Wolfeboro Board of Selectmen

Public Meeting Minutes-Unapproved

February 5, 2020

**Board Members present:** Chairman Dave Senecal, Brad Harriman, Dave Bowers, Linda

Murray and Paul O’Brien

**Staff present:** Town Manager Jim Pineo, Public Works Director Dave Ford,

Police Chief Dean Rondeau and Recording Secretary Michele Chamberlain

Chairman Senecal opened the meeting at 6:30 PM.

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

Mr. Pineo stated a non-public session is needed to discuss employment, reputation and litigation.

**Consideration of Minutes**

Chairman Senecal asked for approval from the Board of the January 21, 2020 Special Meeting Minutes.

**It was moved by Brad Harriman and seconded by Paul O’Brien to accept the minutes of January 21, 2020 as amended. Members voted and being none opposed, the motion passed.**

Chairman Senecal asked for approval from the Board of the January 22, 2020 Regular Meeting Minutes.

**It was moved by Paul O’Brien and seconded by Brad Harriman to accept the minutes of January 22, 2020 as amended. Members voted and being none opposed, the motion passed.**

**Public Hearings**

1. **Temporary Event Permit**
2. Hospital and Community Aid Assoc**.** Inc. to host the 83rd Annual Hospital and Community Aid Street Fair at DeWolf Field (Brewster Academy) on August 7th -8th, 2020 from 10:AM to 10:00 PM (set up July 31, 2020 and clean up August 10th, 2020). Permit #2003

Chairman Senecal opened the public hearing.

Sarah Silk, Representative of the Hospital and Community Aid Assoc**.**, addressed the Board. She stated this is our 83rd Annual Hospital Aid Street Fair. We sell donated items and the money is then used for patient care for Huggins Hospital. There is good food and music.

Chairman Senecal closed the public hearing.

Ms. Murray questioned the parking plan. It looks like it is already approved.

Ms. Silk stated yes, we have a detailed parking plan on file which was developed a few years ago with Tom Zotti.

**It was moved by Dave Bowers and seconded by Brad Harriman to approve a Temporary Event Permit for the Hospital and Community Aid Assoc. Inc. to host the 83rd Annual Hospital and Community Aid Street Fair at DeWolf Field (Brewster Academy) on August 7th -8th, 2020 from 10:00 AM to 10:00 PM (set up July 31, 2020 and clean up August 10th, 2020). Members voted and being none opposed, the motion passed.**

Sarah Silk, Representative of the Lakes Region Household Hazardous, addressed the Board. She reminded everyone the mid-winter medicine collection will be February 15, 2020 at All Saints Episcopal Church from 8:30 AM to noon. Please leave the medicines in their original containers.

1. The First Congregational Church to host Worship Services at

Cate Park on April 22, 2020, 6:00 PM to 8:00 PM and Sundays, June 7, 2020-October 11, 2020 from 7:30 AM to 8:30 AM. Permit #2004

Chairman Senecal opened the public hearing.

Meg Dehaven, Representative of The First Congregational Church, addressed the Board. She stated we will hold worship services at Cate Park. We have done this for several years and the turnout is good.

Chairman Senecal closed the public hearing.

**It was moved by Paul O’Brien and seconded by Linda Murray to approve a Temporary Event Permit for The First Congregational Church to host Worship Services at Cate Park on April 22, 2020, 6:00 PM to 8:00 PM and Sundays, June 7, 2020-October 11, 2020 from 7:30 AM to 8:30 AM). Members voted and being none opposed, the motion passed.**

1. The  First Congregational Church to host Easter Worship Service at Albee Beach Sunday, April 12, 2020 5:45 AM to 7:00 AM Permit #2005

Chairman Senecal opened the public hearing.

Meg Dehaven, Representative of The First Congregational Church, addressed the Board. This is the sunrise service.

Chairman Senecal closed the public hearing.

**It was moved by Linda Murray and seconded by Dave Bowers to approve a Temporary Event Permit for  The First Congregational Church to host Easter Worship Service at Albee Beach Sunday, April 12, 2020 5:45 AM to 7:00 AM. Members voted and being none opposed, the motion passed.**

1. NH Boat Museum to host Model Yacht Regattas on Tuesdays and Thursdays (with a rain date of Wed.) from March 31, 2020 to November 3, 2020 at the Bridge Falls Path.  Permit #2006

Chairman Senecal opened the public hearing.

Mark Whitehead, Representative of the NH Boat Museum, addressed the Board. He stated this is our 12th year. We host Model Yacht Regattas on Tuesdays and Thursdays. We have about twenty to thirty skippers gather together. Last year we requested a rain date of Wednesdays and it worked really well. It has been a great program for the Town and visitors.

Chairman Senecal closed the public hearing.

Ms. Murray requested that Mr. Whitehead bring the new insurance certificate in June like he has in the past.

Mr. Whitehead agreed.

**It was moved by Linda Murray and seconded by Paul O’Brien to approve a Temporary Event Permit for the NH Boat Museum to host Model Yacht Regattas on Tuesdays and Thursdays (with a rain date of Wed.) from March 31, 2020 to November 3, 2020 at the Bridge Falls Path. Members voted and being none opposed, the motion passed.**

1. NH Boat Museum to host Model Yacht Regatta on May 30, 2020 from 8:00 AM to 4:00 PM at Bridge Falls Path. Permit #2007

Chairman Senecal opened the public hearing.

Mark Whitehead, Representative of the NH Boat Museum, addressed the Board. He stated this is a very small event. Skippers race twelve inch sailboats. Last year there were nine participants but there was a conflict with dates so it is anticipated that we will have fifteen participants this year.

Chairman Senecal closed the public hearing.

Ms. Murray stated at some point the Milfoil Committee will be doing a chemical treatment application in Back Bay. It will be happening in the spring this year. She will let Mr. Whitehead know when it will take place.

Mr. Whitehead thanked Ms. Murray.

**It was moved by Brad Harriman and seconded by Paul O’Brien to approve a Temporary Event Permit for the NH Boat Museum to host Model Yacht Regatta on May 30, 2020 from 8:00 AM to 4:00 PM at Bridge Falls Path. Members voted and being none opposed, the motion passed.**

1. **Public Hearing**

**ii.** The Wolfeboro Board of Selectmen will hold a Public Hearing

 on Wednesday, February 5, 2020 at 6:30 PM Great Hall Town

Hall, 84 South Main Street, Wolfeboro, New Hampshire for the

acceptance of unanticipated funds less than $10,000 in

accordance with RSA 31:95-b III (a), accept a donation in the

amount of $2,393.15 from donations received for the Last Night

Wolfeboro event.

Chairman Senecal opened the public hearing.

Ms. Murray stated this is all the money that we raised and we wanted the Board to be able to accept it all at once. The amounts are as follows:

Black’s Paper Store - $500.00

Doran Insurance - $100.00

Avery Insurance - $100.00

Meredith Village - $300.00

Harvest Market - $100.00

Brewster Academy - $100.00

Antonucci Insurance - $100.00

Donation Jar - $1,093.15

**Total Donations - $2,393.15**

Ms. Murray stated we received in kind donations from the NH Boat Museum, the Trolley, the Mount Washington gave us tickets and the Kingswood Golf gave tickets for a golf day. A number of businesses Downtown gave us gift certificates for different events. We received great support from the Community.

Chairman Senecal closed the public hearing.

**It was moved by Brad Harriman and seconded by Paul O’Brien the Wolfeboro Board of Selectmen will hold a Public Hearing on Wednesday, February 5, 2020 at 6:30 PM at the Great Hall Town Hall, 84 South Main Street, Wolfeboro, New Hampshire for the acceptance of unanticipated funds less than $10,000 in accordance with RSA 31:95-b III (a), accept a donation in the amount of $2,393.15 from donations received for the Last Night Wolfeboro event. Members voted and being none opposed, the motion passed.**

**Bulk Vote**

1. **Weekly Manifests**
2. January 24, 2020
3. January 31,2020

1. **Property Tax Credit/ Exemptions**
2. 10 King Street Tax Map 203  Lot 24

**C. Elderly Deferral Request**

1. 41 Millwood Rd Tax Map 218 Lot 48

**D. Request for Transfer of Funds from Capital Reserve**

1. 1996 DPW Vehicle/Equipment Capital Reserve $253,951
2. 2018 Betty Jane Schroth Libby Museum Fund $40,000

**It was moved by Linda Murray and seconded by Brad Harriman to approve the Bulk Vote items A-D. Members voted and being none opposed, the motion passed.**

Ms. Murray stated last night at the Deliberative Session we were asked about the amount of money in the Capital Reserve Accounts. On the back of these sheets is the MS-9 which shows the amounts. At the end of the year we had $2,645,546.04 in Capital Reserves. These forms will be included in the 2019 Annual Report.

Mr. O’Brien stated someone also asked about the imputed interest on those investments which are also included on the sheets. It shows the beginning and ending balances as well.

**New Business**

1. Commercial Vessel Landing Permit-Mille B

Martha Cummings, Executive Director of the Millie B, addressed the Board. She stated we offer vintage boat rides on Lake Winnipesaukee. We had over 2500 visitors last year. We would like to continue to offer this service.

Mr. O’Brien questioned how many museum tour rides they had.

Ms. Cummings stated the museum loop is something we are still working on with the Libby Museum. Last year there were 3 museum loops that were full.

**It was moved by Dave Bowers and seconded by Linda Murray to approve a Commercial Vessel Landing Permit to the Millie B for the 2020 season. Members voted and being none opposed, the motion passed.**

1. Cyanobacteria Committee-potential name change

**It was moved by Linda Murray and seconded by Dave Bowers to table this discussion. Members voted and being none opposed, the motion passed.**

1. Hawkers and Peddlers Permits for 2020

Chairman Senecal stated there are four locations and all of the Hawkers and Peddlers (see below) from last year have renewed their spots for the year and submitted their paperwork before the deadline of January 31, 2020.

Location #1 – Robert & Kathy Dolengewicz

Location #2 - Robert & Kathy Dolengewicz

Location #3 – Kurt DeVylder

Location #4 – Jennifer French

**It was moved by Brad Harriman and seconded by Linda Murray to approve the Hawkers and Peddlers permits for 2020 to Robert and Kathy Dolengewicz locations # 1 & 2, Kurt DeVylder location #3 and Jennifer French location #4. Members voted and being none opposed, the motion passed.**

1. Public Works Vehicle Equipment Capital Reserve

Mr. Pineo stated we have submitted for reimbursement out of the Capital Reserve Fund. We are struggling right now.

Dave Ford, Public Works Director, addressed the Board. He stated he met with Barbara Lodbell (Trustees of the Trust Fund) and with her help he has been able to balance the Capital Reserve Fund for the Public Works Vehicles and Equipment. The net balance is approximately at $90,740.00. The Town has requested $175,000.00 in a 2020 Warrant article, which if approved, provides a balance of over $265,000.00. In 2020 we planned to purchase or lease the following:

1 – HD-1 Foreman Truck- 1 Ton; Old HD-1 Solid Waste

2- HD-2 5 Ton Plow Truck w/wing and plow set up (trade in old)

3- HD-10 1.5 Ton Plow Truck

4- HD-14 Sidewalk tractor w/plow and blower

We are having trouble with our ten year old dump trucks. The cost to purchase these 4 vehicles is more than we have in the fund. We learned that we cannot use Capital Reserve Fund appropriations for lease payments without a special town vote; therefore we have eliminated that option for this year. The revised plan for 2020 is 1) hold off on replacing the 6 Wheel International dump trucks until 2022, 2023 and 2024 and to rebuild the engine in HD-4 this spring, It will cost $20,000.00 so the question is if this is a good investment. It will put a strain on the O and M budget. 2) HD-10 1.5 Ton Plow Truck, trade old unit 3) HD-14 Sidewalk tractor w/plow and blower, trade in old unit.

Ms. Murray stated when we bought the grater last year it through everything out of whack. We knew this would be an issue. She stated this makes sense and we know why it happened.

Mr. Ford stated we need to look at this every year.

Mr. Harriman stated this is a good plan to get us back on track. It sounds like a lot of money to put into an old truck but putting in a drop in engine will save money in the long run.

Mr. Ford stated we will not do this until after snow season. The truck engines are dying earlier but the bodies are still good. We are hoping to extend the useful life of the truck. He will keep the Board updated with memos on how things are being spent.

Mr. O’Brien stated he supports this because these things happen. He questioned if at the end of the lease would the Town own the vehicle.

Mr. Ford stated yes.

Mr. O’Brien stated it is a capital lease. He questioned if capital reserve funds can not be used for leases.

Mr. Pineo stated it is very specific in the RSA’s about capital reserve funds that we are not permitted to use for lease purchasing without a vote. We double checked with Mr. Puffer.

Mr. O’Brien stated this is very unusual.

Mr. Pineo stated if we entered into a lease payment the first payment may be low and the next payment could be significantly higher. We may not have the money in the capital reserve fund and where would the money come from then. The taxpayer would have to take care of it.

Mr. O’Brien thanked Mr. Pineo for the clarification.

Ms. Murray stated if we had known we could have put it in as a warrant article.

Mr. Pineo stated the trucks are not rusting out. The crews are taking very good care of these trucks. It is the exhaust systems that are killing these motors prematurely. The guys are taking immense pride in maintaining the vehicles. It is not a lack of taking care of the vehicles.

Mr. Ford stated we had some damage to the Town Dock last week because of ice. We had to turn on the bubblers. The lake is not safe.

Mr. Ford stated there was a major accident on Pleasant Valley Road yesterday at the construction site. The contractor, R & M Piper had two employees working when a freak accident happened. The foreman was injured. He broke his leg. It is a significant break so he will be out of work for quite a while but he is going to be okay. It was investigated by OSHA and it is looks like it was just a mistake.

Mr. Ford stated he heard from NHDOT yesterday. It was a follow up letter about speeds. He will explain NHDOT suggestions in a memo to the Board for next week’s meeting. Mr. Cass will be getting back to us about crosswalks and rumble strips. It sounds like they will only be eliminating one crosswalk.

Ms. Murray questioned when the overlay will be done. Will it be in the spring or fall?

Mr. Ford stated yes. It will not be from July 1 until the end of August. It will be a balancing act. There will be two contracts, Center Street and Pickering Corner. The contracts could happen at the same time or one could be in the spring and the other in the fall. NHDOT has not told him the timeframe yet.

Mr. O’Brien congratulated him on his work with the Girlscouts.

Mr. Ford stated they did a great job.

Ms. Murray questioned if he would be presenting a capital project update at the next meeting.

Mr. Ford stated yes.

**Other Business**

Ms. Murray stated we need minutes for January 15th. It was the taping of the Warrant Articles.

Ms. Murray stated she would like the Board of Selectmen to write a letter or have an agreement with the Lakes Region Model Railroad and the Town. She read the following letter:

**DRAFT 1**

**Agreement between the Lake Region Model Railroad Museum and the Town of Wolfeboro**

We, the Town of Wolfeboro and the Lake Region Model Railroad Museum, here by agree that the Lake Region Model Railroad Museum will provide to the Town of Wolfeboro full stamped architectural plans for the rehabilitation of the Town owned Railroad Freight building located at \_\_\_\_\_\_\_\_\_\_\_\_\_, Wolfeboro, NH. Further, the full stamped architectural plans of the Railroad Freight building rehabilitation will go through the Town of Wolfeboro Planning Board process prior to construction starting. The Town will not release any funds for said project until it has received a fund approval letter for the L-chip fund, an accounting verifying that the Lake Region Model Railroad Museum has all the funds required for their positon of the project and a statement that the Lake Region Model Railroad guarantees that it will cover any overruns.

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 For: The Lake Region Model Railroad Museum

Ms. Murray stated Alan Harding has requested several times a letter of support from the Board of Selectmen for the agreement with the Libby Museum. In our November 19, 2020 meeting minutes we approved moving forward and Ms. Murray asked if he would like a letter stating that and Mr. Harding stated yes. Mr. Harding feels the Board of Selectmen owe him a letter of support. Ms. Murray questioned where the Board was with this.

Mr. Bowers stated Ms. Murray could do a draft letter.

Ms. Murray stated Mr. Pineo can make a draft.

Mr. Pineo stated he could draft a letter but he does have some concerns because of what has happened since that time. The contractor agreement with Biber has expired and is null and void.

Ms. Murray stated if we do not want to do it then we need to let Mr. Harding know.

Mr. O’Brien stated he agreed with Mr. Pineo. He stated at the prior meeting one of the Selectmen stated there were no numbers and now the contract has expired. Mr. O’Brien stated he was not keen on writing a letter of support because it would be like hitting the reset button.

Mr. Harriman stated he felt Mr. Harding was looking for a letter to take back to his board so he can produce another version/extension for next year. The letter would show we support moving forward. We did agree at that meeting that we supported the idea of the feasibility study and the idea of repairing the museum so we could accept the donated exhibits.

Mr. O’Brien stated the agreement has lapsed. At a prior meeting one of the Board of Selectmen members stated we should get together as trustees of the Libby and figure out what we want to do. We need to do this first before we do anything else. We need to figure out what we want.

Ms. Murray stated we need to respond one way or the other. She read from the November 19th minutes as follows: It was moved by Chairman Senecal and seconded by Paul O’Brien to continue on with the support of the Libby Museum. Ms. Murray stated she asked Mr. Harding if he would like a letter and he responded yes.

Ms. Murray stated we need to respond to this request. If the Board is not comfortable with this then we need to say a letter stating the contract is up.

Mr. Pineo stated he could draft a letter responding to the meeting minutes of November 19th but also in the letter state that it is our understanding that the agreement is null and void.

The Board agreed.

Mr. O’Brien stated we need clarity about the agreement with the Lakes Region Model Railroad. We need an operating lease. We need clarity as the Board of Selectmen about what the rules are for that facility. What happens if or when that facility is no longer financially able to sustain itself? What happens if the roof leaks? Roof breaks? What happens when a coat of paint is needed? We do not have clarity about this. Mr. Simms has asked for this clarity. We need to determine what our financial obligation is to this facility.

Ms. Murray agreed. We need clarity and it should be on paper.

Mr. O’Brien stated it is important so we should write it down.

Chairman Senecal stated anything to do with this building has to have a licensed architect because it is a commercial building. Therefore, we know all of those things need to be met. He agreed they needed a lease agreement.

Mr. O’Brien stated we need to be clear on who is responsible for what.

Ms. Murray stated we need to know what the LCHIP grant is requiring of Mr. Simms and how we have to match it.

Mr. O’Brien stated we need clarity.

 **Committee Reports**

Paul O’Brien stated he attended the Deliberative Session. We visited with the NH Public Utilities Commission last week. There is a piece of legislation on pole attachments. It does not affect Wolfeboro but it will affect the Carrol County Broadband Committee. We attended a Cyanobacteria Committee Meeting.

Brad Harriman attended the Deliberative Session.

Chairman Senecal attended the Deliberative Session and a Conservation Commission Meeting.

Dave Bowers attended the Deliberative Session and a meeting at the Library on Monday.

Linda Murray attended the Deliberative Session. She stated she attended an Energy Committee Meeting and they are moving forward on investigating different possibilities for energy savings. They are trying to get the school to purchase an electric school bus. She attended a meeting with the Friends of Pop Whalen and they are moving forward. They have hired an Executive Director and they are putting their fundraising campaign together. She met with the Special Events Committee today and we are starting to look at 2020. We will meet next month to get things going. The Cyanobacteria Committee is working on putting together some workshops (Soak up the Rain).

**Town Manager’s Report**

Mr. Pineo stated the following:

The Deliberative Session was well attended last night by the Community.

Yesterday morning we had a kickoff meeting about the Public Works Study. The process has started and they are conducting interviews with staff this week. We believe a report will be available in the early spring.

We have been advised to replace the kitchen flooring as a result of the water damage from the broken chiller.

Mary DeVries has asked to extend the lease like we did last year. He asked for the Board’s permission.

The first draft of the Voter’s Guide has been sent to the Board electronically. If anyone would like a paper copy please let him know.

He asked Chief Rondeau to brief the Board on the next item.

Chief Rondeau addressed the Board. He stated an event happened yesterday and there was a press release a few minutes ago from the County Attorney’s Office. The incident yesterday began before 5 am and it deals with domestic violence. The victim will remain unidentified for her protected at this time. A firearm was involved in the incident and shots were fired at the victim. Thankfully the shots missed the victim. When the assailant realized that his shots missed the victim he tried two different times to murder the victim. The victim notified the Police Department. Officer Eric LaRochelle executed a brilliant stop on Pleasant Valley Road and made an immediate arrest of assailant. We were assisted by Wakefield and Alton Police Departments and once the immediate threat was reduced they returned back to their towns. Officer LaRochelle took the assailant for medical treatment and then directly to jail where he was immediately incarcerated. The Police Department offered assistance to the victim and began gathering evidence. The crime scene is several miles long. The suspect’s name is James Flander. He has been arraigned on a lot of charges and some of the charges are at felony levels. We will continue to collect evidence. There were two officers that really distinguished themselves during this incident, Officer Eric LaRochelle and Sergeant Michael Strauch. We are hoping to seek federal charges. The suspect was out on probation so we are trying to send him back to federal prison for violating his probation. We will continue with the investigation.

Mr. Bowers questioned where the suspect was from.

Chief Rondeau stated he was originally from Florida.

Mr. Pineo thanked Chief Rondeau and his officers for all their hard work.

Chief Rondeau stated there was a serious accident on the Pleasant Valley Bridge as well. He thanked the Wolfeboro Fire Rescue team for their hard work. They did a fantastic job.

Chief Rondeau stated Eric LaRochelle did an excellent job of neutralizing the situation and at no time were other citizens in danger. Chief Rondeau stated he was very proud of Officer Eric LaRochelle.

**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 Linda Murray and seconded by Dave Bowers to enter into non-public session under RSA 91-A: 3 II. 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 8:10 PM.

**Linda Murray moved the Wolfeboro Board of Selectmen to seal the minutes of the February 5, 2020 non-public meeting. Chairman Senecal 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 Chairman Senecal and seconded by Paul O’Brien to adjourn at 8:10 PM. Members voted and being none opposed, the motion passed.**

Respectfully Submitted,

Michele Chamberlain