

Wolfeboro Board of Selectmen
Public Meeting Minutes-Unapproved
August 21, 2019

Members present: Chairman Dave Senecal, Brad Harriman, Dave Bowers, Paul O'Brien and Linda Murray

Staff present: Town Manager James Pineo, Planning Director Matt Sullivan, Police Captain Mark Livie and Recording Secretary Michele Chamberlain

Chairman Senecal opened the meeting at 6:30 PM.

Non-Public Session RSA 91-A:3, II (A)

Mr. Pineo stated a non-public session is needed to discuss hiring.

Ms. Murray stated a non-public session is needed to discuss litigation and to approve sets of non-public minutes.

Consideration of Minutes

Chairman Senecal asked for approval from the Board of the August 7, 2019 Regular Meeting Minutes.

It was moved by Dave Bowers and seconded by Dave Senecal to accept the minutes of August 7, 2019 with an amendment to page 13. Members voted and being none opposed, the motion passed.

Public Hearings

A. Public Hearing

- i. **The Town of Wolfeboro will hold a public hearing on Wednesday, August 22, 2019, at 6:30 PM at the Great Hall at Wolfeboro Town Hall, 84 South Main Street, Wolfeboro, NH 03894, for the acceptance of unanticipated funds in excess of \$10,000 in accordance with RSA 31:95-b III (a), relative to a donation for improvements to the Clark Museum complex.**

Chairman Senecal stated the date was incorrect so they are tabling this item.

B. Temporary Event Permit

- i. **The Wolfeboro Area Chamber of Commerce to host Community Events to celebrate Christmas in Wolfeboro from November 30, 2019 to December 24, 2019 9:00 AM to 9:00 PM. Permit #1948.**

Chairman Senecal opened the public hearing.

Mary DeVries, Executive Director of the Chamber of Commerce, addressed the Board. She stated this event will be just like previous years with the kick-off event on Saturday, November 30th. The tree lighting ceremony will be held and then Santa Claus will open his hut located on Main Street for visiting hours. Santa will be in Wolfeboro for the month long event which includes breakfast with Santa and Christmas Spirit Open House.

Chairman Senecal closed the public hearing.

It was moved by Brad Harriman and seconded by Dave Bowers to approve a permit for the Wolfeboro Area Chamber of Commerce to host Community Events to celebrate Christmas in Wolfeboro from November 30, 2019 to December 24, 2019 9:00 AM to 9:00 PM. Members voted and being none opposed, the motion passed.

- ii. **The Wolfeboro Area Chamber of Commerce to host fireworks at Brewster Beach (launched over Wolfeboro Bay) to celebrate New Year's Eve on December 31, 2019 at 6:30 PM. Permit #1949.**

Chairman Senecal opened the public hearing.

Mary DeVries, Executive Director of the Chamber of Commerce, addressed the Board. She stated the fireworks over Wolfeboro Bay are a continuance to keep our residents and visitors here while they celebrate New Year's Eve. The fireworks will be launched off of the property of Brewster Academy not from Brewster Beach. It will be on the shoreline of Brewster Academy. She asked if the Board was able to add a rain date of January 1, 2020.

Chairman Senecal closed the public hearing.

Ms. Murray thanked the Chamber for putting this together because it is one less thing the Last Night in Wolfeboro Special Events Committee has to put together. It is greatly appreciated.

It was moved by Linda Murray and seconded by Dave Senecal to approve a permit for the Wolfeboro Area Chamber to host fireworks at Brewster Academy to celebrate New Year's Eve on December 31, 2019 at 6:30 PM with a rain date of January 1, 2020. Members voted and being none opposed, the motion passed.

- iii. **The Calvary Wolfeboro to host Kids Games on August 22, 2019 at 5:00 PM – 9:00 PM and August 23, 2019 from 8:00 AM – 8:00 PM. Permit #1950.**

Chairman Senecal opened the public hearing.

Phillip Marbury, Representative of Calvary Wolfeboro, addressed the Board. He stated this is our third annual kid's games that we have been able to host. It starts on Thursday night and continues all day on Friday until 9:00 PM. It is an all-day event focusing on team building and team activities. We have an outstanding obstacle course and about 50 volunteers for the event. We are excited to be able to offer it again this year.

Chairman Senecal closed the public hearing.

It was moved by Paul O'Brien and seconded by Linda Murray to approve a permit for the Calvary Wolfeboro to host Kids Games on August 22, 2019 at 5:00 PM – 9:00 PM and August 23, 2019 from 8:00 AM – 8:00 PM. Members voted and being none opposed, the motion passed.

Bulk Vote

A. Weekly Manifest

- i. August 9, 2019
- ii. August 16, 2019

B. Intent to Cut Wood or Timber

- | | |
|-----------------------------|-----------------------|
| i. 15 Birch Hill Estates Rd | Tax Map 177 Lot 10-30 |
| ii. 12 Anangance Lane | Tax Map 244 Lot 44 |
| iii. 345 Forest Road | Tax Map 227 Lot 57 |
| iv. 146 North Line Road | Tax Map 115 Lot 11 |
| v. 96 Cotton Mountain Road | Tax Map 138 Lot 3 |

It was moved by Linda Murray and seconded by Paul O'Brien to accept the Bulk Vote. Members voted and being none opposed, the motion passed.

Board Appointments

A. Gene Denu – resignation from Wolfeboro Heritage Commission

It was moved by Linda Murray and seconded by Brad Harriman to accept the resignation of Gene Denu from the Wolfeboro Heritage Commission. Members voted and being none opposed, the motion passed.

B. Ron Bronzetti – move from alternate position to member position on Heritage Commission

It was moved by Brad Harriman and seconded by Linda Murray to appoint Ron Bronzetti as a member of the Wolfeboro Heritage Commission for a term ending March 2021. Members voted and being none opposed, the motion passed.

New Business

A. Wolfeboro Masonic Temple Association – follow up

It was moved by Chairman Senecal and seconded by Dave Bowers to table this item until another meeting so the Board can get more direction from the Town Assessor. Members voted and being none opposed, the motion passed.

Chairman Senecal stated he would like to talk to the Town Assessor about the ramifications of this.

B. Lakes Region Model Railroad Museum – Lease discussion

John Simms, Lakes Region Model Railroad Museum Representative, addressed the Board. He stated about three years ago when the concept of the model railroad museum was first discussed we talked to the Town Manager about the use of the freight shed. The town had first bought the freight shed and was not willing to put any funds into it so we came up with the suggestion that we would raise the funds to preserve the shed and rehabilitate it for public use. We would be prepared to do that in exchange for a lease for the model railroad to use the museum. The concept was that we would raise the funds if we could use the museum for rent free for a period of time. The Model Railroad Museum is raising approximately \$350,000.00 of private money which does not include the town's allocation to restore a town owned property. It will be a useful property for the next 100 years. It will be a town owned property that is ADA complaint and can be used for a variety of future activities. We are prepared to put the money in exchange for relief on the costs of doing so. If we do not get those reliefs then commercial properties elsewhere will be used. There are possibilities but they are expensive and not well situated to have a model railroad museum. The proposal is we will raise the \$350,000.00 or a break in expenses. We are proposing \$1 a year for rent and that the town covers the cost of the utilities. We will cover the cost of everything associated with internal museum and at the end of the time of the museum being in the shed the town will own a beautifully restored ADA compliant space for whatever future use it will have at no further cost to the town. We are requesting this for the restore of the balance of the \$350,000.00. We have organized an LCHIP grant for \$130,000.00 and we are starting the private fundraising. We have not run the agreement by our attorney because we would like a business agreement before we get attorneys involved. Their job is to make whatever agreement we have legally acceptable. He stated he would like an agreement based on the terms of the lease and conditions that have been proposed.

Mr. Harriman questioned if the Town had done any leases like this in the past.

Ms. Murray stated the only ones she is aware of is public buildings being renovated with private funds and the Town is running the programs within the facility.

Mr. Bowers stated we could make the building ADA compliant for a lot less than \$375,000.00.

Mr. O'Brien stated this is draft #5 and he questioned who Mr. Simms had been negotiating with.

Mr. Simms stated he was talking with Dave Owen and Mr. Owen submitted the draft to the Town attorney. The lease agreement was pretty standard except for the cost of one dollar and the cost of the utilities. He could provide Mr. O'Brien with the last four drafts and the comments.

Mr. O'Brien questioned who reviewed the drafts.

Mr. Simms stated himself, Dave Owen and the Town attorney.

Mr. O'Brien questioned if the list of directors was a current list.

Mr. Simms stated yes.

Mr. O'Brien questioned if they had a tax id number.

Mr. Simms stated yes.

Mr. O'Brien questioned if the Town had that information.

Mr. Simms stated he could provide it.

Mr. O'Brien questioned if they had a bank account.

Mr. Simms stated yes.

Mr. O'Brien questioned if donations and funds were being placed in the account and the amount of money that was in the account.

Mr. Simms stated approximately \$6,000.00 to \$7,000.00. Most of the money raised is in form of pledges.

Mr. O'Brien questioned if they had an attorney and if the attorney had been in contact with the Town.

Mr. Simms stated the attorney will be Roger Murray.

Ms. Murray stated she was not aware of this. She had no idea that her husband was going to represent Mr. Simms or she would have stepped down.

Mr. O'Brien asked Mr. Pineo how much money has already been spent. He stated the document sounds like the lease will begin when a certificate of occupancy is provided to the museum. At this time we do not know when that will be. If we were to enter into an agreement now there is no provision in the document about what happens if the funds can't be raised. What obligation does the Town have to the museum? Will the lease be null and void? This language is missing in the document and it probably should be added.

Mr. Simms stated that is a good point and it should be added.

Mr. O'Brien stated he had a few questions for Mr. Pineo but they didn't have to be answered tonight. What has the Town spent in lawyer fees on this project already? Has the Town seen and reviewed and reached a comfort level for the projected cost of the project. Is the Town comfortable that the amount raised will be enough to get the job done?

Mr. Simms stated they have not sat down with the Town and gone over the costs in detail. We had others review the costs and evaluate them for us. He stated he would be happy to do it. He felt Mr. Ford had an understanding of the magnitude and overall picture but he could sit with whoever the Board wanted.

Mr. O'Brien stated we need to know how much money it will take to get this job done. We never want to say we didn't get clarity and have to ask for more money to finish the project.

Mr. Simms agreed.

Mr. O'Brien stated he was not comfortable negotiating this lease until Mr. Simms and his team have a substantial amount of money in the bank and that we have clarity around the operating balance.

Mr. Simms stated there is a bit of a chicken and egg situation here. We are presenting to the investors the economic projections for the museum. We are projecting that we will break even in the third year. This assumes a certain budget for the first five years and part of that is relief on the rent and utilities. We are not saying there is an agreement but that negotiations are under way. Funders need to know the same things that you need to know moving forward. They need comfort in the economic projection. He stated this is why he is coming to talk about this now. We don't need an agreement or a lease right now but we certainly need an understanding of what the general terms should be.

Ms. Murray referred to the 2017 warrant article #22. She read the warrant article as follows:

ARTICLE 22: Renovation of the Old Railroad Freight House Building

To see if the Town will vote to establish a capital reserve fund under RSA 35:1 for the purpose of renovating the Old Railroad Freight House Building at 61 Railroad Avenue (Wolfeboro Tax Map 217, Lot 46) to make said Building building and fire code compliant and handicapped accessible; and to relocate said Building to another location on the same parcel, if the Selectmen determine that the alternative location will facilitate the renovation of the building and better serve the needs of the Town. Further, to raise and appropriate the sum of Ninety Five Thousand dollars (\$95,000) to be placed in said Capital Reserve Fund. The Selectmen are designated as agents to expend this capital reserve fund. The renovation of the Old Freight House Building and the expenditure of the \$95,000 shall be contingent upon the receipt by the Town of the balance of funds (currently estimated between \$200,000 and \$250,000, for a total project cost in the range of \$300,000-\$350,000) required to renovate the building for use as a public museum in private donations raised by the Lakes Region Model Railroad Museum, a New Hampshire non-profit corporation. This warrant article shall be null and void if the warrant article for the lease of the Freight House Building to the Museum fails to be approved by the voters, or if the private funds are not raised by December 31, 2018.

It sounds like the money for the whole project needs to be raised before we have permission from this warrant article to release any Town funds. This is not what Mr. Simms is asking. He would like the funds in phase #1.

Mr. Simms stated he would like the funds at the end of phase #1 and phase #2 combined. It would be nice to have them released at phase #1.

Ms. Murray stated they could not be released with this warrant article. We would have to put out another warrant article. This article says all the money has been raised for the whole project. We would need another warrant article from the voters.

Mr. Simms stated he thought the project was about the rehabilitation of the freight house and the vision of ADA access.

Ms. Murray read the warrant article. She stated this is her first concern. She appointed out an error on the back of Mr. Simms brochure.

Mr. Simms thanked her for her editing.

Ms. Murray stated she was okay with the lease but she had problems with paying for the cost of utilities with no control over how they are used. It is usually the tenant that pays the utilities. She could not support the utility part and burden the taxpayer of costs that she had no idea or way of regulating or controlling.

Mr. Simms questioned if the Board would maintain utilities with a cap.

Ms. Murray stated she would have to think about it but the way it is written it would be no.

Chairman Senecal stated the memo states: We estimate the rent of \$1,000.00 per month and utility costs (electricity, sewer/water and security monitoring) of \$400 per month, totaling \$1,400.00 per month or \$16,800.00 per year, or \$168K for each ten years of the lease. Utilities will change over a ten year period because costs will go up. Chairman Senecal stated he did not want to be on the hook for utilities.

Mr. Simms questioned if they would consider a cap for utilities.

Chairman Senecal stated he needs to bring some figures to them. He would be willing to listen but he was not comfortable right now.

Mr. Bowers stated the Wright Museum and the Boat Museum might question why the Town was willing to pay the utilities for the Model Railroad Museum and not theirs. This puts us running another museum which has a lot of headaches. The Libby has cost of hundreds of thousands of dollars.

Mr. O'Brien stated he does not think Mr. Simm's business plan works. The break-even plan has to go out further or he would need to convince the Board to subsidize the rent and utilities. Mr. O'Brien did not feel he could agree to subsidize the rent and utilities. He was not comfortable with doing it at this time.

Mr. Simms stated we are doing the opposite of a regular renter. We are providing the Town with bringing the building up to a marketable condition. In exchange for this we would like relief. We are doing the renovations and the Town is giving us relief on running it.

Mr. Harriman stated he agreed with the rest of the Board. He agreed he was uncomfortable with paying for utilities. He questioned if the museum was run as a 501(c) 3.

Mr. Simms stated it yes. We have been a 501(c) 3 for three years.

Mr. Harriman stated he would like to see the financials so we could see the operating costs before we agree to any agreement about rent. We ask our outside agencies to provide us with this information.

Mr. Simms stated he could provide that information.

Ms. Murray stated this would be like a partnership. The taxpayers are willing to give \$95,000.00 to help you renovate this building which tells us they were interested in it but only to a point. Usually when a 501(c) 3 raises funds for the Town on a building they give the building to the Town. Abenaki raised money for snowmaking and that was given to the Town. She stated she was okay with maintaining the building because of the partnership. We did not get into this to pay back the money that was invested. She would have a hard time paying for the utilities.

Mr. Bowers stated the Chamber of Commerce pays us rent and we do not give them anything. They are self-sufficient. We are not in the museum partnership business.

Mr. Simms stated we are completely separate from the Town. If we fail we just take our stuff out of the building and the Town has a completely useable ADA compliant building to use for whatever.

Mr. Bowers stated another alternative was it could be used for parking. We are helping you but then you have to take it from there unless there is a new warrant article that is approved by the taxpayers.

Mr. Simms stated the Chamber of Commerce has not invested 1/3 of a million dollars in that building. We will be investing 1/3 of a million dollars of non-Town money into a Town owned building.

Mr. O'Brien stated warrant article #22 stated the Town puts in \$95,000.00 and our intention is to have you renovate the building. The funds get released when the control project cost dollars are raised. He stated until that happens he was not comfortable doing anything else. He is not supporting this.

Ms. Murray stated a new warrant article could be written.

Chairman Senecal stated this Board is not willing to pay for utilities.

Mr. Simms questioned if the Board would pay for hook-ups for utilities.

Chairman Senecal stated he did not know the cost. There is water and sewer there so it might be something to negotiate later.

Mr. Simms questioned if he should interact with Mr. Pineo.

Chairman Senecal stated yes.

Mr. Simms thanked the Board.

C. Abenaki - Twister Trail

Matt Sullivan, Planning Director, addressed the Board. In October of 2018 the Board approved the expansion of the Twister Trail by the Friends of Abenaki at Abenaki Ski Area. The Planning Department, Parks and Recreation Department and other stakeholders over the last 10 months have

been working to finalize the approval. He wanted to provide the Board with an update on the project and the list of conditions for the Board's view. (See attached sheet) Mr. Sullivan discussed the eleven conditions.

Mr. Harriman questioned #3. He questioned the stump removal.

Mr. Sullivan stated some of the stumps will be grounded to the actual grade.

Mr. Harriman stated good that makes sense.

Ms. Murray thanked Mr. Sullivan for his hard work. It looks like any issues that would arise have been covered. If there are any issues she would like an update. She is concerned about the parking. We need a parking plan. If there is an event at Abenaki and Pop Whalen how are we going to address it? This will mean there will be more ski races. She questioned if the operating costs are going to expand are there any plans for fees. This is how we balance an increase in expenses with more revenue. She would like to see how this is addressed. Do they charge for ski events?

Mr. Sullivan clarified Ms. Murray's request.

Mr. O'Brien stated if we build a trail and do not put snow guns on it then we have built a trail to nowhere. Are we going to groom it out of the operating costs?

Mr. Sullivan stated Parks and Recreation believes there may be an ability to have some snowmaking on the trail.

Mr. Pineo stated there will be an ability to have snowmaking on that trail but it will require more labor. We are actively looking to make sure there are not drawback limits on the body of water to insure that we don't dry out the pond.

Mr. O'Brien stated if we build the trail then we need to follow through. There should be a cost and it will need to be recovered.

Ms. Murray stated we do not have to cover the full expense.

Mr. Sullivan stated the Twister Trail exists today. It is an expansion not a new trail. There is snow coverage but we are not guaranteeing it for this year.

Ms. Murray stated she thought the heads on the machine were going to be changed so they could cover more space.

Mr. Sullivan stated they are looking into it. He questioned if this information was necessary before construction ends.

Chairman Senecal stated no. The intent of this trail is to widen it a little more to make it easier to use. The trail is already there.

Ms. Murray stated she would like some of the figures in the 2020 budget even if they are just estimates.

Mr. O'Brien agreed.

D. Confirm 2020 Budget Review – Hearing Dates

The Board agreed to the following dates:

September 18, 2019
October 2, 2019
October 9, 2019
October 10, 2019
October 16, 2019
October 21, 2019
October 23, 2019
October 24, 2019
October 28, 2019
October 30, 2019 (if needed)

All meetings will start at 6:00 PM. The Board will discuss who will bring food to the meetings at their next meeting.

Other Business

Ms. Murray stated she received a call this afternoon from Mary DeVries informing her that the Jetski Company would like to rent the space they are in until the end of September. They used to have to leave the building by Labor Day because the space was used by the Nursery School. She asked if the Board would grant the Chamber permission to rent the space until the end of September.

It was moved by Dave Bowers and seconded by Brad Harriman to let the Chamber of Commerce rent the space to the Jetski Company until the end of September. Members voted and being none opposed, the motion passed.

Dave Bowers stated at the request of the Economic Development Committee he arranged a meeting to meet with Jim Morash, Captain/Part Owner of the Mount Washington and his ship crew. Mr. Morash stated the capacity of the ship is 1,200 people. People reserve their tickets in advance and ask where they can park in Wolfeboro. A lot of people do not like parking at Glendon Street because it is a long ways away from the docks therefore they do not park in Wolfeboro. There are about 10 times the amounts of people that board at the Weirs Beach dock. They suggested having three hour parking spaces. Wolfeboro has had parking problems since 1947 and it has never been solved. There were five proposals that we have parking meters but it was voted against by the voters. The main problem with unlimited parking is that merchant's park in front of their building or in front of their neighbor's buildings which causes customers to loose. He suggested having a three hour parking limit Downtown because it would bring more people coming in and out from the Mount Washington. He would like to do this as a trial basis for next year and suggested putting it on a future agenda.

Mr. Harriman stated the Wolfeboro Community Television received a new piece of equipment that they used during the Fourth of July Parade to broadcast live.

Mr. Goodwin stated Wolfeboro Community Television was excited about the new piece of equipment. He asked Mr. Sullivan if they could use the Town Hall's internet access because the place that they normally would get the internet access from to do the live broadcast was not going to be available. We were able to do a live broadcast of the parade with this new piece of equipment. It is basically a wireless nemo system. We plan to do the Christmas parade the same way. The system can go up to twelve miles and we were able to purchase it for under \$600 brand new.

Committee Reports

Linda Murray attended the Chamber Board Meeting, the Chamber Social, the EDC Meeting and the Infrastructure and Transportation Chapter Plan Meeting for the Master Plan. She attended an Energy Committee Meeting and they are working on net metering. She attended a Special Event Committee Meeting and they are working on Last Night in Wolfeboro. We are working to get sponsors and to secure entertainment. .

Dave Bowers attended an EDC Meeting and they discussed the changing nature of Wolfeboro. We are really emphasizing tourism and the challenge is to get more year round tourism. The advertising budget was reviewed. After talking to many merchants it sounds like it has been a record summer for many. He was sad to hear that the Inn on Main was being sold at public auction. The Bistro is not attached to the hotel. The Wentworth Inn and Pickering House are doing very well. He attended the meeting with the Mount Washington crew as previously stated.

Chairman Senecal stated he attended the Agricultural Commission Meeting.

Brad Harriman attended a Wolfeboro Community Television Meeting and they will be working on their budget review at their next meeting. He attended a Master Plan Infrastructure and Transportation Meeting and the public hearing will be August 27th. Last week we had a Board of Selectmen work session to discuss roads and a meeting with the Libby Museum Technical Review Committee to get a reading on the movement of the building.

Paul O'Brien attended the Board of Selectmen work session, an Energy Committee Meeting and some CIP sessions at Abenaki. The Cyanobacteria Education Committee issued some RFP's for our website activity. The RFP's were received. We had six of them and we will be narrowing the list down to two. We will be making a decision shortly. He attended a Planning Board Meeting and he thanked Mr. Sullivan for the conversation about consequences concerning internet access and telephone service and content coming across our network. We have a lot of work ahead of us to sort all this stuff out. We have made enormous progress.

Town Manager's Report

Mr. Pineo stated the following:

The Libby Museum floor has been stabilized and measurements have been completed. They were able to negotiate a better price with the contractor as well.

The wrap-up for the Master Plan meeting will be August 27, 2019.

We had a meeting with NHDOT today. The meeting was very productive. We will be getting together a Citizens Advisory Committee to work alongside NHDOT with the next month.

We received notice today that the Hazard Litigation Plan is complete. The Board of Selectmen needs to adopt the plan. The plan has to be adopted before August 30th. We have to notice a meeting and the purpose of the meeting is to adopt the plan.

The Board agreed to meet on August 28th at 5:30 PM.

Kathy Waldo has been hired as the new Finance Associate.

There has been some spam that has been sent out in regards to looking for personal information from the Town of Wolfeboro. We have reached out to the Police Department and they did a press release on this matter. If anyone has any concerns please come into the Town Offices to have a face to face discussion with the people within the department.

The bells are not working on the clock tower. We have a bat problem that we need to address first that we are currently working on.

Questions from the Press

None

Public Input

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

None

It was moved by Chairman Senecal and seconded by Paul O'Brien to enter into non-public session under RSA 91-A: 3 II hiring and litigation. Roll call vote, Dave Bowers – yes, Linda Murray – yes, Brad Harriman – yes, Paul O'Brien – yes and Dave Senecal – yes. Being none opposed, the motion passed.

The Board re-entered public session at 9:09 PM.

Linda Murray moved the Wolfeboro Board of Selectmen to seal the minutes of the August 21, 2019 non-public meeting. Paul O'Brien seconded. Roll call vote, Dave Bowers – yes, Linda Murray – yes, Brad Harriman – yes, Paul O'Brien – yes and Dave Senecal – yes. Being none opposed, the motion passed.

It was moved by Paul O'Brien and seconded by Linda Murray to adjourn at 9:10 PM. Members voted and being none opposed, the motion passed.

Respectfully Submitted,
Michele Chamberlain