

Wolfeboro Board of Selectmen
Public Meeting Minutes-Unapproved
January 17, 2018

Members present: Chairman Luke Freudenberg, Linda Murray, Brad Harriman, Dave Bowers and Dave Senecal

Staff present: Town Manager David W. Owen, Finance Director Pete Chamberlin, Public Works Director Dave Ford, Police Chief Dean Rondeau and Recording Secretary Michele Chamberlain

Chairman Freudenberg opened the meeting at 6:30 PM.

Non-Public Session RSA 91-A:3, II

Mr. Owen stated a non-public session is needed to discuss real estate, litigation and a personnel matter.

Consideration of Minutes

Chairman Freudenberg asked for approval from the Board of the January 3, 2018 Regular Meeting Minutes.

It was moved by Linda Murray and seconded by Dave Senecal to accept the minutes of January 3, 2018 as written. Dave Bowers abstained. Members voted and being none opposed, the motion passed.

Public Hearings

A. Temporary Outdoor Event Permit Applications

- i. Wolfeboro Parks & Recreation Department and Cate Park Band to hold Band Concerts on June 27, July 4, 11, 18, 15 and August 1, 8, 15, 22, and 29, 2018 from 6:30 PM – 9:30 PM at the Wolfeboro Community Bandstand.**

Judy Paschal, Member of the Cate Park Band, addressed the Board. She stated on Wednesday evenings we meet to provide free entertaining family concerts. This will be our 27th season.

Chairman Freudenberg opened the public hearing.

Chairman Freudenberg closed the public hearing.

Linda Murray stated there is one comment on the application that states to please maintain access to the fire boat.

It was moved by Chairman Freudenberg and seconded by Dave Bowers to approve the issuance of a Temporary Outdoor Event Permit to the Wolfeboro Parks & Recreation Department and the Cate Park Band to hold Band Concerts on June 27, July 4, 11, 18, 15 and August 1, 8, 15, 22, and 29, 2018 from 6:30 PM – 9:30 PM at the Wolfeboro Community Bandstand. Members voted and being none opposed, the motion passed.

- ii. **Friends of the Wolfeboro Community Bandstand to hold Outdoor Concerts on July 7, 14, 21, 28, August 4, 11, 18, 25, and September 1, 2018 from 5:00 PM – 10:00 PM at the Wolfeboro Community Bandstand.**

Judy Paschal, Board of Director Member of the Friends of the Wolfeboro Community Bandstand, addressed the Board. She stated we provide summer professional concerts and we are family orientated. The concerts are on Saturday nights in July and August and are free of charge. This will be our 24th season.

Chairman Freudenberg opened the public hearing.

Chairman Freudenberg closed the public hearing.

Linda Murray stated the same comment applies to this application as well.

It was moved by Dave Senecal and seconded by Brad Harriman to approve the issuance of a Temporary Outdoor Event Permit to the Friends of the Wolfeboro Community Bandstand to hold Outdoor Concerts on July 7, 14, 21, 28, August 4, 11, 18, 25, and September 1, 2018 from 5:00 PM – 10:00 PM at the Wolfeboro Community Bandstand. Members voted and being none opposed, the motion passed.

B. Application for Permit to Serve Beer and Wine at the Great Hall

i. Lakes Region Newcomers Club

Cynthia Theodore, Vice President of the Lakes Region Newcomers Club, addressed the Board. She stated this is for our annual Bunco night. This event is not open to the public. The event is for registered dues paying members only.

Chairman Freudenberg asked how people become members of the club.

Ms. Theodore stated a member does not have to be new to Wolfeboro. They could be an old timer of Wolfeboro. We have a website and the application can be filled out and

submitted. The fee is \$15 for singles and \$25 for a couple. There are over 400 members and we are a very active group.

Chairman Freudenberg opened the public hearing.

Chairman Freudenberg closed the public hearing.

Linda Murray stated she was excited that a non-profit organization liked to use the Great Hall yearly for an event.

Ms. Theodore stated it is a fabulous facility and it is centrally located.

It was moved by Linda Murray and seconded by Dave Senecal to approve the issuance of a B.Y.O.B. (Beer and Wine Only) permit to the Lakes Region Newcomers Club for their event on January 26, 2018 from 5:30-9:30 PM in the Great Hall. Members voted and being none opposed, the motion passed.

Bulk Vote

A. Weekly Manifests

January 12, 2018

January 19, 2018

B. Property Tax Abatements/Refunds

Approvals:

- i. Abatement/Refund #17 (2017) Tax Map 164, Lot 25
- ii. Abatement Refund #18 (2017) Tax Map 242, Lot 26

C. Property Tax Credits/Exemptions

Approvals:

- i. 56 Cotton Mountain Road Tax Map 154, Lot 18
- ii. 5 Tern Lane Tax Map 126, Lot 43

Denials:

- iii. 399 Pleasant Valley Road Tax Map 235, Lot 15

D. Notice of Intent to Cut Wood or Timber

- i. North Wolfeboro Road Tax Map 24, Lot 1

E. Vouchers to Withdraw Funds From Capital Reserve Funds

- i. DPW Vehicles and Equipment Capital Reserve Fund - \$6,692.05

F. Acceptance of Gifts of Less than \$10,000

- i. Donations for the Libby Museum in memory of Robert Osmund
 - a. Check for \$50 from Mr. & Mrs. Khetani
 - b. Check for \$25 from Ms. DeGeorge

Linda Murray questioned if there was something special that needed to be done so those funds could be designated for the Libby Museum.

Mr. Owen stated they will be put in a gift fund for the use of the Libby Museum.

It was moved by Linda Murray and seconded by Dave Senecal to approve the items listed on the agenda in items A through F above. Members voted and being none opposed, the motion passed.

New Business

A. Monthly Budget Expenditures and Revenue Report

Pete Chamberlin, Finance Director, addressed the Board. He stated he had some questions of payroll balances for the end of the year which he has given to Jeff Urquhart. Mr. Chamberlin stated he thought they had to do with accruals from the prior year. When we figure them out we will accrual them into the correct accounts.

Linda Murray stated the BOS legal line went over by \$26,789.11. She stated the Great Dane case had legal fees for \$45,799.00 which came out of the executive branch budget.

Mr. Chamberlin stated we will be under budget for the 11th year. He stated revenues came in quiet nicely this year and he thought there would be some money to apply to the tax rates next year.

B. Conference with State Legislative Delegation

Chairman Freudenberg stated Senator Jeb Bradley and Representative Steven Schmidt are here tonight. Representative Edie DeMarais joined the meeting in progress.

Mr. Owen stated Lindsay Hamrick of the Humane Society of the United States will explain with Senator Bradley some legislation they have been working on.

Senator Bradley stated we owe a debt of gratitude to the Humane Society. The case in Wolfeboro cost about \$800,000.00. The Humane Society protected the Police Chief's budget and it is a huge amount of money. He thanked Ms. Hamrick. We are drafting legislation today so some of the same situations do not arise again. There needs to be more oversight to what constitutes a kennel. We are redefining a kennel to mean five breeding females. The subject is very controversial. The penalty for deliberate cruelty has increased. It is a felony right now and if it causes death it is extended to serious bodily injury. The cost of care was added to this bill. The animals are seen as property until there is a verdict or outcome in a judicial processing. The town that the animals are apprehended in is required to pay for the cost of care because the animals are considered evidence. The new legislation that we are working on is setting up a three week process where the person charged could petition a judge for their animals to be returned or have to post a bond. If the person charged chooses not to post the bond then the animals could be distributed to new homes. This is very controversial because people see animals as their personal property. Nevertheless, with the growth of the cruelty to dogs, cats, ferrets and other animals people are recognizing the responsibility. The bill probably will be heard in late January or early February.

Representative Schmidt stated the personal property issue with the animals is a tough one. There are some people who are not very excited about this legislation. We remain cautiously optimistic about getting this legislation through.

Lindsay Hamrick thanked everyone for their appreciation and for all the support that the Town has given them. We are 8 months into this case and our partnership has been strong since the beginning. She stated she appreciates the dedication and resources that the Town has provided for this case. She stated Senator Bradley laid out this bill very well. She stated on average New Hampshire towns are seeing about \$400,000.00 to \$500,000.00 in animal cruelty costs every year. The Humane Society in Stratham has 53 animals that have been seized from 3 separate cases and it is expected to cost them \$35,000.00 a month to care for those animals. Stratham is a small non-profit animal shelter that does not receive any state or federal funding. Most judges will order full restitution for the cost of caring for these animals but the problem is usually only 3% of the costs are repaid by the defendants. Towns know that they will not see the costs returned so the long term effects are non-profits cut their animal cruelty programs because they can't afford them anymore. Also, law enforcement has a hard time addressing animal cruelty because they are not sure where the finances will come from. The Cost of Care process sets up a civil hearing and it allows a judge to issue a ruling on a reasonable amount for a defendant to pay every month towards the care of their animals. If the defendant can't or won't pay then the animals are fully surrendered so they can be placed in homes.

Linda Murray questioned if there was a number of animals that a kennel could have on site. She stated five breeding females can create a lot of animals. She asked if there is a number that makes a kennel. She asked how this could be regulated in Wolfeboro.

Ms. Hamrick stated one of the issues with the current law is that a commercial kennel is considered a kennel if it sells 10 or more litters of puppies in a year. The paperwork required to prove that someone has sold that number of animals is really difficult to enforce by the Department of Agriculture.

Mr. Owen stated if any more testimonies are needed for this bill besides the Police Chief please let us know so we can do whatever we can to help support the bill.

Ms. Hamrick thanks the Board.

Linda Murray questioned House Bill 1470. She thought the bill was about repealing the timber tax and the stumpage that comes to the Town.

Representative Schmidt stated he was unfamiliar with the bill but asked what her concern was with the bill.

Ms. Murray stated it will cut revenue to the Town of Wolfeboro.

Representative Schmidt stated then the Town really does not like the legislation.

Ms. Murray stated correct and asked Representative Schmidt to keep an eye on that bill.

Ms. Murray questioned Senate Bill 438 which would change who schedules the elections. She asked if the decision would go to the Secretary of State. She asked Senator Bradley's opinion of the bill.

Senator Bradley stated this goes back to what happened last year at the Town Meeting. Randy Walker, Wolfeboro's Town Moderator, did a great job informing voters by using the Town website that voting was still happening. Unfortunately, a lot of towns had voters that did not get the information about whether voting was cancelled or still happening. Since, this was a problem last spring it has been discussed on how to deal with an emergency situation, whether it is a fire or a storm that would necessitate stopping a town meeting on the pre-ordained day in March. He stated he has not taken a position on the bill yet and there has not been a hearing. He felt that the Governor's Office, Department of Homeland Security or the Secretary of States should be able to declare an emergency and then the Town should determine what happens. He felt that by having these offices declare an emergency that the information would be available quicker to the public.

Ms. Murray questioned Senate Bill 506 that would prohibit amendments to petitioned warrant articles other than just minor grammatical corrections.

Senator Bradley stated he was sorry but he was not familiar with that bill. He questioned that since Ms. Murray asked about it if she had concerns about prohibition on amending warrant articles.

Ms. Murray stated sometimes language is changed during the Deliberative Session and if this isn't allowed to happen then why would the voters attend.

Senator Bradley agreed with Ms. Murray.

Mr. Owen questioned that there was a Senate bill that would remove law enforcement authority from the Fire Marshall's office. This could have the potential of putting arson investigations in the lap of local police departments. Police departments are not equipped or trained to do arson investigations.

Senator Bradley stated he did not think that was the end result of the bill. The intent of the bill was that the Fire Marshall's office could not physically make arrests. Senator Bradley stated he would look into this further to make sure he was correct.

Chief Rondeau stated that might not have been the intended effect of legislation but that is the effect it is having. He stated for the record the Fire Marshall's officers are indeed law enforcement officers. They have the same powers of arrest that the police have and they always have had this power. Their powers have been established by statutes and have been upheld by the Supreme Court. He stated these are law enforcement officers and if you take away their power of arrest then they won't be law enforcement officers. The two go hand in hand. The bottom line is that if this bill is passed it will stifle their ability to properly investigate these crimes. They might still be investigators but they won't be law enforcers. This will have a big impact on the police department. He stated he would have to have at least one officer go to school to be trained as an arson investigator. It will be expensive. He stated no one is ready to pick up the slack if this bill passes. He stated he thinks this is a bad bill, bad legislation, and he does not like it. Chief Rondeau stated he also does not like any of the bills that are relevant to marijuana. It is bad legislation. He does not like it and it is not something we need.

Edith DeMarais, New Hampshire State Representative, addressed the Board. She stated she made a list of all the bills that are in the House of Representatives and Municipal/County Government. She gave this list to the Town Manager, Dave Owen. She stated some of the bills that might have an effect on our community are the kennel bill, House Bill 413 (that establishes a 15% payment in the state retirement system), House Bill 193 (Freedom Savings Account which effectively takes money from school districts to give money to children that are home schooled or children that go to private schools), House Bill 525 (which provides stabilization grants for education which assist property poor towns in the district), Senate Bill 247 (lead poisoning), House Bills 317, 519 and 592 (greenhouse gas emissions) and House Bill 628 (family and medical leave).

Ms. DeMarais stated a bill that might affect the community dealing with elections is the bill that allows Town Moderators to postpone town meetings when there is bad weather. Also, ongoing bills that limit voting by people that are in transition, rights of students and whether we are going to use domicile or residency, and some people are trying to tie it to registering a car.

Brad Harriman asked if the legislators could state their opinions on funding of infrastructural type projects. He stated Mr. Ford and I serve on the task committee of the Lakes Region Planning Commission and we see concerns with the ten year plan projects that we presented. Mr. Ford especially has been trying to get a ten year plan for South Main Street on Pickering Corner going to the Alton town line.

Representative DeMarais stated she agreed with Mr. Harriman that the infrastructure projects have been horribly underfunded for many years at both the state and federal level.

Senator Bradley stated he wanted to get back to Chief Rondeau about whether the Fire Marshall will be able to do investigations. He discussed with Senator Carlson on the phone and was told that a police officer would have to make the arrest. It is not the intent to undermine the Fire Marshall's office.

Chief Rondeau stated we are okay with making the arrest. The issue is that the police department does not want to become saddled with doing arson investigations.

Senator Bradley agreed with Chief Rondeau.

Chief Rondeau stated he is very concerned.

Senator Bradley asked Mr. Harriman to repeat his question.

Mr. Harriman stated he wanted his opinion on funding of infrastructure projects. There does not seem to be enough funding to do the type of projects that need to be done in our state. He expressed concern that a lot of the money goes to the southern part of the state.

Senator Bradley stated the gas tax was raised last year which has brought money into the state. There has been some money freed up to go to Route 93 that has been disbursed through the state. Approximately \$37 million dollars of surplus in the budget that was just passed to go to the municipalities for road and bridge repair. Senator Bradley felt there was recognition that infrastructure was important. He stated if there were issues that the Selectmen wanted to see in the ten year plan then they should give them to him so he could do his best to get them in.

Dave Bowers asked with all the electric vehicles what will be the impact on the gasoline tax.

Senator Bradley stated there are more electric vehicles on the road but people are driving more miles than they have in the past. It is something that will have to be looked at in the next budget.

Senator Bradley thanked Lindsay Hamrick and the Humane Society for all they have done for the Wolfeboro taxpayers.

Representative Schmidt stated he appreciated the letters he has received from the Selectmen in the past and asked for them to continue with this practice.

C. Wolfeboro Area Chamber of Commerce RE: Snowmobile Trail

Mary DeVries, Executive Director of the Chamber of Commerce, addressed the Board. She stated we have been working on bringing this to fruition for many years. It is weather dependent and we are optimistic that this will be the year to test having the connected snow trail from the end of the Bridges Falls Path to the Cate Park area. It has been shown that the economic impact of snowmobilers in the State of New Hampshire is more than one billion dollars. We want to be able to welcome snowmobilers to Wolfeboro and to make it as easy as possible for them to get to Wolfeboro. This will encourage snowmobilers to stop and shop at our local restaurants and shops. The Wolfeboro Snowmobilers Club supports this but their president could not be here tonight due to conflicting meetings.

Dave Bowers stated his dock sustained thousands of dollars of damage last year although it did not have to do with the snowmobile trail test. He requested to put bubblers around the docks and that the Town moves its bubblers over after the snowmobilers are done and that Mr. Ford clears his dock.

Mr. Ford stated he could.

Mr. Bowers stated then he would agree to the test.

Ms. Murray gave a map of the snowmobile trail to Chairman Freudenberg.

Chairman Freudenberg stated the boat ramp is still being worked on so they will not be able to use the boat ramp this year. Chairman Freudenberg explained the trail the snowmobilers would take to get to Cate Park and Lake Winnepesaukee.

Ms. DeVries stated she understood they would not be able to use the boat ramp this year but hoped it could be used in the future.

The Board agreed to give them a trial period for this winter.

Ms. Murray thought the map of the trail Chairman Freudenberg explained was safer than using the boat ramp. She offered people to look at the map.

Chairman Freudenberg stated that will allow us to keep the dock bubblers working year round so there would not be any damage if we allowed snowmobilers to go through Cate Park.

Mr. Bower suggested instead of piling snow on top of rocks that his fence could be moved and snow could be put on his beach for snowmobilers. This way they would not have to go over a big hump.

Ms. DeVries thanked Mr. Bowers. She stated they did have good luck with the big pile of snow.

Mr. Bowers stated signage could be posted on his dock.

Ms. DeVries stated that would be helpful because signage is an important part.

Ms. DeVries stated they would still like to use the boat ramp but respect the fact that this year it would not be available.

Mr. Ford stated the area would need to freeze so we would have that ice bridge. The last bubbler would need to be turned on and turned inward so that could freeze. He felt it was too late for this year.

Chairman Freudenberg stated for this year it is too late but in the future years it would be nice.

Ms. Murray stated when we spend the money to redo the docks and repair the docks we should then have a current there to protect docks.

Mr. Ford stated he needs to learn a lot more about how to protect the docks. Mr. Ford told Mr. Bowers he couldn't guarantee his dock would be okay but they would move it to try to prevent damage. Mr. Ford stated he was still a little concerned about the snowmobile trail but they would give it a shot and see how it worked.

It was moved by Linda Murray and seconded by Dave Bowers that the Board of Selectmen grant a trial snowmobile trail through the downtown starting at the end of the Bridge Falls Path going down Central Avenue on into Cate Park and out onto the ice. Members voted and being none opposed, the motion passed.

Brad Harriman stated in the past he had concerns with losing the parking spaces along the post office. A lot of people like to park their so they can get their mail so he just wanted to mention that was a concern.

Ms. Murray stated at one time we talked about moving a handicap parking space.

Ms. DeVries stated the Board of Directors of the Chamber of Commerce does not take lightly the loss of any parking spaces and we have a history of watching very closely about the available parking. We were heavily involved in the warrant article to purchase the pond for the expansion of the Glendon Street parking lot. She stated the Board of Directors felt losing the parking spaces was worth the costs of promoting the snowmobile trail.

Chairman Freudenberg asked if people could park along Cate Park during the wintertime. He stated it is a trolley stop but it gives people direct access to across the street. There are four spots.

Ms. Murray stated she thought it was to keep the view opened and it was for bus drop-off.

Mr. Harriman stated he was completely in support of bringing the snowmobiles off the lake and into the Dockside area it is just bringing them from the Bridge Falls Path down Central Avenue that he was concerned about.

Ms. Murray stated that is why we are doing it as a trial. If it is a disaster then we won't do it again. The public will let us know how they feel about it.

Chris Ahlgren, Owner of JoGreens, addressed the Board. He stated he brought this idea up a few years ago at a Chamber of Commerce meeting. The connecting trail should be developed in December because we are relying on natural snow fall so a base will need to be built. The groomers need to be able to come and develop the trail so it needs to start in December. It is important to get the trail started soon so people can see the trail and recognize it. He felt it would be important to the flow of traffic to the Town to develop this trail. The way the trails are set up now, people are by-passing the Town so if the trail is connected it will be a major draw to the Town. He felt there were endless opportunities for activities on the ice. He stated when the bubblers were put in people stopped coming to Town. He stated he closed his business in the winter when this happened because people were not coming to Wolfeboro. He stated it will take some planning but he felt it was worth a shot but it will need to start early. He felt it would be a popular route and it would pay dividends.

D. Review of Warrant Articles (Continued)

Chairman Freudberg stated there are two additional warrant articles.

Mr. Owen stated there are two late entries to the warrant articles and they are as follows:

One is a citizen petition from Suzanne Ryan. There were sufficient valid signatures and it has been certified by the Town Clerk. This must appear on the Town Warrant as submitted without recommendation. It is a citizen petition asking are you in favor of electing the Zoning Board of Appeals as allowed in accordance in state statute RSA 673:3. This would replace the current appointed Zoning Board of Adjustment with an elected Board if it was to pass.

Also, the Town Clerk requested an amendment to the town code relevant to electioneering kinds of activities. This is because the election place used to be in the front of the old courtroom so the town ordinance referenced those election areas in front of the Town Hall and now the entrance is off the back parking lot and the adjacent sidewalks.

It was moved by Linda Murray and seconded by Dave Senecal to approve adding a warrant article entitled “Amendment to Town Code Chapter 47-Elections” to the 2018 Town Warrant to recommend its approval. Members voted and being none opposed, the motion passed.

It was moved by Linda Murray and seconded by Dave Senecal to approve adding the petitioned warrant article submitted by Suzanne Ryan to the 2018 Town Warrant without recommendation. Members voted and being none opposed, the motion passed.

Linda Murray questioned if the petitioned warrant article would be the last one.

Mr. Owen stated yes. He stated he received the zoning articles electronically from the Planner but they are still being reviewed by the Planning Board’s legal counsel so once they have been approved they will be added to the Town Warrant. He stated that will not happen tonight so he asked that the Board consider scheduling a special meeting next week to approve and sign the Town Warrant.

E. Approval of 2018 Town Warrant – Special Meeting Needed

The Board agreed to have a special meeting.

The meeting was scheduled for next Wednesday, January 24th at 5:30 PM.

Mr. Senecal stated he would be out of Town.

Mr. Owen stated he could sign before he left Town.

Old Business

Ms. Murray stated she had more information on the Town Manager Search. MRI does not want us to discuss the different essays but on the first essay we are asking for their depth of background. We added to the Candidate’s Profile that we want historic preservation so she is asking for permission from the Board to add historic preservation to that first essay question.

The Board agreed.

Ms. Murray passed out a list of where the notice for the opening of the Town Manager would be posted.

Ms. Murray asked if Mr. Owen had given it to Primex.

He stated he had not but that he would give to Primex.

Ms. Murray passed out the ad seeking volunteers. We need to decide what date we should put it in the paper.

Mr. Bowers stated he felt there would be a lot of volunteers so he suggested writing up a guideline for the number of people.

Ms. Murray stated the Board had agreed to three panels. The first panel would consist of four community members and two staff. The second panel would consist of four community members and two department heads and the third panel would be the Board of Selectmen.

Mr. Bowers thought all the department heads should be involved.

Ms. Murray stated MRI was concerned with having more staff members on any of the panels but she felt it was important to have staff representation. Originally eight community members were suggested for each panel but MRI thought it would be too many people.

Mr. Bowers stated with the proper moderator it should be okay. He felt that the department heads would be working with the new Town Manager so it was important that they had a say. He suggested having a spokesman for all the different departments.

Ms. Murray stated she was fine with the suggestion but wanted to know how the other Board Members felt.

Mr. Senecal stated we had already decided to use the three panels.

Mr. Harriman agreed that was the arrangement that the Board had already come up with.

Mr. Owen stated representation is needed but he did not think that one group should predominate the outcome.

Mr. Bowers felt all departments should have a say and felt it would be a mistake if one department did not have a say.

Ms. Murray stated the three of us feel that the way we have set it up that if we have two department heads and the employees on the other panel would not come from those departments then it would be appropriate. She stated to get someone from every department for the interview panel would make the panels become unruly.

Mr. Senecal agreed.

Ms. Murray stated then the majority of us agree with leaving it the way it is.

Mr. Bowers stated he wanted to be on record that he disagreed and voted against it.

Mr. Harriman recommended that the panels be kept as they had originally been discussed.

Linda Murray, Dave Senecal and Brad Harriman were in favor. Dave Bowers was opposed. Chairman Freudenberg abstained. The vote was 3 to 1.

Ms. Murray gave the Board a spreadsheet with dates for advertising for the interview panel in the newspaper. She read to the Board the estimated timeline MRI would use for the recruitment and selection process.

Mr. Senecal stated he would be away March 19 – 29.

Mr. Bowers stated he would be away the end of March.

Ms. Murray suggested having the interview panels during the beginning of March. The process would require a full day from 8 AM – 5 PM with a half hour lunch. The Town would need to provide drinks, snacks and lunch. We need to decide where we would like to do the interviews. Ms. Murray questioned when the Board would like to put the ad in the Granite State News, on the website and post at the Library and Abenaki.

The Board agreed putting the ad in the paper the first week in February and the Board would make a decision at the February 21st meeting.

Ms. Murray asked where we will conduct the interviews. She stated last time we rented three different rooms at the Wolfeboro Inn.

Mr. Bowers suggested showing the 5 or 6 finalists the Town Hall.

Ms. Murray did not think time would allow for this because the schedule is pretty tight.

Mr. Owen stated a diligent applicant would have done his/her homework. They would have scouted out the offices and checked out the Town's facilities.

Mr. Bowers asked if Mr. Owen thought the finalists should be shown the Town Hall.

Mr. Owen stated he did not think it was necessary.

Ms. Murray stated she would inquire about three rooms at the Wolfeboro Inn.

Ms. Murray stated after the elections we would have the dates March 14, 15 or 16 because after that people will be gone on vacations.

The Board decided on March 16th.

Other Business

None

Town Manager's Report

Mr. Owen stated the following:

The Deliberative Session will be on February 6th at 7:00 PM in the Great Hall.

The Master Plan Public Forum will be on January 23rd at 6:30 PM in the Great Hall.

The Route 28 Corridor Meeting will be tomorrow evening at 6:30 PM in the Great Hall.

Reminder the filing period for officials to file for election for town offices begins on January 24th and runs through February 2nd.

The Town of Moultonborough sent an invitation for another meeting for the Regional Boards of Selectmen to meet in Moultonborough on January 23rd at 6:30 PM. Mr. Owen asked if any of the Selectmen could attend.

Chairman Freudenberg stated he would attend

Committee Reports

Brad Harriman stated last night he attended a Planning Board Meeting and they discussed their warrant articles. He wanted to remind people of the Master Plan Update on January 23rd. He attended a Wolfeboro Community Television Meeting and the date set for the annual meeting will be January 23rd at 8:00 AM. He informally invited the members of the Board of Selectmen and Mr. Owen.

Dave Senecal attended a ZBA Meeting and the Route 28 Corridor Meeting.

Linda Murray stated she attended the Route 28 Corridor Steering Meetings and asked that the public come out so we can hear their comments. This will make a change to Pickering Corner and it is important that we have as many people attend as possible. She attended the Milfoil Joint Board and we talked about last year and what might need to be replaced on the boat. She attended an EDC Meeting, the Budget Committee Hearing, an Executive Directors Meeting, a Chamber of Commerce Meeting, and a Social Chamber Meeting. The Special Events Committee reviewed Last Night in Wolfeboro 2017 and are starting to talk about Last Night in Wolfeboro 2018.

Dave Bowers stated he attended the Budget Committee Hearing and he is working on some library publicity.

Questions from the Press

None

Public Input

Limited to 3 Minutes per resident, not to exceed 15 minutes in total

Anthony Quinn, Resident of Winnepesaukee Drive, addressed the Board. He stated B & H Development declared bankruptcy. The 24 building lots in Winnepesaukee Hill Estates are up for sale but the bankruptcy court has attached the roads Winnepesaukee Drive and Knights Pond Lane to the sale of those 24 lots. The asking price was \$750,000.00 and it has been lowered to \$199,000.00 and still there has been no interest. He stated no one wants these lots because of the condition of the road. In November, he attended a meeting and there were no Town representatives there. He felt the Town should be represented because they have a vested interest in back taxes. At that time he submitted a petition for the Town to take the road to relieve it from the sale of those properties. Unfortunately, he was given the wrong date (January 9th) for filing the petition so it was completed late. The petition is equating Winnepesaukee Estates to the Embassy Estates Supreme Court decision that said the Town is remiss in not overseeing the construction of the roads and as such the Town had to take Embassy Estates. This is an exact same parallel situation. A few of the residents were making repairs to the road and there was a rock sticking up 2 or 3 inches and after digging the rock ended up being 4 feet in diameter. The rock had to be split twice to remove it from the area. He stated anyone who inspected the road and missed that rock, spoke for the situation itself. He asked that the Town consider taking the road and getting it out of the bankruptcy court.

Dave Bowers stated the Board voted unanimously for layout of Winnepesaukee Drive Subject to Betterment Assessment.

Mr. Quinn agreed but stated lets go back to the parallel situation with Embassy Estates. He stated even though none of you were involved there was either incompetency or collusion by a member of the Town to build those roads.

Mr. Bowers did not feel that was correct and that it was an inappropriate thing to say to the Board. When the road was first skimmed it looked very nice but it did not last and that is what probably happened to your property.

Mr. Quinn stated you need to remember that the people who moved in there had no idea and our property values are going down the tubes.

Mr. Ford stated when a subdivision is approved there are rules that are required and an outside third party engineer is hired to make sure things are done properly. In the 1980's he was not sure what the policies and procedures were since he was not around but clearly they were not doing the type of inspections we are now because things were done differently. Roads do wear out and things are kind of complicated. Mr. Ford stated Winnepesaukee Estates is different than Embassy Estates and it is hard to comment about this situation since he was not working for the Town back then.

Mr. Bowers asked Mr. Ford if a subdivision needs to be up to town standards.

Mr. Ford stated today when you get approval you must meet requirements. When the Town accepts the road is one issue and getting a subdivision approval is another issue. Also, getting a road built to sell lots is another issue.

Mr. Bowers asked when this changed.

Mr. Ford stated things were different back then so you can't use today's standards to measure what happened thirty or forty years ago.

Mr. Bowers questioned if the Town approved Winnepesaukee Drive before because it is relevant to show the Town did nothing wrong at that time. He felt the Town did not have any responsibility for the road deterioration.

Mr. Ford stated we could have lawyers fight over this and spend millions of dollars or we could try to come together and reach a reasonable solution. He stated the reasonable solution is the Town needs to help out and the Betterment Assessments is the fair way to do this so everyone pays a certain portion. It will be an expensive project but the values of the properties will come back. We need to work together on this to try to find a resolution instead of talking about lawyers.

Mr. Bowers stated Betterment Assessment seems to work.

Mr. Ford stated we should be careful comparing legal circumstances.

Chairman Freudenberg told Mr. Quinn that the Board definitely has an interest and there is a matter in non-public that we will be dealing with later tonight. We were all in favor of making that road better. The Board has an interest in seeing that road improved. He asked if Mr. Quinn could come back and discuss it with the Board again.

Mr. Quinn stated he was done. We have spent over \$100,000.00 fighting this thing since 2012. Mr. Quinn stated Mr. Bowers has indicated that it may not have had rules in effect at the time that we required the roads to be built to town standards. He stated most of his petition was written by Attorney Walker, your Town Moderator. It was very clear that the contract with B & H Development says that the roads were to be constructed to at least town standards and that was not done.

Mr. Bowers stated we will talk about this in non-public session and the Board unanimously spent time and voted for you. We like you, so don't accuse us of collusion unless there is proof and he didn't feel there was enough proof. We will do anything to help Winnepesaukee Drive and it was your people that rejected the idea. We did not. He stated he was in favor of helping out in any way that he could but legally and with the protection of our taxpayers. This may cost hundreds of thousands of dollars and we have taxpayers would live there that are responsible for paying this.

Mr. Quinn stated we are not asking you to repair the road; all we want you to do is accept it as a Town road.

Mr. Bowers stated to accept it as a Town road it must need Town standards because that is a rule.

Mr. Quinn stated when you were mandated to take Embassy Estates by the court you didn't do a thing for quite a while and that is the same situation that we are in. He stated all he wants to do is take it out of the equation. If you read the petition that was written you can't help but agree that the Town was complicit or irresponsible. The Supreme Court said that very clearly.

Chris Ahlgren, Owner of JoGreens, addressed the Board. He asked about putting Keno on the ballot. The legislation stated that the towns have to approve Keno licenses within their district.

Mr. Owen stated it was brought up to the Board of Selectmen a couple of times when we had correspondence from the Lottery Commission. We did not receive any interest in Keno so nothing was done to move that forward.

Mr. Ahlgren stated it is matters of letting the voters decide. A warrant article is needed to have Keno approved. He asked if it could be put on this year's Town Warrant.

Chairman Freudenberg asked Mr. Ahlgren if he was interested in doing Keno.

Mr. Ahlgren stated he had interest but he was not sure.

Ms. Murray stated if there is interest we could put it on next year's warrant because it is too late for this year. She stated if he was not sure if he was interested then it could wait.

Mr. Ahlgren stated with all due respect if you want to let the voters decide then it needs to be put on the ballot. If you want public input you can do that by putting it on the ballot. This is just offering the voters of this Town a choice. Keno is used to fund all-day kindergarten and it is doing well in the Towns that have allowed it. There revenues are over the estimates in the Towns that have allowed Keno. It seems to be catching on and he has some interest. It is worth a chance to try Keno in Wolfeboro.

Mr. Harriman stated to do Keno right we should have one or two public hearings to let the Town speak to it before we even consider putting it on a warrant article. We need to take our time and do it right.

Mr. Senecal and Ms. Murray agreed with Mr. Harriman.

Chairman Freudenberg stated he was fine with that and he had no problem putting it on the ballot either. He had no problem with having a public hearing.

Ms. Murray stated it makes sense to have a public hearing. The police department does not know anything about Keno and it is us being responsible. We will put that on our

agenda for next year and have some public hearing and learn more about it. This is a compromise.

Mr. Ahlgren thanked the Board.

It was moved by Dave Senecal and seconded by Linda Murray to enter into non-public session under RSA 91:3 II (e) to discuss real estate, litigation and a personnel matter. Roll call vote, Chairman Freudenberg – yes, Linda Murray – yes, Brad Harriman – yes, Dave Bowers – yes and Dave Senecal – yes. Being none opposed, the motion passed.

The Board re-entered public session at 9:16 PM.

Linda Murray moved the Wolfeboro Board of Selectmen to seal the minutes of the January 17, 2018 non-public meeting. Dave Senecal seconded. Roll call vote, Chairman Freudenberg – yes, Linda Murray – yes, Dave Senecal – yes, Dave Bowers – yes and Brad Harriman – yes. Being none opposed, the motion passed.

It was moved by Dave Senecal and seconded by Brad Harriman to adjourn at 9:17 PM. Members voted and being none opposed, the motion passed.

Respectfully Submitted,
Michele Chamberlain