

**Wolfeboro Board of Selectmen Meeting
Wednesday, August 17, 2022 at 6:30 PM**

In-Person Session at the Great Hall, 9 Union St. Wolfeboro

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

Staff Present: James S. Pineo, Town Manager, Christine Collins, Parks and Recreation Director, Kathryn Carpentier, Finance Director, Michele Chamberlin, HR Coordinator and Recording Secretary Amelia Capone Muccio.

Chairman Senecal called the meeting to order at 6:30 PM and noted a quorum was present. He stated that he'd like to thank Selectmen Deshaies for all his work on the 150th Anniversary Celebration of the MS. Mount Washington with an excellent light show. He also if anyone has come this evening to discuss an acceptance of a road, that discussion will not be taking place this evening.

Mr. Pineo stated a non-public session is needed under RSA 91-A: 3 to discuss legal and employment. He also requested to table the item on the Agenda for the Class VI request, Trask Mountain Road.

1. Consideration of Minutes

- i. August 3, 2022 Regular Meeting

It was moved by Linda Murray to approve the August 3, 2022 minutes as written, Brad Harriman seconded the motion, all in favor motion approved.

2. Public Hearing(s)

Temporary Event Permit

i. The Wolfeboro Board of Selectmen will hold a Public Hearing on Wednesday, August 17, 2022 at 6:30 PM at the Great Hall Town Hall, 84 South Main Street, Wolfeboro, New Hampshire for consideration of a Temporary Event Permit for Kingswood Athletics Boosters to hold a 5K on the Lakes Region Conservation Trust-Sewall Woods on October 8, 2022 from 8:00 AM to 11:00 AM. Permit #2022-67

Chairman Senecal opened the public hearing.

Amie Edmunds addressed the Board to speak to the application. She stated this is a community event fundraiser. She provided a liability insurance certificate from Avery Insurance and they do have permission to use the property.

Mrs. Murray questioned if it was in writing.

Ms. Edmunds replied yes, she provided that to the Town Manager's office on Monday.

Being no others to speak for or against the permit, Chairman Senecal entertained a motion.

It was moved by Brad Harriman to issue a temporary Event Permit for Kingswood Athletics Boosters to hold a 5K on the Lakes Region Conservation Trust-Sewall Woods on October 8, 2022 from 8:00 AM to 11:00 AM. Permit #2022-67. Brian Deshaies seconded the motion. Members voted, being all in favor, the motion passed.

2. Bulk Vote

A. Weekly Manifests

i. August 5, 2022	\$ 2,961,986.79
ii. August 12, 2022	\$ 380,196.23

B. Intent to Cut Wood and Timber & Warrant

i. Trask Mountain Rd	Tax Map 26 Lot 1
ii. Pine Hill Rd	Tax Map 128-2

C. Property Tax Refund/Abatements

i. Heath Trail	Tax Map 220 Lot 18 \$3,182.04
ii. 139 Gov. Wentworth Hwy (2022 #9)	Tax Map 133 Lot 20-E7 \$40.00

It was moved by Linda Murray to approve Bulk Vote Items A-C, Brian Deshaies seconded the motion. Members voted; all in favor, motion passed.

4. Board/Committee Appointments: N/A

5. New Business

A. Appointment: Joe Santoro-Expanded Pickle ball Court concept idea

Joe Santoro addressed the Board to discuss a potential concept for the community. He provided a brief overview of the history of the development of the Cate Park and how that came about. He stated that happened because we made a change, and he is hear to talk about another change. He stated that he is speaking to an enhancement of Foss Field, by expanding its use, based on current needs, they can enhance the community. He stated that they propose to convert the existing pickleball and tennis courts to a larger facility. He stated that the Board has been provided with a schematic of an idea to expand the courts to include a indoor-year round facility. They are looking to get the Board's support to move forward with more formal designs by a professional. The proposal is t a result of desire for pickle ball. He stated that the pickle ball tournaments have increased this demand. He stated that they believe this can be done with little impact on the taxpayer and there is a private benefactor to assist in this proposal. He stated that they also would like to assist in another problem, the Veterans Memorial at Brewster Field. They would like to incorporate the re-location of these monuments to this area and allow people to enjoy those monuments.

Mr. Senecal stated that the board will be looking for how the plan for a building will be funded in the future, such as utilities etc. Will this become part of the Parks and Recreation Department. He would like to see how much open space will be left as the Parks and Recreation Department does use the open field space for movies, etc. He does have some concern about the sound as well. Overall, the idea is good, but will need to see more to decide.

Mr. Santoro stated tonight they are seeking the Boards permission to do a feasibility study to see if this is something that can be done in that space.

Mr. Deshaies stated he wished they came before the Board of Selectmen first, before announcing this at the event at Foss Field. He stated they have had problems with things being done before asking. He also stated he discussed with the Parks and Recreation Director, the green space by the trail and its use, there was some thought it needed to remain green space.

Mr. Pineo replied he hasn't done the research.

Mr. Deshaies has concerns about the use of that green space that is used by Parks and Recreation. He also has concerns about the development creating run off into the lake. He stated they know that the overdevelopment around the lake pollutes the lake as much as direct discharge from factories and sewage. He stated there are ten pickle ball courts proposed, he questioned if these courts will be used year-round. He questioned if they are building for the maximum or for daily use. He has a lot of questions.

Mr. Santoro replied that yes, they did make an announcement at Foss Field, but it was after they briefed the Town Manager and the Public Works Department and after it was put on the Selectmen's Agenda. He stated there was no surprise, maybe to some, but not to everyone it was all coordinated in advance. Yes, they talked to the Town Manager, the Public Works Director and a couple of the Selectmen. We are only looking for a site assessment at this point.

Mrs. Murray questioned if the courts are year-round. Is this one large project or is it going to be done in phases.

Mr. Santoro replied that will be up to what the town allows them. They really would like to have the indoor facility first. They often have 40-50 people standing around waiting to use the courts in the summertime.

Mrs. Murray stated in her visits to the area in the summer that the area is busy, and she is okay with the feasibility study understanding it is not permission to move forward.

Mr. Harriman replied he agrees with the conception and agrees it can go to the next level of a study. He also is supportive of the relocation of the memorial as long as the American Legion is in support of that.

Mr. Santoro replied the American Legion is in support of the relocation of the memorial. He understands it is not a slam dunk but would like the opportunity to review it.

It was moved by Linda Murray to allow the Pickleball organization to move forward with a feasibility study to expand, understanding it is not an approval. Brad Harriman seconded the motion, Brian Deshaies-opposed, all others in favor, motion passed

B. Approval: Class VI Agreement- Trask Mountain Road

It was moved by Linda Murray to table the approval of a Class VI Agreement on Trask Mountain Road. Brad Harriman seconded. Members voted and being all in favor, the motion passed.

C. Approval: Sidewalk Capital Reserve-Public Works

Mr. Pineo addressed this request on behalf of Dave Ford. He stated if the Board recalls, the town raised and appropriated \$75,000 to put into a Capital Reserve Fund for sidewalk repairs. Mr. Ford has done an analysis of the sidewalks and many of them are in poor shape and need work. He has a preliminary budget of \$65,000 to make repairs to the following: North Main Street (250 feet), Corinthian Way to Sewall Road, Center Street extension (180 ft), and South Main Street in area of Morrissey's (160 feet). He is requesting the support of the Board in authorizing this expense.

Mrs. Murray stated it is obvious these sidewalks need to be addressed, she supports this.

It was moved by Linda Murray for the Board of Selectmen to authorize an expenditure of \$65,000 from the Sidewalk Capital Reserve Fund to make repairs to the sidewalks as listed above. Brian Deshaies seconded the motion. Members voted, being all in favor, the motion passed.

D. Discussion: Actual vs. Budget Report July 2022- Finance Department

Kathryn Carpentier, addressed the Board to discuss the July 2022 Actual vs. Budget Report reviewing her memo to the Town Manager dated August 10, 2022:

General Fund Appropriations

The attached document is a summary of Appropriations and Revenues for the month ended **July 31, 2022**, for the 2022 approved budget. The General Fund operating budget is currently at **68.2%** which is 10% above the 7-month average of **58%**. We should see some relief in August because we received grant funds (ARPA and AEDs) to offset some unanticipated expenditures. Most of the bond payments have been made. We continue to keep a close eye on the fuel line items and we have developed a contingency plan for the escalating costs while Department Heads continue to monitor and manage the usage.

General Fund Revenues

The General Fund Revenue is currently at **57%** which is right on track. After the first tax bill Property Tax is 48% collected. Motor vehicle revenue is at 64% collected.

Appropriations for Other Funds % Expended

Water Fund 46.9%

Municipal Electric Fund 69.7%

Sewer Fund 45.2%

Pop Whalen Fund 68.0%

Estimated Revenues for Other Funds % Collected

Water Fund 22% (Water Charges are at 60%)

Municipal Electric Fund 60%

Sewer Fund 17% (Res Sales are at 43%)

Pop Whalen Fund 73%

I have also included the Donation report and the MS-9 CRF report for your records.

She noted they are getting close to using the whole budget of fuel, and the Town Manager has a contingency plan in place to address that. She noted they have been informed of some unanticipated revenues to offset some expenses.

Libby Trustees Meeting

It was moved by Linda Murray and seconded by Brad Harriman for the Wolfeboro Board of Selectmen move to a Libby Trustees Meeting. Members voted, being all in favor, the motion passed.

E. Approval: Contract with Bauen Corporation-Construction Management

Mr. Harriman stated that he and the Town Manager met with Bauen Corporation to discuss the scope of work and updated cost estimate for the renovation and expansion of the Libby Museum. He stated the Board has been provided with details of this information.

Mr. Pineo added this is a very reputable construction management firm and they have discussed getting multiple estimates going forward before proceeding with a project. Early on the estimate of this project was \$3.5-4 million dollars, he stated this proposal will allow the Town of Wolfeboro, the taxpayers and the Friends of the Libby an updated cost estimate. He stated it does not mean to discredit any other work, it is just a price check.

Mr. Harriman stated it is important to have an accurate figure to present to the voters and plan the budgeting for this project.

Mrs. Murray replied she is support of getting an additional cost estimate.

Mr. Deshaies agreed, he asked for this six months ago.

Mr. Pineo asked which fund the Trustees would like to take the funds from, the Schroth Fund or Capital Reserves.

It was moved by Brian Deshaies for the Libby Trustees to authorize entering into a contract with Bauen Corporation to secure independent pricing of the Libby Museum expansion and restoration project. This is estimated to cost between \$6,000 and \$8,400 the Board would like to use the Schroth Funds. Luke Freudenberg seconded the motion. Being all in favor, the motion passed.

F. Discussion: MCR Collection Space Assessment

Mr. Pineo stated this has been approved, he provided the information which is the analysis of the artifacts and what it will take to move and store the items during construction.

Mrs. Murray stated on page two, it should be updated to state the report comes to the Trustees of the Libby Museum vs. the Friends of the Libby Museum.

The Trustees agreed and Mr. Pineo would make that change.

G. Approval: WCTV presentation-Approval Brad Harriman as Trustees Rep.

Mr. Harriman stated the Friends of the Libby Museum have created a video of the project and he was asked to be the representative of the Town, the video has happened, but it should be supported by all the trustees.

The Trustees agreed to allow Brad Harriman to be the spokesperson of the Trustees when discussing or summarizing the project.

H. Discussion: Libby Museum Business plan draft for review

Mrs. Murray stated she had some other concerns to discuss, of the draft business and operating plan. She feels there should be a meeting to discuss it and that they ensure all the parties are on the same page. She feels the wording in this document needs some review. She stated this is draft and hopes going forward to strengthen the relationship between the trustees and the Friends of the Libby. She strongly supports the fundraising efforts and endowment. She feels a timeline is needed to put out the warrant. She stated the other issue is dealing with parking and boat parking in this area, there is no other parking on Lang Pond Road, especially when hosting events. She also noted with regards to the waterfront parcel, she'd like to see that remain with the Trustees. She stated that this was given to them on July 15th, and it has been a month, she would like to get this moving and circle back with the Friends.

Mr. Harriman stated the Friends met last week and were hoping to get some feedback from the Trustees on this draft. He was hoping they would do that tonight, then put them together and update the draft so everyone can move forward with comfortably.

Mr. Deshaies has some feedback, the ordinance for Commercial Landing fees is outdated. He also would like them to reach out to the Woodman Institute in Dover NH for some guidance on the plan. They also can use the Peabody Museum as a resource as well. He feels they can work through this and be sure they are all on the same page.

Mr. Harriman questioned how the Board wanted to review the document.

Mrs. Murray suggested sending Mr. Pineo their concerns and comments and then he compiles it for review at the Board's next meeting. She questioned a price for boat trailer parking?

Mr. Pineo replied he can work with some contractors to get that information. He questioned the date on the CIP request, for when this is to occur.

Mrs. Murray replied the Friends are looking for 2023, but the Trustees will need their portion of the funds, if not they will need to change that date. Mrs. Murray questioned if it could go on the CIP without a new quote.

Mr. Pineo replied he thinks that will be difficult.

Mr. Deshaies suggested that the Warrant Article be contingent upon the money being raised.

Mr. Harriman replied that the town has done that before.

Being no further discussion regarding the Libby Museum.

Luke Freudenberg moved to enter back to a Board of Selectmen's regular meeting. Brad Harriman seconded the motion and all in favor, the motion passed.

I. Approval: Disaster Recovery Plan and Updated Harassment Policy- HR Department

Mr. Pineo introduced the item and stated that the staff has had harassment training and as a result the Board has been provided with the updated policy. He noted there was a suggested addition today that Ms. Chamberlin will speak to. He stated that the policies are 25 plus years old, and the Personnel Policy is currently being reviewed by legal counsel.

Michele Chamberlin addressed the Board to state she is seeking the Boards approval for the updated Harassment Policy and Disaster Recovery Plan, both policies have been reviewed by the Town's insurance provider, Primex, and are ready for approval.

She noted there is one update to add some additional language to the Harassment Policy as follows; *The Town of Wolfeboro is committed to a work environment in which all individuals are treated with respect and dignity. Therefore, the Town expects that all relationships among persons in the Town will be business-like and free of bias, prejudice, and harassment. The Town of Wolfeboro recognizes the harmful effects of harassment and will not tolerate it and bullying either direct or indirect, whether verbal, physical, electronic, or otherwise.*

She continued and stated that the Joint Loss Management Committee was instrumental in making these policy updates. She also updated the Board that the staff has updated the Personnel Policy which is out for review by Town Counsel and will be brought to the Board for adoption. She is here to seek approval of these policies by the Board.

It was moved by Linda Murray for the Wolfeboro Board of Selectmen to approve and adopt the Harassment Policy as written and presented at this meeting. Members voted being all in favor, the motion passed.

It was moved by Linda Murray for the Wolfeboro Board of Selectmen to approve and adopt the Disaster Recovery Plan as written and amended at this meeting. Members voted, being all in favor, the motion passed.

Mr. Harriman stated on the Disaster Recovery plan, page four, with regards to Dave Baker, shouldn't that be just the job title, IT Director and same with the next page vs. name. That way you don't have to update it if employees change.

Mrs. Murray noted a spelling of TOW on the page two.

Mr. Pineo clarified that is the acronym for Town of Wolfeboro.

Ms. Chamberlin noted she would make the needed corrections.

6. Other Business

Brian Deshaies stated he would like to thank everyone that took part in the planning and executing of the Mt. Washington's 150th Anniversary Celebration including the following:

- El Centenario
- Morrissey's Front Porch
- Hot Dog Bob
- Harmony Coffee House
- Dockside Restaurant
- Downtown Grille
- North Main Street Café
- Huck's Hoagies
- The Wright Museum
- The NH Boat Museum

- The Lakes Region Model Railroad Museum
- The Libby Museum
- The Warmth and More fund
- American Legion Post 18
- The Wolfeboro Police Department
- The Wolfeboro Fire Department
- The Marine Patrol
- Girls Scouts of Wolfeboro
- The Wolfeboro Public Library
- Allie Caps
- Made on Earth
- Goodhue Boat Co.
- Maxfield Real Estate
- The Lake Winnepesaukee Association
- Wolfeboro Waters
- Wentworth Watershed Association
- Pinnacle Laser Productions and Andrew Drantez, Master Millions and DJ Spizio
- Laser Light Show Sponsors; Maxfield Real Estate, Downtown Grille, Wolfeboro Corinthian Yacht Club, Eastern Propane, Avery Insurance, Walker and Varney, Leone Roberts & MacDonald, Wolfeboro Dock Company, Delli Priscoli Family and the Hirschberg Family
- The Wolfeboro Board of Selectmen, the Town Manager, the Public Works Department, the Wolfeboro Municipal Electric Department, Wolfeboro Parks and Recreation, Pat Waterman and Amy Capone Muccio
- Avery Insurance provided the power to the laser light show.
- Wolfeboro Casuals
- Nate Grey's from NH Municipal Association
- Chamber of Commerce
- Economic Development Committee
- Jared Maraio, the General manager of the Mt. Washington Cruises.

He stated the laser company projection was impressed with Wolfeboro's enthusiasm for this event and would love to come back. He also heard from the Mt. Washington wonderful praise for Wolfeboro for having the only party on the lake.

Mrs. Murray stated that she has regularly been using the Trolley shuttle service into town and would like to speak to the Wolfeboro Dock Attendant program. She stated this program is great, the bigger boats hide the spots and with the assistance of these attendants it helps allow them to park. She stated she'd like to thank the Town employees; they have done an outstanding job and the community and boating community has really benefited from this program. She also commended Luke Freudenberg for coming up with this idea. She requested the Board thank those individuals who participated in the PILOT program personally at the end of this season.

7. Committee Reports

Mr. Deshaies reported that he attended an EDC meeting, the CIP meeting and Pickleball court dedication ceremony.

Mr. Freudenberg attended the Chamber of Commerce monthly meeting.

Mrs. Murray attended the dedication of the Pickleball courts, two CIP meetings, Library Trustee meeting, EDC meeting, the Friends of Pop Whalen meeting, Chamber social and she enjoyed the Mt. Washington Celebration.

Mr. Senecal attended the Mt. Washington celebration.

Mr. Harriman attended the pickleball dedication, Mt. Washington celebration, the Planning Board meeting, WCTV meeting, Friends of Libby Museum meeting and participated in the interviews for Public Works Director.

8. Town Manager's Report

Mr. Pineo reported reported the RFP went out for Architect firms for the Public Safety Building, and three bids were received. The Committee determined to change architects for two reasons; a fresh set of eyes and the fee structure. They also plan to take a fresh look of the current site for expansion on that current location based on the strong feedback with the proposed location. He noted that when the discussion started a few years ago, they were looking at a 12-million-dollar project, with inflation today he guesses it to be at 16 million dollars. He provided some summaries of other projects that averaged the cost of \$10 million dollars. Based on all this information there will be further information coming forward with proposal for 2023. He noted that the architect chosen, Banwell, is the same architect doing the Public Safety Building which will require a construction management team.

Mr. Deshaies questioned if any other projects used the same resources.

Mr. Pineo stated that there are two on the list that uses the same construction manager but believes they all used different architects.

9. Questions from the Press

Elissa Paquette, Granite State News, questioned with regards to the new architect for the Public Safety Building, will the concerns discussed at the last meeting be addressed?

Mr. Pineo replied there were a lot of questions, she can call him, and he can answer those questions.

10. Public Input

Brittney Boles of Magical Yoga, missed the deadline for a temporary event permit to host a family yoga event free and open to the public at Cate Park, Sunday August 28, 2022 from 3 PM to 5 PM. She is here to request an exception to the permitting process. She provided the complete permit to the Board.

Mrs. Murray questioned if the date is open in the calendar for the park?

Ms. Boles replied yes.

Mr. Freudenberg stated that she reached out to him via Facebook messenger, and he advised her to contact the office. He stated that he can support the cause but would encourage going the Temporary Event process in the future. He noted it seems like a tedious process, but it has a purpose.

Mrs. Murray replied she agreed with Mr. Freudenberg, they can forgive the mistake once.

It was moved by Brian Deshaies for the Wolfeboro Board of Selectmen to waive the temporary event permit process and approve the Magic Yoga in the park event, Sunday, August 28, 2022 from 3 PM to 5 PM free and open to the public. Linda Murray seconded the motion. Members voted, being all in favor, the motion passed.

Suzanne Ryan questioned if Brad Harriman would facilitate the form to NH Preservation Alliance to put the Libby Museum on the seven to save list. There is no money involved, although a stiff competition it's worth the effort.

Josephine Amatucci read a one and half page statement of her first amendment right to express her grievances of the corruption of the Police Department, Police Commission, and the court system. She continues with her statements accusing Chief Rondeau of being a criminal and that there is no way for the public to get help for police misconduct as the Board of Selectmen will not investigate the Chief. She claims the Police Commission denies getting an unbiased opinion, so she contacted the Attorney Generals office to do an investigation and they refused to answer her. She also claims that the court has disregarded the facts and the law in the cases brought to them by her. She continued on with her statements of corruption for over three minutes. She asked if the Board of Selectmen and the Town Manager, under the law, have the duty to protect us? She stated they are not protecting her. She claims they are appointing criminals.

Mr. Senecal thanked her for her time.

A resident (no volume to hear a name at that moment) addressed the Board to state he reached out to the Police Department on July 12, 2022 to request the dispatch logs. He stated that according to Mia Lyons, the Department never gives out dispatch logs. After a twenty-minute discussion with no resolution to the inquired, he contacted the county attorney who reached out to the Police Department. The County Attorney got back to him that the dispatch logs would be available to him the following day. He stated most recently they made a right to know request, but were told they could view the file, but no

copies or photos were allowed. According to the right to know law, photocopies are allowed, and it also specifically states photos are allowed. He stated he reached out to the Police Commission with these concerns but has yet to receive a reply. He stated they also have reached out to the Town Prosecutor twice who has not returned their calls. He spoke to legal counsel and was advised they are allowed to copy the right to know. He has also reached out to the media outlets who have indicated they do receive these documents from the PD without charge. He also contacted the NH Municipal Association who indicated the town can charge a flat fee for right to know requests, but they have an email from the Police Department that they will be charged \$5 for the first page and a \$1 for every page thereafter, the law states otherwise. He noted the Wolfeboro library's cost is 15 cents for black & white copies. He stated that if the statement of never providing dispatch logs is true, the Wolfeboro PD has been violating the right to know law. He understands the Board does not take action on items unless it is on an Agenda, but he'd like to request an action of the Board on their next Agenda to educate the Police Chief right down to the patrol staff on these rules and violations of civil rights. These violations have occurred on recorded phones lines of the Wolfeboro PD, most recently just last night with himself and a dispatcher. He also is asking if there is something that can be posted at the Police Department outlining the process for right to know requests and if an individual is unsatisfied what the appropriate procedure for grievances is. He stated it is times like this that drive a wedge between the public and the department who share the common outcome of upholding the law. The Chief should not be gatekeeping information from protecting his family from harm which is what this case is. The endless argument is wasting the taxpayers money.

Luke Freudenberg stated he is the Police Commission liaison for the Board of Selectmen, there is a Police Commission meeting tomorrow at 4 PM in the Bradley room at the library. He encouraged him to come, as the Town of Wolfeboro still has a Police Commission where these issues should be grieved.

Mr. Senecal explained we have the Police Commission who oversees the department, but they cannot assist in this matter. He supports that he came to speak on his concerns and agrees with Mr. Freudenberg to attend tomorrow's meeting.

Mr. Deshaies thanked him for expressing his point of view in a civilized fashion.

11. Non-Public Session RSA 91-A

Linda Murray made a motion to move into Non-Public session at 7:48 PM. Luke Freudenberg seconded the motion. Roll call vote: Linda Murray-yes, Dave Senecal-yes, Brad Harriman-yes, Luke Freudenberg-yes, and Brian Deshaies-yes, the motion passed.

The Board re-entered public session at 8:12PM.

It was moved by Luke Freudenberg and seconded by Brad Harriman to seal the minutes of 8/17/2022. Members voted and all in favor, the motion passed.

Being no further information before the Board, Chairman Senecal entertained a motion to adjourn.

It was moved by Brad Harriman and seconded by Luke Freudenberg to adjourn at 8:13 PM. Members voted, being all in favor, the motion passed.

Respectfully submitted,

Amelia Capone Muccio