

Wolfeboro Board of Selectmen  
Public Meeting Minutes-Unapproved  
April 3, 2019

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

**Staff present:** Acting Town Manager Jim Pineo, Police Captain Mark Livie, Parks and Recreation Director Christine Collins 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 real estate, reputation and litigation.

**Consideration of Minutes**

Chairman Senecal asked for approval from the Board of the March 20, 2019 Regular Meeting Minutes.

**It was moved by Paul O'Brien and seconded by Brad Harriman to accept the minutes of March 6, 2019 as amended. Members voted and being none opposed, the motion passed.**

**Public Hearings**

**A. Application for Permit to Serve and Offer for Sale Alcoholic Beverages for Consumption in Town Buildings**

**i. The Wolfeboro Board of Selectmen will hold a Public Hearing on Wednesday, April 3, 2019 at 6:35 PM at the Great Hall, 84 South Main Street, Wolfeboro NH to consider the application for an issuance of an Alcoholic Beverages Permit to the Lakes Region Newcomers Club (LRNC) for Board Games Night, Potluck Dinner on June 7, 2019 at the Great Hall at Town Hall from 6:00 PM-9:00 PM.**

Chairman Senecal opened the public hearing.

Cynthia Theodore, President of the LRNC, addressed the Board. She stated they are asking for a permit for byob for game night for members only. It is not open to the public.

Chairman Senecal closed the public hearing.

**It was moved by Dave Bowers and seconded by Paul O'Brien to approve the application for an issuance of an Alcoholic Beverages Permit to the Lakes Region Newcomers Club (LRNC)**

**for Board Games Night, Potluck Dinner on June 7, 2019 at the Great Hall at Town Hall from 6:00 PM-9:00 PM. Members voted and being none opposed, the motion passed.**

**ii. The Wolfeboro Board of Selectmen will hold a Public Hearing on Wednesday, April 3, 2019 at 6:35 PM at the Great Hall, 84 South Main Street, Wolfeboro NH to consider the application for an issuance of an Alcoholic Beverages Permit to the Wentworth Watershed Association for Summer Kick-off event on June 29, 2019 at the Great Hall at Town Hall from 5:00 PM-7:00 PM.**

Chairman Senecal opened the public hearing.

Julie Brown, Executive Director of the Wentworth Watershed Association, addressed the Board. She stated she would like the Board to consider issuing this permit. It will be our annual kick-off meeting for our members. We will be providing beer and wine for our members only. It will also be a celebration of the completion of our Heath Brook campaign and the purchase of the Brewster Heath property.

Ms. Murray questioned if the insurance rider was brought in.

Ms. Brown stated yes.

Chairman Senecal closed the public hearing.

**It was moved by Linda Murray and seconded by Paul O'Brien to approve the application for an issuance of an Alcoholic Beverages Permit to the Wentworth Watershed Association for Summer Kick-off event on June 29, 2019 at the Great Hall at Town Hall from 5:00 PM-7:00 PM. Members voted and being none opposed, the motion passed.**

### **Applications for Temporary Event Permits**

- a. New England Lyman Group to hold a Boat Show free to the public at the Town Docks on June 8, 2019 from 9:00 AM to 2:00 PM. Permit #1616.**

Chairman Senecal opened the public hearing.

Joe Williams, Representative of the New England Lyman Group, addressed the Board. He stated they would like to request a permit to host the 20<sup>th</sup> annual Boat Show at the Town Docks. We have about 80-90 members from all over New England. We expected around 25-30 boats. There is no charge for admission or registration. Everything is free and we encourage people to learn about Lymans and their boats. Any boat that is similar to construction of a Lyman is welcome. All boats are inspected for milfoil.

Ms. Murray stated the application states that they must maintain access to the fireboat. She thanked him for the letter accompanying the request because it answered all the questions she had.

Chairman Senecal closed the public hearing.

**It was moved by Brad Harriman and seconded by Paul O'Brien to approve the application for the New England Lyman Group to hold a Boat Show free to the public at the Town Docks on June 8, 2019 from 9:00 AM to 2:00 PM. Members voted and being none opposed, the motion passed.**

- b. American Legion Post 18 to hold a Memorial Day Parade and Service starting at Brewster Field, Carpenter School, Wolfeboro Post Office and ending at Cate Park on May 27, 2019 from 10:00 AM to 12:00 PM. Permit #1925.**

Chairman Senecal opened the public hearing.

There was not a representative present.

Chairman Senecal closed the public hearing.

**It was moved by Chairman Senecal and seconded by Linda Murray to approve the application for the American Legion Post 18 to hold a Memorial Day Parade and Service starting at Brewster Field, Carpenter School, Wolfeboro Post Office and ending at Cate Park on May 27, 2019 from 10:00 AM to 12:00 PM. Members voted and being none opposed, the motion passed.**

- c. Wolfeboro Area Chamber of Commerce to hold a Community wide Open House event at participating businesses on May 18, 2019 from 9:00 AM to 6:00 PM. Permit #1926.**

Chairman Senecal opened the public hearing.

Mary DeVries, Executive Director of the Wolfeboro Area Chamber of Commerce, addressed the Board. She stated this was a new event for the community last year. We would like the opportunity to present it again this year. It is an opportunity for the businesses to invite residents and visitors into their establishments to see what they have to offer. The businesses will be opened during their normal business hours. We also have the paddle battle. Participating businesses are given a miniature, wooden (rowing) paddle to hide inside their business. Visitors will be given a map of businesses that are participating and go on a search to find the paddles.

Chairman Senecal closed the public hearing.

Ms. Murray stated it is nice that the event coincides with the Smith River Canoe Race and the Boy Scouts weighing station and Fishing Derby. It is a nice time in Wolfeboro.

**It was moved by Linda Murray and seconded by Brad Harriman to approve the application for the Wolfeboro Area Chamber of Commerce to hold a Community wide Open House event at participating businesses on May 18, 2019 from 9:00 AM to 6:00 PM. Members voted and being none opposed, the motion passed.**

- d. Wolfeboro Area Chamber of Commerce to hold the Annual Moonlight Madness event on Railroad & Central Ave; Main & Center St; Dockside egress/ingress; Town & Cate Park; Community Bandstand on June 14, 2019 from 5:00 PM to**

**9:00 PM. Permit #1927.**

Chairman Senecal opened the public hearing.

Mary DeVries, Executive Director of the Wolfeboro Area Chamber of Commerce, addressed the Board. She stated Moonlight Madness has been going on for many years. It is an opportunity for the businesses and organizations to setup tables on the sidewalks to sell merchandise and services. There will be free entertainment for the public in multiple locations throughout the event.

Chairman Senecal closed the public hearing.

**It was moved by Brad Harriman and seconded by Paul O'Brien to approve the application for the Wolfeboro Area Chamber of Commerce to hold the Annual Moonlight Madness event on Railroad & Central Ave; Main & Center St; Dockside egress/ingress; Town & Cate Park; Community Bandstand on June 14, 2019 from 5:00 PM to 9:00 PM. Members voted and being none opposed, the motion passed.**

- e. **Wolfeboro Area Chamber of Commerce to hold Sidewalk Sale Days on Main Street, Center Street; Railroad Ave. & Central Ave; Dockside egress and ingress on August 30, 2019 from 9:00 AM to 6:00 PM. Permit #1928.**

Chairman Senecal opened the public hearing.

Mary DeVries, Executive Director of the Wolfeboro Area Chamber of Commerce, addressed the Board. She stated the dates should be for Friday and Saturday, August 30<sup>th</sup> and August 31<sup>st</sup>.

Ms. Murray stated the application has two dates.

Ms. DeVries stated businesses and organizations will sell goods and services from tables setup on the sidewalks.

Chairman Senecal closed the public hearing.

**It was moved by Linda Murray and seconded by Chairman Senecal to approve the application for the Wolfeboro Area Chamber of Commerce to hold Sidewalk Sale Days on Main Street, Center Street; Railroad Ave. & Central Ave; Dockside egress and ingress on August 30 and 31, 2019 from 9:00 AM to 6:00 PM. Members voted and being none opposed, the motion passed.**

- f. **NH Boat Museum to hold a Model Yacht Regatta on June 1st, 2019 at 95 Glendon Street from 8:00 AM to 5:00 PM. Permit #1929.**

Chairman Senecal opened the public hearing.

Mark Whitehead, Member of the NH Boat Museum, addressed the Board. He stated this is a small event with about ten to fifteen skippers gathered along Mill Falls Path to race 12" sailboats.

Chairman Senecal closed the public hearing.

**It was moved by Chairman Senecal and seconded by Paul O'Brien to approve the application for the NH Boat Museum to hold a Model Yacht Regatta on June 1st, 2019 at 95 Glendon Street from 8:00 AM to 5:00 PM. Members voted and being none opposed, the motion passed.**

- g. Boy Scouts of America, Daniel Webster Council to host Winni Derby Fishing Tournament Fish Derby Weigh in Station at the Wolfeboro Town Docks on May 17, & 19, 2019 from 8:00 AM to 9:00 PM and May 19, 2019 from 8:00 AM to 12:00 PM. Permit #1929.**

Chairman Senecal opened the public hearing.

Dylan Croston, Representative of the Boy Scouts of America, Daniel Webster Council, addressed the Board. He stated this will be the 36<sup>th</sup> annual Winni Derby and it will be the 3<sup>rd</sup> year the Boy Scouts of America, Daniel Webster Council will host the event. The event will be the same as it has for the last 3 years. The Derby requests the use of three parking spots and a 20 x 20 space in front of the bandstand for the purpose of weighing in participants' fish. The Derby will be responsible for all materials and clean up. The event brings locals and visitors into the area.

Chairman Senecal closed the public hearing.

Ms. Murray stated the application states that they should not block access to the fireboat but she did not think they were close to the fireboat.

Mr. Croston stated correct.

**It was moved by Brad Harriman and seconded by Chairman Senecal to approve the application for the Boy Scouts of America, Daniel Webster Council to host Winni Derby Fishing Tournament Fish Derby Weigh in Station at the Wolfeboro Town Docks on May 17, & 19, 2019 from 8:00 AM to 9:00 PM and May 19, 2019 from 8:00 AM to 12:00 PM. Members voted and being none opposed, the motion passed.**

#### Bulk Vote

##### A. Weekly Manifests

- i. March 22, 2019**
- ii. March 29, 2019**

**B. Donation: To accept the gift under \$10,000, per RSA 31:95b: Representing a gift to the Town of Wolfeboro of an original pair of 1929 Allgau (German Alps) skis with bindings and polls for placement above the Abenaki Lodge fireplace. The value of these antique skis is \$900.**

##### C. Property Tax Credits/ Exemptions Approval

- i. 33 Keewaydin Rd Tax Map 172 Lot 14**

- ii. 231 Pork Hill Rd Tax Map 8 Lot 1
- iii. 203 Middleton Rd Tax Map 274 Lot 22
- iv. 343 North Main St Tax Map 187 Lot 13
- v. 14 Birch Road Tax Map 190 Lot 83
- vi. 50 Union St. Tax Map 217 Lot 74
- vii. 12 Middleton Rd Tax Map Lot 74

**Denial**

- viii. 7 Eastman Ave. Tax Map 177 Lot 10-45

**D. Yield Tax Levy- \$1,967.93**

**E. Current Use Application**

- i. Easter Lakes Region Housing Coalition Tax Map 176 Lot 21-1

**F. Abatements**

- i. Beach Pond Rd Tax Map 41 Lot 2

**G. Vouchers to Withdraw from Capital Reserve Funds**

- i. 1996 DPW Vehicle/Equipment Replacement Capital Reserve \$32,784 reimbursement of Bobcat Skidsteer
- ii. 2014 Wastewater Treatment Capital Reserve -\$3,851.51 for engineering fees related to WWTF Sludge Storage & Pumping activities
- iii. 2001 Parks & Recreation Foss Field Capital Reserve-\$414 reimbursement for gravel for the Foss Field building

Ms. Murray asked to remove item G (Vouchers to Withdraw from Capital Reserve Funds) from the Bulk Vote for discussion.

**It was moved by Linda Murray and seconded by Brad Harriman to remove item G (Vouchers to Withdraw from the Capital Reserve Funds) from the Bulk Vote for discussion. Members voted and being none opposed, the motion passed.**

Ms. Murray stated the date is wrong for the 1996 DPW Vehicle/Equipment Replacement Capital Reserve. It should be December 2018 not December 2017. These were 2018 purchases.

Ms. Murray questioned the amount coming out for the Foss Field Building. The Capital Reserve Account only has \$327.64 in it. She would like to remove this item from the Bulk Vote.

**It was moved by Linda Murray and seconded by Dave Senecal to remove the 2001 Parks & Recreation Foss Field Capital Reserve-\$414 reimbursement for gravel for the Foss Field building from the Bulk Vote. Members voted and being none opposed, the motion passed.**

**It was moved by Linda Murray and seconded by Dave Senecal to approve the rest of the Bulk Vote. Members voted and being none opposed, the motion passed.**

## Appointments

### A. Agriculture Committee

#### i. Marge Strunk-Member

Marge Strunk addressed the Board. She requests reappointment to the Wolfeboro Agriculture Commission. She stated she has a farm on College Road where she raises chickens, ducks, turkeys and peacocks. She also has fruit trees.

**It was moved by Brad Harriman and seconded by Paul O'Brien to reappoint Marge Strunk as a member to the Wolfeboro Agriculture Commission for a 3 year term. Members voted and being none opposed, the motion passed.**

### B. Conservation Commission

#### i. Warren Muir-Member

Warren Muir addressed the Board. He stated he is an environmental scientist and has lived here since 2013 fulltime. He currently is an alternate member but would like to become a full member. He would be happy to serve the community.

**It was moved by Linda Murray and seconded by Paul O'Brien to appoint Warren Muir as a full member to the Conservation Commission for a 3 year term. Members voted and being none opposed, the motion passed.**

#### ii. Ed Roundy-Member

Mr. Roundy was not present.

**It was moved by Chairman Senecal and seconded by Brad Harriman to appoint Ed Roundy as a full member to the Conservation Commission for a 3 year term. 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 she would like to add to the Candidate's Profile the following information:

#### Community

- Wolfeboro values its lakes, forests and scenic views. A candidate must understand the significance of preserving natural resources.
- Being an old New England Town, we value our historical past. Our Town Manager must be supportive of historical preservation.
- Wolfeboro takes pride in being the Oldest Summer Resort in America. A candidate must have an understanding of a tourist economy.
- Volunteerism is an essential element in the Wolfeboro Community. Our Town Manager must value what can be accomplished with volunteers.

The Board agreed with Ms. Murray's additions.

**It was moved by Linda Murray and seconded by Dave Bowers to approve adding the above information to the Candidate's Profile that was given at the last Board meeting. Members voted and being none opposed, the motion passed.**

Mr. Senecal stated as of April 8<sup>th</sup>, Monday morning at 8 o'clock all applications must be submitted for the Town Manager's position. Interviews will be set up with candidates that we feel will work well for the Town.

Ms. Murray stated we have received 14 applications. We will sort them out at our next non-public meeting.

### **New Business**

#### **A. Libby Museum**

Mr. Pineo passed out a document (see attached sheet) pertaining to the Biber Foundation. We have completed the RFQ and it is in final proofreading stage. We are scheduled to open the bid on May 6<sup>th</sup>.

Alana Albee, Director of the Libby Museum, addressed the Board. She stated we are very pleased that the Biber Foundation has agreed to help once again with the cost of the feasibility study. We have been working on this for the last 12 months and there have been some challenges. We have a clearer picture of what we would like to actually do at the museum. We would like to make sure the façade of the museum remains the same and that the extension of museum space for the exhibits items being offered for the North American collection be done as far as possible internally through a potential mezzanine level. In order to do that we have requested a proposal for new architects and a modest expansion in the back of the museum for better ADA, bathrooms and a meeting area. We have been very grateful for the patience of the Biber Foundation and the owners making the donation of the North American collection. This is going to be a challenge going forward because we will have a tight time frame. We are hoping to have bids by May 13<sup>th</sup> and drawings in by September 9<sup>th</sup>. We need to report to the Biber Foundation by November 4<sup>th</sup> and by January 6, 2020 we need a preliminary projection of the increase in the annual operating costs and expenses associated with the expansion of the Libby Museum. Around February 14, 2020 the Town and

Biber Foundation will determine whether to proceed forward. If both parties agree then the Town shall place a warrant article on the March 2020 Town Warrant recommending the approval of the expansion.

Ms. Murray questioned if this was a second donation of \$50,000.00.

Ms. Albee stated yes. We did partially use the previous donation and the agreement had expired. This is a new agreement for a full \$50,000.00.

Mr. O'Brien questioned if the \$50,000.00 being donated by the Biber Foundation was going to pay for the feasibility study.

Ms. Albee stated that is correct.

Mr. O'Brien stated then the new operating costs will be determined and we will need a plan to fund these costs.

Ms. Albee stated we need to be very clear about this. It is also to inform the Town what it will cost to operate this restored building.

**It was moved by Brad Harriman and seconded by Dave Bowers to authorize the Chairman to sign this agreement between the Keenans and the Town for the gift of the North American Animal Collection to the Libby Museum with the dates specified within the agreement to meet the feasibility study and timelines. Members voted and being none opposed, the motion passed.**

### **B. Pop Whalen Rates**

Mr. Pineo stated he sent out an email pertaining to the Pop Whalen increased proposal rate. We have gone through the numbers from the different accounting software (Galaxy, Town Audit and Munismart) but we are having a hard time coming up with the accuracy of the numbers. It is clear that Pop Whalen seems to be reducing its losses. With the 2018 audit taking place we are not sure of the exact number of the cost of operation and revenues.

Ms. Collins passed out a sheet on ice usage from 2016 to 2019.

Mr. O'Brien questioned the total hours available.

Ms. Collins stated from approximately 5 AM in the morning.

Mr. O'Brien stated the rink has been used about 35% of the time so that means that 65% of the available hours the rink is not being used.

Ms. Collins stated right.

Ms. Murray stated she had some concerns. She can not balance the figures Ms. Collins has provided with the 2017 audit. The amount of revenue is not the same. The 2018 charges for services do not match the revenue sheet the Board received as of December 31, 2018. She stated she

could not get a good handle on what is happening so she does not want to set a rate at this time. She felt comfortable with setting a range of rate to give the organizations an idea.

Ms. Collins stated part of the struggle is because it involves two years. We have services in one year and then we charge it over in another year. This has been difficult especially without a Finance Director. Ms. Collins stated she felt rates needed to be increased and we have users that need to be able to plan for their rates. We are trying to shift some of the ice use into the morning hours. She is suggesting a 6% rate increase but would like to sit down with the new Finance Director and figure out a plan for the next 10 years.

Ms. Murray stated she agreed the rates needed to be raised but it needs to be based on something.

Mr. O'Brien stated we need to be clear on revenues. The revenue over the last few years has been flat. The expense growth has been going up faster than revenues. What is the definition of an enterprise operation? It is a service provided to the public where the revenue and costs cancel each other out. Therefore, we are not running it as an enterprise operation because we are not generating an income to cover our costs. We are not even generating enough to cover capital improvements. He felt this should be tabled.

**It was moved by Paul O'Brien and seconded by Linda Murray to table setting the rates for Pop Whalen until we have an opportunity to look at the income statement, balance sheet and the capital requirements. Members voted and being none opposed, the motion passed.**

Ms. Murray stated she did not have a problem with giving users a range of where the prices could go so they could plan. They can use the higher number to make their budgets.

Mr. Alan Harding asked that Chairman Senecal sign the agreement for the Biber Foundation.

### **C. Commercial Vessel Landing Permit – The Dive**

Jamison Merriam, Representative for the Dive, addressed the Board. He stated he is requesting a landing permit. He thought he already received this permit so he apologized if he had done something wrong. We are looking for a permit from May 12, 2019 to September 2, 2019 with a 7 PM pick up and an 11 PM drop off. As well as a permit from September 3, 2019 to October 14, 2019 with a 5 PM pick up and a 9 PM drop off. We do not do booze cruisers. We only do wedding venues so these times are for rehearsal dinners that are scheduled and already paid for.

Chairman Senecal requested copies of all the dates.

Mr. Merriam stated he would be happy to give them a copy.

Chairman Senecal questioned the schedule.

Mr. Merriam stated we will not be there every night. We will only be there the nights we have events. We are trying to make sure we do not have times when we would be in someone else's way. We are aware that we have to work around the Winnepesaukee Belle and Mount Washington. We are flexible with our scheduling.

Mr. O'Brien questioned the type of events.

Mr. Merriam stated it is for rehearsal dinners.

Chairman Senecal requested the dates and times for the Board to review.

Mr. Pineo questioned the alignment to the Town Docks and being able to get patrons on and off the vessel.

Mr. Merriam stated we are a forward vessel so we board from the bow. We come in very similar to the Winnepesaukee Belle. We also have spuds so we come up and spud and tie down.

Mr. O'Brien questioned if there was a gang plank.

Mr. Merriam stated yes.

Ms. Murray stated we had some people fall down there last year.

Mr. Merriam stated we have spuds which make us semi-permanent. Our gang plank has rollers on it so it can adjust.

Chairman Senecal asked for pictures.

Mr. Merriam stated we would provide pictures.

Chairman Senecal asked Mr. Merriam to provide the information as soon as possible so it could get on the next agenda.

Lee Birch, General Manager of the Wolfeboro Inn, addressed the Board. She stated we own and operate the Winnepesaukee Belle. The Winnepesaukee Belle has a schedule online but we also offer as charters. We have a variety of times and bookings that have already been booked through October 2020. We have a really good relationship with the Mount Washington and we coordinate very carefully. She hopes Mr. Merriam would be able to coordinate with the Mount Washington and the Winnepesaukee Belle.

Chairman Senecal asked Ms. Birch to get the dates that they already have booked to Mr. Pineo.

Ms. Birch stated she would get dates to them.

John MacDonald, Captain of the Winnepesaukee Belle, addressed the Board. He stated he has been a resident of Wolfeboro for 57 years. He has advanced boating safety and knowledge of operating a boat. He has worked part time for the Winnepesaukee Belle for the last 6 years. The Winnepesaukee Belle annual attracts several thousand riders each summer. They provide a 90 minute tour provides a narrative of the area which includes the history of Wolfeboro, our lakes, famous visitors and residents and the many museums which our town has to offer. Many of our riders ask for directions to our restaurants for their lunch, where can you buy the best ice cream, get a nice t-shirt or the best lobster roll. We try to give the best directions that we can give. Wolfeboro currently has three commercial vessels (The Mount Washington, Winnepesaukee Belle and the Millie-B) All three vessels have been using our Town Docks for a dozen of years. We all work

together to accommodate each other with daily trip schedules and other events that may pop up throughout the season. The present approved vessel operations provide picking up passengers and leaving the Wolfboro Town Docks for extended tours around Lake Winnepesaukee. The Dive appears to operate differently because it drops its spuds and remains in a fixed position and allows people to board. The Winnepesaukee Belle checks with the Mount Washington prior to booking schedules events so there will be no conflicts. Mr. MacDonald provided the Board with some information (see attached sheet) of boating violations that the Dive was involved in. The three boats that currently have commercial vessel landing permits are all more like charter boats where we pick up passengers go someplace and then come back and drop off the passengers. This is a different operation than the Dive. Mr. MacDonald stated he was surprised that the Dive would have the time or interest to come to Wolfboro since they were sponsoring to get a bill passed through legislature to exempt them from rafting rules at Great Bay.

Chairman Senecal stated they would not be able to read the material right now but there will be another hearing on this matter.

Mr. MacDonald thanked the Board for their time. He asked the Board if they had a letter from Laura Leslie, Director of Sales of the Wolfboro Inn.

Mr. Senecal stated they had the letter in their packets.

**It was moved by Linda Murray and seconded by Paul O'Brien to table the approval of the commercial vessel landing permit to the Dive. Members voted and being none opposed, the motion passed.**

#### **D. Chamber of Commerce Lease**

Mr. Pineo stated the Chamber of Commerce is looking to extend their usage of the area that used to be occupied by the Nursery School which is no longer at the facility. He suggested looking at the lease because some of the dates were out of line.

Mary DeVries, Executive Director of the Chamber of Commerce, addressed the Board. She stated they are very happy with the lease as it stands but would like to know if the date they could move into the space be earlier. The date was set because of the Nursery School being in the building. They would like to move in June 1<sup>st</sup> instead of June 26<sup>th</sup>.

Mr. O'Brien questioned if someone had to be a member of the Chamber of Commerce to lease that space.

Ms. DeVries stated yes.

Ms. Murray questioned if the request was just for this year. (2019)

Ms. DeVries stated correct.

Ms. Murray questioned if Labor Day was still a good day to move out.

Ms. DeVries stated she thought it would still work.

**It was moved by Linda Murray and seconded by Dave Bowers to approve the Chamber of Commerce lease for the year 2019 to start on June 1<sup>st</sup> for the space previously occupied by the Nursery School. Paul O'Brien abstained. Members voted and being none opposed, the motion passed.**

#### **E. Josiah Brown Scholarships**

Mr. Pineo stated they reviewed the scholarship data and there were a few items that we found that needed to be adjusted. The income limits have not been adjusted. We utilized some of the Welfare Department numbers to adjust the income up per child. The second item that seems problematic is the timeframe for applications. We are proposing to move the timeframe so the applications are due June 15<sup>th</sup> and November 15<sup>th</sup> which will give the Board time to review and issue the awards so that the students get the funds to the college to pay for their tuition. One issue that we ran into this year was the award was issued in January and by the time it got to the school the student had already met the financial obligations of the institution. We hope by making the timeframe a little earlier it will help with this. We spoke with the guidance counsel at Kingswood and it was suggested not to award a freshmen entering college because they want to be assured that the student finishes the first semester and will be returning for the next semester. We will not be changing this now but it is something that we should look into further.

Chairman Senecal stated the changes are the combined income level and items #4, #7 and #8 on the second page.

Ms. Murray asked for clarity. She questioned if the future considerations will be part of the amendment.

Mr. Pineo stated that is for future consideration.

Ms. Murray stated we will be taking that section out of this memo.

Mr. Pineo stated correct.

**It was moved by Chairman Senecal and seconded by Linda Murray to approve the amendments to the Josiah Brown Scholarship except for the future consideration section which would be removed. Members voted and being none opposed, the motion passed.**

#### **F. Finance Revenue/Expenditures Report – February**

Mr. Pineo stated we are having some difficulties in our finance department right now. We are in the process of reviewing applications to fill the Finance Director's position. We have received 8 applicants and will be reviewing with the interim Finance Director tomorrow. This is the end of February Expenditures report. Expenses at this point of the year should not exceed 17.00%. The expended-to-date totals as of the end of February 2019 are as follows:

General Fund: 17.478%  
Water Fund: 18.307%  
Electric Fund: 14.931%

Sewer Fund: 41.799%  
Pop Whalen Fund: 21.894%

Overall expended-to-date: 18.155%

Executive: 23.353%  
Technology: 46.483%  
Communications: 19.091%  
Abenaki: 40.049%  
Economic Development: 24.873%  
Debt Service: 32.954%  
Water Treatment Plant: 27.407%  
Wastewater Treatment Plant: 51.125%  
Pop Whalen Fund: 21.894%

Ms. Murray stated she has a number of questions but she would like to come in and talk to interim Finance Director.

Mr. Pineo stated she will be in tomorrow.

#### **G. Draft Letters re: FCC Mobility**

Mr. O'Brien stated we have completed all the testing for the mobile service. The results are posted on the Town website and the town map shows the service that is available. The service in Wolfeboro is not good. We know how many customers have access and availability for cable television services because we know the presence on our utility poles. The access and availability of cable television within our Town could improve. We know that the telephone Consolidated is around Town. Their service is basis dial tone and some modest speed digital subscriber loop products. We have contracts coming up in the next few years for the carriers and cable companies. He is proposing that the Board send a very nice letter to the chief executive officers of Verizon, AT&T, US Cellular, Consolidated Communications and Atlantic Broadband inviting them to come to Wolfeboro to share with us their plan on what they intend to do over the next several years. It lets them know that we are paying attention to them. He has written up a draft letter.

Mr. Bowers suggested allowing a representative as well as an executive director to share information with them

Mr. O'Brien stated they can direct a representative to come in their place. He suggested sending a copy of our annual report with the letter. All of these carriers have been lobbying for new technology and each one of them is promising that they are going to make rural America a top priority. He would like to help them to focus on making Wolfeboro one of their top priorities for rural America.

Ms. Murray stated she thought it was a great idea. Her cellphone service is awful.

The Board agreed to send the draft letter.

#### **Old Business**

Ms. Murray questioned if they would be going over the Committee Lists.

Chairman Senecal stated not tonight.

### **Other Business**

Ms. Murray stated after trying to read and find out what was in the Capital Reserve Account she suggested that they look at different size annual reports for the next year. It is very hard to read.

Mr. Pineo stated Amy Capone-Muccio is already looking into that.

Ms. Murray wanted to remind the public that the Wolfeboro Water Summit is coming up on May 11<sup>th</sup> from 9 AM to 12 AM. It will be addressing cyanobacteria.

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

Mr. Pineo stated the following:

On April 10<sup>th</sup> at 11:00 AM the Solid Waste Facility will be closing because the employees have to attend a proceeding.

On April 11<sup>th</sup> at 11:00 PM the Water Department will be repairing a water leak in front of the Dive Winnepesaukee building.

The onsite work for the Town Audit has been completed. They anticipate being able to come in front of the Board sometime in late June or early July to provide the Board with a report.

We met with our technology company last week to discuss the scope of the work needed for a new server. We had some significant problems with our server on Monday morning.

Due to some operational deficiencies the Police Department will be looking at quotes to be able to close off the window at central dispatch. They will be installing a speaker microphone system so dispatch can speak with people coming into the building. There have been some very high profile instances that have happened recently to reinforce that this should be done.

Mark Livie, Police Captain, addressed the Board. He stated this is about employee safety. It is not just our dispatches that it concerns but our officers and firefighters as well. There have been several instances that have occurred that have distracted our dispatchers. We are trying to avoid any issues before anything serious happens. We looked into this before and we believe this is important. It boils down to employee safety.

Mr. Bowers questioned if there was any personal harm done to anyone.

Captain Livie stated no but he did not want to get into too much detail but he would be happy to discuss in a non-public session.

### **Committee Reports**

Paul O'Brien encouraged people to attend the Water Summit on Cyanobacteria. We need more volunteers and it is a Town wide issue. He attended some Police Commissioner Meetings as well as watching a police officer being sworn in. He attended a Budget Committee Meeting. He met with the auditors and they talked about allocations. He will be speaking about our future energy plan next week.

Chairman Senecal stated he attended a ZBA Meeting and a Buildings and Land Meeting.

Brad Harriman stated he attended a Planning Board Meeting and a Friends of the Libby Museum Meeting.

Dave Bowers stated he did not have any meetings this week.

Linda Murray stated she attended a Milfoil Joint Board Meeting. They decided at that meeting to not put the Dash Boat in the water this year. The reason is because we used a new chemical in Back Bay and we are hoping that it will take care of 95% of the milfoil. If it does not take care of 75% of the milfoil then the company will come in and reapply the chemical. We did not want to spend the money to un-winterize the boat and then have it just sit. She attended the Cyanobacteria Committee Meeting and they have broken up into sub-committees. There is room on some of the sub-committees.

Mr. O'Brien stated the committee is divided into the following sub-committees: assessing, prevent and fix, and educate.

### **Questions from the Press**

None

### **Public Input**

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

Julie Jacobs addressed the Board. She stated her child is the one that had a problem with the award from the Josiah Brown Scholarship. The award usually comes late. This year she lost her student work study and a government student loan (with no interest) was paid down instead of a loan that had interest. Since the award comes late we asked the Town Hall to hold the second semester check until we could see if the check could get applied to her account because everything has already been paid up to date. She stated she is sure that it will be fixed but she would like to suggest moving the dates earlier than June and November. The FAFSA is due by the end of February. Most all of the other local scholarships applications are due by April 1<sup>st</sup>. Most students do not find out that they have received an award until June which is kind of scary because everything is due the 1<sup>st</sup> of August. All accounts for college must be paid in full by the 3<sup>rd</sup> week in August so if a check comes in September then all the government loans can be shifted around. There have been some changes in the last few years about how checks get applied to student's account when dealing with government loans. Unfortunately, it does not seem like to work the best for the children but it is better for the government. She would like to suggest making the checks available earlier and made out to the student. Books are a lot cheaper if they are not bought at the college bookstore. There are

a lot of things students need to pay for before they get to school such as living expenses or other supplies like dance shoes.

Chairman Senecal asked Ms. Jacobs to talk with Mr. Pineo about the dates.

Mr. Pineo stated that would be great. The Treasurer has told us that there is a stipulation within the trust that only allows for the funds to be given to the institution.

Ms. Jacobs stated they still have not received the scholarship award from the last semester.

Doctor Steven Reinfurt addressed the Board. He thanked the Board for allowing the acceptance of the donation of the original pair of 1929 Allgau (German Alps) skis with bindings and polls. The priceless story of how and why the skis finally arrive here is worthy of a news article about a Herr Dr. Schuetze and his family. They choose your historic ski community to bequeath these precious items as a gift to the Friends of Abenaki because of the service your community renders and the exceptional Parks and Recreation Director, Ms. Christine Collins. These skis are a small testament to that. He thanked the Board.

The Board thanked Dr. Reinfurt for his gift.

Mary Pinkham-Langer, Resident of Wolfeboro, addressed the Board. She stated she was here on March 6<sup>th</sup> at a Selectmen's Meeting and presented information on her tax abatement request. She presented a right to know request. Ms. Langer stated the Acting Town Manager Jim Pineo is in a learning curve and would not have had a prior knowledge to the items that she is referencing or events that may have transpired over the last several years. He is doing his best to get the information that she has requested. She stated she had asked for a complete set of computerized assisted master appraisal tables from December 13, 2013 to April 1, 2014 and current tables in use as of March 6, 2019. She was missing the building costs and any associated building adjustment tables. She is missing at least 17 tables. The Assessor should be able to get this information. Unfortunately without this information it is impossible to me to understand and analyze the assessments for which the current assessed values are generated. Until the missing tables are received her analysis is very limited. The Right to Know request from March 6, 2019 requested documentation on the basis of the building costs. The answer received from the Assessor indicated that the information was proprietarily from Marshall & Swift Valuation Service and can not be divulged without prior written permission from MVS. Please note that you must subscribe to the service and pay for it. MVS is not the only place to get this information. She read an article from Marshall and Swift which she passed out to the Board members. The Assessor indicated that MVS was not the sole basis for the building values during the 2015 assessed evaluations update but it was merrily used as a tool. Ms. Pinkham-Langer stated if it was used at all there should be some evidence and analysis on how it was used to test these values. The Assessor stated the information can be found on page 78 of the 2015 manual which is kept at the Department of Revenue and a copy is available at the Assessing Office. This information is not acceptable. She has asked for this public information and wants to know why it was not provided. The Assessor knows the page number. It is impossible to understand the information without the tables. She questioned if the cost model was correct in 2010 and 2015. She also asked for copies of the Assessor's contracts from January 1, 2014 to March 6, 2019. Mr. Pineo was not able to locate the 2016 contract. The contract dated January 1, 2017 to December 31, 2018 general assessing contract services extension section 11 indicated that a non-certified person would be appraising properties in the Town of Wolfeboro.

She asked for a list of all personnel that would be working for Wolfeboro but the current contract does not reference anyone that is working. She is highly recommending that the Board of Selectmen review the DRA sample contracts and the Rev 600 rules pertaining to the assessing contracts. Last time she spoke it was in reference to items that were not assessed in correct measurements. Given the number of errors in such a small sample of her limited focus she decided to dig a little deeper. She discussed some errors she found in detail.

Chairman Senecal stated he needed to slow her down and asked for her to give the information to Mr. Pineo. Your three minutes are certainly up.

Ms. Pinkham-Langer stated she would be happy to give the information to Mr. Pineo and she stated it says she could have up to 15 minutes.

Chairman Senecal stated the total for public input is 15 minutes. We understand what you are trying to do. Mr. Pineo is trying his best to get you the information that you requested.

Ms. Pinkham-Langer stated she would forward the information to Mr. Pineo. Her concern is that with such a small sampling with such a large percentage of errors.

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

The Board re-entered public session at 9:04 PM.

**Linda Murrat moved the Wolfeboro Board of Selectmen to seal the minutes of the April 3, 2019 non-public meeting. Paul O'Brien seconded. Roll call vote, Chairman Senecal – yes, Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes and Paul O'Brien – yes. Being none opposed, the motion passed.**

**It was moved by Chairman Senecal and seconded by Paul O'Brien to adjourn at 9:05 PM. Members voted and being none opposed, the motion passed.**

Respectfully Submitted,  
Michele Chamberlain

**Senate Energy and Natural Resources Committee**  
*Griffin Roberge 271-7875*

SB 162, exempting commercial vessels from rafting rules.

Hearing Date: February 12, 2019.

Time Opened: 10:27 a.m.

Time Closed: 10:40 a.m.

Members of the Committee Present: Senators Fuller Clark, Watters and Giuda.

Members of the Committee Absent: Senators Feltes and Bradley.

Bill Analysis: This bill exempts commercial vessels from rafting rules.

**Sponsors:**

Sen. French

Rep. Plumer

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**Who supports the bill:** Senator Harold French (NH Senate District 7), Jamison Merriam.

**Who opposes the bill:** None.

**Who is neutral on the bill:** None.

**Summary of testimony presented in support:**

*Senator Harold French*  
*NH Senate District 7*

- Introduced SB 162 on behalf of a constituent who owns a floating restaurant-bar, The Dive, that is licensed and permitted properly. The boat operates by putting down on sandbars to create a stable docking area away from shore.
- Currently, different types of boats are exempt from rafting rules, such as boats anchored at marinas, boats involved in fireworks displays, boats in a boat parade, boats competing in a boat race, etc. SB 162 would add an exemption for commercial vessels.

*Jamison Merriam*  
*Owner, The Dive*

- The Dive is a barge that floats from point to point on Lake Winnepesaukee and then spuds down into the lake floor using hydraulic pins to become a semi-permanent structure, where food and drinks are served with entertainment.
- The Dive did not open until July 2018 due to the regulatory process, despite having a planned opening in May.
- Current rafting rules in RSA 270:44 require a space of 25 feet for single boats and 50 feet for boats already in a raft formation.
- The Dive pulls up to a location around 8:00 AM, spuds down, and then drops a large ladder onto the sand bar so that people can wade over, climb up, and enjoy The Dive. The Dive, once spudded in, is a semi-permanent structure and cannot move away from an anchored vessel.

- As the day goes on, patrons want to anchor their boats closer to The Dive. During the season, Mr. Merriam hired his mother to try and keep people away from the barge because the rafting rule is 50 feet.
- The Dive has had encounters with the NH Marine Patrol who will come through and order boaters to move back in order to maintain the 50 foot rafting rule. NH Marine Patrol will ask Mr. Merriam to move the boaters, but he has no authority to do so. This has led to Mr. Merriam receiving fines.
  - One ticket came from a situation where a boat broke down and ran out of gas. Mr. Merriam allowed the boat to pull up alongside The Dive while he went to the shore to get gas for the boat.
  - Last year, Mr. Merriam received three tickets during five weeks of operation.
- It has been Mr. Merriam's experience that when there was a conflict over rafting rules, the NH Marine Patrol would assess which vessel was in the location first and fine the second. Currently, all parties involved are fined.
- Mr. Merriam is concerned about the fiscal impact of being ticketed for violations of others. Mr. Merriam has sold his house to finance The Dive.
- Senator Giuda asked why the rafting rules exist in their current form.
  - Mr. Merriam explained that they exist in order to allow room for NH Marine Patrol to navigate an area in the event of an emergency. Boats at anchor sway back and forth as well, requiring room so that accidents do not occur. The Dive cannot sway and does not move, separating itself from other boats covered by the rafting rules.
- Senator Giuda asked if Mr. Merriam envisioned boats tying up to The Dive.
  - Mr. Merriam said he did not envision that. The Dive cannot simply follow the law.
- Senator Giuda asked if Mr. Merriam was being held responsible for other people failing to properly follow marine safety rules.
  - Mr. Merriam said that was an accurate description of the situation.
- Senator Fuller Clark expressed concern that the bill would exempt all commercial vessels throughout the state from the rafting rules. The committee needs to understand the implications of that.
- Senator Giuda asked if, once spudded, The Dive is still considered a boat.
  - Mr. Merriam responded that The Dive becomes a semi-permanent vessel, which is still a boat, but it cannot move without de-spudding.
- Senator Giuda asked how many boats like The Dive operate on Lake Winnepesaukee at any given time.
  - Mr. Merriam said there are no other vessels like his, but that there are many barges that operate a spudding system.
- Senator Giuda asked if an amendment exempting barges on spuds from rafting rules, rather than all commercial vessels, might be more appropriate.
  - Mr. Merriam responded that may be agreeable, as he also has a smaller, 26 foot vessel that is commercial that easily complies with rafting rules.

**Summary of testimony presented in opposition:** None.

**Neutral Information Presented:** None.

GJR, edited by Cameron Lapine.  
Date Hearing Report completed: February 12, 2019.

KEENANS' AGREEMENT AND PLEDGE TO GIFT  
NORTH AMERICAN ANIMAL COLLECTION TO  
THE LIBBY MUSEUM

We, Lawrence T. Keenan and Gertrude I. Keenan, having a mailing address of 55 Upper Trask Mountain Road, Wolfeboro, New Hampshire 03894 (hereinafter referred to as the Keenan Family), hereby agree and pledge to gift and donate, for no consideration, the Keenan Family's North American Animal Collection (hereinafter referred to as the Collection) as set forth in the attached Preliminary Prospectus, to the Town of Wolfeboro on behalf of the Libby Museum, for display and placement, on-site, in expanded museum space at the Libby Museum, contingent upon the following, and the Keenan Family, the Town of Wolfeboro (the "Town") and the Biber Foundation, a Massachusetts 501(c)(3) charitable trust, (the "Biber Foundation"), in connection therewith and in consideration of the mutual covenants set forth herein, hereby agree to the following:

1. The Town hereby agrees to retain an architect to conduct a feasibility study for the proposed expansion to the Libby Museum. Said feasibility study shall provide for the design of the museum expansion and an estimate of the construction costs therefor.
2. The Biber Foundation hereby agrees to make a grant in the amount of \$50,000 to the Town for the purpose of funding said feasibility study.
3. The Town of Wolfeboro hereby agrees to accept said Collection subject to those contingencies articulated herein.
4. The Town shall retain and pay for an architect to conduct the aforementioned feasibility study and shall ensure that the same is completed and distributed to the signatories herein, **on or before November 4, 2019**.
5. Upon completion of said study, the Town shall additionally generate and provide to the signatories herein, **on or before January 6, 2020**, a preliminary projection of the increase in annual operating costs and expenses associated with the expansion of the Libby Museum as well as a plan for how said costs and expenses will be covered in the future.
6. **On or before Feb 14, 2020**, the Town and the Biber Foundation shall determine whether or not to proceed forward. If either of said parties decides not to proceed forward, then this agreement shall become null and void and of no further force nor effect. If, however, both parties agree, in writing, to proceed forward, then the Town shall place a warrant article on the March, 2020 Town Warrant recommending approval of the expansion.
7. If the parties agree to move forward as hereinabove provided and Town approval is obtained in March, 2020, then the Town shall diligently proceed forward with construction during 2020, and shall be responsible for paying one-third of the costs of construction therefor (less whatever funds are generated by the Friends of the Libby Museum for this project), while the Biber Foundation shall be responsible for paying to the Town two-thirds of the costs of construction therefor.

8. Upon completion of construction the Keenan Family shall formally and charitably donate the Collection to the Town, without any conditions whatsoever, but with the hope, wish and desire, that the same will be enjoyed by Wolfeboro residents and visitors of the Libby Museum for generations to come. This Agreement is intended to create a legally binding obligation of the Keenan Family with respect to the Collection and will be relied upon as such by the Town and the Biber Foundation.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Lawrence T. Keenan

\_\_\_\_\_  
Gertrude I. Keenan

Biber Foundation

\_\_\_\_\_  
W. Alan Harding, Trustee

\_\_\_\_\_  
Susan L. Abbott, Trustee

Town of Wolfeboro

\_\_\_\_\_  
Dave Senecal, Chairman  
Wolfeboro Board of Selectmen