brad Harriman asked if Mr. Owen had heard back about the repairs to the Town Clocks.

Mr. Owen stated there was a dispute on who was at fault and has not heard back yet on the decision that was made but he would require about it.

### **C. Heritage Commission Update**

Maggie Stier, Chairman of the Heritage Commission, addressed the Board. She stated they now have 8 members with 7 as regular members, one as an alternate member and Dave Bowers as the Board of Selectmen Liaison member. She stated they began meeting in May and have had four meetings so far. The Commission is focusing on the acquisition of the Old Railroad Building. Shawn Bergeron had completed a report on the basis of a demolition of the building. The Commission has reviewed this report. Mr. Steve Bedard, Owner of Bedard Preservation and Reservation of Gilmanton, NH offered his services to the Commission free of charge. Mr. Bedard made recommendations that should be made to the building so it would bring the building back to a good usable condition. The cost would be about \$150, 000.00 and it would not include installation of a heating system. Ms. Stier stated it is helpful to have the estimate but the project is on hold until we have an idea how the building will be used. She stated she had spoken with Howard Bean from Wolfeboro Oil and the purchase and sales agreement has expired. She stated the Heritage Commission would like a direction on how the Board would like them to proceed. Ms. Stier thought it might be best to have a use for the building before proceeding any further.

Ms. Stier stated the Old Town Information Booth that stood on Brewster Field that was purchased from the Town in 2008 by the Sykes family has been stored behind Pickering House and it is now deteriorating. The Heritage Commission has learned from Patty Cooke that they would like the Booth removed from this spot and suggested that the Heritage Commission might help them find a suitable home for this building. They believe the building was built in the 1930's. The Heritage Commission is hoping to help find someone to purchase this building. The proceeds from the building would go to the Cookes and they in turn would offer it as a donation to the Heritage Commission.

Ms. Stier stated they will be offering a training course on Saturday, November 5<sup>th</sup> on Heritage Commissions.

Dave Bowers offered his help.

### **D. Pathways Committee – Scaled-Back Bicycle Lanes Proposal**

Peter Cole, Chairman of Wolfeboro Pathways Committee, addressed the Board. Mr. Cole stated their proposal to the State to continue with the project was not going to be cost efficient so they are proposing a scaled-back proposal. The Committee has scaled

the project back to ask that the Town allow shared roads with signs painted down Main Street from Brickyard Hill to Sewall Road and Central Railroad Avenue. The Committee will post signs showing bikes may use the center lanes instead of riding on the right side where they are not visible to ongoing traffic. Mr. Cole stated the State requires a plan of a proposal submitted to them. He stated Mr. Dave Ford has prepared the materials for this proposal and asks the Board for their permission to submit this proposal. Mr. Cole stated the State required a maintenance agreement between the Town and the State stating the Town would agree to be responsible for repairing the signs and paint as it was needed.

Brad Harriman asked if the State would still have to approve the proposal after it was submitted.

Mr. Cole stated yes and he realizes that the project may not be completed this year if the approval comes in later due to the weather conditions.

Linda Murray stated she would like a Public Hearing on this matter. She stated she had a lot of people asking her questions about this and felt the public had a right to express how they felt about this matter.

Brad Harriman agreed.

Dave Bowers agreed and asked that the proposal be spelled out.

Mr. Owen stated he would get the proposal from the Chairman for the Public Hearing.

The Board decided September 7<sup>th</sup> would be the date for the Public Hearing.

Mr. Cole stated he would get the proposal to Mr. Owen.

#### **E. Class VI Roads Policy**

Linda Murray stated she asked to have this put on the agenda for tonight's meeting. She stated that decisions that had been made in the past will not be affected by what she proposes tonight. Ms. Murray stated that she stepped down from the Simmons Class VI Road permit hearing due to a conflict of interest. She felt it was important for the Board to hear from neighbors on any Class VI Road building permit application. The Board's resolution states that the Board needs to take into consideration the affect the development has on neighboring properties. Since the Board has moved public input to the end of the meeting there is no longer any opportunity for the public to address the Class VI Road application for a building permit prior to the Board decision. Ms. Murray proposed holding a public hearing with 7 day public notice prior to the Board reviewing the conditions cited in the Board's resolution on Class VI Road Policy.

Mr. Owen stated that currently a public hearing is not required on a Class VI road.

Brad Harriman stated he had a few reservations about holding a public hearing. He felt that they were only talking about a single family building permit for a lot. He stated we were not talking subdivision or any development. He thought it would incur costs that were unnecessary for a person that wanted to build on their own land such as a design engineer.

Ms. Murray stated there would be no requirement for an engineer but an opportunity for the Board of Selectmen to get public input. She stated they could simplify the motion to read: The Board of Selectmen should hold a public hearing on any public building permit on a Class VI highway before issuing a permit. Ms. Murray stated she was fine with waiting to when more of the Selectmen were present.

Dave Bowers agreed with Brad Harriman.

Brad Harriman stated the Board needed to wait until more members were present.

The Board agreed.

#### **F. Distribution of Campaign Material on Elections**

Mr. Owen stated the Town Clerk brought this matter to his attention. He stated it will be the first time the state primary election is held at the Great Hall. He stated the Town Code Chapter 47 states that the distribution of campaign materials and electioneering is prohibited on the sidewalk immediately adjacent to the Town Hall building and on the Town Hall parking lot in front of the Town Hall during any election held in the Town Hall. Mr. Owen stated the Great Hall entrance is now in the back parking lot so there is nothing in the ordinance pertaining to this. Mr. Owen stated he discussed this with Chief Stu Chase. Mr. Chase stated it was the moderator that decided where these materials could be distributed.

Linda Murray stated people could gather across the street or anywhere they wanted as long as they were not within 10 feet of the entrance.

Mr. Owen stated the Town Clerk will hold a meeting with election officials which would meet at 5:30 on September 7<sup>th</sup> before the regular scheduled meeting.

#### **Old Business**

Linda Murray wanted to remind the public that on September 6<sup>th</sup> from 4 PM to 6 PM the Town, the Board of Selectmen and the Planning Board are holding a reception to thank Rob Houseman for his twenty years of service to the Town.

#### **Other Business**

Dave Bowers invited everyone to attend a presentation on the history of Tourism of Wolfeboro tomorrow, August 18<sup>th</sup> at 5:30 PM at the Great Hall.



## **Town Manager's Report**

Mr. Owen stated the following:

He received a few resignations.

The Director and Co-Director of the Libby Museum have resigned, effective at the end of the season

The contract for the evening cleaning service of the Great Hall has been terminated and the custodian is having her hours expanded accordingly.

Linda Murray questioned how many hours were increased for the custodian and if she worked weekends.

Mr. Owen stated up to five hours per day.

Mr. Owen stated the Cate Memorial Events Committee met last week. An application form was developed for applying for these funds and it is enclosed in your packet this evening.

Mr. Owen stated the search for a Planning Director needs to be reopened and extended. Mr. Owen stated he had talked to Jeff Hayes, Executive Director of the Lakes Region Planning Commission, and there is not a surplus of qualified Planners. Mr. Hayes put together a proposal on how he could assist us in finding a new planner similar to a head hunting service. The cost of the proposal is \$2,700.00 and he would generate at least 5 qualified candidates. Mr. Owen stated the Selectmen's Miscellaneous Operating Expense budget has about \$3,300.00 dollars available. Linda Murray reminded Mr. Owen that some of that money was already designated for Rob Houseman's party.

Brad Harriman stated maybe looking for help from NH Municipal Association.

Linda Murray questioned if the ad/job description had the criteria of knowledge of economic development.

Linda Murray explained that the Economic Development Committee questioned whether a part-time position for Economic Development Director should be considered.

**It was moved by Linda Murray and seconded by Dave Bowers to approve to spend the \$2,700.00 on services for finding a new Town Planner. Members voted and being none opposed, the motion passed.**

Mr. Owen stated the new Town Website is up. It has the same address and a lot of new information.

Mr. Owen stated Bill Swaffield, Member of The Friends of Abenaki, dropped off the signed agreement for the shed. Mr. Swaffield had amended the agreement from the original \$75,000 to the amended amount of \$25,000.

Mr. Owen stated the new radar unit and electronic message board has arrived and the police department will be training Town employees how to use it.

Mr. Owen stated the Pay and Classification Study information will be available next Monday.

Linda Murray asked if there would be a meeting with the employees like there had been last time.

Mr. Owen stated he would look into it.

Mr. Owen stated he would be gone for a long weekend starting Thursday afternoon and returning Monday at noon time.

### **Committee Reports**

Linda Murray attended a CIP Meeting and an EDC Meeting. She filled in at the Heritage Commission Meeting for Dave Bowers. She stated the milfoil harvest of the first session has been completed.

Chairman Harriman attended a Planning Board Meeting, the Community Television Meeting and the Friends of the Libby Museum Meeting.

Dave Bowers attended the Library Trustees Meeting. He visited Class V and Class VI Town Roads and stated some of the names have changed three or more times.

### **Questions from the Press**

Mr. Beeler asked the name of the gentleman helping with finding a new Town Planner.

Mr. Owen stated Jeff Hayes.

### **Public Input**

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

Kevin Green, Resident of 603 Stoneham Road in Wolfeboro, addressed the Board. Mr. Green asked if everyone knew what a Class VI Road was. He stated there are no electric lines or telephone poles. He stated that bears, bobcats and other wildlife can be observed on these roads. Mr. Green encouraged the Selectmen to take a drive and visit these roads. He stated he had other things he was going to say but saw how the Board was going to be

about it so he won't discuss any further. He stated he was supposed to be notified (Simmons property) and he was not and that a public hearing was supposed to take place.

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

My name is Suzanne Ryan, Resident on the Class V Dead End Stoneham Road. As a land owner who house is the last one on the left going East and One lot removed I address you with Standing.....

First ... I am here to follow up on my last public comment on August 3<sup>rd</sup> about the lack of a public hearing and transparent notice on the agenda of a building permit on a Class VI Road..... I would like to clarify my intent it was and is to have a Posted Legal Public Hearing for abutters and neighborhood ...with regard to issuing a building permit on a class VI road... which may in fact return same result or not... and of course if you were to say no the Simmons there can appeal to the ZBA. I am puzzled as to why if in fact the planning department has been working on this for two years....why is little if any record of the workings of it ... and given there was such an effort to correct policy with Wiggins that all information is put aside and why there has been such change in procedure as to the lack of a public hearing and transparency.....

- 1) The BOS has set president in this regard

You had received counsel advice to apply RSA 43:1-4 which set out the lawful need and procedure for a hearing...

- 2) The BOS followed such guidance and held a Public Hearing for Wiggins on October 3, 2007.
- 3) I note the language in your Resolution states " the BOS will evaluate applications for building permits class VI road in ...consultation with the Planning Board ... this suggest you would meet jointly and discuss the Criteria...

Also I see no legal reason why like the Planning and Zoning Board who can redress any error they make the BOS can not do like wise ... and now hold a public hearing with notice...

See case Marrium Farm vs Surry where the BOS error and did not get Planning Board approval before made their decision ... BOS correct that error before they went to court...I would expect you would do the same.

On the basis of these stated reasons I am again requesting a posted public hearing on this matter to be held by the BOS...

Second, The BOS have taken to the proposition that a Subdivision becomes the driver behind a class VI when in fact .... Vachon vs New Durham ZBA shows that 674:41 applies to all building lots not only those accompany a formal subdivision....

Third, ... you have assumed that the your liability release is sufficient to protect the Town. Vachion vs New Durham the Plaintiffs also made much of the fact that they offered to sign waiver releasing the Town for any liability... Findings...the plaintiffs could not immunize the town from any conceivable liabilities to third parties who for any reason might occupy the properties in question... furthermore... contain relevant statute and the ordinance is directed at Roadway Maintenance rather than broad spectrum of liability (court findings Vachion)

Last, I would also argue that given the Town's official composite map the Simmons who have one deed with 3 tracts on one deed... and excessive frontage on Stoddard Road have other options available to them.... What is shown of Town Composite Map as a row and trails to the top tract do have another means of egress to their site of choice.... Row/easement or common drive... They would still meet the requirements of frontage (Class VI is a road) and the Town has allowed development off an easement/row...

There are alternative ways that would eliminate all liability to the Town and still allow a house to be sited if it meets all other codes....

Please schedule a Public Hearing so some of this may be explored.

Thank You,  
Suzanne Ryan

Linda Murray stated her request about the Class VI Roads Policy had nothing to do with the Simmons.

Ms. Ryan stated she was aware of this.

Chairman Harriman asked for any other public input.

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

Respectfully Submitted,  
Michele Chamberlain