

**Wolfeboro Board of Selectmen
Meeting Minutes
April 13, 2022**

Members present: Vice-Chairman Brad Harriman, Linda Murray, Luke Freudenberg and Brian Deshaies.

Members excused: Dave Senecal

Staff present: Town Manager, James S. Pineo.

Chairman Harriman opened the meeting at 6:30 PM.

Non-Public Session RSA 91 A: 3 e

Mr. Pineo stated a non-public session is not needed.

- 1. Board of Selectmen resolution in relation to NH DES State Revolving Loans (SRF) and American Recovery Plan Act Grants (ARPA) that documents the BOS providing the Authority to the Town Manager to execute any and all documents necessary for SRF loan and ARPA grants for the specific projects authorized at 2022 Town Meeting and for future projects that are authorized at Town Meeting.**

Mr. Pineo stated this is a housekeeping item that is relative to receiving grant funding and authorizing him as the Town Manager to sign those documents. The purpose is not have to hold a board meeting to sign every document. These funds are for the ARPA grant projects as discussed at regular board meetings and the board will received regular updates on those projects.

Chairman Harriman read the following resolution for the record:

WHEREAS, Town of Wolfeboro Water & Sewer Utilities after thorough consideration of the nature of its drinking water system needs, hereby determines that the construction of certain works, generally described as; Water Treatment Plan Upgrades and Appurtenances is desirable and in the public interest, and to that end it is necessary to apply for assistance from the Drinking Water State Revolving Fund (DWSRF); and

WHEREAS, the Applicant has examined and duly considered the provisions of RSA 486:14; RSA 485-H or RSA 485-F and the New Hampshire Code of Administrative Rules noted above, which relate to loans from the State of New Hampshire and deems it to be in the public interest to file a loan application and to authorize other actions in connection therewith;

NOW, THEREFORE, BE IT RESOLVED BY Board of Selectmen, the governing body of said Applicant, as follows:

1. That the person holding the position of Town Manager currently held by James Pineo is hereby designated as the Authorized Representative of the Applicant for the purpose of filing an application for a loan in accordance with New Hampshire Code of Administrative Rules noted above, furnishing such information, date, documents and disbursements pertaining to the applicant for a loan as may be required; and otherwise

- to act as the authorized representative of the Applicant in connection with the loan application.
2. That the Applicant agrees to repay the loan as stipulated in the loan agreement.
 3. That a certified copy of this resolution be included as part of the application to be submitted for a loan.
 4. That the persons holding the following positions(s) at the time of the loan execution are authorized to sign the loan agreement binding the Applicant to the terms and conditions of the loan.
 5. That the Applicant agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.

It was moved by Linda Murray and seconded by Luke Freudenberg to adopt the motion as read authorizing the Town Manager to sign all documents related to the ARPA grants. Members voted, being all in favor the motion passed.

2. Fire Station Renovation Update

Mr. Pineo provided a brief update on the latest meeting of the Public Safety Building Committee. A public hearing is scheduled for June 9th for public input on the project in the Great Hall of Wolfeboro Town Hall. He provided a brief review of the conceptual plans provide as well as budget of the Fire Station as proposed, which is broken out by phase for a total of phase 1 \$ 4,219,409. He stated this information can be found on the Town's website.

Chairman Harriman questioned the phasing, the larger bay is not included in this cost.

Mr. Pineo replied correct, hope to have the estimate for June 9th.

Mr. Deshaies questioned if they have new numbers for the Police Department.

Mr. Pineo replied no, all options will be reviewed at the June 9th meeting. They are not signing contracts for that projects until after the public input.

Mr. Deshaies questioned if there is any more information from Brewster.

Mr. Pineo replied no.

3. Work Session-Bike Trail Committee

Luke Freudenberg stepped down from discussion noting a conflict. He stated equipment was rented from his company to do this project.

Mrs. Murray invited the Bike Trail Committee members to join them for the work session. The following were present for this discussion:

- Lynne Palmer, Chamber
- Dan Coons, Conservation Commission
- Rudy Meyer, Wolfeboro Single Track
- Cris Dow, Single Track Alliance.
- Jim Nupp

Mrs. Murray stated the Committee was provided with the March 16th, 2022 minutes for their information. She stated she has spent some time gathering surveys of the spray fields from Dave Ford, which was included in the packet of information. She also researched the permissions granted by staff starting with Dave Ford and he advised he had not given permission (of the spray fields). She stated she did not discuss it further with Tavis Austin, but he came to a meeting and stated he only dealt with it in terms of the Conservation Commission land. She discussed it with Christine Collins and she knew of maintenance being done but no widening of the trails. She also stated that Andrew Lester had come to her with a Master Plan requesting her to send a letter of approval and she declined as that needed to go to the Planning Board. She stated there also seems to be a misunderstanding that the Master Plan of these trails was approved by the Planning Board. She checked with Kathy Barnard and she indicated the Master Plan Bike Trail proposal was discussed at the Planning Board on September 7th and Mr. Austin recommended developing a policy for the construction of bike trails without Planning Board approval, pros and cons discussed no action taken. A second discussion took place on October 19th, another discussion on foot paths through wetlands with feedback on Conservation Commission and again no action taken. She stated in her review it seems to her that had some misunderstandings about who gave approval, what this Master Plan was and if it was approved, which lead to assumptions being made that there was approval and leads to where we are today. She questioned if they agree or is she missing any information they may have that the Board does not.

Rudy Meyer clarified that neither the Town Manager nor the Town Planner, Dave Ford, etc. No one gave permission for this to happen?

Mrs. Murray replied, that is her understanding.

Mr. Meyer stated yet, everything that occurred and nobody raised a hand or flag or anything, for six months?

Mrs. Murray replied her understanding is Dave Ford did make some comments when people where on the trails making some changes, in the spray area. She stated she went around to ask to see who gave the permission but has determined from that none was given.

Mr. Meyer replied that Andrew Lester reported that he had permission to build on the Town land anywhere he wanted and all sorts of stuff said, it is amazing that, that was allowed to occur.

Mrs. Murray pointed out when they did the work on the Conservation land, they had a contract, liability insurance and the project was well defined. That happened on all the Conservation land, so it was known that there needed to be some kind of contract to do this.

Mr. Meyer stated that Bella Terra Design told Single Track they had permission to build trails and the money from the donor to do this was going through Wolfeboro Single Track Alliance.

Mr. Deshaies questioned if Bella Terra showed them the contracts or any information or did they question him if he had approvals.

Mr. Meyer replied according to him (Lester) he was in this building a lot.

Mrs. Murray replied that it looks like they are talking to the wrong group, because what they are saying is they had nothing to do with it. It was done by Bella Terra and the person they should be talking to is Bella Terra. These trails are not theirs, they are not going to do anything more with them and they are not going to use them.

Mr. Dow replied they should back up a little bit, he thinks all of this is helpful what they were trying to do is the right way to move forward. He said there has been a lot of challenges on exactly who said what, where is the contract? There was a lot of questions raised in Board meetings about it being in writing. They were told the approvals were there but not in writing. He stated the pace was the issue, all of a sudden at the end of last year there was a perception of approval for the Abenaki Trails. There was ambition to start building trails and the funding to build trails and there was communication from a person they (WST) had intention of working with who knew about trail building and excited to help them get this in town. He stated it seemed he had good relationships and the momentum and perception created the excitement. At that time that person who coordinated it and paid to do the Master Plan, Andrew Lester, he had positioned himself in a way to give the perception they had the ability to do this but no documents. He did have concerns that nothing was in writing, but the momentum was there he said the town said it was okay. Unfortunately it looks like a lot of miscommunication took place with one individual.

Mrs. Murray stated and that is why she pointed out the contracts with Conservation Commission and she is assuming they want these trails and see them as Single Track trails?

Mr. Dow replied yes, 100%.

Mrs. Murray replied that is why they are having this discussion with them. She stated here they are as Selectmen; no public hearings and no approvals for spending money and trying how to correct this and move forward. She stated they need to start with the trail "climb", that trail can no go on, it is on a spray field and it would have never been approved to be put on a spray field. She is not sure what to do about that now.

Mr. Deshaies added the town is lowering the retention pond right now, where they are spraying a lot.

Mrs. Murray she asked Dave Ford on the maps of the places that can work and the places that can't.

Mr. Meyer questioned if the whole climb trail is unusable.

Mrs. Murray replied what he drew a circle around is a no, it is a spray field.

Mr. Dow questioned if this is definitive or is a "hold" until decommissioned.

Mrs. Murray replied at least for the next two or three years. She stated it looks like they spent \$60,000 on that, with the plans for another \$60,000 to spend in their presentation. That cannot happen and they will need to do something to block that trail off.

Mr. Deshaies clarified the amounts listed for that trail, it's less than that. He questioned if the public can still use that?

Mr. Meyer pointed out that “holly shoot” is in the middle of a spray field and people walk up that all the time.

Mrs. Murray replied but that does not give permission to build trails on this property. She noted some of them are cross country ski trails but they are not using them during spraying. She corrected it was “flow” that cost \$60,000 and that is the trail they feel has some environmental issues. She stated that one looks like it is just outside the spray fields but need to look at that.

Mr. Dow questioned what “ok” means.

Mrs. Murray replied he said those are okay (Dave Ford). She noted “new climb”, “upper bog hill”, part of “holly shoot”, part of “tomahawk redo”, “tyler crossing” at the bottom, are all within the spray fields. The ones not on spray fields was “hubbard”, “Grandview” (most of it), “black eye”, “lower bog hill”, “tomahawk” (part of) and “yum run”.

Mr. Dow stated the blue trails are all existing cross country trails, he questioned if they moved it out of the spray area can they reflag that area.

Mrs. Murray stated she discussed this with the Town Manager that if they allowed anymore building of trails, the Board would need a contract, land defined with boundaries (a map), cost figures, liability insurance, terms and waivers for the contract to protect the tax payers of this community. She noted that Wolfeboro Single Track should have liability insurance for your volunteers.

Mr. Dow replied they do have insurance he would look into what it covers.

Mr. Deshaies would like to see an independent third party go out and do wetlands delineation and to review the trails for wetland impacts for current and planned trails. He would like to avoid any problems with NHDES.

Mr. Dow replied they have no problem working with the town and doing it right. They want to limit the liability to everyone involved in this partnership. He would agree to that, except on the existing trails.

Mr. Deshaies anything built 3 years back for Single Track use going forward.

Mr. Harriman agreed, narrowing down to strictly this project.

Mrs. Murray stated her goal is contracts because of the appearance of distrust how this happened and holding public hearings for what has happened. She stated the next discussion they have to have is, who is going to maintain it? What is needed for future repairs, they have \$40,000 from the Pathways Committee to ensure Sewall Woods and Stone dust are maintained. She stated they would need something similar to that for these trails:

- What is the maintenance cost?
- Who is going to do the maintenance?
- Will there be there be a fund for future maintenance and repairs?

Mr. Deshaies agreed, although they have good intentions right now, the group could dissolve in the future and where does that leave the town and the tax payers.

Mrs. Murray asked the Town Manager for his input.

Mr. Pineo replied everything has been hit in this conversation tonight. If they could this stuff put together in advance, come forward with the public hearings for the citizens to weigh in that seems like a win-win. He stated that one of the concerns he had was specifically for the existing trails is an "as built" of these trails and what the structure underneath, is there culverts. We really need to have that as a town. Usually that is something we get in advance to review, understands maybe challenging to get but he felt they could work with them to get that information. He can provide the information of what the towns liability requirements will be as well as building the license agreement.

Mrs. Murray questioned if they can get together and create the agreement, are they willing to hire staff and maintain these trails or are they looking for the Town of Wolfeboro to use its staff in Parks and Recreation to take on this maintenance. She would like a statement on what the responsibility of Single Track is willing to take on.

Mr. Deshaies stated that on top of that Andrew Lester stated he would be the maintenance person for all the trails for \$35,000 a year. He thinks we need to have Mr. Lester attend some of these work sessions so we can talk to him.

Mr. Dow questioned why they would like him here, they are not going to pay him \$35,000 a year to maintain trails.

Mr. Deshaies replied he built the trails and will continue to build the trails.

Mr. Dow replied he will not be building the trails, he hired subcontractors that he contacted to see if they would come back to finish the work.

Mr. Deshaies stated this is first he's heard this, that Andrew Lester is no longer part of this.

Mr. Dow replied it has come up before, they are trying to simplify this and limit confusion. He has no problem with him and his quality of work, there is some communications issues, budgeting that was not working, and work not down that was paid for. WST plans to move forward with other trails builders at this time.

Mrs. Murray stated going forward they are looking to find out what WST is looking to take on going forward.

Mr. Harriman questioned the crossing of the ski trails in the summer; he would be concerned about rutting of those ski trails?

Mr. Meyer replied you cannot tell when they cross a ski trail.

Mr. Dow stated they do a lot of educating of when not to use the trails to reduce the impact to maintenance.

Mrs. Murray stated she understands they have some significant donates funds and do they have the capacity to raise funds over the next ten years to maintain and take care of these trails.

Mr. Dow replied at previously stated that donor base has been increasing a 100% every year. They get significant donations regularly to use for new builds and maintenance, which is part of their mission statement.

Mrs. Murray replied that once on town lands once they can't do it, it becomes on the town. She questioned how large their board is and how to keep fresh.

Mr. Dow replied his goal is bring in new folks regularly. He enjoys volunteering for this group, this is his fourth year. He stated they have six members.

Mr. Meyer questioned if it is possible to have a site visit with Dave Ford to review the spray field areas.

Mrs. Murray agreed that would be important for them all to do.

Mr. Pineo replied that Mr. Ford is away and will look at his schedule if they could meet up there.

Mrs. Murray suggested Woodard & Curran too, they could assist, Russ Howe maybe if Mr. Ford is too busy.

Mrs. Murray stated at this point, they not moving forward with "climb". The Board of Selectmen will need to decide what they want to do with "flow" as there seems to be some concerns of environmental issues and how they plan to rectify that?

Mr. Meyer questioned what environmental issues?

Mrs. Murray it's went at the bottom, but they need to know for sure if it's in the wetlands.

Mr. Deshaies questioned that Mr. Lester laid out the trails?

Mr. Dow replied that was part of the Master Plan, the perception was that a master plan would be put together and get it approved.

Mr. Deshaies questioned who determined where the trails were built on the Master Plan.

Mr. Dow replied Andrew Lester worked with another person who does trail work from Arkansas who is very knowledgeable in trail building. He is not sure that what was mapped out, was actually where it was built.

Mr. Pineo understand that and that is why the "as built" are so important.

Mr. Dow replied he is not a trail builder but feels there is probably some level of deviation depending on what they find when they dig for the trails.

Mr. Deshaies questioned when a trail is flagged is the environmental impact is looked at or did they look at the easiest and best trail that can be built?

Mr. Meyer replied he can't answer that, but he knows drainage is looked at closely.

Mrs. Murray stated that there is a lot of issues to look at when digging and building on property. She is not sure what to do with "flow" she has a real hard time with that one.

Mr. Dow replied it would be good visit the trails with the maps to see where these trails are vs. deciding tonight with hopes they may be able to save some.

Mrs. Murray is at long as will be "flow", or will it get longer.

Mr. Dow replied need to decide where it ends which is yet to be determined. There is intent for it be longer which would be more fun, but based on this conversation there may be changes after they walk the area.

Mr. Deshaies questioned if the new trails are going on private property.

Mr. Dow replied if it is not the town land, they get permission of the private land but they have been discussing to ensure that they get things in writing. At the top of Abenaki they intend to stay clear of private land. They have already discussed the ability to reflagged places that may need to be.

Mrs. Murray questioned what is flagged now.

Mr. Dow replied he believes "yum run" is flagged.

Mr. Meyer replied the flagging is not easy to follow.

Mr. Dow stated they could pay the person who does that to join them.

Mrs. Murray will these trails be open in the winter.

Mr. Meyer replied closed in the winter.

Mrs. Murray it looks like the next step is meet as a group to review the trails. She questioned if the Board has anything else they want to discuss tonight. She stated at this point the Board needs to decide if they will allow the trails on the town's land.

Mr. Harriman replied he feels the next step would be visit the land with the correct people involved.

Mrs. Murray questioned what the Board wants to do with the funds that have already spend spent on the land and the trails that have been built. She questioned if the Board has to accept it, it seems like the town needs to know and accept what has been done on town land.

Mr. Pineo replied, yes a public hearing is needs and the town needs to have a clear understanding of the project. It would make sense to have a public hearing for the trails that have already been built with the understanding we another public hearing for trials that are proposed.

Mr. Deshaies questioned if “as built” should be provided before that, so the public can see what is being accepted. They also need to know what money is being accepted for what trails.

Mrs. Murray agreed they would need clarity and details of how much money was spent on each trail.

Mr. Pineo replied that the closest analogy of a system they have would be the road layout plan, which requires “as built” in advance of a public hearing, but that is going to take time. The problem this group has is time, they want to get out use the trails and the ability to build trails, but the Board wants to accept trails before move forward with anything else and is kind of a chicken and egg situation. The question is what they both want to accomplish quickly.

Mrs. Murray stated someone designed the trails that were just built, do they not have the design for what was done?

Mr. Dow replied he would guess that a bike trail design and public roadway are 100% different, so the level of detail and information is the same.

Mr. Pineo replied there must be plans that show culverts etc. that information is needed.

Mr. Dow replied they don’t have those type of plans, but they have maps that are gps website.

Mrs. Murray questioned if they could get more detail plans, like pictures of the trails.

Mr. Dow suggested a video for the public hearing and map out where culverts are etc.

Mrs. Murray replied some photos would be helpful to the public to see what the trails look like.

Mr. Deshaies stated that when the town is given a \$200 bench, we have a process to do that. This is hundreds of thousands of dollars in trails, we have to follow the process.

Mr. Meyer questioned if a similar process was done when they created Twister (Abenaki ski hill).

Mrs. Murray replied yes the Board held a public hearing with plans.

Mr. Pineo stated the work around the money aspect, is probably the license agreement and he has already had brief conversations when we met in December talking about a license or agreement or MOU. He has discussed this with Town Counsel who is working on and he is meeting again next week to discuss it more and hopes to have a draft soon.

Mr. Dow stated he feels they can help provide some information for a public hearing including a new version of a Master Plan. He stated he understands the process but there is some urgency to move forward since the window to build trails is some, he questioned the time scheduled.

Mr. Pineo replied they need 14 days to notice a public hearing in the newspaper, he needs to confirm that.

Mr. Deshaies questioned how much information is needed to give the public for this hearing.

Mrs. Murray replied before we do that, would they be willing to provide them an estimate of what they would be contributing to maintaining those trails.

Mr. Dow replied at this point a lot of it is volunteer based, they build the trails in such a way to have a lot of capital expense. They could discuss that future but he understands these were done in such a way to limit the maintenance needed, but could discuss that further.

Mrs. Murray stated they will need to know their role as WST in maintaining these trails and the role they will play going forward.

Mr. Dow stated two hearings were mention, is there a way to notice it so they don't have to wait another 14 days.

Mr. Pineo replied they could notice two public hearings.

Mrs. Murray replied she doesn't believe they know enough right now there is still more information needed, review of the trails on what has been done; get through then, then they can move to the future. She stated they don't even know where the trails will be due to the spray fields.

Mr. Dow stated he ask because if the town says no, does their organization want to spend money flying people here. He questioned if definitive number is needed for a public hearing, also finishing the down and doing the up would make more sense.

Mr. Deshaies stated the public hearing is just to get the public's input.

Mrs. Murray clarified no, the public hearing allows the public's input then the Board decides to accept the trails or not.

Mr. Deshaies stated he is torn on the issue because he enjoys biking, he is not trying to cruel or mean but he also needs to look at the tax payer side as well.

Mr. Dow replied he understands that.

Mr. Harriman replied he is not concerned about separating them out and having one public hearing. He feels they could walk the property, shift trials if needed, come up with a value and hold a public hearing.

Mr. Deshaies a lot to digest.

Mrs. Murrays feels it's cleaner to do it in two hearings.

Ms. Palmer questioned if they could do it in phases.

Mrs. Murray replied they need to address what has been done to date, because it has already been done.

Mr. Deshaies suggested setting them a week apart.

Mr. Dow questioned if they need to have the outdoor walking session first.

Mrs. Murray replied they could it has already been done, but before they move forward they need to visit the trails.

Mr. Dow questioned if that would be the info session.

Mrs. Murray replied yes all information the public needs to understand what is being accepted.

Mr. Harriman agreed with that idea.

Mrs. Murray questioned if Mr. Pineo can get a draft license agreement going.

Mr. Pineo replied he needs to do some research on the donation acceptance and if the exact number is needed for the public hearing to help move it along quicker.

Mr. Deshaies questioned when they can walk the trails, it should be before May 1st.

Mr. Pineo suggested providing a date and he will coordinate it.

Mr. Meyer stated he can guarantee they are not in the area of spray, it is the spray fields but not near the actual spraying. It would be very valid to have Dave Ford present.

Mr. Pineo will be working on scheduling a site visit; if a majority of the board he will notice a meeting. Pop Whalen project underway so he will coordinate parking.

Mrs. Murray turned the meeting back over to Chairman Harriman.

The next meeting is t/b/a.

Being no further business before the Board, Chairman Harriman entertained a motion to adjourn.

Linda Murray moved the Wolfeboro Board of Selectmen to adjourn at 8:45 PM. Brian Deshaies seconded. Being none opposed, the motion passed.

Respectfully submitted,
Amelia Capone-Muccio