MINUTES

Wolfeboro Board of Selectmen Meeting

Wed., May 17, 2023

In-Person Session at the Great Hall 2nd Floor, 9 Union St. Wolfeboro

6:30 PM-Regular Session

Chairman Brad Harriman calls meeting to order.

BoS members Present: Mr. Harriman, Luke Freudenberg, Linda Murray, Dave Senecal, Brian Deshaies Staff: James S. Pineo, Town Manager

Mr. Harriman calls meeting to order 6:30 pm. Is there a need for non-public? Action Taken- **Mr. Pineo – yes; two hiring; one pending litigation; one reputation.**

1. Consideration of Minutes

i. April 26, 2023 Special Meeting <u>Mrs. Murray moves to accept as written. SECOND Mr. Senecal. APROVED 5-0</u>

ii. May 3, 2023 Regular Meeting Mrs. Murray: change to page 11: first reference to 'Mrs. Murray; second sentence remove 'where it is;' should say ' in the right place.' Then after 'Mr. Harriman; Mrs. Murray' again – end of first sentence – would like it to say, "we need to go out there before the process goes too far."

Mr. Freudenberg moves to accept as amended. SECOND Mr. Deshaies. APROVED 5-0

2. Public Hearing(s) read by Mr. Harriman

Temporary Event Permit applications

i. The Wolfeboro Board of Selectmen to consider a temporary event permit for the Wolfeboro Economic Development Committee to host a Community celebration of Lake Winnipesaukee on August 11, 2023 from 5:00 PM to 10:00 PM at the Town Docks. #2023-50.

Mr. Deshaies recuses himself; he is on EDC and part of the event planning team. He presents this event:

Mr. Deshaies, selectman; EDC member: inaugural "Lake Winnipesaukee Day" sponsored by Economic Development Committee. At Town Docks, Cate Park. 8-9 non-profits participating to educate citizens of Lakes Region about keeping waters clean. Groups will include:

Lake Winnipesauke Association, Wolfeboro Waters, Wentworth Watershed, NH Lakes, Mt. Washington Observatory, Lakes Region Conservation Trust. Rounding up businesses to be involved. Parks and rec- cornhole, food trucks.

M/S Mount Washington will be a floating venue: purchase ticket to have dinner/dancing 5 p.m. – 10 p.m. M/S Spirit will be dockside as a venue for sandwiches/beverages – NH brewed beer.

Expects proclamations from NH senators, representatives to mark day to care for our lake. Hope for proclamation from governor that this will be an annual event.

Mr. Harriman: asks about beer/liquor.

Mr. Deshaies: only on Mount Washington vessels with their liquor license. No alcohol off the vessels.

Mr. Harriman opens public hearing; no comments/questions. Closes public hearing

<u>Mrs. Murray MOTION to approve a temporary event permit for the Wolfeboro Economic Development</u> <u>Committee to host a Community celebration of Lake Winnipesaukee on August 11, 2023, from 5:00 PM</u> <u>to 11:00 PM at the Town Docks. And to close the dockside parking lot Friday, Aug. 10 11 p.m. until 11</u> <u>p.m. Aug. 11. #2023-50. SECOND Mr. Senecal. Mr. Harriman no questions/comments? APPROVED 4-0 –</u> <u>Mr. Deshaies recused.</u>

ii. **read by Mr. Harriman** The Wolfeboro Board of Selectmen to consider a temporary event permit for the Wolfeboro Senior Center and Meals, Inc. to host music in the park on May 22, 2023, at 2:00 PM, June 24, 2023 at 4:00 PM, July 24, 2023 at 2:00 PM and August 23, 2023 at 2:00 PM. Free and open to the public (rain plan is in the Great Hall). Permit #2023-51.

(online)- Amy Capone-Muccio, president non-profit Wolfeboro Senior Center and Meals – Event was done last year in Cate Park. Quite popular. One event is a Saturday, taking place in concert with a parks and rec event (June 24). We are looking to hold some free music in the park earlier in the day to appeal to the local senior population. We did this last year and it was well received. One event is a Saturday, taking place in concert with a parks and rec event (June 24). Certificate of insurance being obtained by treasurer of the organization.

Mr. Harriman opens public hearing; no questions/comments. Closes public hearing.

Mr. Senecal MOTION to issue temporary event permit for the Wolfeboro Senior Center and Meals, Inc. to host music in the park on May 22, 2023 at 2:00 PM, June 24, 2023 at 4:00 PM, July 24, 2023 at 2:00 PM and August 23, 2023 at 2:00 PM. Free and open to the public (rain plan is in the Great Hall). Permit #2023-51. SECOND Mrs. Murray: Approved 5-0

3. Bulk Vote – read by Mr. Harriman

A. Weekly Manifests

I. May 5, 2023- \$ 569,789.26 ii. May 12, 2023- \$ 220,607.93

B. Intent to Cuts/Warrants

i. Wolfeboro Camp School Tax Map 24 Lot 21 \$851.09 ii. New Garden Rd Tax Map 255 Lot 4 \$992.84

Mr. Deshaies MOTION to approve Bulk Vote A & B; Second Mr. Freudenberg. Approved 5-0

4. Board/Committee Appointments:

N/A

5. New Business

A. Discussion: Actual vs. Budget- April Finance **[finance director summary attached]** Kathryn Carpentier, Wolfeboro Finance Director: April 2023 actual vs. budget- 4-month average would be 33%. Current general fund operating budget is at 36.1% - some from contractual things such as Pos that are out. We're on track.

- General fund revenue at 6% understated-until first tax bill goes out in July. Tax bills going out end of May; due date early in July.
- Part of general fund revenue is motor vehicle permits; we're at 35% on track for that \$1.7 million budget overall.
- Water fund at 23% expended; electric fund at 36%; sewer at 75%. Special note- operation and maintenance contract is written beginning of year; that is why it looks overspent.
- Pop Whalen at 59%; reminded you last month \$39,000 emergency compressor repair. Managing bottom line of both of those budgets.

- Estimated revenues:
 - water fund at 21%. But water charges are at 29%
 - electric fund-36%
 - sewer fund 18%
 - residential sales at 27%
 - Pop Whalen 18%
- Water fund and sewer fund are trending a little lower than 33% average. Discussed with town manager, looked at usage it bell curves over summer months. Expect to pick up in 4-6 months. Residential/summer residents coming back- usage will be higher.
- DRA approved 23 budget items this week took two months.
- Field audit completed end April; we should get report end July. They coordinate with NH Retirement System and other agencies.
- Bond application submitted on time. Had bond counsel review. Expect funds early August for half of public works project and sewer extension project.
- Monthly, attend joint loss meetings; IT meetings and Trustee of the Trust Fund meetings.

Welcomes questions: And answers Mrs. Murray's questions that were emailed to Mrs. Carpentier. (five questions)

- 1. Why are revenues for water/sewer funds so low; same trend last year. ANSWER- Because water/sewer usage go up summer into early fall and expect that to level off.
- 2. Advertising line in the executive budget 183% spent to date. ANSWER It was a clerical error. Two POs were done for same legal services. Now back down to 100%.
- 3. Public Works/Highway Street budget is overtime at 78% and highway garage at 65%. Is there a plan to control overtime this summer. Most was due to winter storms: ANSWER: End February into March slammed with back-to-back storms. Reached out to public works director; he is aware of the numbers. Only OT planned this summer is during line striping and crosswalk painting this time of year. Public works director watching bottom line. Some items have been front-loaded. Expects growth to slow and OT percentage to even out over the coming months. He's looking at it balancing out in end. Changes will be made in future budgets.
- 4. Public works building and grounds budget hourly wages are over-budget; what's causing this/why? ANSWER: Person there split 50-50 – 50% for building and ground; 50% for solid waste. First half year works at building and grounds; second half solid waste. That affects solid waste which hasn't been charged yet. There is a clerical error – incorrectly budgeted; suggesting to town manager to do a line item transfer.
- 5. Economic Development budget- why is it over by \$80. ANSWER it was \$80/JC Signs for Last Night Wolfeboro banners. It will be reclassed to the Special Events Committee donation account.

Mrs. Murray: thank you.

Mrs. Carpentier: appreciates questions. You discovered a few issues that we took action on. Appreciate your questions. Other questions? [none] Mr. Harriman: Thank you, KC.

B. Approval: MOU between the Board of Selectmen and Library Trustees

Brodie Deshaies, Treasurer, Board of Trustees, Wolfeboro Public Library: review draft Memorandum of Understanding; cooperative agreement between library and town of Wolfeboro, BoS - how to care for public library; who's responsible for what. Lays out how town operates with library and BoS and board of trustees; putting it down on paper. If there's ever a disagreement we can refer to the MOU. Welcomes questions about the drafts he has.

Mrs. Murray: great idea to have an MOU – first one. Seen it before Excellent job dividing up what they do, what we do. Should have an agreement like this.

Mr. Harriman: Mr. Pineo you've gone over this?

Mr. Pineo: wants to meet with finance director on a few issues to iron out. Great starting place to lay out the path forward.

Mr. Harriman: You'd like to review this a bit further – and then come back for an approval.

Mrs. Murray: sounds fine. If there are things to check out – they should.

Mr. Harriman: That's what will do if that sounds good to you.

Mr. B. Deshaies: We think the document is good; believe we talked to finance director (no?) We definitely talked with staff. Cindy Scott previous director regarding specific aspects of finance and liability insurance and employees and town providing HR services for library and payroll, etc. Mr. Harriman: sounds like issues will be minor.

Mr. B. Deshaies: Mr. Pineo can reach out to interim director.

Mr. Pineo: will coordinate between him, KC [Mrs. Carpentier] Mr. Deshaies and Joyce.

C. Appointment: Seacoast Pretzel Co. permission for tables/chairs on sidewalk

Mr. Pineo: Seacoast Pretzel came to ask for permission for tables/chairs in front of the business for customers. They took photos and provided documentation. Mr. Pineo followed up with code enforcement officer going to the business to take additional measurements to confirm what had been provided by the company. If we were to grant this, one item to be clear on, we will still meet ADA requirements for width of sidewalk. And they have to figure some way to secure tables and chairs during business hours so they aren't moved. And take them down when they are closed. Public works director stipulated that tables/chairs could not be permanently fixed to the concrete sidewalk.

Matt Brown, owner, Seacoast Pretzel Co.: Took measurements; photos with A-frame sign and Sienna in photo. A-frame did not stay at site in photo. Just shows space; 5-feet from chair leg; Jeep always parked there- bumper hangs over and there's still five feet from table to the Jeep bumper.

Table chairs fold up and are brought in nightly. Only want them out when open. I don't have a lot. Others have tables and chairs and it brings people to sit down. I have a trash can out for customers.

Mr. Harriman: questions?

Mr. Senecal: refers to photo- two tables, four chairs- is that what you are asking for? Mr. Brown: yes. Two tables, four chairs, they're yellow.

Mr. Deshaies: where are this located- not in front of your rented space or a neighbor's rented space?

Mr. Brown: They're in front of the real estate place. Spoke to owner; he has given permission from real estate to put tables there. I have contact information for you if you want. Tables/chairs not directly in front of our building.

Mrs. Murray: Coming at it from another angle. Tables//chairs at Seven Suns are there – because they own the sidewalk there. Agreement with town and Seven Suns states where tables/chairs will be placed. Tables/chairs have been removed on the sidewalk outside LocalTopia because they were not permitted. Sidewalk is for pedestrians. At EDC meeting, members felt sidewalks are for pedestrians; did not like tables/chairs; OK with benches against the building for general public use and community. Feels we should not get into the business of using our sidewalks for tables/chairs.

Mr. Brown says his concrete step in front of door- sticks out farther is larger than the chairs. Tables are only two feet.

Mrs. Murray: EDC comments are that it's a slippery slope. You allow one, then others will want [tables/chairs]. That was the feeling of - that was the way I could get a response from some of the members of the community. Also will show you by Seven Suns – hand-out to BoS – I don't know whether sandbags will do it or not; we have an agreement; where I have that yellow line, a wheelchair or someone handicapped are not going to be able to get by there when the chairs get pulled out. That's what I'm concerned about. I will not support this.

Mr. Deshaies asks what if someone sits and eats ice cream and sits at your tables/chairs?

Mr. Brown: Just like other businesses, anyone can sit there – just like trash. We go back every hour and cleanup. I don't think there's enough tables/chairs and trashcans for people to sit at. Mr. Deshaies: Harmony Coffee is on their property; Butternuts is on their property also; they were lucky enough to have space. Don't know if it ends up that every business will want tables and chairs and not all will be good neighbors like you. They may overtake the sidewalk.

Mr. Brown: If we don't have tables and chairs, our customers will sit at Harmony. Our customers want a place to sit down. I brought tables/chairs in; our customers are sitting at Harmony. They may have a problem. If we all have tables and chairs we can all have customers sitting down.

Mr. Freudenberg: Look at cases individually. Don't have an issue with this one. We could approve it for a year. If it becomes an issue, we could revisit it. Wants to embrace new businesses in town. Doesn't think two tables/four chairs is detrimental. Agrees it's a slippery slope. If it's well thought out and policed well, it's ok.

Mr. Deshaies [to Mr. Freudenberg]: should we allow outside tables/chairs at Localtopia?

Mr. Freudenberg: have to look at each individually. LocalTopia which has indoor seating wants to expand to the sidewalk. This location [Seacoast Pretzel] is a window operation much like Bailey's Bubble. They don't have seating. Side street is narrow. I'd like to give them a shot.

Mr. Deshaies: Could bench seating work instead? Something that would remain for the entire season?

Could that work? Maybe with one little table; suggests system for outdoor seating; two square chairs and table; two chairs fold underneath and turns into a bench.

Mr. Brown: OK with that. Would not want to bring that in every night. Not comfortable with girlfriend working and lugging in bench every night. Went with small table and chairs that folds up. This sounds bigger.

Mr. Deshaies: benches in front of Black's and Verani Realty – are they fastened to sidewalk? Mrs. Murray: No. The ones fastened to sidewalk are two by Seven Suns that the town puts out. Do not believe ones at railroad station are fastened to the deck. Mr. Deshaies: no vandalism or stolen bench that I remember.

Mr. Harriman: agrees with Mr. Freudenberg; likes look and character of town when you have some outdoor seating. Was in Concord and it looks appealing and friendly to people and see others enjoying things. We don't have the sidewalks like Concord. What you're proposing here does fit; is ADA compliant; no problem with that. Agree with Luke, do a one-year trial; see how it works out and revisit it next summer. You might find a bench will be more appropriate.

Mr. Deshaies: Bench makes it seem like everyone can sit there. 80-year old can sit and take a break; some would feel like they can't sit there if they didn't buy from a shop. Mr. Harriman: Let's look at what we've got here; dimensions; sitting on the sidewalk and whether it impedes foot traffic there. I'd support for a one-year trial; look again next spring and go from there. Other questions, comments?

Mr. Senecal: MOTION to approve Seacoast Pretzel Co. to have two tables, four chairs, on the sidewalk as depicted in photo – for a one year trial. Second Mr. Freudenberg.

Mr. Harriman: discussion?

Mr. Deshaies: calls for amendment to withdraw approval if there's a problem/not working out; we can pull back approval before one year trail is up.

Mr. Senecal: That could come back to us at that point. My motion is to let them have it for one year; two tables/four chairs for one year.

Mr. Harriman: Do we have a second on the amendment? None; amendment fails. We back to the motion for the one-year trial period. Any more discussion?

APPROVED 3-2 (Mrs. Murray and Mr. Deshaies vote no)

Mr. Deshaies: My no is because the town should have the ability to stop the program if for some reason it is not working. Not against tables/chairs per se; if there's a complaint from a wheelchair, someone trips and falls, I'd like to be able pull it back.

Mr. Freudenberg: This happens sometimes at Seven Suns, they'll move tables and chairs creating a problem. [off mic comment] Just make sure you don't have four people sitting at one table and blocking the sidewalk. They'll do that [more off mic]

Mr. Harriman: thank you.

D. Approval: Commercial Vessel Landing Permit-Wolfeboro Dock Co. [Mr. Freudenberg recuses himself] Luke Freudenberg: owner Wolfeboro Dock Company: requesting second year of a Vessel Landing Permit to land at Libby Museum. We need an updated insurance policy.

<u>Mrs. Murray MOTION to issue a Commercial Vessel Landing Permit for Wolfeboro Dock</u> <u>Co. contingent upon submitting an updated insurance policy. SECOND Mr. Deshaies. APPROVED</u> <u>4-0 [Mr. Freudenberg recused]</u>

E. Approval: Commercial Vessel Landing Permit-Beckwith Builders, Inc.

Mrs. Murray recuses herself; son filled out the permit. Mr. Harriman: No one from Beckwith in attendance; This is their second season. Fee paid; certificate of insurance valid. Questions/comments?

Mr. Senecal MOTION to issue a Commercial Vessel Landing Permit to Beckwith Builders Inc. SECOND Mr. Deshaies. APPROVE: 4-0 [Mrs. Murray recused]

- F. Approval: Authorize the Town Manager to sign two grants for the Wolfeboro Police Dept.
 - i. DOJ grant for the Drug Task Force
 - ii. DOJ grant for purchase a drone for Wolfeboro Police and Fire

Captain Mark Livie, Wolfeboro PD; \$65,000 DOJ grant; 6th year- no changes. Second DOJ grant \$34,608.63- Multiple items within the grant:

- Purchase drone with thermal imaging to help police and fire operations-
- \$15,000 for overtime in budget as we come into summer months.
- Covers retirement and social security lines
- Drone training- use dispatchers, fire and police for operations
- Protective gear- most likely gloves

Mrs. Murray: For clarity, overtime money has nothing to do with drone; you're just getting overtime money for your budget.

Capt. Livie: yes.

Mr. Deshaies: Do you anticipate any complaints about drone flying around? Capt. Livie: Drone will be used during operations we do have to make notifications to places like Huggins, especially when DART comes in. They'll all be certified to operate it. Many departments have it. Mr. Deshaies: Some people get nervous when they see a drone flying around. Capt. Livie: Won't be just going up and around; maybe for training, but it will be in a controlled area.

Mr. Deshaies: OK

<u>Mr. Senecal MOTION to authorize the Town Manager to sign applications for two DOJ grants for</u> the Wolfeboro Police Department. SECOND Mrs. Murray. APPROVED: 5-0

G. Approval: Independence Day Parade Parking Ban

Mr. Harriman [reads Independence Day park ban]: Town of Wolfeboro – no parking along Main Street from Clark Road to Old Lakeview Terrace, Tues., July 4, 2023; rain date Wed., July 5, 2023, from 7 a.m. – noon; for the purpose of the Independence Day parade. Vehicles will be towed at the owner's expense and a \$50 fine will be imposed per order of the Selectmen.

I thought it worked well last year. Everybody had elbow room in the downtown area.

Mrs. Murray: No problem with the parking ban; want to confirm – until 9:30, cars were allowed on Main Steet to go off Main for people who couldn't walk very far.

Capt. Livie: It's actually 9 a.m. We've worked with businesses; so people can park and get coffee, etc. At 9 a.m., we start shutting down the side roads and Main Street so you won't get by.

Mrs. Murray: If you let people by who can't walk far and they're let off on the side streets; I'm fine with that.

Mr. Deshaies: Will there be the same reserved parking spots this year in front of and behind Town Hall for

Mrs. Murray: I think we should.

Mr. Pineo: Assume we'd do the same parking plan that we did last year. [July 4th]

Mrs. Murray: So this flyer and last year's parking plan – I'm fine with that.

Mr. Harriman: Motion?

<u>Mrs. Murray MOTION to implement a parking ban on Independence Day – July 4th for the parade [and rain date July 5th] and follow the same parking plan for people who need special parking as we did last year. SECOND Mr. Senecal. APPROVE 5-0.</u>

6. Other Business

Mrs. Murray: Still problem with [private] Dumpster on Dockside parking lot. Want public to know we're trying to address it. I've gotten a number of complaints and emails.

7. Committee Reports

Mr. Senecal: Conservation Commission and some of use met at Port Wedlen Monday with engineers , state and residents.

Mr. Harriman: Planning Board meeting – presented with preliminary conceptual plan for new proposed Hunter's IGA; looked interesting; all cleaned up there; trying to move forward. Community TV meeting; Port Wedlen meeting; met with Jim/Steve Randall at Libby Museum looking at issues there and short term fixes until Bergeron Technical Services gets back to us later this summer.

Mrs. Murray: Two Library Trustee meetings; interviews for parks and rec operations manager; with Jim met with Jockey Cove residents; Friends of Pop Whelan meeting; meeting EDC as alternate. Brian and I spent the morning walking the Abenaki and spray field trails, taking pictures; we'll meet with Jim and come up with a report on what we found and what we may need to do.

Mr. Freudenberg: Chamber meeting; Friends of Libby meeting.

Mr. Deshaies: attended Port Wedlen meeting; EDC meeting- focus on business growth in town; more discussion about Phase 3 Harriman Hill and Lake Winnipesaukee event; walked Abenaki three house-bike trails, cross country trails and drove through access roads for wastewater treatment plant. It's a maze- and amazing. We'll have a lot to do to figure this out. Looks like they're starting the ADA ramp. And happy to see Hunter's site is flat and level.

Mrs. Murray: Brian, we were to inform the board that the EDC was going to send a letter to ZBA to say they support Phrase 3 of Harriman Hill; if you have an issue, now is the time to say your piece, otherwise, we'll support that.

Mr. Deshaies: was having an issue with email. Will look and read that letter.

8. Town Manager's Report

Mr. Pineo:

- Meeting with an engineer regarding water buildout study; giving me a scope of work.
- Met with Conservation Commission at Pop Whalen. If you'll recall we removed a number of trees along the wetlands. One of the promises we made with them was to put some plantings back in. So they're working on a planting plan that they're going to submit to us through the Conservation Commission. We're going to try to get that executed here in short order.
- Met with Mr. Harriman at Libby Museum. Bergeron Technical Services won't be able to come in to look at the facility until late summer, early fall. We're going to do some stopgap measures to improve the facility a bit including mold testing.
- Earlier this week, meeting with bond counsel. In good shape. Anticipate next meeting you'll have an authorization to certify the vote for your consideration.
- Public Safety building: core borings have been done on site. Plan to go to Planning Board June 20 with site plan review including stormwater management issues and lighting plan.
- Met with Library Trustees on being able to use some of their property for the project and potentially being able to tie some of their generator work into this project. They have a generator on order for that facility. We have a problem with both locations trying to propane tanks trying to work together to have propane for both facilities.
- Met with Port Wedlen: they were encouraged; understand it's a significant increase in cost. One resident stated "I'm glad we found this. Otherwise, we would have been putting lipstick on a pig." Understand it's more money; glad we're going about it correctly.
- Hopeful tomorrow to have final documents from engineers for sewer extensions from Varney and Forest Roads. Has been a pain; bid opening was supposed to be tomorrow. If we get the documents tomorrow, contractors can bid on it now. Means project won't be done until fall.

Mr. Deshaies: Found EDC letter to ZBA: Reads the letter. EDC wants to go on record approving and supporting the needs for the third stage of development of Harriman Hill and affordable housing. Thank you. Lucy Van Cleve, Chair, EDC Wolfeboro. We're here to help with the economic development of our community. You are welcome to contact us with questions about starting a business, zoning or planning questions, chamber events, community events, voting or taxes. What ever it is, you can start here: EDC@WolfeboroNH.us

- 9. Questions from the Press- none
- 10. Public Input (Limited to 3 minutes per person and not to exceed 15 minutes in total) Suzanne Ryan: Received draft of wastewater report. Asks about whether a presentation for public.

Mr. Pineo: Met with engineer on that draft report; discussed discrepancies with what we know from the community. They're taking that information; hunting down more facts. Then I assume they would come forward and present their document.

Mrs. Ryan: What does DRAFT mean?

Mr. Pineo: They're making revisions based on what I've received from board members and questions from staff.

Mrs. Ryan: If we have questions we can get them to you?

Mr. Pineo: Can't promise I can answer – yes, get them to me; see what I can do.

Josephine Amatucci: brings up her request for a formal investigation against former police chief Dean Rondeau. Makes allegations that the police commission chair was not truthful about whether MRI was investigating the former chief. She alleges MRI stated to her there is no Wolfeboro contract to investigate Rondeau; MRI stated there was a contract to investigate a personnel matter. Alleges that the police commission hiring Stuart Chase to be part-time chief for one year is a way could mean that Rondeau could get his job back if the investigation into Rondeau is not completed within a year.

Mr. Harriman: Other public input? <u>Motion to go into non-public. MOVED by Mr. Freudenberg. SECOND Mrs. Murray:</u> <u>APPROVED 5-0</u>

11. Non-Public Session RSA 91-A

Next Meeting date: June 7, 2023 Regular Meeting

Submitted by: