

Wolfeboro Board of Selectmen  
Public Meeting Minutes-Unapproved  
May 22, 2019

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

**Members absent:** Dave Bowers

**Staff present:** Acting Town Manager Jim Pineo, Police Chief Dean Rondeau, Public Works Director Dave Ford, Planning Director Matt Sullivan and Recording Secretary Michele Chamberlain

Chairman Senecal opened the meeting at 5:30 PM.

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

Chairman Senecal stated a non-public session is needed for the purpose of hiring.

**It was moved by Linda Murray and seconded by Paul O'Brien to enter into non-public session 5:30 PM under RSA 91-A:3 II (B) to discuss hiring. Roll call vote, Chairman Senecal – yes, Linda Murray – yes, Brad Harriman - yes and Paul O'Brien – yes. Being none opposed, the motion passed.**

The Board re-entered public session and moved to the Great Hall at 6:22 PM.

Chairman Senecal opened the meeting at 6:30 PM.

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

Mr. Pineo stated a non-public session is needed for the purpose of hiring and interviews.

**Consideration of Minutes**

Chairman Senecal asked for approval from the Board of the May 1, 2019 Regular Meeting Minutes.

**It was moved by Paul O'Brien and seconded by Linda Murray to accept the minutes of May 1, 2019 as amended. Brad Harriman abstained. Members voted and being none opposed, the motion passed.**

Chairman Senecal asked for approval from the Board of the May 7, 2019 Special Meeting Minutes.

**It was moved by Linda Murray and seconded by Paul O'Brien to accept the minutes of May 7, 2019 as written. Members voted and being none opposed, the motion passed.**

Chairman Senecal asked for approval from the Board of the May 15, 2019 Special Meeting Minutes.

**It was moved by Brad Harriman and seconded by Paul O'Brien to accept the minutes of May 15, 2019 as written. Members voted and being none opposed, the motion passed**

## **Public Hearings**

### **A. Temporary Event Permits**

- i. **Back Bay Water Skiers d/b/a Abenaki Water Ski Club to hold Water Ski Tournaments on June 22, 2019-31<sup>st</sup> NH Open, July 20-21, 2019-39<sup>th</sup> Lakes Region Open, August 17-28, 2019- 28<sup>th</sup> NH Championships and September 7-18, 2019-18<sup>th</sup> New England Slalom Championships from 8:00 AM to Sunset in Back Bay behind the Railroad Station. Permit #1935**

Chairman Senecal opened the public hearing.

Bill Swaffield, Representative of the Back Bay Water Skiers, addressed the Board. He stated our incorporated name is Back Bay Water Skiers but we also go by Abenaki Water Ski Club. This is our 39<sup>th</sup> year in Back Bay with tournaments. The 31<sup>st</sup> NH Open is on June 22, 2019. The 39<sup>th</sup> Lakes Region Open is on July 20<sup>th</sup> and July 21<sup>st</sup> in the morning. The 28<sup>th</sup> New Hampshire Championships will be on August 17<sup>th</sup>. The New England Slalom Championships will be on September 7<sup>th</sup> thru September 18<sup>th</sup>. All events are run by USAWS officials and are amateur competitions. The events are all free to the public.

Chairman Senecal closed the public hearing.

**It was moved by Linda Murray and seconded by Brad Harriman to approve a Temporary Event Permit for the Back Bay Water Skiers d/b/a Abenaki Water Ski Club to hold Water Ski Tournaments on June 22, 2019-31<sup>st</sup> NH Open, July 20-21, 2019-39<sup>th</sup> Lakes Region Open, August 17-28, 2019-28<sup>th</sup> NH Championships and September 7-18, 2019-18<sup>th</sup> New England Slalom Championships from 8:00 AM to Sunset in Back Bay behind the Railroad Station. Members voted and being none opposed, the motion passed.**

- ii. **The Nick to hold a Family Event Fundraiser for the Nick at 80 Academy Drive (DeWolf Field) on Saturday, July 13, 2019 from 11:00 AM to 4:00 PM. Permit #1936**

Chairman Senecal opened the public hearing.

Holly Williams Aucoin, Representative of The Nick, addressed the Board. She stated this will be our 14<sup>th</sup> Nickfest. It is a fundraiser for The Nick. We see between 600-800 participants at the event each year. This is our 4<sup>th</sup> year at Brewster. We moved the event to Brewster because we get more participants. We are adding a Touch-a-Truck area to the event this year. The Police Department will be bringing a vehicle and a Town Dump Truck will be there as well.

Chairman Senecal closed the public hearing.

**It was moved by Brad Harriman and seconded by Linda Murray to approve a Temporary Event Permit for the Nick to hold a Family Event Fundraiser for the Nick at 80 Academy Drive (DeWolf Field) on Saturday, July 13, 2019 from 11:00 AM to 4:00 PM. Members voted and being none opposed, the motion passed.**

**iii. The Children's Center to hold "Fairyland" in Cate and Town Park on Saturday, July 6, 2019 from 10:00 AM to 2:00 PM. Permit #1937**

Chairman Senecal opened the public hearing.

Nancy Lentz, Representative of The Children's Center Board of Directors, addressed the Board. She stated this will be our 9<sup>th</sup> year. This is a yearly event hosted by the Children's Center for the youth of Wolfeboro. Fairyland is a community gathering of families to create "fairy" houses, enjoy dance and stories at Cate Park.

Chairman Senecal stated it is a popular event and he hopes for good weather.

Chairman Senecal closed the public hearing.

**It was moved by Chairman Senecal and seconded by Paul O'Brien to approve a Temporary Event Permit for the The Children's Center to hold "Fairyland" in Cate and Town Park on Saturday, July 6, 2019 from 10:00 AM to 2:00 PM. Members voted and being none opposed, the motion passed.**

**iv. Harriman Hale Post #18 to hold the Independence Day Parade on Thursday, July 4, 2019 from 8:00 AM to 3:00 PM. Permit #1939**

Chairman Senecal opened the public hearing.

Harold Chamberlin, Commander of the American Legion Post #18, addressed the Board. He stated this theme this year will be Community, State and Nation. These are the three things that the American Legion works for. This is our 100<sup>th</sup> anniversary for the American Legion and it is also the 100<sup>th</sup> year for the parade. Mr. Chamberlin asked for some official police work for directing traffic. He has signs that he places saying one way only and no parking but people still go the wrong way. He would like an officer at Old Lakeview Terrace and at Forest Road. He would like police officers available to arrest or help with these types of situations.

Chairman Senecal suggested that Mr. Chamberlin talk to Chief Rondeau so he could discuss this with the Police Commission.

Chief Rondeau addressed the Board. He stated the Police Department will be happy to help Mr. Chamberlin with any needs. He will be bringing on additional resources so there should be plenty of help on hand. Over the last few years it is approximately an 18 to 22 hour day for police officers. He has a serious concern about vehicles parked Downtown during the parade from the Inn on Main through Pickering Corner. He would like to see a temporary band from 7:30 AM to 1:00 PM that no vehicles are parked on either side of the parade route from North Main Street to Pickering Corner. The parade is large and there are scores and scores of people which makes it difficult to maintain. If we could get the cars out of the area it would facilitate Fire, Fire & Rescue, and the Police Department to be able to assist control of the parade and to allow for the area to be wide

enough to get some of the heavy equipment through. Chief Rondeau asked the Board of Selectmen for a temporary band. He stated it would be much safer.

Ms. Murray questioned where the people would be able to park. There are a lot of cars that park in that area so we need a place to tell them to park. This will require a lot of (PR) Public Relations. We will need a lot of signage and a suggestion on where they should park.

Chief Rondeau agreed. He suggested people park at the Odd Fellows Hall, Dockside Parking Lot or the Glendon Street Parking Lot. The heavily congested areas are from Sewall Road to Cate Park. This would facilitate people getting on their way faster after the parade if they park in these areas. He understands it has been convenient and what people have done in the past but it will be much safer this way.

Ms. Murray stated we just need advanced warning.

Chief Rondeau suggested getting it out on Social Media, WASR, and in the Granite State News. He felt people would understand.

Chairman Senecal stated he would like to see a diagram and they need to have a public hearing on the matter.

Chief Rondeau stated they can schedule a public hearing for the next meeting and he will provide the paperwork tomorrow.

Mr. O'Brien stated it was something they should discuss. Everyone has their favorite spot to sit. He likes to sit by Wolfeboro Inn because they give away hot dogs. He questioned the number of parking spaces that they were talking about. There is a lot of big equipment so it would be smart to have a rational conversation. He agreed there should be a public hearing to discuss this situation.

Chief Rondeau stated he would have the information to them by tomorrow. He agreed it is the line of site issue. When people are walking between the cars it is very difficult to see.

Chairman Senecal stated they will set up a public hearing.

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 Harriman Hale Post #18 to hold the Independence Day Parade on Thursday, July 4, 2019 (rain date July 5, 2019) from 8:00 AM to 3:00 PM. Members voted and being none opposed, the motion passed.**

#### **B. Acceptance of Unanticipated Funds in the excess of \$10,000**

- i. To accept unanticipated funds in the amount of \$20,000 in accordance with RSA 31:95-b III (a), relative to the annual scholarship fund contribution for the Josiah W. Brown Trust in the amount of \$20,000.**

Chairman Senecal opened the public hearing.

Mr. Pineo stated we received notification that the annual appropriation for the trust has come through so we need to accept the funds.

Chairman Senecal closed the public hearing.

**It was moved by Chairman Senecal and seconded by Paul O'Brien to accept the unanticipated funds in the amount of \$20,000 in accordance with RSA 31:95-b III (a), relative to the annual scholarship fund contribution for the Josiah W. Brown Trust. Members voted and being none opposed, the motion passed.**

**C. Amendment to Town Ordinance**

- i. The Wolfeboro Board of Selectmen will hold a Public Hearing on Wednesday, May 22, 2019 at 6:30 PM at the Great Hall Town Hall, 84 South Main Street, Wolfeboro, New Hampshire regarding amendments to the Town of Wolfeboro Beaches Ordinance related to section §16-1 through 8.**

Chairman Senecal opened the public hearing.

Matt Sullivan, Planning Director, addressed the Board. He stated this is an ordinance that we have reviewed three to four times over that last several months. We are adding language to allow for more structure to the ordinance, creating reasonable and clear parking restrictions and making clear the existing beach rules for each of the three beaches are enforceable by the ordinance. These are the three main items that we are adding to the ordinance. There are now 8 sections to the article.

Mr. O'Brien questioned the problem that is being solved.

Mr. Sullivan stated there were concerns about over use of the Town Beaches by higher occupancy vehicles. This is one approach. It is the first approach to remedy the problem. We have restricted the higher occupancy vehicles and we are providing more structure to some rules that have existed at our beaches. This will allow law enforcing professionals some guidance in what rules should be enforced at our beaches.

Mr. O'Brien stated we dealt with the hours of operations at the beaches.

Mr. Sullivan stated yes.

Mr. Pineo stated this is part one. It will be a multi-phased project to making the beaches safer and more accessible for our community members going forward. We are taking this one step at a time.

Chairman Senecal closed the public hearing.

**It was moved by Brad Harriman and seconded by Linda Murray to approve the amendments to the Town of Wolfeboro Beaches Ordinance related to section § 16-1 through 8 as presented at this meeting. Members voted and being none opposed, the motion passed.**

- ii. The Wolfeboro Board of Selectmen will hold a Public Hearing on Wednesday, May 22, 2019 at 6:30 PM at the Great Hall Town Hall, 84**

**South Main Street, Wolfeboro, New Hampshire regarding amendments to the Town of Wolfeboro Bus Ordinance related to section §164-8 Travel and parking restrictions for buses. Move to approve the amendments to the Town of Wolfeboro Bus Ordinance related to section § 164-8 Travel and parking restrictions for buses as presented at this meeting.**

Chairman Senecal opened the public hearing.

Matt Sullivan, Planning Director, addressed the Board. He stated the Town received a request for an amendment to the Town's Bus parking restriction from the Chamber of Commerce in early 2019. The ordinance does not indicate the availability of loading and unloading of buses on Central Ave, in front of the railroad station. In order to address this issue, we have prepared an amendment to add the following language: Loading and unloading. Buses may load and unload in the Central Business District area only at the location designated by signs is the following locations:

- South Main Street in front of Cate Park.
- Railroad Avenue in front of the Railroad Station in a marked/signed location on the water side of the building.

Mr. O'Brien questioned if there would be signs asking the buses to consider powering down.

Mr. Sullivan stated he talked to the Administrative Assistant to the Public Works Department about the signage that was available. He stated he would be uncomfortable stating that they had decided on placing a no idling sign at this time. He would be happy to receive some input from the Selectmen.

Mr. O'Brien asked Mr. Sullivan why he was uncomfortable.

Mr. Sullivan stated he thought there was mixed opinions of the Board the last time this was discussed.

Ms. Murray suggested getting a consensus of the Board now. We are starting to look at our energy consumption and air pollution. She thought all Board members were on board with the signage.

Mr. O'Brien stated if we can eliminate some of air pollution we should consider doing it. He suggested having some kind of signage asking buses to power down.

Chairman Senecal closed the public hearing.

**It was moved by Linda Murray and seconded by Paul O'Brien to put up no idling signs for buses in the locations that we are allowing them to park and to approve the amendments to the Town of Wolfeboro Bus Ordinance related to section § 164-8 Travel and parking restrictions for buses as presented at this meeting. Members voted and being none opposed, the motion passed.**

**Bulk Vote**

**A. Weekly Manifests**



- i. May 3, 2019
- ii. May 10, 2019
- iii. May 17, 2019

**B. Current Use Application**

- i. 368 Stoddard Rd Tax Map 45-4-1

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

- i. North Line Rd Tax Map 52-3
- ii. Cotton Mountain Rd Tax Map 170-1
- iii. Cotton Mountain Rd Tax Map 155-6

Yield Tax Warrants - \$358.01, \$2,412.25, \$3,014.93

**D. Property Tax Credits/Exemptions Approvals**

- i. 7 Laurel Circle Tax Map 201-34-16
- ii. 65 New Garden Rd Tax Map 246-7
- iii. 24 North Line Rd Tax Map 115-7
- iv. 39 Winnipiesaukee Dr. Tax Map 272-7

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

**Board Appointments**

- i. Wolfeboro Library Board of Trustees-Deborah Long Smith

**It was moved by Linda Murray and seconded by Brad Harriman to appoint Deborah Long Smith as an alternate member of the Library Board of Trustees for a three year term expiring in March of 2022. Members voted and being none opposed, the motion passed.**

- ii. Wolfeboro Economic Development Committee member-Alan Harding

**It was moved by Brad Harriman and seconded by Chairman Senecal to appoint Alan Harding as a member of the Economic Development Committee for a three year term expiring in March of 2022. Members voted and being none opposed, the motion passed.**

- ii. Agricultural Commission-Wendy Rodgers

**It was moved by Linda Murray and seconded by Paul O'Brien to appoint Wendy Rodgers as a member of the Wolfeboro Agricultural Committee for a two year term expiring in March of 2021. Members voted and being none opposed, the motion passed.**

Ms. Murray requested that we send a note to Ms. Rodgers to make sure she gets sworn in by the Town Clerk.

### **iii. Energy Committee Alternate Member-Douglas Smith**

**It was moved by Chairman Senecal and seconded by Brad Harriman to appoint Douglas Smith as an alternate member of the Library Board of Trustees for a three year term expiring in March of 2022. Members voted and being none opposed, the motion passed.**

### **iv. Recommendation to appoint Dave Senecal to the ZBA**

Brad Harriman addressed the Board. He recommended Dave Senecal as an alternate member to the ZBA.

It was moved by Paul O'Brien to recommend appointing Dave Senecal to the ZBA.

Ms. Murray stated we are recommending Dave to the ZBA not appointing him.

**It was moved by Brad Harriman and seconded by Paul O'Brien to recommend Dave Senecal as an alternate member of the Wolfeboro Board of Adjustment for a one year term expiring in March of 2020. Members voted and being none opposed, the motion passed.**

## **Town Manager Search Process**

Chairman Senecal asked Ms. Murray to speak about this.

Ms. Murray stated on May 15<sup>th</sup> the Board of Selectmen and the interview panelists went into non-public session under RSA 91-A:3 II (b) hiring. There were three interview panels that interviewed the 5 semi-finalist candidates. After the interviews, each panel provided the Board with its two top candidates to move forward and the reasons why these candidates stood out. After the interview panelists left, the Board agreed to do final interviews with the panels' top two picks. One candidate could not make the May 15<sup>th</sup> interview so the Board scheduled an interview on Tuesday, May 21<sup>st</sup> with most of the interview panelists. Again the Board of Selectmen went into non-public session under RSA 91-A:3 II (b) hiring. After the interview, the panelists provided the Board with their thoughts on the candidate. The Board agreed to do final interviews with the three top candidates. On May 21<sup>st</sup> the Board of Selectmen still in non-public session conducted one of the final interviews. Tonight prior to the Board meeting in non-public session, the Board conducted the second final interview and has scheduled the last final interview after this meeting. When the Board decides on which candidate it would like for the new town manager, the Board will offer to that candidate a conditional offer of employment. The major terms of the conditional offer are a successful negotiation of an employment agreement, a clean background check and a medical clearance. In the event any of the conditions are not met the offer will be rescinded.

## **New Business**

### **A. Hawkers and Peddlers Permit #1903 Update**



Mr. Pineo stated with the loss of Dennis DeVlyder this year, Vincent Dufort of Branch and Bloom has leased DeVlyder's Farm and will be carrying all the same produce and vegetables as he did. Mr. Dufort has solicited the State of NH to update the cart license and will be running it just the same as it has in the past.

Chairman Senecal stated they filled out our application and everything looks good.

**It was moved by Chairman Senecal and seconded by Paul O'Brien to approve the Hawkers and Peddlers Permit #1903 for the 2019 season due to a change in ownership of DeVlyder's Farm. Members voted and being none opposed, the motion passed.**

#### **B. New Hampshire Department of Justice Grant**

Chairman Senecal stated this is a grant agreement with the New Hampshire Department of Justice.

**It was moved by Chairman Senecal and seconded by Linda Murray to authorize the Town Manager to sign a grant agreement to the NH Department of Justice in the amount of \$120,000. Members voted and being none opposed, the motion passed.**

#### **C. 2019 Forest Fire Warden/ Deputy Warden/Issuing Agent Re-Appointments**

Mr. Pineo stated every three years we are required by the State of New Hampshire to re-appoint the Forest Fire Warden, Deputy Warden and the Issuing Agent. The Warden is usually the Fire Chief. The Deputy Wardens are usually the full time staff and we allow the Administrative Assistant at the Fire Station to fill out permits so she would be the Issuing Agent.

Chairman Senecal asked Mr. Pineo to read the names.

Mr. Pineo stated the names are as follows:

James Pineo appointed as Forest Fire Warden.

Deputy Wardens appointed:

Frank Bellefleur  
Joel Dail  
James Dearborn Jr.  
Andre' DeBeer  
Mark Fullerton  
Nathan Nichols  
Timothy O'Keefe  
Evan Turcotte  
Thomas Zotti  
Tyler Valenti

Cathleen LaPierre appointed as an Issuing Agent.

**It was moved by Brad Harriman and seconded by Chairman Senecal to appoint James Pineo as the Forest Fire Warden, to appoint Frank Bellefleur, Joel Dail, James Dearborn Jr., Andre' DeBeer, Mark Fullerton, Nathan Nichols, Timothy O'Keefe, Evan Turcotte, Thomas Zotti and Tyler Valenti as Deputy Wardens and to appoint Cathleen LaPierre as the Issuing Agent. Members voted and being none opposed, the motion passed.**

#### **D. Wolfeboro Falls-DOT Proposal to eliminate crosswalks**

Dave Ford, Public Works Director, addressed the Board. He stated NHDOT is doing upgrades to the Town of Wolfeboro. He stated he would like to make an announcement about the scheduling of the work to be done Downtown. The schedule is as follows:

**May 28 thru June 7:** Rebuild Tip downs at all cross walks on South and Main Street in accordance with ADA requirements. This work will occur during the day and cross walks will be closed during work.

**June 9, June 10, June 11 and June 12:** Night time grinding of pavement from Three Sisters to Sewall Road. Note NHDOT will have 2 inches of existing pavement grinded out so that we do not lose any more of our curb reveal and will pave back in 2 inches.

**June 11:** Night time paving of Rt. 28 (Center Street) from Pickering Corner to Wright Museum.

**June 12, 13, (and possible 16):** Night time paving from Three Sisters to Sewall Road (2 inches of pavement inlay and from Sewall Road to pavement joint south of Forest Road (.75 inch pavement overlay).

**Note:** Schedule is subject to change due to weather or mechanical problems.

Mr. Ford stated this project also involves that they continue to overlay going North on Rt. 28. He is here tonight to discuss some issues with NHDOT and our crosswalks.

Mr. Ford received a letter on February 12<sup>th</sup> from Bill Lambert, State Traffic Engineer Administrator, Bureau of Traffic. (See attached letter) He is the person responsible for all traffic in the State of New Hampshire. Mr. Ford stated he is a very busy gentleman and he respects him but he does not agree with him in regards to the cross walks in Wolfeboro.

Mr. Ford stated the Town of Wolfeboro is trying to make our Town more pedestrian friendly and walkable. Mr. Ford does not believe that Mr. Lambert's analysis is taking into consideration anything but vehicles. We need to slow vehicles down. Mr. Ford requested that Mr. Lambert and other NHDOT engineers think about Context Sensitive Solutions in regards to this issue.

Mr. Ford sent a letter to Mr. Lambert with his concerns and received a 6 page letter back (see attached letter) from Mr. Lambert on May 7<sup>th</sup>.

The letter referenced that conclusions reached by NHDOT in Wolfeboro Falls are supported by all of these documents. Specifically: 20 pedestrians per hour is the minimum threshold at which a pedestrian crossing is considered and 300' is a reasonable distance to expect pedestrians to travel to an uncontrolled crosswalk. The letter references guidelines from the City of Sacramento, the City of Boulder and the North Carolina Department of Transportation.

Mr. Ford stated the intent of new curbing in Town was for it to be more user friendly to pedestrians. We want people to go slow and to have people walk Downtown. Mr. Ford felt NHDOT's analysis did not take into account anything but vehicles. We need to slow vehicles down! He asked that NHDOT take into consideration Context Sensitive Solutions. How does solving the problem meet our vision? How is it less safe taking the crosswalks away?

Mr. Ford stated the State law requires motorists to stop for pedestrians in crosswalks. Then how can they say that crosswalks do not provide safety from drivers that do not follow the laws. This is not a good idea to eliminate crosswalks! We need to place signs in better locations to notify motorists that the responsibility of not to run over pedestrians in crosswalks. When you see a crosswalk then you should automatically slow down. Most of the people in Wolfeboro are used to this.

Mr. Lambert suggested in his letter that as many people die inside crosswalks as outside crosswalks. Mr. Lambert felt that crosswalks do not slow down traffic nor do they protect pedestrians.

Mr. Ford does not understand this logic.

Mr. Ford stated his daughter lives in North Carolina and it is beautiful but it is nothing like Wolfeboro. He felt the examples Mr. Lambert used were not very good when comparing them to Wolfeboro. Mr. Lambert continued to defend in his letter the need to eliminate the two crosswalks in Wolfeboro. Also, Mr. Ford felt they were preparing to eliminate four crosswalks in South Wolfeboro – Brewster Admissions, Green Street, the Library crosswalk and the High school crosswalk - or make the Town come up with \$50,000.00 for each intersection to put in flashing beacons.

Mr. Ford stated he felt NHDOT was trying to take the Town in a different direction than maintaining the character of Wolfeboro. He felt the Town should continue to fight for these crosswalks. We all know what is going to happen if these crosswalks are eliminated and people have to wait for gaps in traffic. One car is going to stop and then the motorist behind them will not anticipate them stopping so there will be a rear-end accident. This situation is similar to area by the Kingswood Golf. He fears eliminating these crosswalks will cause a lot of accidents. NHDOT suggests that the Town should improve the areas by crosswalks. They suggest that we eliminate parking by crosswalks like we did at Carpenter School.

Mr. Ford stated he was asked to sign a Crosswalk Maintenance Agreement but felt he should notify businesses and the Board of Selectmen before doing. He felt they should discuss these issues at a public hearing before he signed the agreement.

Mr. Ford read from the letter the following paragraph PUBLIC OUTREACH:

The scope and timing of the resurfacing project does not allow for the level of public outreach you suggest. The US Department of Justice decision regarding compliance with the Americans with Disabilities Act (ADA) has prompted our ongoing evaluation of midblock crosswalks within the resurfacing projects throughout the state. As part of that evaluation, we have had to make difficult choices in the interest of improving pedestrian safety and mobility based on the best available information.

Mr. Ford stated they are blaming a law that is supposed to help people with disabilities for eliminating crosswalks. Mr. Ford felt this to be illogical. He hopes the Town will be able change NHDOT opinion.

Ms. Murray stated after she received Mr. Ford's material she passed it along to our three state representatives. She stated the Town of Wolfeboro has spent \$99,000.00 to come up with three designs for Route 28 and it was the contact solution. We have used it in many places and it has been successful in order for us to give positive feedback to the State. Ms. Murray stated she asked the representatives to support Wolfeboro in not eliminating the crosswalks. She heard back from John MacDonald and he said Mr. Bradley and him would write a letter. She has not heard from Edith DesMarais. Ms. Murray stated they need to push for this. There is a charm and character for who we are and we have spent a lot of time talking about that with the Route 28 and Pickering Corner. It is important for us to stand up and fight.

Mr. Ford asked the Board to vote to support not to eliminate the crosswalks. He stated then they could write a letter to support it as well.

**It was moved by Linda Murray and seconded by Paul O'Brien to support Mr. Pineo writing a letter to NHDOT to not eliminate the crosswalks. Members voted and being none opposed, the motion passed.**

Julie Jacobs, Resident of Wolfeboro, addressed the Board. She stated she agreed the crosswalks should not be eliminated. During the winter the crosswalk is a path for snowmobiling crossing. The crosswalk is not plowed at either end during the winter so you really can't get around it. It does not seem to make sense to have flashing lights around it and have the snowmobiles turn it on and off. The crosswalk near Linda's Flowers could be moved easily towards 109A to make that one a little bit safer. It is located now at two turning spaces and it is the crosswalk where the most people get injured. The crosswalk is near parking and we want people to use that area. It makes no sense to eliminate these crosswalks. People will just jaywalk. She suggested that people need to go slow in that area and maybe painting something in the street by the Church a little further from the area would help slow them down. She did not feel taking out the crosswalks would help people drive slower. It will be harder for pedestrians to cross safely from one area to another. It could cut back on some businesses because people cannot get from one side to the other.

Brad Harriman agreed they should add to their letter about the winter snowmobile trail.

Mike Culver, Resident that works at the Wright Museum, addressed the Board. He stated he would like to speak against consolidating the crosswalks for all the same reasons Ms. Jacobs spoke about. He guessed that maybe they are not aware that since we are a resort community that we have more than 20 people walk through the crosswalks on Sunday mornings during certain parts of the year. The Wright has two special days, one in July and one in August, where we have over 400 people using the crosswalks for those two events. We do not allow parking in our parking lot during these two events so people come from the Town parking lots and use the crosswalks to get to our facility.

Chairman Senecal suggested he send a letter to NHDOT on his letterhead stating his concerns.

#### **E. North Wolfeboro Road increased pave width**

Chairman Senecal stated he heard Mark Diamond and they cancelled their appointment for tonight.

Mr. Pineo stated we are in agreement that pavement for North Wolfeboro Road is going to remain at the 19 feet width. We will not be addressing the topic at all.

Chairman Senecal agreed and stated that is the information Mr. Diamond gave to him.

### **Other Business**

None

### **Committee Reports**

Paul O'Brien stated he had a few sessions on Net Metering with the Energy Committee. We are continuing interviewing for the Town Manager position. He attended a Police Commissioner's Meeting with Chief Rondeau. We have reached out to some of the telecommunication carriers and we met with a representative from Consolidated Communications. We will be meeting with Verizon next week. He attended a Chamber Member Mingle.

Chairman Senecal stated he did not have any meetings this week but attended all the interview meetings for the Town Manager position which has kept them all busy.

Brad Harriman attended all the interview meetings for the Town Manager position and a Friends of Libby Museum Meeting.

Linda Murray stated she attended Perform It. She attended the Water Summit with Dave Senecal. There were approximately 150 people there. We learned a lot of information about Cyanobacteria. She attended the three Energy Committee Meetings with Paul O'Brien and they have been very productive. She enjoyed learning from the Dartmouth College students and the other members in the committee. She attended the Chamber Executive Board Meeting and the Chamber Member Mingle Social with Paul O'Brien. The EDC met and they are reviewing the master plan chapter on economic development and we have a conversation about scenic byways. The Special Events Committee met today and we are starting to plan for Wolfeboro 2019. She attended the Cyanobacteria Committee Meeting and met twice with the assessing sub-committee. We are developing a way to discuss cyanobacteria identification and communication protocol. We will bring this to the full committee on June 3<sup>rd</sup> and hopefully to the BOS on June 19<sup>th</sup>.

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

Mr. Pineo stated the following:

He attended the EDC Meeting and the Energy Conservation Commission Meeting. Mr. Harriman and myself met with two different architectural firms in regard to the Libby Museum. We unanimously chose All Butt Architects Limited Liability Partnership out of North Woodstock, New Hampshire. They will be providing us with a scope of service. Ms. Albee will attend the next BOS meeting to speak to you about applying for LChip Grants for the Libby Museum. We hope to have a budget plan in process for 2020. The LChip Grant is due on June 28<sup>th</sup>.

Reminder we will be touring the RIB Site tomorrow with Mr. Ford, NHDES and the Tuftonboro Board of Selectmen.

He received notification this week that the Daughters of American Legion and the Boy Scouts of America will be selling American flags and water during the parade. They have done this right along but wanted the Board to be aware of it. They will be walking the parade route as non-profits.

NHDOT will be holding a meeting Wednesday, May 29<sup>th</sup> at 6:00 PM at the Prospect Mountain High School in Alton. He will be attending. It is in regards to the rumble strips.

### Questions from the Press

None

### Public Input

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

Joseph Hass, Resident of Gilmanton, addressed the Board. He stated he was sent by the Gilmanton BOS to try to get some other Towns together. He is trying to get some towns to put an information letter in their tax bills. He wants the wording to be that people are entitled to an abatement based on Peter Loughlin's book (the Municipal law book). There are three reasons for abatements. Bills are a written statement for invoices and if people don't have children in the school system then they should not be getting billed. This expense is supposed to be paid by the State.

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

The Board re-entered public session at 9:43 PM.

**Paul O'Brien moved the Wolfeboro Board of Selectmen to seal the minutes of the May 22, 2019 non-public meeting. Brad Harriman seconded. Roll call vote, Chairman Senecal – yes, Linda Murray – yes, Brad Harriman – yes and Paul O'Brien – yes. Being none opposed, the motion passed.**

**It was moved by Paul O'Brien and seconded by Brad Harriman to adjourn at 9:43 PM. Members voted and being none opposed, the motion passed.**

Respectfully Submitted,  
Michele Chamberlain





Victoria F. Sheehan  
Commissioner

THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.  
Assistant Commissioner

February 12, 2019

David Ford  
Director  
Town of Wolfeboro Public Works  
45 Pine Hill Road  
Wolfeboro, NH 03894

**RECEIVED**

FEB 19 2019

RE: NH Route 28 & NH Route 109 (Center Street)  
Midblock Crosswalks at Willow Street and 175' South of Elm Street

WOLFEBORO  
PUBLIC WORKS

Dear Dave,

As part of our routine operations, NHDOT has completed an engineering review of midblock (uncontrolled) crosswalks within the limits of a future resurfacing project on NH Route 28 & NH Route 109 (Center Street) in Wolfeboro. In order to justify reinstallation of a crosswalk after a resurfacing project, two basic criteria must be met:

- 1) That the crosswalk tells motorists where they should expect to see pedestrians; and,
- 2) That the crosswalk identifies a safe place to cross for pedestrians.

Our engineering study of the existing crosswalks immediately to the north and south of the rail trail crossing at Willow Street and 175' South of Elm Street revealed that neither of the above conditions are met. Relative to the first criteria, it was not evident during our review that the volume of pedestrian crossings in these specific locations would warrant installation of a midblock crosswalk. When a crosswalk is installed in a location where it is rare for a motorist to see a pedestrian, it can lead drivers to ignore or otherwise disrespect not only this crosswalk, but other crosswalk locations in the Town and region where crosswalks are truly needed and appropriate. As a rule of thumb, we can typically justify the installation of a crosswalk when the number of pedestrian crossings are on the order of 20 per hour. We believe these locations would fall short of this figure on a typical day.

Relative to the second criteria, we have determined that the location of the existing crosswalk is not a safe location for pedestrians to cross in that there is a high traffic volume in this location, averaging nearly 13,000 veh/day, which presents an increased potential for vehicles to either not yield to pedestrians or to be rear-ended by motorists who did not see that they were stopping.

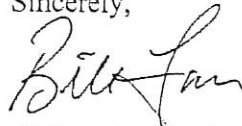
Pedestrians wishing to cross in these locations who may have a difficult time finding a gap in this traffic volume have the option to walk a short distance to the rail trail crossing, which we understand is very well utilized by pedestrians. However, this location also experiences very high traffic volumes, so we strongly urge the Town to enhance the crossing with a rectangular rapid flashing beacon (RRFB) or pedestrian hybrid beacon (PHB) based on the requirements of the MUTCD. These are both devices that research has shown will mitigate our safety concerns relating to the high traffic volumes on that segment of road.

February 12, 2019  
Page 2 of 2

While we understand that the elimination of midblock crosswalks alone will not prevent pedestrians from crossing, an improvement to safety is achieved by increasing pedestrian awareness when crossing since they will need to wait for an appropriate gap instead of assuming they are seen. It is important to recognize that crosswalks do not provide safety from moving vehicles.

If you have any questions, please contact Mike O'Donnell at 271-1581.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Lambert", written over the printed name.

William R. Lambert, PE  
State Traffic Engineer/Administrator  
Bureau of Traffic

cc: Eric Healey, NHDOT Bureau of Traffic  
Michael O'Donnell, NHDOT Bureau of Traffic  
Nathan Peck, NHDOT Bureau of Traffic  
Ron Grandmaison, NHDOT Bureau of Highway Design  
Alan Hanscom, NHDOT District 3 Engineer



THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan  
Commissioner

William Cass, P.E.  
Assistant Commissioner

May 7, 2019

David Ford, Director  
Town of Wolfeboro Public Works  
45 Pine Hill Road  
Wolfeboro, NH 03894

RE: NH Route 28 & NH Route 109 (Center Street)  
Midblock Crosswalks at Willow Street and 175' South of Elm Street

Dear Mr. Ford:

I am in receipt of your email of February 20, 2019, responding to my letter dated February 12, 2019 recommending removal of the subject marked crosswalks. In your email, you outline several concerns, including the basis of our study, nearby land uses, walkability, safety effects of crosswalks, location of signs, traffic calming, and public outreach, which I will address below.

#### BACKGROUND

To further frame this conversation (and expand upon the previous correspondence) NHDOT accepts Federal money that is used to maintain and improve our public ways and as such, we are required to adhere to Federal standards. The element of the infrastructure that triggers our review of midblock crosswalks is curb ramps, which need to be made accessible as part of the work, per decision by the US Department of Justice. Before we make an investment in these elements, it is our practice to study the midblock crossings in the context of the existing and/or planned roadway characteristics, surrounding land uses, and project scope. The ideal outcome of our effort is assure that approved midblock pedestrian crossing locations meet current standards with regard to curb ramps, warning signage, and crosswalk markings (where appropriate).

The specific project being advanced is an asphalt resurfacing project, through our pavement management program. The project is intended to maintain the roadway and its elements in their current configuration, while adding a 3/4" paver shim overlay. Limited curbing and sidewalk work can be included to address the above-described Federal requirements. Once the paving is finished, we will have a blank canvas on which to re-establish pavement markings, including crosswalks where they are appropriate. Wholesale changes to the roadway geometry, pedestrian infrastructure, traffic control, character along the corridor, and adjacent land uses are beyond the scope of the project.

#### BASIS FOR MIDBLOCK CROSSWALK STUDY

Your message expressed particular concern with our premise that marked crosswalks do not provide safety from moving vehicles. While we understand that such logic may be counterintuitive to the general public, I have attached references from a number of reputable organizations and research documents that demonstrate that marked crosswalks maintained in poor locations may well increase the likelihood of a pedestrian being struck by a motor vehicle. Not long ago, I was in the habit of saving news items for each pedestrian killed on New Hampshire streets and highways and was struck by the number of pedestrians that were killed in crosswalks.

Where the Department once looked exclusively at sight distance and posted speed limits when approving crosswalk locations, we now follow the advice of available research and consider additional factors, such as traffic volume, number of lanes, and the anticipated presence of pedestrians (lending to driver expectation). NHDOT follows the methodologies prescribed by the Manual on Uniform Traffic Control Devices (MUTCD), Section 3B.18 for crosswalks.

In addition to the MUTCD, we also referenced various FHWA, NCHRP, and AASHTO publications in developing our current guidelines for reviewing and approving midblock crosswalks, a process that took several years. This process also provides legally-defensible methodology and results in pedestrian crossing treatments such as crosswalks that are consistent throughout the State highway system.

To compare the basis of our work in New Hampshire to other jurisdictions, we have consulted the *Current Practices Survey* which is put out by America Walks and the Association of Pedestrian and Bicycle Professionals. This document cites the guidelines developed by the City of Sacramento and City of Boulder as model references for midblock pedestrian crossing evaluations. Since the publication of the *Survey* in 2014, the North Carolina Department of Transportation, with funding from FHWA, prepared a guidance documentation 2015 that is regarded among practitioners as the current state of the practice. It is of note that the conclusions reached by NHDOT in Wolfeboro Falls are supported by all of these documents.

Specifically:

- 20 pedestrians per hour is the minimum threshold at which a pedestrian crossing is considered
- 300' is a reasonable distance to expect pedestrians to travel to an uncontrolled crosswalk

While it has been documented in research that the presence/absence of a crosswalk does not correlate to any differences in pedestrian/vehicle crash data, NHDOT looks at each location considering the criteria set forth by the MUTCD to make incremental safety and accessibility improvements at each individual location, by establishing consistency along corridors, implementing various enhancements such as RRFBs and PHBs, and through uniform deployment of traffic control devices associated with pedestrian crossings throughout the State system.

#### PEDESTRIAN GENERATING LAND USES

In our study, we saw the need to achieve a balance in Wolfeboro Falls between pedestrian mobility and pedestrian safety in consideration of common human behaviors (and misbehaviors, such as inattention) at midblock crosswalks.

Numerous research papers concur that a minimum threshold of 20 pedestrians per hour should be met before a pedestrian crossing is established. When warning signs or crosswalks are installed in locations where it is rare for a motorist to see a pedestrian, it can lead drivers to ignore or otherwise disrespect not only that particular location, but other locations in the town and region where signs or crosswalks are truly needed and appropriate.

Considering the aerial map you sent, there are three parking lots in the area, that are likely primarily used by customers of the restaurant and museum, as well as users of the rail trail. Copy centers and some of the other small businesses in the area are typically lower generators of traffic, and especially pedestrian traffic. This area is likely to attract vehicular traffic intending to park in one of the lots and then either walk or ride a bicycle.

Based on the above paragraphs, the relatively low vehicular traffic generated by the copy center and other businesses on the west side of the road is likely to be split between the two parking lots north of the rail trail, such that only a portion of what is likely a very small total is crossing to/from the lot on the east side of the road. On this basis, the northerly crosswalk is recommended for elimination. Similarly, there are no significant pedestrian-generating land uses or pedestrian infrastructure on Willow Street, and therefore the southerly crosswalk is recommended for elimination. Given the proximity of the nearby intersection of NH 28 and NH 109A, we have additional concerns with this location due to the geometric challenges.

The rail trail, on the other hand, is a significant generator of pedestrian traffic with potentially dozens (if not hundreds) of pedestrians crossing the road per hour in good weather. The trail crossing can also be used for people who park in the westerly parking lot to access the museum, restaurant, and other small businesses on the east side of the road. Due to the traffic volumes along NH 28, if this were a new crosswalk request, we would require that the town include a Rectangular Rapid Flashing Beacon (RRFB) that would be actuated by pedestrians to alert motorists of their presence and improve compliance with the crosswalk markings by as much as 60% or more. Where this is an existing crosswalk location, we would not require this be installed at this time, but would strongly urge the town to consider adding it in the near future. Again looking at the map, pedestrians parking in the lot north of the rail trail to access businesses near the copy center have the option to wait for an appropriate gap in traffic, but will be encouraged to walk only 125' to the south to cross at the more conspicuously placed and highly used rail trail crossing.

For the crosswalk proposed to be eliminated at the museum, pedestrians intending to park out back and head back toward the lake on the rail trail (or to the businesses on the east side of the road), will be encouraged to use the existing sidewalk infrastructure to travel about 250' north, again to cross at the more conspicuously placed and highly used rail trail crossing.

#### WALKABILITY

While it may appear that progression of traffic is being favored over pedestrian mobility, I assure you that our stance is based nearly entirely on pedestrian safety. On the basis of several factors outlined in my previous letter, there are numerous safety concerns along this segment – some of which can be mitigated through the current project by eliminating crosswalks. Since the capital improvements needed to assure that the best practices in pedestrian safety have been applied while simultaneously improving the walkability are well beyond the scope of this resurfacing project, we are unfortunately not able to make more improvements than the work described previously.

Having stated the above relative to the current project, we would welcome a proposal for a municipal project to implement strategies such as formalizing on-street parking, curbing work to minimize shoulder width to 5' in areas with no parking, construction of bulb-outs to shorten pedestrian crossing distances, installation of energized devices at approved pedestrian crossing locations, and similar strategies to improve the character of the roadway in a manner that makes the area more walkable while assuring that the level of safety we are presently proposing to achieve is not compromised.

#### SAFETY EFFECTS OF CROSSWALKS

As I am sure you are well aware through your own professional experience working in the field, entering live traffic on foot whether the surface is painted or bare asphalt can be an alarming experience at times. When a pedestrian enters a crosswalk, they often assume that they are seen by all motorists, and that motorists will allow them to cross. State law requires motorists to yield to pedestrians in crosswalks. For that reason, it is imperative to mark crosswalks only where appropriate so that responsible motorists have a reasonable



opportunity to see pedestrians and safely yield as required.. Without broaching the topic of distractions within a vehicle, busy areas like Wolfeboro introduce numerous potential hazards for drivers to monitor such as other motorized vehicles entering the traffic stream from driveways and parking spaces, pedestrians, and bicycles, in addition to environmental distractions such as business signs and storefronts, lake views, and foliage. It is therefore imperative that crosswalks are placed in locations that tell motorists where they should expect to see a pedestrian, and in locations that delineate the safest place to cross for pedestrians (where they are most likely to be seen).

Research that is widely accepted in the industry has shown that pedestrians crossing two-lane roads at uncontrolled locations are no more or less safe with or without a marked crosswalk, based on a study of pedestrian-vehicle crash rates at 914 locations. Logically, if a pedestrian wishes to cross in a location with no crosswalk, they approach with the added level of caution that they do not expect vehicles to stop. When a suitable gap becomes available, or a driver intentionally leaves a gap, the pedestrian completes a safe crossing. When driver yielding rates are low, this would be safer than entering a crosswalk assuming drivers will stop.

#### LOCATION OF SIGNS

As we move forward with the resurfacing project, sign changes may take place to assure that the NHDOT-recommended sign package is in place. This consists of flanking pedestrian warning signs with downward arrows at all pedestrian crossings (marked or unmarked) with advance warning signs an appropriate distance

upstream of the crossings in each direction. At its discretion, the Town may purchase an in-street pedestrian crossing sign (R1-6: STATE LAW YIELD TO [walking person symbol] WITHIN CROSSWALK) for installation on the centerline of the roadway at crossings marked with a crosswalk. Note that the R1-6a sign, which references that drivers must STOP, is not applicable in New Hampshire and would therefore be inappropriate for use anywhere in the State.

If the Town has additional signing feedback, feel free to forward it for our consideration; however, please understand that the goal of signing is to provide a consistent treatment for pedestrian crossings throughout the State in the interest of safety as prescribed by MUTCD. NHDOT will continue to work toward this goal project-by-project in conjunction with our paving program.

#### TRAFFIC CALMING

Recognizing that the posted speed limit in Wolfeboro Falls is 30mph, it is likely that travel speeds of reasonable drivers (as determined by the 85<sup>th</sup> percentile speeds) are higher. However, we do not believe that this statistical figure would be higher than 40mph, at which point NHDOT would prohibit marked pedestrian crossings. If the Town has additional information relative to measured vehicular speeds in the area, we would request that it be submitted for our consideration.

If the Town desires to implement traffic calming strategies in an effort to make the area more walkable, I will reiterate that the Department would welcome such a proposal. However, the Town should be aware that crosswalks are regulatory traffic control devices, not traffic calming devices.

#### PUBLIC OUTREACH

The scope and timing of the resurfacing project does not allow for the level of public outreach you suggest. The US Department of Justice decision regarding compliance with the Americans with Disabilities Act (ADA) has prompted our ongoing evaluation of midblock crosswalks within the resurfacing projects



throughout the state. As part of that evaluation, we have had to make difficult choices in the interest of improving pedestrian safety and mobility based on the best available information.

If you have any questions, or feel that it would be beneficial to have an in-person discussion, please contact Mike O'Donnell at 271-1581. In addition to this letter, feel free to reach out to Mike O'Donnell at 271-1581 or [michael.odonnell@dot.nh.gov](mailto:michael.odonnell@dot.nh.gov) to set up a meeting in the field to review these locations if you believe an in-person discussion would be beneficial.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill", written in dark ink.

William R. Lambert, PE  
Traffic Engineer/Administrator

cc: Eric Healey, NHDOT Pavement Marking Supervisor  
Michael O'Donnell, NHDOT Senior Traffic Operations Engineer  
Nathan Peck, NHDOT Bureau of Traffic  
Ron Grandmaison, NHDOT Bureau of Highway Design  
Alan Hanscom, NHDOT District 3 Engineer

## REFERENCES

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2. National Academies of Science, Engineering, and Medicine 2015. *Liability Aspects of Pedestrian Facilities*. Washington, D.C.: The National Academies Press.
3. Uncontrolled Crossings Task Force. (2014, March). *Current Practices Survey*. America Walks.
4. City of Sacramento Department of Public Works. (2014, October). *City of Sacramento Pedestrian Crossing Guidelines*. Sacramento, CA. City of Sacramento.
5. City of Boulder Department of Transportation. (2011). *Pedestrian Crossing Treatment Installation Guidelines*. Boulder, CO: City of Boulder Transportation Division.
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8. Zegeer, C. V., Stewart, J. R., Huang, H. H., Lagerwey, P. A., Feaganes, J., & Campbell, B. J. (2005, November). *Safety Effects of Marked Versus Unmarked Crosswalks at Uncontrolled Locations*.