

Wolfeboro Board of Selectmen
Public Meeting Minutes-APPROVED
COVID-19 Meeting- GoToMeeting
March 3, 2021

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

Staff present: Town Manager Jim Pineo, Finance Director Kathryn Carpentier, Director of Public Works David Ford, Director of Electric Department Barry Muccio, Executive Assistant Amy Capone Muccio and Recording Secretary Christine Doherty

Chairman Harriman opened the GoToMeeting at 6:30 PM.

Chairman Harriman read the following Preamble into the record:

MEETING PREAMBLE DURING COVID-19 EMERGENCY

Good Evening, as Chairman of the Wolfeboro Board of Selectmen, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of town government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote. Let's start the meeting by taking a Roll Call attendance. When each member states their name please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

The Board Members gave a Roll call vote, Paul O'Brien – present and alone in his house, Dave Senecal - present and alone in a room in his house, Linda Murray– present and alone in a room in her house, Brad Harriman – present and alone in a room in his house and Dave Bowers – present and alone in a room in his house.

Chairman Harriman: This is the last meeting for Paul O'Brien and Dave Bowers. I would like to thank them for their service of many years and wish them well.

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

Mr. Pineo stated a non-public session is needed.

1. Consideration of Minutes

- i. February 3, 2021

Ms. Murray: We need to add to the motion for each Temporary Events Permit "contingent upon any COVID guidelines at that time."

It was moved by Linda Murray and seconded by Paul O'Brien to accept the minutes of February 3, 2021 as amended. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes, Dave Senecal – yes, and Paul O'Brien – yes. Being none opposed, the motion passed.

2. Public Hearings

Temporary Events Permit(s)

- i. The American Legion Post 18 Memorial Day Celebration on May 31, 2021 from 10:00 AM to 11 :00 AM at the Wolfeboro Town Docks to include ceremonial gun salute, playing of taps and scattering of flower petals. Permit #2021-20.

Harriman Opens Public Hearing
Nothing – Public Hearing closed

It was moved by Dave Senecal and seconded by Linda Murray to approve a Temporary Event permit for The American Legion Post 18 Memorial Day Celebration on May 31, 2021 from 10:00 AM to 11 :00 AM at the Wolfeboro Town Docks to include ceremonial gun salute, playing of taps and scattering of flower petals following any COVID guidelines at that time. Permit #2021-20. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes, Dave Senecal – yes, and Paul O'Brien - yes. Being none opposed, the motion passed.

- ii. The Wolfeboro Area Chamber of Commerce to host a Community Wide Open House on May 22, 2021 from 9:00 to 5:00 PM at registered businesses, clubs and organizations in town. The Paddle Battle is included in the event should the Smith River Canoe and Kayak Race happen this year. Permit #2021-21.

Mary Devries from the Chamber of Commerce: We were unable to do it last year. It is intended to invite the area to be introduced or reintroduced to the wonderful businesses here.
Harriman Opens Public Hearing
Nothing – Public Hearing closed

Ms. Murray: The application shows please provide a plan for ADA compliance. Were you able to talk to Amy about that?

Ms. DeVries: Once we get approval, businesses will need to register and we can do a walk through of the layout for the ADA requirements.

Mr. O'Brien: Is registration to communicate with the general public as well?

Ms. DeVries: Yes, that way we know what businesses will be covered under our permit.

It was moved by Linda Murray and seconded by Paul O'Brien to approve a Temporary Event permit for The Wolfeboro Area Chamber of Commerce to host a Community Wide Open House on May 22, 2021 from 9:00 to 5:00 PM at registered businesses, clubs and organizations in town. The Paddle Battle is included in the event should the Smith River Canoe and Kayak Race happen this year following any COVID guidelines at that time. Permit #2021-21. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes, Dave Senecal – yes, and Paul O'Brien - yes. Being none opposed, the motion passed.

iii. The Wolfeboro Area Chamber of Commerce to host a Community Event - Moonlight Madness on June 11, 2021 from 5:00 PM to 9:00 PM where registered businesses set up tables on town sidewalks. Permit #2021-22.

Ms. DeVries: Very similar to the open house in May. We would love to have area clubs included in this as well.

Harriman Opens Public Hearing

Nothing – Public Hearing closed

It was moved by Dave Senecal and seconded by Linda Murray to approve a Temporary Event permit for The Wolfeboro Area Chamber of Commerce to host a Community Event-Moonlight Madness on June 11, 2021 from 5:00 PM to 9:00 PM where registered businesses set up tables on town sidewalks following any COVID guidelines at that time. Permit #2021-22. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes, Dave Senecal – yes, and Paul O'Brien - yes. Being none opposed, the motion passed.

iv. The Wolfeboro Area Chamber of Commerce to host a Community Event - Sidewalk Sale Days on August 27 & 28, 2021 from 9:00 AM to 6 PM. at Railroad & Central Ave, Main and Center Street, Town & Cate Park, Dockside Egress. Permit #2021-23.

Harriman Opens Public Hearing

Nothing – Public Hearing closed

It was moved by Linda Murray and seconded by Paul O'Brien approve a Temporary Event permit for The Wolfeboro Area Chamber of Commerce to host a Community Event-Sidewalk Sale Days on August 27 & 28, 2021 from 9:00 AM to 6 PM at Railroad & Central Ave, Main and Center Street, Town & Cate Park, Dockside Egress following any COVID guidelines at that time. Permit #2021-23. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes, Dave Senecal – yes, and Paul O'Brien - yes. Being none opposed, the motion passed.

Unanticipated Funds

- i. The Town of Wolfeboro to hold a Public Hearing on Wednesday, March 3, 2021 at 6:30 PM for the acceptance of unanticipated funds in an amount greater than \$10,000 in accordance with RSA 31 :95b III (a), to accept an amount of \$30,000 from the Land Bank of Wolfeboro Tuftonboro to reimburse the Conservation Commission for the up-front costs to purchase two properties in December of 2020.

Lenore Clark from the Land Bank of Wolfeboro.

Two parcels of purchased in January not December. Adds 9.77 acres to our holdings. The dollar amount needs to be corrected as well \$20,647.60 for 37-7 and 37-8 tax map numbers.

Harriman Opens Public Hearing

Nothing – Public Hearing closed

It was moved by Linda Murray and seconded by Paul O'Brien approve the acceptance of unanticipated funds in an amount greater than \$10,000 in accordance with RSA 31:95b III(a), to accept an amount of \$20,647.60 from the Land Bank of Wolfeboro Tuftonboro to reimburse the Conservation Commission to be put into the Conservation Land Account for the up-front costs to purchase two properties in January of 2020. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes, Dave Senecal – yes, and Paul O'Brien - yes. Being none opposed, the motion passed.

- ii. The Town of Wolfeboro to hold a Public Hearing on Wednesday, March 3, 2021 at 6:30 PM for the acceptance of unanticipated funds in an amount less than \$10,000 in accordance with RSA 31:95b III (a), to accept an amount of \$1,206.00 from the NH Division of Enforcement as a recipient of the Alcohol Compliance Education (A.C.E) grant.

Chief Rondeau: This was a grant I had put in to cover some gaps in our enforcement plans for this coming year and we will be working with NH Liquor Enforcement.

Harriman Opens Public Hearing

Nothing – Public Hearing closed

It was moved by Dave Senecal and seconded by Paul O'Brien to approve the acceptance of unanticipated funds in an amount less than \$10,000 in accordance with RSA 31:95b III(a), to accept an amount of \$1,206.00 from the NH Division of Enforcement as a recipient of the Alcohol Compliance Education (A.C.E) grant. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes, Dave Senecal – yes, and Paul O'Brien - yes. Being none opposed, the motion passed.

3. Public Input (Limited to 3 Minutes per resident, not to exceed 15 minutes in total)

Janice Shannon: I would like some clarification for this Tuesday night's vote for Warrant Article 35 concerning Brewster Beach. Voters might be confused with what a YES vote would mean? What would a NO vote mean?

Mr. Pineo: This came in as a petition with certain language in the Article. It was amended multiple times. As drafted, if it passes, it instructs the BOS to visit the beaches and form a committee to evaluate what would or should we do with our beaches moving forward

Ms. Murray: They put the word not in, so any verbiage relating to Brewster Beach will not happen. If you vote YES none of the changes will happen to Brewster Beach.

Ms. Shannon: Brewster Beach stays as it has in the past? Yes means Brewster Beach will continue as it has in the past, open to the public.

Mr. Pineo: Correct.

Bob Tougher: Also speaking to Article 35. I am the author of the original Warrant Article. The word NOT was inserted to the original warrant article. To see if the town would vote to not restrict parking at Brewster Beach. And to establish a committee of volunteers to study the use of town beaches and come up with a unified plan. A yes vote will direct the BOS to establish the committee. A no vote is to not establish to the committee.

Suzanne Ryan, a resident of Wolfeboro: It's my understanding a Warrant Article such as this that directs the selectmen, they are not statutorily bound to do that, it's a will of the people is that correct?

Mr. Tougher: That is correct.

Ryan: If the vote is NO then the selectmen are not bound to establish a committee legally, correct?

Mr. Pineo: That is correct

4. Bulk Vote

A. Weekly Manifests

- i. February 19, 2021 \$272,896.61
- ii. February 26, 2021 \$253,898.70

B. Property Tax Refund/Abatement(s)

- i. 2020-#34 182 Springfield Point Rd Tax Map 259 Lot 7 \$55.28
- ii. 2020#35 184 Springfield Point Rd Tax Map 259 Lot 8 \$524.24

C. Forest Stewardship Plan

- i. 120 Pork Hill Rd Tax Map 14 Lot 1
- ii. 460 Pine Hill Rd Tax Map 144 Lot 2 & 10

D. Property Tax Credits/Exemptions

- i. 25 Brewster Heights Tax Map 245 Lot 3
- ii. 100 Varney Rd Tax Map 203 Lot 109
- iii. 100 Varney Rd Tax Map 203 Lot 109
- iv. 16 Bishop Gate Rd Tax Map 11 Lot 11
- v. 30 Red Brook Circle Tax Map 221 Lot 31

It was moved by Paul O'Brien and seconded by Dave Senecal to approve the Bulk Vote items A-D as submitted. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes, Dave Senecal – yes, and Paul O'Brien - yes. Being none opposed, the motion passed.

5. Board/Committee Appointments
N/A

6. New Business

A. Discussion: RGGI Rebate Reimbursement – Electric Department

Barry Muccio, Director of Operations Electric Dept: We receive quarterly rebates and part of that process is we return that money to our rate payers. We have accumulated a little over \$100k which results in a .0064 cents reduction per kilowatt hour. Asking the Board to accept the rate reduction.

It was moved by Linda Murray and seconded by Dave Bowers to approve the RGGI Rebate Reimbursement to the electric customers. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Senecal – yes, and Paul O'Brien - yes. Being none opposed, the motion passed.

B. Approval: WWTP Capital Reserve Fund – request to expend

Dave Ford, Director of Public Works: This is to engage HDR engineering to provide services
Ms. Murray: Thank you to Dave Ford for answering all questions related to our sewer system.

It was moved by Dave Senecal and seconded by Paul O'Brien to approve the WWTP Capital Reserve Fund request to expend \$68,018. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Senecal – yes, and Paul O'Brien - yes. Being none opposed, the motion passed.

C. Approval: Posting of Weight Limits on Town Roads

Dave Ford: Our community towns have already started posting as things start to warm up. We are recommending posting starting March 15th. A notice will be in the paper. A list of the roads will be on the website.

Linda Murray made a motion and it was seconded by Dave Senecal to approve the posting of weight limits on town roads starting on March 15, 2021 for the roads listed in the public

notice. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Senecal – yes, and Paul O’Brien - yes. Being none opposed, the motion passed.

D. Discussion: Board of Selectmen Handbook

Mr. Pineo: Selectmen Murray brought up the idea for putting together a handbook for the incoming members. Amy Capone Muccio put together some items. And wanted to check on any recommendations or additions.

Mr. Senecal: Only thing missing is the Land Use book for the state.

Mr. O’Brien: Thank Linda for doing this. I’d like the board to think about having a Code of Conduct for the town. It’s designed so we all have a heads up on how we should behave.

Ms. Murray: Paul had talked about Is this a Meeting? It’s a good thing for people to have so you don’t, by mistake, get into this sequential briefing. Board members should have a copy.

E. Discussion: Coalition Communities 2.0 – Education Funding Model

Mr. Pineo: I attended a meeting this morning relative to a group of communities that are creating coalitions relative to education funding. Wolfeboro was one of the initial communities in the first coalition. The statewide property education tax was retained by communities. In 2019 the NH legislature created a commission to study school funding. Part of their charge was to review the education funding formula. It recommends return of donor and receiver towns. Excess funds would be returned to the state for other towns that did not have enough. The excess funds would be over \$1 million that would not remain local. We are recommending we join the Coalition 2.0. The cost is \$3,800. Over 30 towns are part of the Coalition. (see attached)

Mr. O’Brien: This is a lobbying group advocating to do what?

Mr. Pineo: There are 3 bills in committee being evaluated. The lobbyist will pay specific attention to those 3 bills and advocate for the towns so that we can maintain those funds locally.

Mr. O’Brien: Where is our legislative team?

Mr. Pineo: John McDonald made aware of.

Ms. Murray: I am in support with the town getting involved in this. Lobbying is one of the ways to get our voice heard. It is a benefit for every taxpayer in Wolfeboro.

Linda Murray made a motion and seconded by Dave Senecal to authorize the Town of Wolfeboro to participate in the newly formed Coalition Communities 2.0 and to authorize Jim Pineo, the Town Manager, to execute an MOU with the Coalition Communities 2.0 on behalf of the town in a form similar to the attached and to further authorize, until rescinded, Jim Pineo Town Manager to represent the town regarding to all matters in the membership of the Coalition Communities 2.0. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Senecal – yes, and Paul O’Brien - yes. Being none opposed, the motion passed.

Meeting of the Trustees of the Libby Museum

1. Updated MOU

Mr. O'Brien: I'd like to ask the Board if we want to have a discussion or input from the Public.

Mr. Harriman: We should read the MOU into the record and allow the Friends of the Libby to ask some questions and the public.

Ms. Murray: Which MOU are we talking about? We don't have an agreement and there is some concern with the wording. We already know they do not agree with the word contingent.

Ms. Murray: John Wilkins, Tom Goodwin, (both of the Friends of Libby) Mr. Pineo and I met on Feb 24th. We talked about the draft MOU which was presented at the last meeting. Then we had an opinion from the town attorney. I brought up the issue of inflation. We talked about 70% of the cost of the full expansion of the Libby Museum and 30% of the full expansion. One is the full expansion in 2019 was \$2.9 million and the partial expansion was \$2.3 million. And when I look at the full expansion, we already knew that in 2020 with inflation, was \$3.1 million. It was agreed that Jim would draft the MOU and send it off to the town attorney so we made sure to address the issues. I also stated I was hoping that this project would go in 2024 that I am committed to the next major project which is the Town Safety Building as only one selectman and it would have to go back to the board. The Friends stated that 2024 would be hard to fund raise for but would prefer 2022. We got an email saying they didn't agree with the MOU and had an issue with the word contingent and we needed to work on the agreement.

Mr. Pineo: My understanding that the word contingent is on the 70% and is the sticking point.

Mr. O'Brien: Was the letter of understanding drafted at a meeting on Sunday night?

Mr. Harriman: There was a vote taken on the MOU which I abstained from. I will defer to John Wilkins or Tom Goodwin.

Mr. O'Brien: I think I would echo what Ms. Murray said as to what MOU we are looking at. I don't want to negotiate an MOU right now in front of the public.

Mr. Wilkins: Things have been stated correctly. We are trying to do something that is hard to do. We have an MOU with some different language and I think with Attorney Puffer's help we can satisfy what donors and municipal law require.

Mr. Harriman: The group should get together again and iron things out and then get it to Attorney Puffer and go from there.

Mr. Wilkins: Can we have a date or timeline?

Mr. O'Brien: Dually noted and we will put into the minutes.

Mr. Harriman made a motion to have the group get together to work on the verbiage of the MOU and it was seconded by Linda Murray. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Senecal – yes, and Paul O'Brien - yes. Being none opposed, the motion passed.

Mr. O'Brien: Presentation about Libby Museum (see attached)

Would the BOS consider this option? I would suggest at the next meeting of the Libby Board of Trustees you need to unwind the \$2.3 million decision made a few years ago and make a new motion.

Mr. Harriman: Committee is going to get together again and come up with a date to work on the MOU.

7. Other Business

Ms. Murray: I had Amy Capone Muccio send out to the Board a letter that the EDC would like to put into the paper informing the business community they would be sending out a

survey. They would like approval on that and to have the survey under news and a link under the Citizens Action Center on the website. Do I have a consensus of the Board? Anybody have an issue with that?

Mr. O'Brien: This is what we did for the Atlantic Broadband Survey. I am supportive of this and it is good information to have.

8. Committee Reports

Mr. Bowers: none

Mr. O'Brien: Fire Department / Public Safety building meeting

Mr. Senecal: Fire Department / Public Safety building, Task Force 1 in reference to 4th of July parade and fireworks

Ms. Murray: Energy Committee meeting, discussion on car charging stations, Wolfeboro Waters, they are looking at their plan at the 2020 Assessment Committee and Wolfeboro Bay watershed plan, Libby Museum, Candidates night, Task Force meeting on Temporary Events

Mr. Harriman: Planning Board meeting, Lighting Sub-Committee, Task Force 1 on the 4th of July, Storm Water Management which I will be attending on Tuesday

9. Town Manager's Report

Mr. Pineo: Elections are Tuesday 8 AM the polls open until 7 PM. The voter's guide will be in the Granite State tomorrow. Attended the Task Force 1 meeting for 4th of July. Attended the meeting on the Public Safety Building. Coalition of Communities meeting this morning. Next BOS is the 17th of March, Kathy Carpentier will be in my place if I am unable to attend. Janine Gillum, Superintendent of WWTP, passed away. She will be missed and did a lot of good work at the plant.

Mr. Ford: She was the Chief Operator of the Water Plant. Started in the Finance Dept, got her degree and certifications. She did a great job and was a terrific lady.

Mr. Pineo: Thank you to Mr. Bowers for his time and always a pleasure speaking with him. Mr. O'Brien thank you for pushing us.

Chief Rondeau: On behalf of the Wolfeboro Police Department, it has been a pleasure working with you two (Mr. O'Brien and Mr. Bowers). We wish you fair winds and following seas.

10. Questions From the Press

Elissa Paquette: Thank you Paul O'Brien and Dave Bowers for their service. It has been a pleasure.

11. Public Input (Limited to 3 minutes per resident, not to exceed 15 minutes in total)

Suzanne Ryan: Paul and Dave, on behalf of people that like to speak to public comment, I appreciate their tolerance and time and we appreciate you both very much.

12. Non-Public Session RSA 91-A

It was moved by Paul O'Brien to go into Non-Public Session and seconded by Linda Murray. Roll call vote, Linda Murray – yes, Brad Harriman – yes, Paul O'Brien – yes and Dave Senecal – yes. Being none opposed, the motion passed.

It was moved by Dave Senecal and seconded by Paul O'Brien to adjourn at 9:08 PM. Roll call vote, Linda Murray – yes, Brad Harriman – yes, Paul O'Brien – yes and Dave Senecal – yes. Being none opposed, the motion passed.

Respectfully Submitted,
Christine Metcalfe Doherty