

## **MINUTES**

Wolfeboro Board of Selectmen Meeting  
Special Meeting

Thursday, May 11, 2023

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

4:30 PM-Special Session

**BoS members present: Chairman Brad Harriman, Luke Freudenberg, Linda Murray, David Senecal;**

**Absent - Brian Deshaies**

**Staff present: Town Manager James Pineo**

**Chairman Brad Harriman calls meeting to order 4:30 p.m.**

### **1. Permission for Wolfeboro Single Track Alliance to do trail maintenance at Abenaki.**

Mr. Pineo: Document outlines trail maintenance Wolfeboro Single Track Alliance [WSTA] wants to do maintenance. About a week ago met with Mrs. Murray, Mr. Deshaies and Chris Dow [WSTA]. Mr. Dow said trail maintenance needed. Sat., May 20 – a workday for the group. Previous agreement included a maintenance line given to BoS. Need BoS authorizing WSTA to do maintenance until an MOU/operating agreement with the town is reached.

Mrs. Murray: That's about it. Want to give permission to get on property and do maintenance for spring/summer season while MOU negotiations continue.

Rudy Meyer, WSTA: Once maintenance is done, can we declare trails open? Can people ride on them? People will ride on the trails unless BoS does something to close trails. Trails will be cleaned and ready to go.

Mr. Harriman: Should MOU be in place before we open?

Mr. Pineo: This needs to push the agreement to the forefront that we've been working with Chris on so WSTA has ability to put trails online. If people go up there on their on bicycles, in conferring with legal, the recreational immunity clause would click in; we as the community would not be liable. We have to get MOU finalized; get on site to finalize a flow trail; get another climb trail and map trails – everything that's been talked about with Chris.

Mr. Meyer: agree.

Mr. Harriman: will this [MOU] be ready for our meeting next week – or is it two or three weeks?

Mr. Meyer: At least two or three weeks.

Mrs. Murray: Mr. Deshaies would like to see the trails now to see what's happened through the winter and spring to get some kind of idea on how trails are. My feeling – the workday to clean trails could happen; we would work as fast as we can to get the trails ready – not close them; but not open them.

Mr. Meyer: NEW trails are additional to what is there already.

Mrs. Murray: Mr. Deshaies would like to walk the trails.

Mr. Meyer: Sure.

Mr. Harriman: we'll keep the MOU at the forefront; get that done ASAP. Not officially open the trails; people would know they're being worked on – use at your own risk.

**Mrs. Murray MOTION to allow the Wolfeboro Single Track Alliance permission to perform regular maintenance [at the Abenaki trails] which will consist of tree limbs/branch removal, leaves, trash and refuse removal from the trails and general area thereof; and the maintenance and grooming of the area [taken from the previous agreement]; until such time as a formal agreement is entered into by both parties. SECOND Mr. Senecal. APROVED 4-0.**

**2. Board of Selectmen to sign the 2023 Tax Warrant**

Mr. Harriman: we need a motion on that and sign the document at the end of the meeting.

Mr. Pineo: yes.

**Mr. Senecal MOTION to sign the 2023 tax warrant. SECOND Mr. Freudenberg. APPROVED 4-0**

**3. Extension of parking at Dockside for the former Downtown Grille Building rehabilitation**

Mr. Pineo: A little over a month ago asked BoS to authorize Justin Caldon, Four Corners Construction, install fence; dumpster, to do initial reno/demo of first and second floor of building. It continues.

Dumpster was removed this morning. Justin here requesting permission to use parking space to be able to perform work on the building and can answer questions on timeframe, etc.

Mr. Harriman: Tell us what you need; we have a map showing the parking space – handicapped space. Need a timeframe; hours you're looking for.

Justin Caldon: Four Corners Construction, Gilmanton: Needs the parking spot and hash line where the walkway is. About 14'12' x 20'; a fence that we could move away for the evening. We want to leave a little bit of material; a dump trailer that we can use during the day to haul the garbage away. Cannot park in front of the new deck [Wicked Loon] because of boat launch and parking situation. Want a place to unload pallets of stuff, get it into the building; have a place to load up debris so we don't have to take it out the front door into the street. It seems the most logical place to do it.

Mr. Harriman: Problems- we were told this would be for a certain timeframe and then it was going to be moved out Monday (5/8); we just heard it was moved out today. Still a lot of debris. We have events coming up – the prom May 13<sup>th</sup> [Cate Park stroll]; next week Smith River Race with many people dockside and in Cate Park. It's an area that should be cleaned up and look presentable to the public.

Mr. Caldon: Our intention is to by end of business tomorrow (5/12) not have anything there and finish cleaning up. Dumpster's gone; will clean and sweep tomorrow. Sorry about the Dumpster. I called every day. When it's a final pickup, you are not a priority. We worked on it all week.

Mrs. Murray: Spent some time. I'm against granting approval of extending the time for any construction Dumpster, construction material or equipment in the dockside parking area. Here's a little history:

At the Dec. 19, 2022 BoS meeting, Peter Ford asked the town to allow him to bury a 1000 gallon propane tank in Cate Park, to build a storage [trash] shed in the dockside parking lot next to Community Band Stand and take up three parking spaces so he could have outside seating since his building comes to his property line. The board would not entertain the trash shed proposal or three parking spaces for seating. But would look at whether there was a solution for the propane tanks. The board told Mr. Ford to hold his trash either in his building or another place on his property. There is a trash dumpster there now.

BoS July 6, 2022, the board signed a lease agreement with Peter Ford's LLC to lease two 70 square foot parcels at the edge of Cate Park to house 120-gallon propane tanks above ground for \$2000 per year.

Also, Mr. Ford agreed to provide a landscaping plan for the immediate area around the propane tanks for approval by the BoS. This landscaping plan shall visually cover the propane tanks. Tanks were installed fall 2022 – no landscaping plan was presented to the board.

March 15, 2023, at BoS meeting, Justin of Four Corners Construction, working on the Peter Ford Building, asked that the town allow him to place a construction Dumpster, use one handicapped spot in the dockside parking lot behind Downtown Grille and to place a fence around the Dumpster until May 5, 2023. BoS added the condition that the [Cate Park/propane tank] landscaping plan be provided in 10 days. We approved your request.

Not until Mr. Ford wanted to use additional town property and the BoS placed a condition of receiving the Cate Park landscaping plan within 10 days of the approval to use the town land did Mr. Ford provide the BoS a sketch of the landscaping plan with no scale; the BoS could not tell how far into Cate Park the planting would come.

The town manager in his April 28, 2023, weekly report to BoS he wrote he had a conversation with Justin of Four Corners Construction regarding the fence and Dumpster. Justin told town manager that the fence and Dumpster would be removed by May 5. Justin also said he may want some extra time. No request was made to the BoS.

I have pictures showing the much larger area than approved by the board. He did not remove his Dumpster, fence or construction material by May 5 deadline; it's not almost an additional week.

Today the BoS is being asked to grant a request to increase the construction area at the dockside parking lot which Four Corners Construction expanded into without board approval. When the board is asked for approval for a specific area. use, plan, date from the [Ford] building owner, workers or construction staff that they do not keep to the approval as granted, but expand the approval to meet their needs.

I am against allowing a for-profit entity to use public property for their own profit. I am against giving away Wolfeboro citizens' public land.

- The board has said no to trash on town property. I have pictures of the Dumpster they are throwing trash in.
- No landscaping plan drawn to scale that was agreed to in the July 6, 2022, lease agreement has been provided to the BoS.
- Not holding to the May 5<sup>th</sup> deadline to remove the Dumpster and fence behind Downtown Grille that was approved at the March 15, 2023, BoS.

I am against granting permission to allow a larger construction area and a longer time for these additional reasons:

- Tired of granting approvals for specific areas, timeframes, or plans to help local businesses and have that business not abide by conditions of the approval.
- Against allowing profit entities to use town land for their businesses without some compensation to the taxpayers such as the leased area in Cate Park.
- Against business owners' trash Dumpsters or receptacles on town property; they smell and attract bees and bugs.

May is a very busy month for the dockside parking lot and Wolfeboro Bay.

- May 13<sup>th</sup> Kingswood High promenade in Cate Park; important to citizens to have Cate Park looking beautiful for the high school students.

- Spring boaters are trying to launch at the dockside parking lot ramp into Wolfeboro Bay. The expanded construction area makes launching more difficult with less room for a boat to pull off to the side to allow another boat to be launched.
- May 20- The Great Smith River Canoe and Kayak Race and a fishing derby will take place in Wolfeboro Bay; followed by the next weekend – Memorial Day weekend.

This area must be cleaned up to allow the citizens and visitors of Wolfeboro to use all the public space.

As one selectman, I want the construction Dumpster, trash Dumpster, construction material and equipment, removed from the dockside parking lot by 2 p.m. May 12<sup>th</sup>.

After further discussion, I have a motion.

Mr. Harriman: Other comments? Response, Justin?

Mr. Caldon: There's a lot of history that happened before me. Can only attest to issues I'm handling. As soon as I met with Jim Monday; the fence went out. I was trying to connect with him the week before; we did not. I kept the Dumpster in hopes we would have an extension agreement. As soon as he said we should still clean it up before that. I put in the action plan to do that this week. It's out of my control that the Dumpster did not get picked up. We picked up our fence. We have some materials there. I am not responsible for the trash dumpsters. If you want me to, I'll go to Marker 21 and ask them about it. The grease thing is not mine.

I'm just here to ask for – temporarily – for another month, month and a half, to use one parking space. No fencing, no more parking area no more blocking boats. We spent basically, the past month, moving that fence to help. We were not stopping anybody. We were working with the GP to take care of whatever had to happen. I just need to build a project. I understand if you don't want to work with us, fine. I'll figure out another way.

Mrs. Murray: I think we have worked with you; that's a handicapped parking space and we gave you six weeks to do it. Comes a point when taxpayers/citizens of Wolfeboro need to have their parking lot, dockside area beautiful. This is most valuable spot we have; people come down there; we have major events. As a selectman, I don't think I can give it away. My responsibility is to the citizens of this town. I'm sorry you're getting wrapped into a dumpster and all the other issues. It's a huge area now.

Mr. Caldon: It was drawn out as a fenced area in the beginning and presented that way. Wasn't just a Dumpster. Was along the side to that sidewalk on a diagonal up across the front of the building to reflect a 10-15' offset. Can't remember dimension; from where we were working on the deck. That was always the area we were asking for.

Mr. Freudenberg: I've been on town docks; they've been accommodating with moving fence for boats coming in. It's been tight; their always down there. You're bringing vehicles in; you can park there with time limits to do what you have to do. We're working on our parking ordinance right not; but we can't stop you from parking in a spot and doing work. If you had a spot, how long would you need it?

Mr. Caldon: Still in framing process; sheetrock coming in and other things over the next month. Then we're inside – then it's small loads of things that we can take in the front door. Really we

need a month, month-and-a-half – parking space. That's around Father's Day- that's when it's really busy here – I'm guessing with parking? I know you have your difference with this; it's fine; not going to argue. I made my request; can't sell it any further. That's the time I need.

Mr. Harriman: We understand you're between a rock and a hard place; you're working on a building owned by the gentleman [Peter Ford] that we're having issues with. You're in the middle.

Mr. Caldon: I've adopted some problems.

Mr. Harriman: Yes.

Mr. Caldon: As for the landscaping; the day I found out about it from Jason [planning department/building] that the landscaping plan was owed – I did it; turned it in. I wrote on it 'not to scale.' I didn't think anyone would have trouble figuring out the deck line was on the drawing in proportion to space. I could have put dimensions on it, I guess if I thought it was that important. I didn't. I'm sorry that you needed it in order to make your decision. Peter came back to me with that drawing a few days ago; I scaled it and interpolated it and put dimensions on it and gave it back to him.

Mr. Senecal: There was nothing on there to tell us what kind of shrubs, how high they were.

Mr. Caldon: There were. It said Hemerocallis; four-five foot.

Mr. Senecal: I didn't see that.

Mr. Caldon: I believe I spoke to the gentleman doing the work in the park [John Thurston] and he thought it matched everything up fine to what's already there – his opinion.

Mrs. Murray: Our agreement was with Peter Ford. He put his tanks in [Cate Park] in fall 2022 and did not get the landscape plan. That's what we're dealing with. I'm with Brad – you're a piece of a bigger issue here. It's his building; it's public land.

Mr. Caldon: I've been trying to take care of the issues and stay on top of it. Not trying to sneak away and take more space and leave things out there to cheat along and tell you something and do something different. That doesn't do me any good working forward on another project in this town and being in our good graces.

Mr. Senecal: The fence is gone [Mr. Caldon – yes] The Dumpster's gone [Mr. Caldon, yes.] By the end of business tomorrow – by say 4 p.m. or so. Can that whole area be swept?

Mr. Caldon: That's what I said; our plan – take the rest of the material out; sweep the area and remove all the stuff that's under the deck if we can and get it out.

Mr. Senecal: I don't have an issue with that. I do have an issue as Linda does. We've had quite a few problems with Mr. Ford and I'd just as soon not give up that space. Hashmarks – We have senior citizens as you saw on that poll – that's reserved for them on Wednesdays; other times that's one of four spaces we have in then park area. I'd like to see that swept up good for Saturday night for the seniors [prom]. That's a big deal for them and their parents.

Mr. Caldon: I know all about that.

Mr. Senecal: No problem to continue tomorrow – then that's it as far as I'm concerned.

Mr. Harriman- motion, Linda?

**Mrs. Murray MOTION – the Board of Selectmen REFUSE to GRANT any extension of time or use of Town property to Mr. Ford, his construction workers or staff. This specifically includes:**

- **Dockside parking lot**
- **Cate Park – except for the leased area**

**All construction material and equipment, construction and trash Dumpsters and fence shall be removed, no later than 6 p.m. Friday, May 12, 2023. SECOND Mr. Senecal. Mr. Harriman other comments/discussion? None. APPROVED 4-0.**

Mrs. Murray: Sorry you got caught up in his stuff. At some point, the town needs to take a stand.

Mr. Caldon: Sure.

Mr. Harriman: Other business to discuss? No need for non-public?

Mr. Pineo: No.

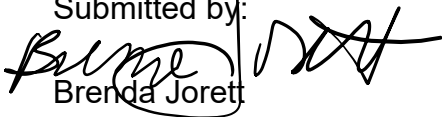
**Mr. Senecal MOTION to ADJOURN at 4:58 p.m.**

**SECOND Mrs. Murray**

**Approved 4-0**

Next Meeting date: May 17, 2023 Regular Meeting

Submitted by:

  
Brenda Jorett