

## MINUTES

### Wolfeboro Board of Selectmen Meeting

Wed., July 19, 2023

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

6:30 PM-Regular Session

**BoS members Present:** Mr. Harriman, David Senecal, Linda Murray, Luke Freudenberg, Brian Deshaies

**Staff:** James Pineo, Kathryn Carpentier, Wolfeboro Finance Director, Police Chief Stu Chase, Steve Randall, Director WDPW

**Chairman Brad Harriman calls meeting to order. Need for Non-Public Session?**

Mr. Pineo: 4 items Non-Public Session RSA 91-A: 3:11c1, reputation; e3, pending litigation.

**Mr. Harriman first reads statement from BoS: (and posted on town web site)**

The July 11, 2023 meeting of the Wolfeboro Planning Board the Planning Board issued "Conditions of Approval" for the Hunters Shop 'n Save. Condition # 5 states:

*Prior to the issuance of a building permit, the Applicant shall obtain a Special Exception for expansion up to, but not to exceed, 25% of the original building footprint unless otherwise relieved of such condition by a finding of municipal estoppel by either the Board of Selectmen or a Court of Law.*

On Thursday July 13, 2023, under NHRSA 91-A:2, 1(b) The Wolfeboro Board of Selectmen met in a non-meeting with legal counsel to discuss the Board of Selectmen's authority to grant municipal estoppel as outlined in Condition 5 of the Wolfeboro Planning Board.

Town Counsel writes:

*The Board of Selectmen can use the doctrine of municipal immunity to decline to enforce the unambiguous provisions of the ordinance. The doctrine of municipal estoppel is generally considered to be a defensive doctrine that property owners or taxpayers may use against a town or city to avoid some change in interpretation or enforcement by a municipality. The New Hampshire Supreme Court stated in Sutton v. Town of Gilford, 160 N.H. 43 (2010):*

*"A municipal estoppel claim requires a showing that a party has been induced to rely upon the misrepresentation to his or her injury. Id. at 721. The reliance upon the misrepresentation must be reasonable. Id. at 722. 'Reliance is unreasonable when the party asserting estoppel, at the time of his or her reliance or at the time of the representation or concealment, knew or should have known that the conduct or representation was improper, materially incorrect or misleading.'"*

*In the Gilford case, the court concluded that a property owner's reliance on an agreement with the town and certain representations made by the town was unreasonable because the property owner "knew or should have known that the representations made by town officials were materially incorrect, and, thus, any reliance was unreasonable." The NH Supreme Court observed that "[a] review of the ordinance, as the trial court found, would have revealed that section 9.1.1 was still in effect and applicable to the property. See Thomas, 153 N.H. at 722 (reliance on erroneous information by town code enforcement officer and a planning board member is unreasonable where a statute squarely addresses the issue)."*

*Similarly, here, a court would likely conclude that any reliance by Hunters on any alleged misrepresentation by town officials was unreasonable when the plain language of the ordinance precluded the proposed modifications to the site plan. Even if the BOS were inclined to take a vote that municipal estoppel applies or that it will not enforce the strict conditions of the ordinance, a third party could appeal that decision and would likely prevail based on the Gilford precedent because the ordinance is unambiguous and directly contradicts the interpretation allegedly provided by town*

*officials. As a result, I would advise the BOS not to grant the request and instead direct the applicant to file an appropriate application for relief from the ZBA.*

*Therefore, the Wolfeboro Board of Selectmen will not grant municipal estoppel as outlined in Condition 5 of the Wolfeboro Planning Board. Hunter's Shop 'n Save will seek approval for the Special Exemption by the Wolfeboro Zoning Board of Adjustment on July 31, 2023, at 7:00PM in the Great Hall.*

#### **1. Consideration of Minutes**

i. June 28, 2023, Regular Meeting:

Mr. Deshaies, pg. 9, line 14 – should be SAID not SEND; pg. 10, line 9 it should be PING not PINK.

**MOTION Mrs. Murray to accept the minutes of June 28, 2023, as amended. SECOND Mr. Deshaies.**

**APPROVED 5-0.**

ii. July 6, 2023, Special Meeting

**MOTION Mrs. Murray to accept July 6, 2023, minutes as written; SECOND Mr. Deshaies. APPROVED 5-0.**

#### **2. Public Hearing(s)**

##### **Continued Public Hearing Class VI Road**

- i. The Wolfeboro Board of Selectmen will hold a Public Hearing on Wednesday, June 7, 2023, at approximately 6:30 PM in the Wolfeboro Town Hall Great Hall, 84 South Main Street, Wolfeboro, NH to consider the application received from Jason & Renee Walsh for a building permit on the Class VI portion of New Garden Road, specifically Tax Map 255, Lot 3.

Jason Walsh: Explaining in three parts: Class VI, road width, New Garden Rd. bridge.

Want to build 20'x24' addition to our camp; bathroom, toilet, running water, electricity.

Received written reports that you reviewed prior to this meeting. We are here because of 67441-to prevent scattered premature growth.

Look at the facts:

1. Class VI
  - Pretty mature growth; Cabin on the property since 1950s.
  - 5 houses on Class VI road including year round house about half mile past us.
  - One house approved to build about 6 years ago.
  - Driveways on property; cleared lot
  - Electricity poles on road running past the house
  - not scattered an premature growth. Want to improve cabin that is already there. Not looking to build from scratch.
2. Road width:
  - Chief Zotti report- wide enough for fire truck
  - This should be done case-by-case: New Garden wider than Class VI at Trask Mountain and Northline. We measured these locations and pictures here.
  - Wolfeboro approved building permits on two of these Class VI roads in the past 18 months. One approved about 8 months ago has a gate with bars that is less than 12-feet wide. Road width should not be a concern. Both these needed driveway permits. We do not need a driveway permit.
  - Trask Mountain needed two electric poles installed; we do not; it's case-by-case.
3. The Bridge
  - As per Quantum report, bridge not rated for a fire truck. Risks involved; Chief Zotti mentioned it. In a way, same is true with island homes in Wolfeboro.
  - Our cabin 300 feet from other side of bridge; the river runs year round. River water could

be used [in event of fire]; not sure if that is feasible.

Safest thing for us is to obtain an approval by Wolfeboro for building permit. Need running water to fight our own fires; need electricity to hardwire smoke alarms and wire cabin. We're there quite a bit; this would help our family. Do not want to live there year round at this point. Just want safe place to enjoy trails and woods with our family. Questions?

Mr. Harriman opens public hearing.

Suzanne Ryan: Have said the same things about Class VI roads over the years. Concerns are- premature and scattered growth; not following the Master Plan; cumulative affect allowing these permits bit by bit and spreading out. Won't be in my lifetime, but I think the town will come to regret it. Ask that you vote no.

Mr. Harriman: closes public hearing.

Mrs. Murray: Have a couple of comments/questions. Want to make it clear to the audience, my husband and I do not own property on New Garden Rd. in Wolfeboro.

Still have concern about the bridge.

Reading from Tom Zotti's memo to BoS:

"As for a statewide policy that again is a decision of the Board of Selectmen, as an emergency response professional, I am loathe to allow a life safety hazard which we knowingly could not adequately respond in an emergency."

I will not support the request because of that.

Reason I brought up the width of road – you're signing a waiver that says you're going to maintain a 12-foot wide road with four-foot shoulders; they're not four-foot shoulders. If we're going to sign this, I'd like to make it 16-feet wide and no reference to a shoulder. That's something we need to do as the Board of Selectmen if you so chose to move forward on it.

Will this [the cabin] have heat or not?

Mr. Walsh: Yes, wood stove; looking into forced hot water/hot air.

Mrs. Murray: We did that on another Class VI road and the guy didn't realize he had to have heat. I didn't want you to get caught in that same...

My other issue is the Master Plan says no permits on a Class VI road; bridge issue is the one I cannot overlook.

Mr. Harriman: After the last meeting found that a bridge rating had been done on New Garden Rd. + North Wakefield Rd. Report shows steel beams decent – beam inventory rating of 18 tons.

Operating rating of 26 tons. It's the wooden deck deficient; rating at 3 tons inventory and 4 tons operating.

My opinion, fairly easy fix for neighborhood; lot owners and people living there could re-deck the bridge; structure in good shape for access and peace of mind; getting in and out. Not that big of a job. When these applicants came to the planning board it was discussed with recommendation to the BoS; Planning Board approved this 4-1; two abstentions including mine since I knew I'd be considering this at the BoS.

They have a property; there's a structure on it; they have a right to develop their property and have a home. Waivers they sign they will understand that big fire rescue apparatus will not come in there; figure out any oil deliveries; fixing the bridge deck on the residents. I'm in favor of granting the application remodel their house as a year round house.

Mr. Deshaies: Agrees with Mr. Harriman. Thinks bridge being rebuilt and should be a condition of approval. We've heard from the town attorney – the town is liable if a third party individual goes over the bridge and it collapses and there's an injury, waivers do not cover the town. They can sign the waivers that protects us from damage from themselves; but not from third parties. Would

approve this knowing that the bridge would be brought up to a more reasonable standard. Four tons is a pickup truck. Concern about getting building materials, oil, fire truck-even small to the home site – if the largest vehicle you can get over the bridge is a pickup truck.

Master plan does say we should not grant permits on Class VI roads. Agree that people should have a right to use their property. Pretty firm on a condition that the bridge needs to be addressed and rebuilt; or it's substandard and could cause a third party liability falling on the town.

Mr. Freudenberg: If there had not been a structure there, I would have a hard time approving. With you, Brad, that people have rights – they have a property with a structure on it; they should be able to use it. Owners want to make it more habitable for them to use; they're paying property taxes on it. Life is not without risk. People would cross bridge and did not know about a rating. Not that I agree with unnecessary risk. We have to look to the future, as Suzanne stated, sporadic spread: either the select board will have to take a position on this and say we're not going to do it; a couple were issued in the case few years. Another applicant is here; we did it seven months ago – I have a hard time. This one makes even more sense because there is a structure there. I wouldn't put that condition on. I'm sure they're going to want the bridge to be safe and functional. The residents would want that too. There's risk building on a Class VI road. I think the applicant is fully aware; when we go through the conditions to approve this; it mentions these risks. I will support it.

Mr. Senecal: Existing building is there; if they re-deck it – would bring the bridge up to the 18,000 pounds that the steel can handle. That would be a better situation. If there were a problem down there, police or fire would figure out a way to get some equipment down there to at least help out. In favor of issuing the permit.

Mr. Harriman: Infrastructure for power grid already in place. Any other comments.

**MOTION Mr. Senecal: to approve the application from Jason & Renee Walsh for a building permit on the Class VI portion of New Garden Road, specifically Tax Map 255, Lot 3.**

**Second Mr. Freudenberg: APPROVED 3-2 (YES-Mr. Harriman, Mr. Senecal, Mr. Freudenberg; NO-Mrs. Murray, Mr. Deshaies)**

#### **CDBG Hearing**

ii. The Wolfeboro Board of Selectmen will hold three consecutive Public Hearings on Wednesday, July 19, 2023, at 6:30 pm in the Great Hall of Wolfeboro Town Hall at 84 South Main St, Wolfeboro, New Hampshire 03894.

- Community Development Block Grant (CDBG) funds are available to municipalities through the NH Community Development Finance Authority.
  - Up to \$500,000 annually is available for Economic Development Projects,
  - up \$500,000 for Housing Projects,
  - up to \$500,000 for Public Facility Projects,
  - up to \$350,000 in Emergency Funds,
  - up to \$25,000 per Planning Study grant.
- All projects must directly benefit a majority of low- and moderate-income persons. The Public Hearings will comment on the following:
  1. This is a proposed application to the Community Development Finance Authority for up to \$500,000 in CDBG Housing Grant Funds. Of the grant funds, up to \$25,000 will be retained by the town for administrative/labor compliance costs associated with the project, \$475,000 of the funds will be sub granted to Lakes Region Community Developers (LRCD), or a related entity to be determined, toward the acquisition and/or construction of 30 affordable housing units at Harriman Hill on Beck Drive.
  2. The Anti-displacement and Relocation Assistance Plan for the Harriman Hill Project.
  3. The Housing and Community Development Plan.

Mr. Freudenberg: steps down; he's on the ZBA which is still going through approval process  
Mr. Harriman: used to be an abutter to the property there; sold that property a year and a half ago. States he can be objective. Polls board – all agree; no conflict.

Mrs. Murray: We're accepting money to move a project forward; don't see you have a conflict with that'; it's a done deal.

Mr. Harriman opens public hearing:

Donna Lane: CDBG consultant; Informational packets on table.

Mr. Harriman opens public hearing:

Ms. Lane:

1. This is a **proposed application to the Community Development Finance Authority** for up to \$500,000 in CDBG Housing Grant Funds. Of the grant funds, up to \$25,000 will be retained by the town for administrative/labor compliance costs associated with the project, \$475,000 of the funds will be sub granted to Lakes Region Community Developers (LRCD), or a related entity to be determined, toward the acquisition and/or construction of 30 affordable housing units at Harriman Hill on Beck Drive.

This project conforms with Wolfeboro's proposed housing and community development plans goal of encourage a varied stock of safe, sanitary, decent and affordable housing for people of all ages and income groups. Questions??

Mr. Harriman: any comments from public beyond Ms. Lane? Board questions?

Mr. Deshaies: Why not condos instead of rentals? Purchase instead of rent. Is it because it helps (LRCD) business model generating more rental revenue so they can continue building rentals? Or is there another reason why they're adverse to condos that people could purchase them; pay them off; fixed cost so that in 10 years, their cost of ownership goes down and they pass on generational wealth to their heirs. A statement at a previous meeting stated there was no need for condos in NH. I don't agree. I think that's baloney. Looking for the right funding sources and towards people who rent want to own – it's a good model.

Ms. Lane: Not speaking for (LRCD), I do a lot of CDBG in NH. CDBG are grant funds through HUD targeted for low and moderate income housing; NH Housing Finance Authority is primary funder of these projects; they are many millions of dollars. Funds are targeted for low and moderate income folks. They have to be affordable. I believe the model will not make a condo affordable.

Mr. Deshaies: does not make sense. My first house was NH Housing Finance backed with FHA with a two-point buy-down. My son just bought a house, zero down...two percent...

Mr. Harriman: Can we stay on track here?

Mr. Deshaies: This is on track. It is possible to get a loan for a low income person and purchase a less expensive condo or house. I just don't agree.

Mr. Harriman: other comments board? None. Public open hearing on

**2. The Anti-displacement and Relocation Assistance Plan** for the Harriman Hill Project.

Ms. Lane: This plan outlines measures under the Uniform Relocation Act required for CDBG projects that involve any displacement or relocation of persons or businesses. If the town were to undertake a CDBG project – I want to point out this is not anything else that you do – only CDBG projects – that involved displacement or relocation, they would follow this plan. The plan outlines measures they would take to find comparable/suitable housing/business for those displaced or relocated.

This is new construction we have no displacement or relocation; Project-specific – has to be adopted every time. It's been adopted by BoS in the past for CDBG funded projects.

Mr. Harriman: other questions/comments? Board? Closes public hearing.

Opens public hearing on-

### **3. The Housing and Community Development Plan.**

Ms. Lane: explains – You have to have a housing community development plan to ask for CDBG funds. It can't be any more than three years old; yours is quite old. You have to be addressing a goal that's outlined in this plan. You had one many years ago; updated it in the new format they're using now. The Housing and Community Development Plan is required to be eligible to apply for CDBG funds. Proposed Housing and Community Development Plan identifies needs that exist or are anticipated during the next three years. The plan provides a basis for guiding the town's housing and community development objectives and actions.

In addition, the plan includes a citizen participation plan for CDBG that details the CDBG requirements at public hearings.

These are the goals you had before; same goals going forward.

- Encourage a varied stock of safe, sanitary, decent affordable housing for persons of all ages and income groups.
- Encourage economic development activities to increase quality industrial and commercial development.
- Encourage the expansion and retention of employment opportunities for residents.
- Encourage municipal and private water and wastewater systems that are safe and sanitary and meet DES regulations.
- Preserve and promote the town's historically and culturally significant structures.
- Promote activities that protect the health and safety of residents and visitors.

Questions?

Mr. Harriman: public comment? None. Board ? none. Closes public hearing.

1. **MOTION Mrs. Murray: to approve submittal of the CDBG application and authorize the town manager to sign the and submit the CDBG application. And upon approval of the CDBG application, authorize the town manager to execute any documents which may be necessary to effectuate the CDBG contract and any amendments thereto.**

**SECOND Mr. Senecal: APPROVED 3-0-1; Mr. Deshaies abstains; Mr. Freudenberg had stepped down.**

2. **MOTION Mrs. Murray to adopt the Anti-displacement and Relocation Assistance Plan for the Harriman Hill Project. Second Mr. Senecal: APPROVED 3-0-1; Mr. Deshaies abstains; Mr. Freudenberg had stepped down.**

3. **MOTION Mrs. Murray to adopt the Housing and Community Development Plan. Second Mr. Senecal: APPROVED 4-0 (Mr. Freudenberg had stepped down.)**

#### **Temporary Event Permit application amendment**

iii. **ADD A DATE:** The Wolfeboro Board of Selectmen to consider a temporary event permit for Back Bay Water Skiers, Inc. d/b/a Abenaki Water Ski Club to host three water ski tournaments at the town park (on Railroad Ave in Back Bay), June 24, 2023, the NH Open, July 21 (kids only) July 22-23, 2023, the Lakes Region Open and August 19, 2023, the NH Water Ski Championship from 8 AM to sunset. Permit #2023-54.

Mr. Harriman: adding some dates to the events. opens public hearing; none; closes hearing. Board comments? None.

**MOTION Mr. Deshaies: move to update the previous temporary event permit approved to include the NH Open, July 21 (kids only) July 22-23, 2023, from 8 AM to sunset. Permit #2023-54. SECOND Mr.**

**Freudenberg. APPROVED 5-0.**

**3. Bulk Vote**

- A. Weekly Manifests
  - i. June 30, 2023, \$3,035,658.69 (school payment)
  - ii. July 7, 2023, \$ 372,516.80
  - ii. July 14, 2023, \$ 634,776.02
- B. Application for reimbursement/ Federal & State Forest Land
  - i. Gov. Wentworth Historic Site \$475,000 80 acres
  - ii. Wentworth State Park \$76,000 44.9 acres
- C. Property Tax Credit/Exemption
  - i. 4 Birch Hill Estates Rd Tax Map 177 Block 10 Lot 11

**MOTION to approve bulk vote items A-C Mr. Freudenberg; SECOND Mrs. Murray APPROVED 5-0.**

**4. Board/Committee Appointments:**

Alternates for the Wolfeboro Public Library Board of Trustees for one-year terms:

- i. Diane Bolduc Term expires 7/31/2024.
- ii. Sharon Marigliano Term expires 7/31/2024.
- iii. Sandra Whittier Term expires 7/31/2024.

Mr. Deshaies: any board member have an issue with me voting on this; Brodie Deshaies/son is a library trustee.  
No objections.

**MOTION Mr. Senecal to approve the three alternate members: SECOND Mrs. Murray. APPROVED 5-0**

Resignation Economic Development Committee

- i. Jennifer French Term expires 3/31/2024

Mr. Deshaies: sits on the EDC; any objections to him voting on this? None.

**MOTION by Mrs. Murray to accept resignation of Ms. French. SECOND Mr. Senecal; APPROVED 5-0**

**5. New Business**

**A. Discussion: Actual vs. Budget June- Finance Department**

Kathryn Carpentier, Wolfeboro Finance Director: the monthly report for expenses/revenues is before you through June 30, 2023.

- General fund operating budget 54%; slightly above 6-month average of 50%
- Revenues at 69%. Includes anticipated bond proceeds and use of fund balance. Of note:
  - Motor vehicles at 55%; is a \$1.7 million budget; ahead of schedule on that big revenue generator.
- Water fund at 46% spent; operating budget only
- Electric 55%
- Sewer 82%
- Pop Whalen 62%- there were emergency repairs on compressor at Pop Whalen
- Estimate water revenues: 77%
- Electric revenues 51%

- Sewer revenues 73%
- Pop Whalen revenues 40%
- Water charges residential users: 46%
- Residential sales sewers: 42%; trending low because of rain; people use less water.
- Other indicators:
  - Gas at 37%; great
  - Diesel at 63% due to bad snow storms beginning of year.
  - Overtime at 72%: town manager/departments heads watching that. Have had open positions driving the overspending, favorability in other places.
  - Legal at 36%

Mr. Harriman: no questions; Mrs. Murray's had been answered.

#### **B. Discussion: Memorandum of Understanding with Wolfeboro Library Trustees**

Mr. Pineo: Few months back, MOU to outline relationship between library, board of trustees and selectmen; Sat with trustee and library staff members; worked out the agreement; you have a draft. There is a library trustee and new library director here.

Mr. Deshaies: should I step down? Son is a library trustee;

Mr. Harriman: no problem

Mrs. Murray: it's a personal choice. I step down when my husband is involved; If you feel comfortable, I have no problem with that. Each one of us has to make those hard decisions.

Brodie Deshaies: Wolfeboro Library Trustees: reading legal Q&A by the Library Trustees Association of New Hampshire, summer 2023 newsletter. Written by Nate Greyes, NH Municipal Association:

"Memorandums of Understanding – commonly known as MOUs – are understandings between two or more entities. They are frequently used to resolve issues that can arise between two governmental entities where there may be overlapping authority. These types of agreement are often considered only after a problem arises, but it is always a good idea to try to head off a problem before it becomes serious issue.

The relationship between the library and the town is one of those areas where problems can arise. [Mr. Deshaies notes there have not been issues in this MOU; town/library have positive relationship]

What is important, however, is for library trustees and select boards to work together to clarify the realms of responsibility where it is not clear. A basic starting point for existing libraries can be cataloging the various features of their library where there may be disagreements. For freestanding libraries, that's probably everything outside the physical structure of the library. For internal libraries, that's probably the four walls, the ceiling, and the floor. From that basis, figure out which entity – trustees or select board – has traditionally maintained which feature and which features are in contention. For those where tradition has been long established and there isn't disagreement, it should be fairly easy to craft an agreement – a MOU – outlining the relative responsibilities of the trustees and the select board. For those contentious issues, more negotiation may have to take place. Once an agreement is crafted, approved and signed by both the trustees and the select board, it is up to both sides to abide by it and notify the other if something goes astray."

We're creating this so we're all on the same page – whose responsibilities are what. Library trustees passed the MOU at our last meeting – that meets the expectations. Questions?

Mr. Brian Deshaies: Should that be in the minutes?

Mr. Brodie Deshaies: Sure, I don't need any more after this meeting. Highlighted the parts I read.

Mrs. Murray: helped work on this; abstaining from voting. Good partnership and clearly defines



who does what among the entities. Support the trustees for presenting it here tonight.  
Brodie Deshaies: You're voting on the MOU draft from June 12, 2023. That's the one the trustees approved. There've been five drafts thus far.  
Mrs. Murray confirms; yes, 6/12/23.

**MOTION Mr. Freudenberg to approve MOU with the Wolfeboro Library Trustees dated 6-12-2023;**

**SECOND Mr. Senecal: APPROVE 4-0-1 (Mrs. Murray abstains)**

**C. Approval: Authorize Town Manager to sign Highway Safety Grant for Police Dept.**

Mr. Pineo: Annual grant that comes from the police department. Police chief is here.  
Mr. Harriman: questions?  
Mrs. Murray: We held a public hearing earlier, right?  
Mr. Harriman: yes  
Chief Stu Chase: Annual program; coincides with federal budget year; begins in October.  
\$15,300, speed, DWI and pedestrian safety enforcement

**MOTION: Mr. Deshaies move to authorize town manager to sign highway safety grant for police department. SECOND Mrs. Murray. APPROVED 5-0.**

**D. Discussion: Ambulance Contract**

Mr. Pineo: Earlier this year, authorized Chief Zotti to issue an RFP for ambulance services going forward. Current issues in nation and NH related to EMS and stability of EMS in future. RFP issued. Two bidders on proposed contract as outlined. Incumbent provider did not bid.  
Bids ranged from \$1.4 million annually to \$300,000 annually. Contracts come with some stipulations; if you want to maintain status quo of what we have today, two ALS ambulances; 24/7, the that's the \$1.4 million option.  
Talked with chief and deputy; discussed possibility of fire-based ambulance services: put together a quick package in non-public last Thursday to discuss contract regarding ambulances. We feel best option going forward is to consider fire-based ambulance services for the town of Wolfeboro, minimally, that will require in 2024 hiring at least four fighters to bring this service on board. Additionally, it'll include the need for an interim contract to provide ambulance services until we can get a budget approved and get the equipment in town to be able to provide the services.  
We've got a significant amount of work to do. BoS wants us to investigate every option to include equivalent to what we have today. That would require a significant number of hires moving forward. We believe based on projections, possibility of creating revenue, we will be able to provide the best service to citizens and visitors of Wolfeboro.  
Based on that, Stewart's Ambulance in their letter to BoS on why they did not bid, the executive chairman of Stewart's Ambulance stated:  
"Given my experience discussions with the town, I believe that the best EMS option for Wolfeboro in terms of both quality and cost is to have Wolfeboro Fire provide primary 9-1-1 response. So Stewarts came to a similar conclusion in Laconia in 2018." Came from Justin Van Etten, executive chairman Stewart's Ambulance.  
We know that no matter what we do, it's going to be significant costs. One of the advantages we have with this today, if you can believe it, ambulance service is not considered essential service. If we as a town take on ambulance service, we can make a statement to citizens and visitors that it is an essential service to citizens and visitors of our community.

There will be some challenges with it. I believe we have the talented staff in place to make this happen. It's not anything outside of the realm of what fire department operations are today.

That's my summary; you have data points. One point going forward is the chief, deputy, me and staff will have to be engaged in public information campaigns to be able to sell this; so when we get to the budget committee; when we get to warrant articles, we can get buy-in from the voters. Chief and deputy here to answer questions.

Chief Tom Zotti and Deputy Chief Nathan Nichols: [Chief Zotti] Thanks BoS and town manager for listening to this. Understand a lot of work involved. Thank Jim for being willing to put an option forward that we dropped on him this afternoon. We understand you have not seen this before. We talked about in meeting last week – discussed RFPs and different options.

One idea is that you wanted to see a variety of options/paths forward. We spent some time developing what you see before you; it's a broad stroke proposal. This is not a substitute for what the town manager has put forth. In spirit of different options, we want to put that on the table. Main difference in what you're looking at is it's a phased in program: when eventually complete, puts us essentially where we are today being able to drive two staff ambulances out the door at an initial tone. We've looked at a variety of response models. Concern going forward – today with current contract, and RFPs that are contemplated, we can respond with our cross-trained responders and the ambulance can respond with one or two ambulances based on the nature of the call and that level of training and ability to perform a variety of tasks.

We've looked at a variety of models. It would be difficult for us to come up with a model where the second ambulance would have to be driven/staffed by people who are either off duty or responding from home and not have that delay.

We're working to provide statistics through management software – on number of concurrent calls we do. Spoke to vendor; reason I have not been able to do that over the last few years, the system does not have capability of doing that. They did give us a way that would allow us to put our data into Microsoft Access and be able to query it and so forth.

I can tell you until approximately 2017 when we were using a different type of software, we averaged 10-12% of calls a year were concurrent calls. At least two if not more calls were going on at the same time. What we would like to present, broad strokes of our idea on how to address that similar to what we have today. If board so chooses and wants us to put more energy into that, we'll certainly work to provide you with more detailed financial projections and so forth.

Deputy Nate Nichols: Thanks Jim for allowing us to put this proposal forward.

Voters/residents/visitors have come to expect a certain level of EMS service. Important we continue that. We have exceptional staff – appreciate their support. They're ready to jump on board and make this happen. There are not significant challenges with either one of these options. With the public safety building, it could not be at a worse time, but we can make it happen. I have full confidence in our people.

As the chief said, with our call volume, and the town washing away in the last few days, we did not have a lot of time to flush out some of these numbers, If you're willing to guide us, we can give you something similar to what Jim gave you originally with adding the four, too.

Chief Zotti: Adds we understand no matter what way the board chooses, it's a heavy lift; new, different. Have confidence in our staff. We do challenges – that's our job.

Mr. Deshaies: Not unique; Isn't there 40-45% of state...?

Chief Zotti: Ballpark numbers I believe roughly half the municipal fire departments in NH are

licensed to transport patients in their own ambulances.

Mr. Deshaies: I think it will be financial benefit for the town down the road; and also we know that ambulance services starting to close; stretched for staff like every other industry. To know that we'll have employees year in, year out to protect our citizens is fantastic. And when you see someone on an ambulance, you may not know who they are. When you see a face you know in town because they're a first responder in town, it creates a very secure feeling for people of Wolfboro.

Mr. Harriman: Explain the options for 2026-

1. Add two firefighter/an EMT
2. Add one firefighter and enroll the EMS captain into the groups

Further down the EMS captain would be a paramedic level position in the fire department. And we've had Huggins Hospital paramedic that goes out and meets you in route. Would like to hear clarification/reasoning -thoughts behind that.

Dep. Chief Nichols: Fleshing out the options better. Justification for EMS captain: Half towns in NH provide municipal ambulance. Wolfboro does not have decades of institutional knowledge. Vital to bring in someone to help WFD with the transition. Justification for that position:

- Ideally it would be staffed by a paramedic and a state certified instructor; which would allow that person to teach classes at the department for members – big advantage.
- Responsible for day-to-day operations of EMS
- Respond as needed at the paramedic level
- Do Q/A QI on the EMS reports for accuracy to ensure proper billing and other lighter duties.
- Is an additional person to respond to suppression and rescue activities.

Option #1: keeps that person as an EMS captain and add two firefighters to roster totaling four groups of five firefighters and that EMS captain during the day.

Option #2: hire one firefighter in 2026; and roll the EMS captain into a group leader and change how we operate now. There would be a captain, lieutenant and three firefighters per group.

Mrs. Murray: wants public to know before the board moved down we talked about it and we did get information sheets to get a handle on the financial impact – no matter which way we go – with an ambulance service or we do this. From my years on the BoS, the town has always wanted to have two ambulances. We negotiated contracts and paid more to have that. I'm in support of keeping two ambulances and us being able to have that at ready call.

I need to think about this. We also need cost impact; it's something new. For me, I've got to listen to you and use your skills and knowledge to know which way to go on it. Thank you for the information; we need to study it and count on you to help us sell it. This is going to be a big cost.

Chief Zotti: Understand that; prepared to – if given the nod – do outreach and schedule public input/work sessions, possibly in conjunction with construction going on at the new building.

Mr. Harriman: Other questions/comments from board? Thank you, gentlemen.

#### **E. Approval: Front Four Cellars of NH- permission for Chairs and Tables on sidewalk**

Michael and Julia Bilodeau: Moved in in June. Owners- request to place two tables/2 chairs each on both sides of the entrance at 13 Railroad Ave. When we rented the unit, we were told we'd be able to put tables/chairs – so we did; about a week ago we were informed we were not in compliance with town ordinances. Planned on asking for permission because of

liquor laws in NH; we need to have a cordoned off area to serve alcohol outside the building. That is one issue.

Our concern is customers would like to sit outside and enjoy food/wine offered. Added some posts two weeks ago because of liquor issue; found chairs were constantly taken elsewhere. We put posts/chains in- now no chairs removed/missing.

ADA compliance issue: outlined in memo to BoS with photos that we are in ADA compliance/distances from tables on the sidewalk.

Julia Bilodeau- Owner- explains here background advocating for equal access to all; special ed teacher after ADA enacted 1990; assisted businesses on becoming ADA compliant. This building was difficult and cannot make it ADA compliant.

One way to make services available for all at this store is to have outdoor seating. No way to get wheelchair in the building (on Railroad Ave.) Passionate about ADA; doing this my entire adult life. Want my business to be a part of that.

Mr. Harriman: Questions from board?

Mr. Senecal: Some of this area – at the end of this block – businesses own part of sidewalk where the tables are. Not sure where the property lines are for the rest of the block; whether property line comes out.

Mrs. Murray: Says town had sidewalk on their property at end of block; town has legal agreement with business at end of block (across from RR station building) on where they could have tables/chairs; in exchange, we got the sidewalk. I'm with you, Dave. Don't know where the property line is on the Four Front Cellars property. Part of the issue.

Reads from Zoning ordinance – chapter 5.

Alcohol consumption on town property. It says, "except as provided below," and there were some buildings where we allowed it to happen. "The consumption of alcohol is prohibited on property over which the town has supervision and control. The maximum penalty for the first offense shall be a fine of up to \$100, any portion of which may be suspended. Conviction of a second or subsequent offense shall be a fine of \$150, and no portion of the fine may be suspended."

I'm not advocating a fine. But it makes it impossible if those tables are on town sidewalk for us to OK the consumption of alcohol on it, according to our town statute. So, Dave, I think it's very important for us to know where that property line is because of this.

Mr. Bilodeau: Included a photo of the platt from the town– [Mrs. Murray: I know] Property line extends just short of 4-feet out from the building. There is a descending line that narrows. You don't have as much as space that's owned by us at the end of the building. That should be visible in the platt picture we sent to you.

The ability to serve alcohol is third on the list. Seats outside are requested because we offer food and non-alcoholic beverages. Biggest issue ADA piece. They cannot come inside. Understand liquor ordinance – not main reason we're here.

Mrs. Murray: Feeling is we've allowed some tables on the sidewalk; they're open to everybody; no one just saying these are just for our establishment. One of them is the pretzel shop. They have tables; there are no signs on them. At Seven Suns; sign states 'please don't move the table.' That's for ADA.

I need clarity to know where it's under the planning board and when it's under us. If it's their property, they need to go to site review. If it's town property, we make the decision. I'm not quite clear; we've got part our land and part your land – about what the recommendations are on which way we should go.

Mr. Deshaies: If you are on your property, you go to planning board for site review. We're

opening a can of worms by looking at this piece by piece. We need a sidewalk ordinance. Submitted to board a copy of Concord's sidewalk ordinance. I know Concord has wide sidewalks; different from Wolfeboro. It's a template to start with. Other thing, look at ADA – important; need 36" minimum; I understand that. I walked the entire downtown and measured the sidewalks. Everybody says sidewalks are four feet wide. There isn't a sidewalk down there that isn't 6 ½ to 7 feet or feet wide or more. [Stands up to show example of two people together = 45"; to show not enough room for them to walk standing together and still have 36" sidewalk available for ADA.] Can't walk in gutter- that's a fine for violating a state RSA against walking in gutter. If there's a 6-7-8 foot sidewalk, my opinion is we need to have a minimum of 4-feet. People cannot walk single file all the time. Instead of piece-mealing and throwing dart against the dartboard, we need a real ordinance that works for everybody. And make sure before we start saying yes and no, we need to know where property lines are.

Mr. Bilodeau: Makes complete sense. 36" is absolute minimum for ADA. A majority of our pictures show pictures show 44-45." We have seen those scenarios mentioned with our tables/chairs/posts/chain up so people could move on the sidewalks. We've done our homework over last six weeks. At night there are people lined up down Railroad Ave. trying to get to other places.

Mr. Deshaies: There are steps from buildings that turn 6-7 foot sidewalks to 5-foot sidewalks.

Mr. Bilodeau: Right. Not the case for us.

Mr. Deshaies: Hardware store has place where the sidewalk is ADA compliant by a half-inch; long stretch where it's 36" of sidewalk. But I don't know who owns that sidewalk. We don't have a good sidewalk ordinance.

Mr. Freudenberg: In our packet- the photos are great; we did not get the plat plan.

Mr. Bilodeau: I provided it to Terry.

Mr. Deshaies: Jim, didn't you email it to us.

Mr. Pineo: I did – from registry of deeds that I pulled; I don't know why his is not in the packet.

Mr. Bilodeau: I emailed it to the selectmen secretary

Mrs. Murray: We didn't get it, but thank you for doing that. Agree with Brian; we need a policy on where we're going to go here. After COVID, people like to eat outside which is what brought this up; Need a well thought-out plan that leaves enough room on sidewalks. Beyond your application, need to come up with a policy as a whole for next year. We may want to OK this until a date. We have some work to do as a board for a sidewalk policy for next year.

Mr. Deshaies: The applicant should have a site plan review with the planning board. So as you did – have a real survey of the property so we can see. Town tax maps don't show exactly.

Mr. Pineo: [shows deed image/sketch on screen] This is pulled from the registry of the deeds; from the corner of the building out; they own 3.76 feet. Then it tapers back into the building. Gives you an idea of what they actually own.

Mr. Bilodeau: To the right of that; beginning of property – our table and two chairs on the right side of the door is completely on our property. The other table and two chairs is half on our property; half town property. Planning issue: Planning director – Tavis Austin met with me Friday. He agreed that if selectmen allow tables, he'll work with me over winter to go through processes with the planning committee to get it done. We obviously had to get the selectmen approval initially. Know it's an issue; something that needs to be addressed by the town. All for participating/accomplishing that and doing whatever I can to assist in that development. If selectmen can't approve full access; ask to consider a temporary or

probationary period; similar to what you gave to another member [business] on that street. You guys can see and come down and see what we do. ADA is biggest issue.

Mr. Harriman: other questions?

Mrs. Murray: would you be willing to take your sign off the tables 'just for customers?'

Mrs./Mr. Bilodeau: absolutely; Before we put the chain/posts, the chairs were everywhere. we put the same message Seven Suns has on their tables.

Mrs. Murray: Your sign said 'for your customers.; sign should say 'please don't move the table/chairs.' We'll do like we did for the other group. Once tables/chairs on the sidewalk, they're for everybody. And the alcohol.

Mr. Bilodeau: no problem with that.

Mr. Harriman: pretzel company takes chairs/tables inside when closed.

Mr. Bilodeau: We put the posts/chain up; lady in a wheelchair asked if we could do something because people were walking by and she felt as though she could not enjoy. We'd like to not have to bring in tables/chairs. Our tables don't fold.

Mr. Deshaies: Said during the pretzel store table/chair debate that we were opening a can of worms. Until we figure this ordinance out, I'd like you to keep your tables/chairs on property owned by the building. [repeats info about sidewalk width/needs; what selectmen need to consider]

ADA – will need to work on an ordinance this winter. 36" not good for ease of movement on sidewalks.

Now there are big pickup trucks and bumpers overhang the sidewalk when parked.

Mr. Bilodeau: measured that area when there was a GMC 2500 truck parked – biggest truck you can park there – still had 44" of sidewalk clearance with the truck wheel to the curb.

We've measured everywhere. I understand what you're saying. We've got enough clearance for two people, a kid/stroller to pass by our tables/chairs/chains/posts without any issues.

Mr. Deshaies: If we approve this, are you ok if next year it's different?

Mr. Bilodeau: I'll be on a committee if you want that; I'll do whatever.

Mr. Deshaies: Concord sidewalk ordinance: 6-8 foot Zone A for restaurants; 6-foot minimum passage to walk Zone B; 8-10 foot Zone C for ornamentals/lamp posts, etc. We can't have that.

Mr. Bilodeau: Concord streets and sidewalks are wider.

Mr. Deshaies: Concord recently spent time rebuilding for walkability; we have to work with what we have. Everyone should get a piece of the pie; businesses get to use it and ...it's easy for... do we have the oldest population in state of NH? Yes, we do. We may have a lot of people who need to manage them- probably.

Mrs. Bilodeau: You're also going to need businesses that can allow those people to enjoy the services because then we'll be out of compliance. If I can't provide the service, there's nothing I can do.

Mr. Bilodeau: That opens us up to legal liability at that point and we don't provide them with an ADA compliant option.

Mrs. Murray: Would like the chain down; if tables open to the public; the chain tells you not to go. So two tables; two chairs; sign says don't move them – I'm fine with that. The next question I have for board and Jim – if owners of buildings own party of the sidewalk – some of the sidewalks in poor shape and town repairs are needed on the sidewalks; we're going to have to come up a formula for them to pay their share. We can't as a town work on private property. Figure out how to address that and make it clear where we stand on that.

Mr. Deshaies: snow removal

Mr. Bilodeau: we're responsible for snow removal – all the way to sidewalk – that's what I was told when we signed the lease.

Want to address posts/chain- the biggest thing is it kept our chairs in place; allowed ADA

customers to have some privacy while eating. We do not open until noon. Heavy coffee area. We get there in morning and people are in our chairs- no problem with that. The chain separation is not impeding the public from using our seating.

Mrs. Murray: I think it does say 'this is a special area.' That's my opinion. I may lose- but I believe it says this is ours – fences divide. I can go along with sign not to move the chairs; get rid of the chain for one year until we come up with a policy.

Mr. Freudenberg: Or until the end of the year. If they find out this is their property, they may be able to have the chain up. It would be the planning board.

Mrs. Murray: We may want to meet with the planning board. I meant until the end of this year.

Mr. Deshaies: If there's a bench along a building, everyone thinks they can use it. When table/chairs goes besides a door where a business is selling food/drinks. I think people think this is for their establishments. I don't see the need for a roped off area. If someone is having a glass of wine outside, that's something you let us know.

Mr. Bilodeau: We can't do that based on town ordinance. For me to petition the selectmen to serve alcohol out there is moot.

Mr. Deshaies-Freudenberg-Mrs. Murray- on TOWN property.

Mr. Freudenberg: If you go to planning board and get site plan review and they determine it's your property with the chairs are...then the town no longer maintaining sidewalk...the verbiage you read [Mrs. Murray]

Mrs. Murray: This was talking about alcohol.

Mr. Freudenberg: if planning board site plan review determines it's your property, you could serve alcohol there; determined by site plan, property, all that stuff.

Mr. Bilodeau: The first table/chairs is definitely on our property; Jim was there Friday with his tape measure. He can verify the right side table/chairs on our property; second table spills over to town property.

Mr. Deshaies: measured downtown/measured people. Somebody says it's like Amsterdam; single file on sidewalks. Too crowded. We have to figure it out.

Mr. Harriman: OK with table chairs only; and a sign. I do have a problem with chain/posts; takes up more room to sidewalk. Could be on town portion. Pretzel store maintained five feet. Comfortable with that. I'd go along with those conditions. Consider it a pilot for a year.

Mr. Deshaies: What's considered a sidewalk – to the edge of the curb?

Mr. Harriman; to street side [other members agree]

Mr. Biladeau: asks about chair and on their property.

Mrs. Murray: we're saying we'll let you do this if we make this motion up through a period of time while you work on it.

Mr. Deshaies: Technically, since it hasn't been approved by planning, we could say – move your chairs. We're asking to take down the rope [chain].

**MOTION- Mrs. Murray: to approve two tables/four chairs outside Front Four Cellar of NH until Dec. 31, 2023; there will be no chain.. Chairs and tables will be open to general public. Owners should go to planning board for clarity on their property. SECOND Mr. Freudenberg.**

Mr. Harriman: no chain on town property?

Mrs. Murray: Not having the chain up at all; we're granting them special this is a special permission. To do all this, it's their property. They'd have to go to site plan [planning board]. We're telling them and I think we can – unless Jim tells me no – they can have those two tables/four chairs. They may not have that chain.

Mr. Harriman: Could they have the chain if it was completely on their property?

Mrs. Murray: no chain –All that, they need to deal with planning board. We're going to get you

through the summer.

Mr. Deshaies: this is a compromise.

**APPROVED 5-0.**

**F. Approval: LocalTopia- permission for Chairs and Tables on sidewalk**

Peter Ford- representing LocalTopia; 27 S. Main Street: Request similar; 3 buildings on block 33 S. Main, Winni Paw – buildings no perpendicular to street; each about 6 ½ feet to curb; 7 feet to roadway. Creates triangular area; We want permission three tables, total eight seats.

Creates constant walkway of 6-feet; pedestrians not impeded.

Mr. Deshaies: did you measure?

Mr. Ford: yes.

Mr. Deshaies: do you own the property?

Mr. Ford: Will maintain 6 feet of constant open space; stipulate we will not have a chain or barrier there. Tables open to public.

Mr. Deshaies: do you own that property?

Mr. Ford: Do not; For some reason that property, 27 S. Main is a zero lot line building. Building next to it -Downtown Grille- that property line extends 6-foot or so triangular portion. That is owned by the building Downtown Grille is in.

Mr. Deshaies: This is information we need to know when we create an ordinance.

Mr. Ford: Agree. Citywide ordinance would be great.

Mr. Deshaies: Everything I said before, ditto.

Mrs. Murray: No wait service provided to these tables at LocalTopia?

Mr. Ford: no – servers will only to clean tables/chairs. No physical barrier. Alcohol will not be served there.

Mr. Harriman: When Downtown Grille is reopened, will tables/chairs be used there also?

Mr. Ford: There were tables there in the piece last summer that was owned by building where Downtown Grille is.

Mrs. Murray: I think what we do for one, we do for all. Knowing that we'll have to come up with a policy. Let's get through this year and see where we end up.

**MOTION – Mr. Freudenberg: to grant permission through Dec. 31, 2023 for LocalTopia to put tables and chairs as outlined in Peter Ford's diagram on S. Main Street. [Mrs. Murray requests to add]: And these tables/chairs will be open to the public. SECOND Mr. Deshaies. APPROVED 5-0.**

**G. Appointment: Residents/Stockton regarding complaint against the Police Dept.**

Bill Stockton: reads prepared statement; complaint brought to police, courts, county attorney, DOJ, attorney general, governor; passing the buck. Town manager told me BoS has nothing to do with police. Governor's office informed him WPD under BoS purview. Chief Chase says he'll look into the situation. Here to get this in public and on record. My wife wrote this.

Reads statement: Incident at his and his wife's home. June 30, 2023, 8:30 p.m. *[Summarized in bullets here]*

- Sgt. Spera entered my home illegally; arrested wife for domestic violence.
- PD had received call from citizen who lied giving false information.
- Door was closed- I was not home at time.
- Spera wrote io the PD incident report Mr. Stockton as not home; Dustin stated Mr. Stockton was home. And that door was open or ajar when they arrived – it was not.
- Alleges fabrications made to cover their tracks about entering home illegally.



- PD should not have conflicting report.
- PD delivered citation to Mr. Stockton several hours later.
- Cites U.S. Supreme Court ruling on warrantless entry; only admissible in cases of hot pursuit or felony. Neither the case here.
- Mr.+ Mrs. Stockton both received misdemeanor charges.
- Outlines what happened after disagreement that led to argument; wife took a shower/changed clothes; he took a walk.
- Disagreement had ended when arrived.
- Mrs. Stockton asked police to leave – and they did. Repeats conflicting police reports by Spera and Dustin.
- States he was not in the house during the time police were there during initial response; alleges it's a coverup by someone.
- Report states Mrs. Stockton was using alcohol. Says she did not take breathalyzer.
- She was detained and processed at Carroll County House of Corrections for nearly 16 hours. No criminal history. Was traumatized by arrest. Arrest affected her having son return home after weekend/shares guardianship with son's father. Could not return to home for a week.
- States Peasely's police report says Mr. Stockton stated they were fighting. He denies saying that. Termed it a loud disagreement; not violent.
- Caller to police allegedly filed a false report to PD.
- State dropped all charges July 7 before bail review hearing after learning the caller to police has a history of lawsuits in the area.
- Wolfeboro PD has poor track record; black eyes on the town.
- Contacted news outlets for coverage he says are interested because of Dean Rondeau and Roger Martel
- Seeking damages from Wolfeboro PD for unlawful detainment, false charges and malicious prosecution.
- Will not be quiet; hopes complaint does not fall on deaf ears. Charges the PD corruption is severe.

Mr. Harriman: Wolfeboro Police Commission operates under RSA 105 C:4. That's the only comment we will make at this time. Thank you.

#### **H. Approval: Budget Guidelines**

Mr. Pineo: budget season is here. Advantages in the season to do some planning.

Summarizing guidelines memo:

- 12 month average CPI Northeast Region (our geographical area) 6.13%
- 2023 operating budget general fund = \$17,062,000
- Anticipate significant increases 2024 operating budget – including:
  - Projections increases in debt service for public safety building and sewer line extensions = \$650,000 for 2023 – 3.81% increase in general fund budget.
- Ratified last year 2 collective bargaining agreements – none this year; represents wage increases for police and AFSCME unit employees. Totals \$104,112. 43 AFSCME employees; 17 police employees.
- Hopes to hand budget to BoS with non-union adjustments included.
- School care asking for a 10% placeholder. Represents \$304,000 over 2023.
- Fire truck lease payment estimated at \$184,000 from operating budget. There will be no capital reserve appropriation – no tax rate impact.
- Need to look at townwide property reevaluation; we're at 60% of the current tax ratio.

Budget committee had been adamant they'd like to see this included in operating budget; \$200,000 estimated for that work.

There will be offsetting reductions because we won't have to do cyclical work; that will be about \$40,000 estimated.

Expect to put the RFP pit September-October. If there's budget adjustments that can be done.

- These items alone represent an 8.45% or \$1,442,112 increase in the general fund compared to 2023 operating budget.

We've got some work in front of us. My goal when I hand the budget to you is to hand you a budget with increases no greater than 9.75% or \$1,663,546. In the packet,

- traditional discussions about warrant articles
- critical dates published by the NH Municipal Association.
- Budget documents outlining department heads how they access salary and wage adjustments; thanks to capable finance director, a lot of these things are now auto calculated; will save staff time.

Will be a challenging year. We received favorability this year our diesel and heating fuel compared to last year. No info yet on the offsets. These are the proposed budget guidelines for 2024 budget process. You also have a letter drafted to the agencies; proposed schedule of budget hearings by Amy to complete budget for October 30, 2023, capital outlay forms and traditional water-sewer-electric rates. Questions?

Mr. Harriman: thank you for putting effort into this; brining it to our attention. We understand we have our work cut out for us.

Mrs. Murray: For the public, the number for the ambulance in this budget now, is that \$285,000 in that area?

Mr. Pineo: Ambulance contract this year -\$276,000 and change.

Mr. Harriman: We have not decided, but we would probably want to bring that in as a warrant article for public to vote on and discussions; open that way with information.

Mr. Pineo: The Stewart's Ambulance contract is \$275,953.

Mrs. Murray: The lowest bid we got for two ambulances this time was what??

Mr. Pineo: The lowest bid that gives you equivalent service to today is \$900,000.

Mrs. Murray: I think the public needs to know that comparison; that it's significant.

Mr. Pineo: It'll be a tough year.

Mr. Harriman: more questions?

**Mr. Pineo: Can I get a motion to get these to department heads tomorrow?**

**MOTION – Mrs. Murray: so moved. SECOND Mr. Senecal. APPROVED 5-0.**

**I. Approval: Capital Improvements Project Update**

Mr. Pineo: There's good news and bad news. Good news-

- Pop Whalen project closed. Issued the final purchase order.
  - Overall project came in over budget \$39,000 – absorbing in the Pop Whalen operating budget.
  - \$31,000 BoS authorized for electrical work on maintenance building and lodge; accounted for in that budget. That project closed out; no retainage held.
  - Last week September, ice – and operations at Pop Whalen.
- Seasonal water lines:
  - work to Walt's Lane completed.
  - Camp School, Pleasant Valley Road - Did some work
  - Expended total of \$336,000 of \$500,000

- Next part of that project Museum Shores portion; huge number of users off a seasonal water line. Engineering being completed now. Will be looking for balance of those funds in 2024 capital budget to complete that portion of the work.
- Continuing to tick some of those seasonal water lines off as directed by the state.

Questions?

- Dockside, phase 3, commercial docks: in good shape. Expended to date \$669,798 of the \$700,000. Retainage of \$12,000 and change to be released in a year. Additional work to be done with railings. Did come to you about accessing capital reserve funds for phase 1,2 of that project. When we did the research, some of those funds were associated with engineering, permitting of the commercial dock. Were able to push that into this line – still within budget.

Mrs. Murray: Did we do dredging?

Mr. Pineo: As far as I know.

Mr. Freudenberg: Yes, as far as I know, There was a lot of dredge material taken; don't know how much.

Mr. Pineo: As far as I know, dredging was done. Will verify that with Duncan. 99% sure it was done.

Mrs. Murray: OK.

Mr. Pineo continues –

- Port Wedlen drainage: continuing work on that. Stantec continuing to work. See what happens. Anticipating Stantec will come to BoS to outline a couple of projects and updates so this can be put through the CIP process.
- Mill Street sewer pump station: just finished the 90%. Moving into DES for 90% approval drawings. We're hopeful this winter into spring, they issue the RFP and they get the work going. Tricky part- questions about generating run times. May have to get additional permitting for additional fuel to operate generators here and Lehner Street for extended periods of time. This is a project Mr. Harriman is handling -who can answer questions.

Mr. Harriman: Adds that HDR doing design is worried lead time on some components of Mill Street station. HDR may have to file an extension with DES for the ARPA funds available for this project.

Mrs. Murray: When I compare what you have on for 2022 and figure for 2023, I thought we added to the project in 2023. The price should be higher; it's the same - \$1,680,000.

Mr. Pineo: You are correct.

Mrs. Murray If you do that, then we'll be able to know..

Mr. Pineo: OK – I thought I added that.

Mrs. Murray: Just couldn't make those two make sense. We did a warrant article – we did Lehner and Mill together ; don't know what part when to Mill-what to Lehner.

Mr. Pineo: Right now, it's in a standalone account. If we have to use those funds for Mill or Lehner in 2023 - \$648,000, we will use those funds. Have not assigned them to a project, yet.

Mrs. Murray: I'll come in and ask you a specific question about that; still can't make it make sense to me.

Mr. Pineo continues:

- Water treatment plant upgrades: finally have the filtration media on site. There was a problem securing the garnet. It's now here; will be delays in second filter being done. Original plan – original filter done spring 2023, then do remainder in fall. Did not happen. Hope to complete spring 2024. After peak season goes by, will do the work.
- Water main upgrade, S. Main St.- Hopeful Stantec will come to the next BoS or the next one on this project. Big question – should this project be done at night. With traffic you've seen, we can probably different contractors to bid on it.
- Bridge Falls Path Lighting: everything's on site. Barry Muccio put on an RFP. But one thing identified is – we need a shoreland permit. It's in process. Hopeful for fall work.
- Lehner Street Pump Station – at 90% drawings; RFP within a few weeks. Area where we may

need to use \$645,000 that was approved by voters.

Brad [Harriman] – anything to add?

Mr. Harriman: Pump station and generator are on order. Clock is not a worry. Will go on at a good pace.

Mr. Pineo continues:

- Received updated contract amendment for the historic townwide survey extension of the deadline. Hope to receive draft document by Dec. 15, 2023. Received from Maggie Tier, Heritage Commission – from their vendor.
- 2022 Road upgrades- that money used up; finished Maplewood project; some work left out there. Some stormwater runoff issues that we're looking at with the Lake Winnepesaukee Association for Whitegate Rd.
- Water line replacement with that road upgrade: Stantec completing engineering; securing easements. Extension to tie in a create a loop doing away with some of the bleeds of water. Hope to complete spring 2024.

Mr. Pineo continues – 2023 projects to date:

- CCI – Public Safety Building: continuing pricing; built out at 50% budget; still on budget. Secured bond. Looking at 3.65% - good news; receiving money in near future. Will keep cash flow moving. Meeting some time next week about mobilization plan with library, library trustees, staff. Hope to get this underway in August instead of September.
- Got an update today on the stormwater plan [sent to Mrs. Murray who did not see yet] for front of building [public safety]

Mr. Deshaies: asks about energy efficiency for new public safety building. Hope this will be a 2030 building.

Mr. Pineo: Received recommendations from energy committee. Contact went through the project. We can gain efficiencies on – radiant floor in fire apparatus bay; insulation in some areas; report sent from architect back to engineer. It is an energy efficient building. A lot of feedback received from the consultant was more about products that are more environmentally friendly – but not practical in this application. i.e. wood trusses in the apparatus bay – does not make sense. Different types of insulation – rock wool vs Styrofoam/spray foam – problem is reduces size of building because larger cavity needed for that insulation. Spray foam minimal cavity. That document will be in their hands shortly.

Mr. Deshaies asks about solar for public safety building which had been mentioned for the new project – perhaps in the future.

Mr. Pineo: building designed to accept solar.

- Sewer extensions: awarded the contract to Dawson excavation. Estimated start in September. Secured good bond funding and interest rate for project; to date encumbered \$602,000 on the contract. Leaves a balance of \$394,000. Since it's a bond, it's bid on linear feet. We'll run into overages based on some identified issues. Hope to bring project in well under budget; then go to voters and repurpose some of the funds for smaller pump stations which are in horrible, horrible condition. There are nine sewer pump stations; two big ones this year and seven small ones.
- Water main - S. Main Street – covered already.
- Fire truck lease; monies encumbered, contract signed
- Town road upgrades – highway department busy past few weeks. Contract for Trask Mountain, Upper Trask Mountain, Diamond Corner to GW Brooks. Paving a section of Beach Pond Rd. 3000 feet. Also hope to reclaim and base pave certain sections of Pleasant Valley Rd. Mill and overlay the intersection of Pleasant Valley and S. Main Street. And do engineering for Oak and River Streets. All that was before the past week's events [storm]. We'll see what happens.
- Green Street- contract awarded to Lyman. Start late August.

- Mini-excavator here and in service.
- Barry Muccio expected to summarize Electric Department capital projects next meeting.
- Mr. Deshaies: liked seeing the mini excavator in Independence parade.
- Mr. Freudenberg asks about tab in hard copy material related to electric department boat as being a mistake. [laughs]

#### **J. Approval: Sidewalk Capital Reserve Funds-\$40,000 Public Works**

Steve Randall, Director DPW, Looking to do piecemeal upgrades for downtown.

Mrs. Murray: Will you make sure we own all those sidewalks?

Mr. Randall: Yes, have identified these; we're pretty good for.

Mr. Freudenberg: These asphalt ones?

Mr. Randall: Both.

Mr. Freudenberg: Asphalt ones on Mill Street, were stamped brick. Can this be done in the future?

Mr. Randall: Big sections that are really bad from Meredith Village Savings Bank to in front of the inn, it's really an overlay for now until there's reconstruction on that. Will do some concrete sidewalks down by the condos. That area has some stamped asphalt now. Concrete around it is not. We'll match what's there.

Mrs. Murray: concern about the stamped concrete; by the condos – [damaged] by plowing, I think. We need to make sure it's something that will hold.

Mr. Randall: That kind of stamp...not here. Asphalt stamps hold better than concrete. Going forward, when we're redoing a road, we'll do the whole sidewalk. We can revisit stamping them. Same for Mill St. when we go to do that.

**MOTION Mr. Deshaies move to authorize expenditure of Sidewalk Capital Reserve Funds-not more than \$40,000 to the Public Works Department. SECOND Mr. Freudenberg. APPROVED 5-0.**

#### **K. Approval: Employee Appreciation Day September 15, 2023**

Mr. Pineo: Amy would like to close town offices for employee appreciation day. Includes town offices, public works facility, highway. Water/electric departments. The library – up to their discretion.

Dispatch police/fire welcome but they are 24/7/365 operation - as schedule allows. Same time frame we do it every year.

Mrs. Murray: Great – and thank them and would like to send a note to the town crew who came out on Sunday (7/16/23) and got us through that storm. Really appreciate it; they worked long and hard to get us through. In favor of this in September; I would like a letter that we sign.

Mr. Harriman: That's appropriate. Steve Randall pulled some strings and got a gravel pit opened on Sunday afternoon and evening for us so we could get gravel to patch roads as best we could. It put us way ahead of the game. Thank you, Steve and crew for their hard work.

**MOTION Mrs. Murray approve September 15, 2023 as Employee Appreciation Day closing all office listed on this. Mr. Harriman: Wolfboro Town offices; Solid Waste Facility, highway/water/electric departments – all locations. Except library, central dispatch, police/fire/emergency services. SECOND Mr. Deshaies. APPROVED 5-0.**

#### **6. Other Business**

Mr. Deshaies: EDC made a motion – was supposed to have that printed out; EDC will support PSI Plastics in the need for town to support a grant PSI applying for from Northern Boundaries so PSI can build an underground power line needed to install two CC machines in the business and increase workforce there. EDC has recommended that. Asking BoS to adopt that motion and support this. No

tax impact and no cost to Town of Wolfeboro. We need to be the applicant for the grant – similar to the Harriman Hill grant application.

**MOTION Mr. Deshaies to support the EDC motion supporting PSI Plastics on a grant application to Northern Boundaries to install an upgraded PSI power line. SECOND Mrs. Murray.**

Mr. Harriman: Is this time sensitive? Should this come to us as a presentation as they did with Harriman Hill?

Mr. Deshaies: Talked to Jim Pineo/Barry Muccio. We need a meeting soon. PSI has opportunity to move to Littleton or Ashland where they'd get subsidies from the electric co-op, Until or Eversource. They're not asking for subsidies from us, They realize they have a good electric rate from us; they want to keep the business in town. But we need to help them expand if we can; no cost to taxpayers.

Mrs. Murray: Difference is they have not applied for the grant. We're just saying the board is willing to support grant; similar to CDBG. Support them going forward. We want them in town.

Mr. Freudenberg: Owner or manager of PSI was at chamber event. They're going to invite BoS to tour the facility; explain needs/impact on Wolfeboro and creating jobs.

Mrs. Murray: [Electric] infrastructure is on their property; that's why we need to support them to get grant.

Mr. Deshaies: This came about because NH District 1 executive councilor Joe Kenney contacted me along with Benoit LaMontagne, Economic Development and Business Retention for NH [Official title- State of New Hampshire's Dept of Business and Economic Affairs] They said PSI Plastics had concern they needed upgraded electrical structure ASAP. We know government moves slowly. They wanted help to facilitate it. I got involved; talked to Jim, Barry, Daniel at PSI and Mr. LaMontagne together so we can all figure this out.

**APPROVED: 5-0**

**7. Committee Reports**

Mr. Deshaies: [In addition to EDC] Energy Committee meeting – looking at expanding solar on municipal buildings. Looking for energy savings; won't always have \$.14 kw electricity I town.

Mr. Freudenberg: Chamber meeting-PSI Plastics came up. Chamber social; couple ZBA meetings.

Mrs. Murray: Pop Whalen open house for donors; 2 meetings Friends of Pop Whalen; Library Trustees meeting; Wolfeboro Waters-overseeing drainage for the Route 28 project; public safety building.

Talked about Jockey Cove issues; intern analyzing water samples collected- and ongoing sampling/testing for the season. Monday, Milfoil Committee had dash unit back for last day of series to go back in the areas they had done to clean up. Tok one day. Library reception for Allison Rutley who is in audience. Went to chamber social and to ribbon cutting for Eastern Propane, EDC meeting. Have photos to share – Albee Beach did well with changes we made in parking lot- having them go to different areas. Not perfect – still some runoff. We were lucky that was done. That's phase 1; we still have phase 2.

Mr. Harriman: Planning Board meeting last night [7/18/23]; work session – largest portion with Wolfeboro Waters on proposed amendments to stormwater regulations on shorefront. Wolfeboro Waters meeting last week as Linda said. Wolfeboro Community TV meeting today.

Mr. Senecal: Conservation Commission.

**8. Town Manager's Report**

Mr. Pineo: echo what has been said: DPW, water/sewer, police department, dispatch, Municipal Electric, fire department -thank you for what you all did over this past rainstorm receiving 5 ½ inches of rain in a two-hour period. Kudos to you. Thank you for what you did for the town and to state for getting South Main Street reopened as quickly as they did. It was quite the mess.

Bond- got an attractive rate for that.

Introduces Allison Rutley, library director – welcome – excited to have you on board.

Mr. Deshaies: One more other business: Inaugural Lake Winnepesaukee Day, Sat., August 11, 2023. 5 p.m. – 10 p.m. Seven major environmental non-profits from NH; food trucks M/S Mt. Washington as a floating restaurant/entertainment venue. Spirit as a floating beer garden. Parks and Recreation with cornhole; activities, fun, and the laser light show – 9-10 p.m. Second laser light show in state – first last year in Wolfeboro.

9. Questions from the Press Action Taken: no questions; praises town crews re: storm.

**10. Public Input (Limited to 3 minutes per person and not to exceed 15 minutes in total)**

Bobbie Boudman: Echoes thanks to Wolfeboro road crews. Just Pleasant Valley Rd. work was just up and running again. Mr. Harriman – re: BoS legal letter about Hunter's- can it be posted on web site or somewhere for citizens to read.

Mr. Harriman: That's possible.

Mr. Pineo: Will put the letter on the web site.

Ms. Boudman: Will PSI Plastics upgrade pollute our town in any way?

Mr. Deshaies: not that I know of. They follow ISO guidelines. They run good operations.

Ms. Boudman: asks Mr. Pineo for budget details to be emailed to budget committee?

Mr. Pineo: They go to department heads tomorrow; budget committee will get it in packet for next meeting – Aug. 3, I think.

Ms. Boudman: Hope to get it earlier?

Mr. Pineo: Yep.

Ms. Boudman: thank you. Welcomes library director. Baby Safe Haven laws in NH., Wolfeboro has no signs indicating there are Safe Haven laws. People in crisis can surrender baby within 7 days. There is a 'box' – Safe Haven Baby Drop box. People can anonymously leave a baby in this box. Typically box is located at fire houses -24/7 operation. People can feel they lose their anonymity if they drop off a baby at a hospital. Wolfeboro could have one of the first Safe Haven Baby Drop boxes in NH with the new public safety building. Planting the seed on this; handed the chief a flyer. Refers to incident last winter; baby born in 18-degree weather. Woman did not know where to surrender the baby.

We can make an impact on a mother in crisis being able to surrender baby – no questions asked. Churches not an option-closed overnight. Asks for board to consider this as public safety building project advances.

Mr. Deshaies: refers to FL couple just adopted baby surrendered at fire department Safe Haven baby box.

Suzanne Ryan: Mr. Pineo – DPW working hard - Cotton Mountain and around town. Road budget depleted – does insurance cover any situations like this? How is this paid for?

Mr. Pineo: Tighten purse strings. Watch spending. Steve will get me a forecast next week on what the cost of storm was. There are some areas in operating budget where there's favorability; if we have to make line item adjustments, we'll bring to BoS to consider. You're right – it's been an expensive year for storms. We'll have to cut back in some places. I'm sure of it.

Mr. Deshaies: When does storm damage costs hit a threshold where state will assist?

Mr. Pineo: Not an easy answer. Declaration of emergency needed. Goes through a process. Takes emergency management team spends hundreds of hours to get 75% reimbursement. 18-months before we see those funds.

Ms. Ryan: Two applicants for tables/chairs. First – Front Four Cellars- Believes there was no time frame on motion.

Mr. Freudenberg: I said 12/31/23. [Board agrees] I will check.

Ms. Ryan: Pop Whalen fund – status of budget – are they behind in revenue? Asks for expenditure/revenue report on that at next meeting. Sounds as though they're falling behind.

Mr. Pineo: Their busiest time is September – December. Let's hope they have revenues.

Ms. Ryan: Sounds there may be a shortfall there. Bond on that – is that included in budget?

Mr. Pineo: Yes and we have already made a payment.

Ms. Ryan: first year is principal only?

Mr. Pineo: Interest only. My number contemplated the full payment.

Kathryn Carpentier, finance director: Depends when you take the bond out. When you take it in August the next year, you have both principal and interest. If you take it out in January, you only have interest in the fall. So in 2023, you're realizing principal and interest for Pop Whalen. 2023 – not realizing anything for the public safety building; that'll all be in 2024.

Ms. Ryan: Revaluation of the town – we're at 60%; they like us to be close to 100%. When they come around and reassess us – some go up/down/stay same. I've never been in the group that did not go up. I would hope people tune in on budget with reassessment; it's getting expensive to live in Wolfeboro.

**MOTION Mr. Senecal move to go into Non-Public Session RSA 91-A: 3 at 9:17 p.m.**

**SECOND Mrs. Murray. ALL APPROVE 5-0.**

The BOS reentered the public meeting at 10:02 pm.

**MOTION Mr. Freudenberg moved to seal the non-public session minutes of July 19, 2023, at 10:03 pm. SECOND Mr. Senecal. Roll call vote: Mr. Harriman-yes; Mrs. Murray -yes; Mr. Freudenberg- yes; Mr. Senecal- yes; Mr. Deshaies- yes.**

**MOTION Mr. Senecal to adjourn 10:03 p.m. SECOND Mr. Harriman. APPROVED 5-0.**

Next Meeting dates:

August 2, 2023, Regular Meeting

August 16, 2023, Regular Meeting

Submitted by:

  
Brenda Jorett