

Wolfeboro Board of Selectmen
Public Meeting Minutes-Unapproved
COVID-19 Meeting- GoToMeeting
June 3, 2020

Board Members present: Chairman Brad Harriman, Dave Senecal, Dave Bowers, Linda Murray and Paul O'Brien

Staff present: Town Manager Jim Pineo, Planning Director Matt Sullivan, Finance Director Troy Neff, Public Works Director Dave Ford, Police Chief Dean Rondeau and Recording Secretary Michele Chamberlain

Chairman Harriman opened the GoToMeeting at 6:30 PM.

Chairman Harriman read the following Preamble into the record:

MEETING PREAMBLE DURING COVID-19 EMERGENCY

Good Evening, as Chairman of the Wolfeboro Board of Selectmen, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of town government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

The Board Members gave a Roll call vote, Dave Senecal - present and alone in his office in his house, Linda Murray- present and alone in a room in her house, Brad Harriman – present and alone in a room in his house, Dave Bowers – present and alone in a room in his house and Paul O'Brien –present and alone in a room in his house.

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

Mr. Pineo stated a non-public session is needed to discuss hiring.

Consideration of Minutes

Chairman Harriman asked for approval from the Board of the May 13, 2020 ToGoMeeting Minutes.

It was moved by Dave Bowers and seconded by Paul O'Brien to accept the minutes of May 13, 2020 as amended. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes, Dave Senecal – yes, and Paul O'Brien - yes. Being none opposed, the motion passed.

Public Hearing

A. Ordinance Amendment

- i. The Wolfeboro Board of Selectmen continued the public hearing from Wednesday, May 20, 2020 to Wednesday, June 3, 2020 at 6:30 PM via GotoMeeting regarding amendments to the Town of Wolfeboro Beaches Ordinance related to section §16- 1-8.

Mr. Pineo stated he asked for guidance from both local attorneys, our property insurance liability company, Primex and the New Hampshire Municipal Association. They have some concerns regarding the warrant articles. He read the following statement:

The Town cannot deny access to the beach itself based on residency or property ownership because the waterbody at issue is a "state water." (There are smaller bodies of water, i.e., less than 10 acres in size, that aren't controlled by the State and which a town could restrict to use by residents/property owners only.) What the Town does have control over with a State waterbody is parking in lots and on roads controlled by the Town.

The Town can control parking on Town roads and can say that parking in particular areas is limited to beach pass parking only. The Town can also give preferential treatment to residents over non-

residents so far as parking pass availability and fees are concerned. However, the Town can't restrict beach access itself to just residents because the Town doesn't have legal authority to do that. In this case, the reason is that the State, not the Town, controls access to and use of public waters (i.e., lakes of more than 10 acres). See RSA 483-B: 1, II; RSA 271:20, I; *Lakeside Lodge, Inc. v. Town of New London*, 158 N.H. 164 (2008).

Mr. Pineo stated if we were to move forward with these warrant articles as the voters have indicated to make the beaches private resident only beach it would certainly limit the Town's ability to look for and access federal grant funds. He felt the above information should be read into the minutes.

Mr. O'Brien stated Lake Winnepesaukee is a water body so that means anyone can have access to it. Correct?

Mr. Pineo stated correct.

Mr. O'Brien stated then we can not pick and choose who gets to use the beach. Correct?

Mr. Pineo stated that is the legal advice that has been given by Steve Buckley, General Council from the NH Municipal Association.

Mr. O'Brien stated we can not pick and choose who uses the beach but we can decide how the parking lot is used. We can say cars that have stickers can use the parking lot.

Mr. Pineo stated correct.

Mr. O'Brien stated fine. He just wanted it to be clear.

Ms. Murray stated she would like to hear public input. We are here to listen to the public.

Chairman Harriman opened the public hearing.

Chairman Harriman asked that information from the last meeting, May 20, 2020 not be repeated. We should discuss new information.

Mike Hodder, Resident of Wolfeboro, addressed the Board. He stated two warrant articles were passed by the vote of the Town. We now have the statement of a legal opinion that casts into doubt the legality of the warrant articles. We have legal advice but not from the Town's attorney so we should talk to our attorney before we proceed any further because there seems to be a conflict between legal opinion and the voice of the voters. We need this cleared up by our attorney. What is the legality of the two ordinances and how the will of the voters can be implemented legally so the ordinance that is written closely reflects the will of the voters as legally as possible? We need a legal opinion that sets a clear course forward before we discuss this further. Mr. Hodder suggested waiting until legal advice is obtained. If there is a State regulation that will disallow us from limiting people to access the water then we have a problem. We need to get the problem resolved before we go

further otherwise if this ordinance is passed and it is challenged we may have lose. The goal is to somehow give effect to what the voters wanted. The voters wanted Carry Beach restricted to residents of the Town, their families and their guests. If we can not do this legally then we need to know it! If it is legal then we need to know that as well. Mr. Hodder stated up until five minutes ago he thought it was legal to do.

Suzanne Ryan, Resident of Wolfeboro, addressed the Board. She stated the warrant article about Albee Beach clearly described the parking as access to the beach. She referenced the statutes that were relevant to allow it to happen. If we do not have statutory authority or we can not find it in the statues then we do not have the authority. She stated she found the authority to do that under RSA 139:418 which gives the Board of Selectmen authority. RSA 41:11 A states the Board of Selectmen have the authority to manage and regulate Town property. We bought Albee Beach and we paid for it. It is Town property. She asked the Board to look at the language for the Albee Beach warrant article because she felt it was alright.

Mr. Pineo stated he agreed with Ms. Ryan's statement. Legal council did refer to RSA 483-B: 1, II and RSA 271:20, I as well as the legal case *Lakeside Lodge, Inc. v. Town of New London*, 158 N.H. 164 (2008).

Ms. Murray stated we can regulate the parking lot. She felt our ordinance showed the regulation of the parking lot. The regulation is the pass to get in. She agreed Albee Beach seems very clear.

Mr. O'Brien questioned Mr. Pineo about the legal case. Was there an actual court case law that is being referenced?

Mr. Pineo stated Attorney Buckley cited *Lakeside Lodge, Inc. v. Town of New London*. Primex referenced the case as well.

Mr. O'Brien stated if there is case law then we will probably be reminded of that by Town Counsel.

Mary DeVries, Executive Director the Chamber of Commerce, addressed the Board. She stated this is new information about State waters. She stated when she reads the draft ordinance that is being considered tonight it sounds like some taxpayers can invite guests to use both Albee Beach and Carry Beach and other taxpayers could only use Albee Beach if it is passed by the Selectmen. Is this correct?

Mr. Pineo asked Ms. DeVries to repeat her question to make sure he understood her correctly.

Ms. Murray stated Albee Beach allows everyone to come in. The word taxpayers in Carry Beach will not allow hotels, motels, etc. for those taxpayers' guests.

Ms. DeVries stated then only some taxpayers can use both Albee Beach and Carry Beach and other taxpayers can only use Carry Beach. She did not understand why.

Chairman Harriman stated a taxpayer could use both beaches whether they are a full time resident or not. The difference is that guests of motels, hotels, lodging houses, camp grounds could only use Albee Beach. A taxpayer that owns a house here for the summer could use both Albee Beach and Carrie Beach. He questioned Mr. Pineo if this was correct.

Mr. Pineo stated yes.

Mr. O'Brien stated we should ask the writer of the warrant article for clarity. Mr. Hodder?

Mr. Hodder stated any Wolfeboro taxpayer can use Albee Beach and Carry Beach. There are no particular classes of taxpayers that some are allowed to use Carry Beach and some who are not worthy enough to use Carry Beach. The word taxpayer is in the ordinance written by the Selectmen as being allowed to use Carry Beach. A commercial taxpayer like a person who owns a hotel he can use the beach. His family can use the beach, his personal guests can use the beach but his people that rent his hotel rooms can not use the beach.

Ms. Murray stated a corporation can not use the beach like Wolfeboro Inn. They are excluded.

Kathy Eaton, Taxpayer, Business owner and EDC Chairman, addressed the Board. She stated she has real concerns about the ordinance. She understands the concerns are to limit the number of people on the beaches. She agreed with excluding day trippers. She felt this was the issue with overcrowding of the beaches. She felt they would see a change by just doing this. She felt it was disturbing to make more changes. Tourism is the number one industry in this Town. The Tourism industry employs the majority of people here and without lodging places for people to stay we would not have the people to support businesses and restaurants. If we look at the number of taxpayers or residents who's livelihoods depend on the tourism industry there will be a very serious consequence to the economic impact to this Town. The beaches and our lakes are why people want to come here. All of our lakes and ponds are owned by the State. Ms. Eaton agreed with Ms. DeVries that some taxpayers will be allowed to use the beach and others will not be allowed to use the beaches. She stated she has a tenant that rents an apartment for several months and now they will not have access to the beach. This immediately takes away a value to my property because there is not access to all Town facilities. She felt her tenants should have access to all Town facilities. They are tourists but they are living here but they are not residents so they would be denied. This is wrong in so many ways to pick and choose which one of our taxpayers and to limit businesses. We have been here for over 250 years and we are known as the Oldest Summer Resort in America and now we are going to take that away from our citizens. It smacks of elitism and she finds it very disturbing! It is not good for the economy! She felt they should see the results of taking the day trippers out of the equation first before doing anything more. She is extremely unhappy and asked the Selectmen to not pass this ordinance. Albee Beach and Carry Beach should be allowed to all taxpayers and all of their guests!

Ms. Ryan stated she was very careful on the Albee Beach warrant article to include everything relative to the use of that beach. The only thing it does is prohibit out of staters and out of town people. It includes hotel and motel guests. It includes people that walk the trails and special events. It is not exclusionary. This warrant article should not be intermingled with Carry Beach. There is a very specific reason it is a separate warrant article. She did not see anything that should be challenged. We can not have herds of people on the beach and it shows its wear since 1990 when the Town bought it. We are trying to protect and preserve the beach for generations to come. She hopes the Selectmen will continue with the Albee Beach warrant article.

Christine Collins, Parks and Recreation Director, addressed the Board. She stated as the Recreational Director she agreed there is a problem. It is a good problem that people are coming to Wolfeboro because that is what we want. We need to manage the flow of in and out. This is for the safety of the patrons on the beach. When there are lifeguards on the beach there can not be too many people to manage and parking needs to have some guidance. We do have signs that state no parking but a lot of time they are not followed. If we were able to have manpower to manage this it would be a huge help. She stated with this proposal Parks and Recreation will be managing the parking not the beaches. We want to help manage the parking and know what is going on within each beach. We need to know how many people are coming in and out of the beach.

Mr. Hodder stated he wanted to remind Ms. Eaton and others that this ordinance was written by the Selectmen to reflect the passage of a warrant article which is the will of the people. The people voted for the Carry Beach warrant article which restricted use of the beach to Wolfeboro residents, their families and their guests. The Town voted for this. It is not something the Selectmen came up with on their own or something he asked for the Selectmen to do. The ordinance is a reflection of the will of the people. Unfortunately we now have a legal opinion that casts doubt on the ethnicity of the warrant article as expressed in this ordinance. We need to get this cleared up. We need an opinion from Town Counsel on how to implement what the voters overwhelming voted for last March.

Andrea Dudley, Resident of Moose Point Road, addressed the Board. She stated there will need to be more discussion on control and access to the beaches. We need to not lose site of the management of the beaches for the short term and long term. People allow their dogs to run loose on Albee Beach. There have been fires and drinking on the beach. We need to make sure that rules for the use of the beach are clear to people. There needs to be an understanding on where we can go for help if things get out of control. We need to keep the beaches in good condition for whoever gets to use them. Parks and Recreation has done a great job getting the beaches ready. We need to have control.

Hugh Crawford, Resident of Moose Point Road, addressed the Board. He questioned the access from the water. There are people that put their boats in at Mast Landing and go to the beach. We need to have some regulations for these people as well as the people coming from the parking lot or land.

Mr. Pineo stated we absolutely can not control the access to the beach from boaters. It is State waters and we have no way to regulate it. Legally there is nothing we can do.

Linda Wells, Resident of Sewell Road, addressed the Board. She stated she lives three houses away from Carry Beach. She walks to the beach. She has lived here for 18 years and in the last couple of years the word got out on social media about Carry Beach being a wonderful beach. There was a dramatic increase in the number of individuals that come to the beach for the day. The weekends are very crowded because people are having parties, family gathering, etc. She stated she is a taxpayer and she works all week and would love to be able to go down to our little beach and enjoy the beach. There has been a lot more people at the beach. It is too crowded and not as enjoyable as it has in previous years. She encouraged the Selectmen to limit the parking. She felt it was overcrowded because of day trippers. People are not following the rules at the beach and there has been increased smoking. She agreed tourism should be encouraged in Wolfeboro but Carry Beach has been too crowded over the last several years since it was discovered by social media.

Ms. Ryan stated the Town states: revise RSA's
She asked the Selectmen not to intertwine the two warrant articles. There is a reason they were separate. She stated they should ask legal counsel but she would like to request that the attorney read each warrant article independent of the other. She stated the Town attorney sat at the Deliberative Session and heard all the discussion and made no comment.

Ms. Eaton stated she felt the ordinance that was written for Albee beach should be the same for Carry Beach. She understands it was not necessarily the intention of the Carry Beach warrant article. It is what is fair and just. She agreed that the regulations of the beaches are very important and need to be done in a careful and thoughtful way. We need to be fair to everyone. We need to limit the number of people on the beach at one time. This will be done the easiest through parking. We should either be issuing passes or counting the number of people coming in. If we limit the number of people on the beach it will preserve and protect the beach and the environment. If we don't protect the beach we are not going to have people who want to come here or live here. This needs to be done in a careful and thoughtful way. She agreed we should get legal advice before moving forward. She suggested taking things one at a time for this year and have the broader rules being suggested for Albee Beach be considered for Albee Beach and Carrie Beach. This would limit day trippers and we would have some regulations and things would be taken in steps. She is really concerned about excluding some taxpayers and not others.

Mr. O'Brien stated he wanted to make sure everything is clear because it seems like some facts are getting twisted. Residents of the Town are allowed to use Carry Beach. Renters are allowed to use Carry Beach if they provide a water, an electric or tax bill. Summer residents can use Carry Beach. Mr. O'Brien stated Ms. Ryan is saying we need to deal with a parking issue. The Carry Beach warrant article is a people issue not a parking issue. The people being the guests of a hotel owner. One is a parking problem the other says if you're a guest of a hotel owner that is paying property taxes in our Town that you can't use the beach. This is how Mr. O'Brien sees the situation. He agreed we needed the Town Attorney to look over the information. We are not going to be very successful telling people

who gets to go to the beach and who does not get to go to the beach. This will not work! We need to deal with the parking issue and not a people issue. We could have people walk onto our beaches and are we going to have our beach attendants ask for their credentials? He did not think we should do that and we should not have the Police Department do it either. Mr. O'Brien stated he is not in support of checking people credentials. We can not control State waters.

Ms. Murray stated she will be talking about Carry Beach section C. She asked for this public hearing to be continued to see if the word taxpayer could be written in the ordinance. Taxpayer was not part of warrant article #34 as it was written. It excluded taxpayers who had not declared Wolfeboro their principle residence. There has been discussion about the word resident and who it includes. She did some research and found RSA 21:6 defines a resident or an inhabitant or both of the State and of any city or Town or other political jurisdiction of the State shall be a person who's domicile or has a place of abode or both in this State in any city, town or other political jurisdiction of the State and who has through all his or her action demonstrated a current intent to make the place of the abode of his or her place of physical residence to the exclusion of all others. Ms. Murray stated she felt strongly that the Board of Selectmen should insert the word taxpayer into the Wolfeboro Ordinance Chapter 16 section C into Carry Beach even though it is different from the wording in the petition warrant article and statute 41:11 gives the authority to the Board of Selectmen to manage and regulate the use of Town property. Therefore, the Board of Selectmen can insert the word taxpayer if we feel necessary. At the May 20, 2020 Public Hearing Mr. Hodder tried to suggest it was equitable to all commercial property owners for they or their families or guests to get a pass to use Carry Beach. The Wolfeboro Inn is a corporation and it is not an individual or a family so no one will qualify to use Carry Beach as the warrant article is written in this draft tonight. The Carry Beach section proposed ordinance is not equitable to all taxpayers. For example the Wolfeboro Inn will pay its 2020/2021 tax bill and it will pay for operating Carry Beach along with its portion of the bond issued to upgrade Carry Beach and its parking lot. The Wolfeboro Inn's guests will not be able to use Carry Beach or the parking lot. Wolfeboro's commercial entities need the tourist industry to survive. Hotels, motels, etc. attract overnight guests to Wolfeboro who visit our local shops and our restaurants. The summer guests play a critical role in keeping our local business community opened and profitable. If one thinks about it Wolfeboro businesses community is a very important part in the lives of Wolfeboro residents as we all know year after year local businesses are one of the major supporters of Wolfeboro's nonprofit fundraising efforts that enable this community to take care of each other. She stated she supports the addition of the word taxpayer to the Carry Beach section of this Ordinance she will vote against the proposed ordinance Chapter 16 as it is written because it is not equitable to all taxpayers! Businesses pay taxes based on the commercial business model. She is against taxing a group of the commercial businesses that have their guests excluded from Carry Beach. This is a very poor model for a Town who's economy is driven by the tourist industry.

Chairman Harriman questioned if there was any new information because they have spent a lot of time on this.

Mr. Hodder stated he feels some of the Board of Selectmen members have gotten a little confused. He stated he is not the issue. The issue is the warrant article. The Town voters passed this warrant article and directed the Selectmen to implement it with an ordinance. It was not him. He wrote the warrant article but the voters voted for it. How the Selectmen implement it is up to them but the Selectmen's job is to protect the will of the voters. This is what the Selectmen are supposed to do and the voters have been very clear in this case that they want Carry Beach restricted to residents however it is defined. He stated he was fine with taxpayer. How this is put into practice given the new information we received from Mr. Pineo about the legal situation is up to the Selectmen but it needs to reflect what the voters told the Selectmen they wanted. It is the job of the Selectmen to do this.

Mr. Bowers stated as a 40 year resident near Carry Beach he has never seen a bus go to Carry Beach. The beach is never crowded because there is parking behind the restrooms. He stated he did not think it was a problem that needed to be fixed. Thirty years ago there was a problem with soda machines being put there but they were taken out. He stated if it is not broken don't fix it! He stated he did not feel there was a visitor problem. We are a summer resort and if someone is staying at a motel or hotel or coming in for the day we should welcome them to Town.

Ms. DeVries stated she did not feel there was any confusion from any member of the Board of the Selectmen. She looks forward to hearing the results. She stated she has full confidence in the Director of Parks and Recreation, Christine Collins to continue to manage the Town's amenities, our beaches. The Chamber of Commerce will be asked by the business community and visitors what the difference is and if there is a difference. Why can I go here and not there?

Cynthia Theodore, Resident of Wolfeboro, addressed the Board. She stated she was at the last Board meeting and her first question was how could this happen. How did we have to warrant articles that went to vote and they were overwhelmingly approved by the voters of the Town and now it is all being questioned or saying it is illegal? How did we reach this point? As a resident of Wolfeboro Neck road and someone who uses Carry Beach there has absolutely been buses there. Buses are absolutely an issue! She stated she is not talking about Greyhound buses. She is talking about buses from out of Town from the southern part of the State. There are large groups of people coming onto the beach from these buses. We still have Brewster Beach and the Wentworth State Park opened to everyone. Carry Beach is not very big. As a taxpayer and full time resident she felt that residents should be given this. She stated there is no room for residents! What is just and fair? She questioned it is just and fair to taxpayers of Wolfeboro if there is no room for us on the beach. We need to remember that others can use Brewster Beach and Wentworth State Park.

Chairman Harriman closed the public hearing.

Chairman Harriman suggested continuing the public hearing on June 17th because of the new information given by Mr. Pineo. We should seek legal opinion from our Town Counsel.

Mr. Senecal stated the proposed beach policy can be changed with a public hearing at almost any time. We can pass this policy and see if it works. Ms. Collins can let us know if the policy is not working. This is a policy and it is not absolute. We can change it if we see some problems. We need some directions as far as Carry Beach from legal counsel with the new information that has been provided. He stated when he voted he felt it was clear that Carry Beach was going to be for the people of Wolfeboro and their guests. Ms. Ryan's article for Albee Beach was clear that people needed passes to use the beach. We need to try this to see if it is going to work. We have no track record to see what is going to happen. He felt they needed to move forward as quickly as possible. The regulations are only for two months, July and August. The staff can keep track of the traffic count. We set up a number of cars that can park at each beach so it is very clear. After we review the information for this summer we will know better on how to proceed or change the ordinance. This is new and we can change things as needed if there are problems. He agreed it should be postponed until the next meeting but felt they had discussed this numerous times.

Ms. Murray read an opinion from the NH Municipal Association as follows: The Town can continue to control parking on Town roads and can say that parking in a particular area is limited to the beach pass parking only. She stated she felt the ordinance is limiting the beach pass parking by a pass. We are defining it by residents. We have the right to say that residents can only use our beach. She stated her understanding is that if someone walks onto Carry Beach then they can use the water. She is comfortable with putting this into play based on the parking ordinance in terms of controlling the beach. If this does not work then we can get further legal opinion or she is comfortable waiting until the next meeting. She stated she believes what they are proposing is based on a policy limiting the parking lot. She felt they had a right to do this.

Chairman Harriman agreed with Ms. Murray. He suggested adding the words parking lot after the word beaches. It would read as follows: Vehicle access to Carry and Albee beach parking lots shall be restricted to those with beach passes or current Town of Wolfeboro Solid Waste Facility stickers only. We are not talking beaches we are talking parking lots.

Ms. Murray agreed.

Chairman Harriman stated it should be changed in all sections to identify what we are doing.

Mr. Bowers stated people can park along Forest Road and they do.

Chairman Harriman stated we have the right to restrict that because there is no parking along side of a road.

Ms. Collins agreed.

Ms. Murray stated she visited Ellacoya State Park in Laconia and they have small signs stating temporarily no parking police department. We could put some of these signs out as well.

Mr. Senecal questioned if the beaches were going to be opened this summer.

Ms. Collins stated we hope so. We should manage the beaches at the gates because of the COVID-19 virus. We do not have our facilities open yet because of the virus. She felt the only way to manage the beach is by the parking lot. People should not be parking alongside the road because then fire trucks and police can not get onto the beach. We are managing the parking at Brewster Beach even though we are allowing anyone to go to the beach. If we manage the parking lot we will have real time data on our Facebook page so people will know if that beach is full so they can go to another beach.

Mr. Pineo stated we tried not to comingle COVID-19 however the beach task forces calculated the occupant loads for the beaches to maintain social distancing. We calculated Carry Beach to have occupancy of 75 people. He has reached out to Attorney Puffer for guidance relative to information that has been discovered and he will be looking into this. We should be able to have a resolution or a legal opinion from Town counsel for the next meeting.

Chairman Harriman questioned Ms. Collins about when the beaches will be opened. If we wait until the next meeting will that give her enough time?

Ms. Collins stated yes. We are trying to retain staff for opening on June 13th so June 17th would be fine. We could open on June 18th if everything is passed. We have the passes and are securing staff so we can open as soon as the facility is ready to be opened. We are waiting for the final word.

Ms. Murray stated Governor Wentworth Regional School District is closing on June 5th, Friday.

Chairman Harriman stated this date is usually later.

Chairman Harriman questioned what the Board wanted to do.

Ms. Murray questioned if they were comfortable with saying on Carry Beach in section C they were going to leave in the word taxpayer. We need to clarify this. She agreed they should get legal advice.

It was moved by Dave Senecal and seconded by Linda Murray to postpone accepting the amendments to the Town of Wolfeboro Beaches Ordinance related to section 16 1-8 until the next meeting, June 17, 2020.

Mr. O'Brien stated if we go by the warrant article that was written by Mike Hodder and was voted by the public then it does not say taxpayer. It says resident. We should and have the right to put in the word taxpayer. We need to make sure we are tight on the question that we want Town Counsel to answer for us. We need to be clear. What is the question we want advice on?

Mr. Pineo stated Sections 16.2 b and 16.2 c which identify Albee and Carry Beach are those legal articles compared to the RSA language provided by NH Municipal Association.

Mr. O'Brien stated are we as a Town limited to regulate the use of the parking lot or do we have broader authority on who can go onto the beach.

Ms. Murray stated it is not just who can use the beach but who can go across the beach to get access to the water. It is related to the ability to the public to get access to the water.

Mr. O'Brien agreed. We are not going to card anyone coming down the path. Who are you? Where did you come from? If we are going to do this then we need a lawyer to tell us it is okay. He stated our issue is the parking lot.

Ms. Murray stated we need the same question about each beach to the Town Attorney because it may be a different answer for each parking beach and beach access to the water. She felt it was three separate questions.

Mr. O'Brien stated Ms. Theodore had a comment about buses that should be discussed at some point. Last year we posted signs at Albee Beach that buses were not allowed so it maybe something we need to do at Carry Beach.

Ms. Murray stated it is part of RSA 16.

Chairman Harriman stated we need to get back on the motion so let's have a roll call vote.

It was moved by Dave Senecal and seconded by Linda Murray to postpone accepting the amendments to the Town of Wolfeboro Beaches Ordinance related to section 16 1-8 until the next meeting, June 17, 2020. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes, Dave Senecal – yes, and Paul O'Brien - yes. Being none opposed, the motion passed.

B. Temporary Event Permit(s)

- ii. Back Bay Water Skiers, Inc.-d/b/a Abenaki Water Ski Club to host USA Water Ski sanctioned tournaments on the following dates: June 27, 2020, July 18 & 19, 2020, August 22, 2020 and September 12, 2020 all events are 8:00 AM to Sunset in the waters of Back Bay. Permit #2021

Chairman Harriman opened the public hearing.

Bill Swaffield, Representative of Back Bay Water Skiers, Inc. addressed the Board. He stated the Safety Director is here as well, Bob Shilo. We are requesting approval from the Town for the use of Back Bay Park for our event as we have in past years. Mr. Shilo has recommendations given to us by US Waters, they sanctioned our tournaments. The events run from 8:00 AM to Sunset. There are three events for each tournament. The event in

September is the New England Slalom Championships. They are amateur skiers of these events.

Chairman Harriman questioned if there will be signage or crowd control for how groups are gathering because of social distancing requirements.

Mr. Shilo stated there will be a sign in area that will indicate some of the critical items related to COVID-19 practices such as 6 feet separate and masks will be recommended. The signage can go down the Bridge Falls Path. We will try to have our participants practice the same standards.

Mr. Swaffield stated all the participants do not ski at once. Some people ski and then leave for the day or others ski and go Downtown for a while and then come back to do another event later. We do not have all 30 participants and their families there at the same time. We do not anticipate any problems with having people spread out. People are getting used to the social distancing requirements of being 6 feet apart and wearing masks. Also, the event is in the open air with breezes and such. We are hoping it will go very well.

Chairman Harriman closed the public hearing.

It was moved by Linda Murray and seconded by Paul O'Brien to approve the temporary event permit for Back Bay Water Skiers, Inc.-d/b/a Abenaki Water Ski Club to host USA Water Ski sanctioned tournaments on the following dates: June 27, 2020, July 18 & 19, 2020, August 22, 2020 and September 12, 2020 all events are 8:00 AM to Sunset in the waters of Back Bay contingent upon following Governor Sununu emergency orders and the USA Water Ski & Wake Sport COVID-19 return to play guidelines issued on May 13, 2020. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes, Dave Senecal – yes, and Paul O'Brien - yes. Being none opposed, the motion passed.

Public Input

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

NA

Bulk Vote

A. Weekly Manifests

- i. May 29, 2020**

B. Tax Warrant

C. Current Use Application

- i. 290 Pine Hill Rd Tax Map 161 Lot 15

D. Property Tax Refund/Abatement

Denials

- i. 24 Kingswood Rd, S. Main St.
37 Kingswood Rd. Tax Map/ Lots 232-4,
232-5 & 232-2
- ii. 72 Jonathan Hersey Rd Tax Map 111 Lot 2

Approvals

- i. Wolfeboro Center St. LLC Tax Map 133 Lot 28
- ii. 27 Birch Hill Estates Rd Tax Map 177 Lot 10-41

E. Intent to Cut Wood or Timber

- i. Cotton Valley Rd Tax Map 154 Lot 13
- ii. Stoddard Rd Tax Map 35 Lot 7

F. Yield Tax Levy:

- i. 1,442.80
- ii. \$4,401.21
- iii 1,628.47

Ms. Murray asked to remove Bulk Vote Item D Denials i.

Chairman Harriman stated 24 Kingswood Road.

Ms. Murray stated 24 Kingswood Road and 37 Kingswood Road. These to items were grouped together.

It was moved by Linda Murray and seconded by Dave Senecal to remove Item D Denials (24 Kingswood Road and 37 Kingswood Road) from the Bulk Vote. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes, Dave Senecal – yes, and Paul O’Brien - yes. Being none opposed, the motion passed.

It was moved by Dave Senecal and seconded by Paul O’Brien to approve the Bulk Vote Items A-F except for Item D1. Roll call vote Brad Harriman – yes, Linda Murray – yes, Dave Bowers – yes, Dave Senecal – yes, and Paul O’Brien - yes. Being none opposed, the motion passed.

New Business

A. Commercial Vessel Landing Permit- Winnepesaukee Flagship Corp.

Captain Morash stated we are still waiting for the Governor to give us clearance and are trying to figure out things relative to COVID-19. We would like to get the permit in place. We have already lost May and June. We will start with one cruise a day and then add a dinner cruise. He stated he has a lot of fall cruises still booked and they continue to get calls for more bookings. We need to take it slow and follow the guidelines.

Ms. Murray stated we are looking forward to seeing the ship come into Wolfeboro.

It was moved by Linda Murray and seconded by Dave Senecal to approve the Commercial Vessel Landing Permit for Winnepesaukee Flagship Corp for the 2020 season contingent upon Governor Sununu emergency orders. Roll call vote, Linda Murray – yes, Paul O’Brien – yes, Dave Senecal – yes, Dave Bowers – yes and Brad Harriman – yes. Being none opposed, the motion passed.

B. Commercial Vessel Landing Permit- SDNE, LLC

Chairman Harriman stated this is a gentleman that has a sea plane and he is looking to talk to the Board about the possibility of coming to the docks if his services were requested.

Ms. Murray stated he is requesting a Commercial Vessel Landing Permit. She looked up the definition of the word vessel. According to RSA 270-E2 (12) it defines it as follows: Vessel means every description of water craft other than a sea plane used or is capable of being used as a means of transportation for water.

Mr. O’Brien stated he thought the applicant would have to talk to the State since they are in charge of the State waters. We do not regulate how the waters off our port are used. We probably would want to have a conversation or at least understand how if a sea plane came in what would we tell the boaters so they would move so the plane could land. He did not know how this would work. He suggested the applicant look into it further.

Ms. Murray stated the applicant is asking for a vessel permit. He does not fit our application for a Commercial Vessel Landing Permit. His criteria do not fit for this application.

Mr. O’Brien stated he is concerned on how this would work.

Chairman Harriman agreed. He sees complications.

Mr. Senecal stated there used to be an airport here and there still is an active sea plane runway in Winter Harbor. It is still being used. If the State deems part of Wolfeboro Bay should be a landing area and he goes somewhere else to dock it might be okay. We need more information.

Mr. O’Brien suggested maybe using the Libby Museum dock.

Ms. Murray stated it will need to be under a different vessel landing permit. We could give him special permission if we want but not under this application.

Chairman Harriman stated this permit is not valid.

Mr. Senecal stated the gentleman is an airline pilot so he probably is not home yet. We can send him a letter that he does not qualify as a vessel for the landing permit. He could look into another spot such as the Libby Museum dock.

Chairman Harriman stated his home port is Mirror Lake.

Mr. Senecal stated he lives on Mirror Lake.

Chairman Harriman asked Mr. Pineo to follow up with a letter to him.

Mr. Pineo agreed.

C. Letter from Kelly Collins – Lehner Street

Matt Sullivan, Planning Director, addressed the Board. He suggested having Ms. Collins address her concerns.

Chairman Harriman questioned if the Board was okay with her speaking since it is not a public hearing.

The Board members all agreed to allow Ms. Collins to speak.

Kelly Collins, Resident of Lehner Street, addressed the Board. She stated her letter is self explanatory. (See attached letter) She stated she has lived here for 3 years and is very concerned about the neighborhood activities. When her husband bought this house there was not a public restroom across the street. She attended the public hearing for the Planning Board on this matter and had made some suggestions that the restroom should face the street so the Police Department could cruise by easily and see the activity in the Pavilion. She understands there are cameras there now. There has been public urination. There have been large groups of kids fighting in the park by the pavilion. There was a gentleman that pulled a gun on Lehner Street and there is a little kids park near there. Her car was sideswiped. People bring dogs and do not pick up after them. This area has changed a lot over the last 3 years. She stated the bar is being allowed to operate because of the COVID-19 issue. She does not want to see anyone go out of business but she does not want to see the public urination get worse or drinking outside. The servers are not wearing masks. Patrons are recommended to wear masks. It is out of hand and she would like more Police presence. She would like the Board to consider making Lehner Street “no trucks or trailers” from the entrance/exit from the municipal parking lot up Lehner towards Town Hall. We need to do something and the only thing that will help is enforcement. She talked to Chief Rondeau last year and he stated he could not do anything. She asked Mr. Sullivan to forward her letter to the Police Commission as well. They can enforce public urination.

Ms. Murray asked Mr. Pineo to look up the requirements of serving food and beer outside. The Foss Field bathrooms are closed. The Burnt Timber should have bathrooms for their patrons to use.

Christine Collins, Parks and Recreation Director stated the bathrooms are closed and we will not open them until we have someone working down there. We are working on this right now.

Ms. Murray questioned if the bathrooms would be opened at night.

Christine Collins stated they are opened dawn till dusk.

Ms. Murray stated Burnt Timber needs to have their bathrooms available to their patrons or get a porta potty during this period of time.

Kelly Collins stated the public urination took place last year which was before COVID-19. The patrons pee in front of their cars which are directly across the street from her house.

Ms. Murray stated we can only provide the facility and make sure the restaurant is providing the facilities. She agreed it is an enforcement issue. It is a Police matter because there is nothing the Board of Selectmen can do about the matter.

Mr. O'Brien questioned if the Police Commission or the Police Department responded to Ms. Collins letter.

Mr. Sullivan stated he sent the letter to the Police Commission on Saturday and did get an acknowledgement of receipt from the Police Commission and the Police Chief but they have not contacted him directly.

Mr. O'Brien questioned the date of the letter. May 21st?

Kelly Collins stated yes but she thought the letter was going to be discussed at the last meeting. She understands there are constraints because of COVID-19. The Fat Tire Bike Club is setting up in the park on Sunday mornings. They bring a trailer for their jumps and they use the picnic tables to set up. She tried to call Christine Collins about this. The Police Department did come down and ask them to remove the jumps and helped them move their stuff. She understands they are trying to provide a place but people are congregating in one place directly across the street from her house. She understands she lives in a neighborhood with mixed use. There is a homeless shelter, a Parks and Recreation facility and a bar. She does not have any quiet enjoyment of her property. She can not hear the television in her own house when the bar has their music going. She is concerned this will be worse now that the bar will be allowed to have music outside. She is a taxpayer and she can not enjoy her own house! She would like extra patrons and enforcement of public urination.

Ms. Murray stated there was a letter forwarded to them from the Police Chief and he agreed to do extra patrols around the Foss Field area. They are going to try to address the issues.

Mr. Sullivan thanked Ms. Murray. He forgot about this response and he apologized to the Chief of Police for forgetting. They will also schedule inspections of Burnt Timber. Chief Rondeau stated he would share the letter with the Police Commission and have some additional enforcement in his email.

Mr. O'Brien stated Ms. Collins does not know the action that is going to be taken. She is asking us if there is going to be anything different that she can expect. We owe her some clarity. He questioned Christine Collins if there has been any change in student behavior since the cameras were installed at the pavilion.

Christine Collins stated it is easier for Police to go down to the area when they can see what is happening. We have filed charges of vandalism and we have it on camera. We are prosecuting people to send a message. She stated she was sorry she did not get back to Kelly but she did not receive a message. She stated she would like to speak to Kelly about these issues. She viewed the tape to see the incident Kelly was talking about with Fat Tire Bike Club. She reviewed the park rules to see if there were any rules saying things could not be used. She questioned if there were ordinances or anything that would say what can or can not happen in the park. They did receive a call about the bike ramps because a child wanted to use the ramps and they could not. We might need to update our signage. We need to work on this. The cameras are helping.

Mr. O'Brien stated it sounds like there is public adult urination and juvenile's misbehaving. He questioned if anyone has called Burnt Timber to discuss these issues.

Kelly Collins stated she called the fire inspector last fall about their propane fireplace on their patio. They had a fire pit with flames that were 3 feet in the air and they were 5 feet away. She stated she felt she has done everything she could do. She has not called the owner because he is a former State Police Officer and has friends in Town. She does not want to go head to head with him. If he is doing everything legally then it really is none of her business but the open flames scared her. The Fire Department told her it was legal. She is very concerned about the public urination and thinks since the restaurant is outside this year it will be worse. She is not looking forward to the live entertainment. If he is doing everything legally then she understands there is nothing they can do for her.

Mr. O'Brien stated he did not think it was something Kelly Collins needed to do. He felt maybe someone from the Town could call.

Mr. Sullivan stated he had a conversation with Eddie about the ramps. The conversation led to the question why can he not have the ramps there. We might need to talk about whether ordinances need to be drafted. If this is a concern then it really is the only method to resolve the issue. Mr. Sullivan stated he has not talked to the owner about public urination on the property but he could talk to the Chief Police and see how they should proceed.

Ms. Murray questioned if there might be a noise this year. We might need to regulate the amount of time the music is on. If the music is blaring then it becomes a noise nuisance. We should have a conversation with the owner before this happens or if it starts.

Mr. Sullivan stated he is not the owner. The owner owns both sides of the building.

Ms. Murray stated he is the renter. He is operating the bar.

Mr. O'Brien stated he is the operator. He questioned if there was a noise ordinance about music not be allowed after 10 PM.

Mr. Sullivan stated yes we do.

Mr. O'Brien agreed they should talk to the operator. He suggested the Police Department and the Code Officer should talk to the operator of the bar.

Kelly Collins questioned the ramps. She is concerned about them because little kids see them and want to use them. This is a liability. It is like a trampoline. She suggested that the Town call their insurance to find out about the liability. No one is going to know that the ramps were not approved by the Town if the ramps are in a public park.

Christine Collins stated we have bike trails and a skate park so we should move this to either one of those locations. In the current rules that we have posted there is not any information saying they can or can not use the park. We might need to examine this.

Chairman Harriman suggested Christine Collins sit down with Mr. Pineo and Mr. Sullivan and discuss what should be allowed. He agreed they should use the Nick.

Ms. Murray questioned if there was another area in Town. Maybe at Abenaki?

Christine Collins stated she thought they were already setting up at Abenaki on the other side of the shed.

Mr. Sullivan stated there were discussions about two locations for hump jumps, Foss Field and Abenaki. Foss Field was rejected. Abenaki was approved but the area is not ready. The work has not begun.

Ms. Murray stated we should have them move over there so we could solve this problem easily without having to write a whole new ordinance. We may have to write the ordinance anyways.

Mr. O'Brien stated solution one number is to relocate the bike jumpers. Solution number two would be to talk to the operator of the bar about the public urination and the noise.

Ms. Murray agreed.

Mr. O'Brien suggested having an update in a few weeks.

Mr. Pineo questioned the name of the bike group.

Kelly Collins stated she believes it is the Fat Tire Bike Club. They meet every Sunday morning at 10 AM at the Burnt Timber. It is a good solution to relocate them but she does not think it will be successful because they meet at the Burnt Timber with their trailer. They ride the trail and then come back and start drinking. They toggle back and forward between the ramps and the bar.

Mr. Pineo questioned if Mr. Sullivan remembered the number of outdoors seating that they permitted them.

Mr. Sullivan stated there was no limit on seats but there was a limit on extent on where the seating could be located. They could occupy three parking spaces and any additional private parking spaces that they had behind which included in the circulation pattern behind one of the Clark Plazas. There were no limits on seats or tables.

Mr. Pineo stated there was a limitation on the number of people they were permitted to have based on a health prospective because of the bathroom facilities. They should not have an occupant load outside that is greater than the occupant load allowed inside. We can address this going forward.

Mr. Sullivan stated he will confirm the occupant load after the meeting.

Chairman Harriman questioned if Kelly Collins was okay with the arrangements that they are making to help resolve the problems.

Kelly Collins stated the area is not going to ever be a residential area again. She asked that Mr. Sullivan be told to keep her in the loop about how things are going. It would be expectable for her.

Chairman Harriman stated he would be happy to do it.

D. CIP Guidelines

Mr. Pineo stated he and Mr. Sullivan worked on the CIP Guidelines together and they did take into consideration the current health crisis. The second page shows some modifications. (See attached memo)

Item #1

The Board agreed.

Item #2

Mr. Pineo stated we were very specific regarding the General Fund.

Ms. Murray stated she had problems with the words General Fund. We have a sewer system which gets paid out of the General Operating but it is an Enterprise. If money is needed for our general pump stations than it will not be a General Fund project. It will not come out of the General Fund because it really should come out of the Sewer Fund. She understands what they are trying to do but she does not see how the Sewer Fund could be part of it.

Mr. Pineo stated we should be able to write including the Sewer Fund.

Ms. Murray questioned if there was a date on the Public Safety Building. We need to pinpoint the date.

Mr. Pineo stated we have done some work for the Public Safety Building but things have not gone as expected for good reasons. We do not have a defined timeline for the Public Safety Building. There are a lot of questions about debit service capacity and what is going to happen in the coming years to the economy because of the current health crisis we are in now.

Mr. O'Brien questioned why the Public Safety Building is not a priority.

Mr. Pineo stated it is a priority. It is the next item listed to be bonded. The problem is our current safety personnel are dealing with the pandemic and do not have a lot of time to dedicate to the said building. We had planned on launching a study on a location in Town but unfortunately we lost the opportunity to potentially purchase the location so it became a perfect storm.

Ms. Murray questioned if the project would be in 2022.

Mr. Pineo stated 2022 probably is not a reasonable timeframe.

Ms. Murray stated we need to have a date. 2022? 2023?

Mr. Pineo stated we need an anticipated date for bonding purposes for the Public Safety Building. We probably will be looking at 2023 or 2024.

Mr. O'Brien stated this is a big capital expense. We all agree it needs to be done. This project will determine timeframes for when other projects can be done. We need clarity. Do we want to do this project? We need a date. It needs to be anchored or the date will be extended out until 2028.

Mr. Pineo stated then we should have the date as 2023.

The Board agreed to the date.

Mr. Sullivan questioned if the goal should list the date of 2023.

Mr. O'Brien and Ms. Murray stated yes.

Mr. Pineo stated we are going to include Sewer within this topic and define the date of 2023.

Ms. Murray stated it is the debt service.

Mr. O'Brien questioned if the Electric Department had any other big capital projects besides the substation.

Mr. Sullivan stated there is another million dollar project. Is it either an Island reconstruction or Forest Road? He stated he could not remember the exact project.

Mr. O'Brien questioned if there were any big Water capital projects.

Mr. Sullivan stated the pump stations are the big ones. There are no very large water projects.

Mr. O'Brien questioned if Pop Whalen had any big projects.

Ms. Murray stated there could be one for about a million dollars but they are going to try to raise funds so the Town portion should only be a million dollars.

Chairman Harriman stated he thought North Main Street was going to be doing a water line.

Mr. Sullivan stated he is looking the information up and he will get back to the Board.

Mr. O'Brien stated the Public Safety Building will be the big project. It could cost 12 million dollars.

Ms. Murray stated when we add up some of the little projects like Pop Whalen for million dollars and the Libby Museum for 2.5 million we need to be careful how many of these projects get done before the Public Safety Building. This is what we are trying to address.

Mr. O'Brien agreed.

Mr. Sullivan stated the projects for the Electric Fund are both the submarine reconstructions are in 2022. The two projects combined equal about \$900,000.00. The North Main Street project is not a sizeable expense. The big item is out several years in 2026.

Ms. Murray questioned where the sewer pumps are in the schedule.

Mr. Sullivan stated they are a shovel ready project and could qualify for stimulus money. They are in the CIP in 2022 and 2023 right now.

Item #3

Mr. Pineo stated we are looking at phases some of these projects.

Ms. Murray stated there needs to be a cost analysis on whether the phase or un-phase is better. We would not want to do the Public Safety Building in phases. We need some language that shows the cost difference between phased and un-phased projects.

Chairman Harriman stated we can insert benefit cost analysis.

Mr. Sullivan stated we could retain the language from the prior year. Consideration of natural division points in a project and costs differences He can insert that language.

The Board agreed to include the language from the previous year.

Item #4

The Board agreed – no issues.

Item #5

The Board agreed – no issues.

Item #6

The Board agreed – no issues.

Item #7

Mr. O'Brien stated that is the capital side and at a later time we need to have a conversation about the operating side.

Ms. Murray stated we need to add back in to keep our buildings ADA compliant. We got smacked by a lawsuit because we did not keep up with this. We need to add it in here or add it as a separate article.

Item #8

The Board agreed – no issues.

Item #9

The Board agreed – no issues.

Item #10

The Board agreed – no issues.

Item #11

The Board agreed – no issues.

Item #12

Ms. Murray stated these guidelines are for Department Heads as they fill out their CIP forms. This sounds like we are talking to the CIP Committee. She suggested it should be removed and listed as a statement to the CIP Committee.

Mr. Pineo agreed but stated we wanted the Department Heads to be warned that this could cause changes. It depends what happens with revenues. Everything could be frozen.

Mr. O'Brien agreed with Ms. Murray. He stated this is one of our principles.

Item #13

The Board agreed – no issues.

Mr. O'Brien stated this process was unbelievable improved from when he first joined the Planning Board. It was good and it will get better. Mr. O'Brien stated Mr. Pineo did a great job last year.

Mr. Pineo stated congratulation goes out to the team. It was all team work but he appreciated the kind words.

Mr. Sullivan stated he will make the amendments to the CIP Guidelines. The Board can wait or agree to approve the CIP Guidelines with the amendments discussed.

The Board agreed to approve the CIP Guidelines.

Mr. Sullivan asked for a motion.

It was moved by Linda Murray and seconded by Paul O'Brien to accept the CIP Guidelines presented to us tonight with the changes that were discussed. Roll call vote, Linda Murray – yes, Paul O'Brien – yes, Dave Senecal – yes, Dave Bowers – yes and Brad Harriman - yes. Being none opposed, the motion passed.

E. Update from Task Force #3 – Beaches

Mr. Pineo stated the Task Force meet and we came up with a good product. Ms. Collins has done a lot of hard work and he thanked her for it.

Ms. Collins stated we discussed how we need to move forward with COVID-19. If this was a regular summer the gates would be unlocked and we would be managed by lifeguards. This year we will be managed by gatekeepers and beach attendants. We will post the expectations for the patrons at the beaches. We will have a real time Facebook page pertaining to if the beach is available for visitors or if the beach is full. We posted social distancing signs. We have to limit the number of people on the beach and parking based on the Stay-at-Home 2.0 guidelines. We are only allowed to have 50% parking capacity. If that guideline is lifted we measured for beach capacity limits and Carry Beach would be allowed 75 people, Albee Beach would be allowed 252 people and Brewster Beach would be allowed 120 people. There will be no picnic tables at the beaches this year. When the beaches are staffed the bathrooms will be opened. Bathrooms and porta potties will be cleaned as often as we can and we have signage stating the use of the bathrooms is at your own risk. We can not guarantee we will be able to clean the bathroom after each person. If the beach capacity or parking capacity is reached we will have to close the beach. We are able to pay for this with the money that was allotted for lifeguards and programming. We will be under the amount that was expected to be spent. This is a workable solution to what we have going on.

Mr. O'Brien questioned if she was talking about the sheet she sent to the Board.

Ms. Collins stated she believes one of the papers was sent out late because Ms. Murray requested it. The sheet explained the funding for Beach and Park Attendants. We have worked with a few towns about some virtual programs and every week we will have something posted.

Mr. O'Brien congratulated Ms. Collins on her virtual Facebook video. It is great!

Ms. Collins stated Parks and Recreation struggle with trying to be an essential need. We want to be seen as essential and that people need our facilities and help them get through things.

Ms. Murray stated the funding sheet was important because it tells us what lines of the operating budget are going to change how it is going to be used. This is the type of information we as the Selectmen should give to the Budget Committee. We are making some changes and here is how we are going to spend the money.

Mr. Pineo stated the State has decided to stop funding the water testing at the beaches. Ms. Collins got an estimate and is figuring out how we can still do the water quality testing. Our beaches will be tested for water quality this summer. It falls in line with her budget. Ms. Collins had budgeted \$810 for testing so since we will be doing it with conjunction with the water department then we will be able to do it at that cost for all beaches. The testing will be on a monthly basis.

Ms. Murray stated this is something we should publicize. The State will not be doing the testing but we as a Town will continue the testing.

Mr. Pineo stated we wanted to inform the Board first.

Ms. Collins stated she collaborated with Scott Pike so they are having the same person doing all the water testing in Town. There will be no change so we will be doing testing at all beaches.

Mr. O'Brien stated that is great.

Ms. Collins stated the results will still be on the maps. The State is just not sending someone out to do the testing.

Update from Task Force #5 – Temporary Event Permits

Ms. Capone-Muccio stated this was discussed as a Task Force but it has been self-policing itself. NH Boat Museum has delayed putting the dock in until June 15th and they are not sure if they will have the mini regatta. The following events have been cancelled The Boy scouts Fishing Derby, Cystic Fibrosis Walk, Chamber of Commerce Paddle Battle, Chamber of Commerce Moonlight Madness, Fourth of July Parade, Great Waters, All Saints Summer Fair, Classic Boat Society 1 show, Huggins Hospital Street Fair and Concerts in the Park. The Hope House Fit Fun Run is being changed to a virtual run. The Chamber of Commerce is waiting to decide on the Sidewalk Sales. Pickle ball Camp is waiting to decide as well.

Ms. Murray questioned if the Friends of the Community Bandstand events were going to happen.

Ms. Capone-Muccio stated the Concerts in the Park and the Friends of the Community Bandstand collaborated together so she believes it will be the same. Next month there will be two more permits.

Other Business

Mr. O'Brien stated we received a letter from the Friends of the Libby Museum. They are asking some good questions and we should provide them with some answers. We should have a work session meeting of the Trustees of the Libby Museum so we can get some clarity. Then we should have a second meeting with the Friends of the Libby Museum.

Ms. Murray questioned when the meeting would be. During our next Board meeting? Or an extra meeting like June 10th?

Mr. O'Brien thought June 10th would be better but he would get back to the Board with a definite date.

Mr. Pineo stated he promised the Board a resolution with the Dockside Project. The expanded cost of the scope of the project was \$9,760.00 so we are proposing to take this from the Public Works Operating Budget. We are looking at specific lines to determine exactly where it will come from. The question regarding the stamped concrete instead of

the proposed brick we will cost \$17,940.00. Since that was part of the previous parking lot area we are proposing to take the money from the Dockside Parking Lot Capital Reserve Fund.

Chairman Harriman questioned when the area was dug up it would have had to been brought back equal to or better than it was before. Was there consideration taken into the cost if we had to restore that back into parking? So we are looking at the difference between the two?

Mr. Pineo stated we did talk about that but the work and effort it would require we felt this would be a better solution. We want to be able to restore the faith to the voters.

Ms. Murray stated she was comfortable with this.

Mr. O'Brien agreed.

Mr. Pineo stated he will be giving the Board a memo about this next week.

Questions from the Press

Ms. Paquette questioned besides cyanobacteria what will they be testing for.

Mr. O'Brien stated E.coli. Cyanobacteria testing will continue.

Public Input

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

Suzanne Ryan, Resident of Wolfeboro, addressed the Board. She stated her questions have been answered and she is glad to see the Libby Trustees will be meeting. She is glad the unspent reserve fund for the warrant article for the bathrooms is being resolved. Ms. Ryan asked if the report she gave the Board from the Eco System Management Consultant could be put on the next agenda. She would like to talk to the Board, Town Manager and the Parks and Recreation Director about how we implement some of the protection that beach park area needs in an ecological and protective manner. There are some things that are little that could even be done this year that would protect the pathways. NHDES felt the pathways were not protected.

Dave Bowers exited the meeting.

It was moved by Linda Murray and seconded by Paul O'Brien to enter into non-public session under RSA 91-A: 3 II to discuss hiring. Roll call vote, Linda Murray – yes, Brad Harriman – yes, Paul O'Brien – yes and Dave Senecal – yes. Being none opposed, the motion passed.

The Board re-entered public session at 9:42 PM.

Linda Murray moved the Wolfeboro Board of Selectmen to seal the minutes of the June 3, 2020 non-public meeting. Paul O'Brien seconded. Roll call vote, Dave Bowers – yes, Linda Murray – yes, Brad Harriman – yes, Paul O'Brien – yes and Dave Senecal – yes. Being none opposed, the motion passed.

It was moved by Dave Senecal and seconded by Linda Murray to adjourn at 9:43 PM. Roll call vote, Linda Murray – yes, Brad Harriman – yes, Paul O'Brien – yes, Dave Bowers - yes and Dave Senecal – yes. Being none opposed, the motion passed.

Respectfully Submitted,
Michele Chamberlain



CIP GUIDELINE MEMORANDUM

DATE: May 28th, 2020
TO: Board of Selectmen
FROM: Matt Sullivan, Director of Planning and Development
SUBJECT: 2021-2030 Capital Improvements Program (CIP) Guidelines

Dear Board Members:

In accordance with the CIP process of prior years, please review the prior year's guidelines of the Wolfeboro Capital Improvement Program shown below. Our intent is to have a preliminary discussion with the Board at the first meeting in June, amend the guidelines based on that discussion, and adopt the guidelines at the mid-June meeting. The Town Manager and I have prepared some suggested modifications as shown on page two (2) for the Board's review.

The 2020-2029 Approved Guidelines:

1. To have all departments spread their projects over 10 years, and where asset management plans are available, to base project requests on them.
2. New capital project submissions should, whenever possible, be programmed into the 'out' years of the CIP.
3. To continue to try to phase large projects into smaller, more digestible pieces and give consideration of natural division points in a project and cost differences between a phased and un-phased projects.
4. To encourage the use of capital reserve accounts as a method to spread the cost of a project over a number of years.
5. To look at developing smaller projects into yearly appropriations instead of every other year, e.g. sidewalk projects.
6. To propose no more than one major building project per year.
7. To plan departmental projects based on the assumption that the Public Safety Building project is scheduled in 2022.
8. To maintain focus on achieving and keeping ADA compliance at all Town facilities.
9. To maintain funding for phased Town road infrastructure upgrades based on the Road Asset Evaluation and Management Plan.
10. To focus on building maintenance and repairs of Town facilities based on asset management plans whenever possible.
11. To base the Wolfeboro Bay Dock repairs and upgrades on the Tighe & Bond asset management plan.
12. To base Wolfeboro Bay Dock expansion on the Town Docks Committee's expansion design.
13. To consider the future re-use of the electric generation building on Lehner Street.
14. To evaluate the need for a new community center.
15. To incorporate energy considerations into ALL capital project submissions.
16. To consider prioritizing projects that include funding from private and/or grant funding sources.
17. To promote stormwater and other infrastructure projects that protect surface and drinking water quality.
18. To ensure that the final Capital Improvement Program presents a sustainable long-term capital funding level that aligns with the Town's debt carrying capacity.
19. Department Heads will complete CIP forms and supporting documentation completely and with signed authorization from the Town Manager.

(Continued on page 2)

Funding for Beach and Park Attendants

2020 Costs to maintain facilities:

COST OF PARK ATTENDANTS: \$41,160

The cost to maintain the Foss Field Facility Complex:

June 1 - August 31, Sunday-Saturday, 7AM-9PM - \$41,160.00

COST OF BEACH ATTENDANTS: \$80,262

TOTAL: \$121,422

Budget Appropriation:

Programs-

Available Staff: \$56,709

Supplies: \$9,635 + \$6000 Fireworks= \$15,635

TOTAL: \$72,344

Beaches (Programs)-

Available Staff: \$57,766

Supplies- \$2,825

TOTAL AVAILABLE: \$132,935

2020 CHANGES/ENFORCED RULES TO OUR BEACHES

Because of the fluidity of COVID-19, these recommendations, and procedures for the operation of Wolfeboro Town Beaches are subject to change.

- No picnic tables at beaches
- Beaches only open when staffed, beaches closed during inclement weather
- No lifeguards on duty
- Bathrooms and Porta Potties will be cleaned and signed appropriately
- CDC signage, appropriate to COVID-19 and inland beaches will be posted
- It is highly recommended that visitors wear a mask at all times, to be removed when playing or swimming in the water
- Only swimming, running or walking allowed on the beaches. No sitting or sunbathing**
- 50% capacity for parking lot only per CDC.
- It is recommended that patrons try and limit their stay to 2 hours so others can have an opportunity to enjoy
- Beach capacity will dictate when the beach and parking lot close. * This information will be monitored and posted hourly on Facebook/Website
- Parking at Albee or Carry Beach would require a permit

**Per State Guidelines

* Beach Capacity:

Albee: $52,600 \text{ sq ft} / 625 \text{ sq ft } (25 \times 25) = 84 \text{ plots}$. If each plot serves an average of 3 people, $84 \times 3 = 252 \text{ people}$.

Carry: $15,800 \text{ sq ft} / 625 = 25$. $25 \times 3 = 75 \text{ people}$.

Brewster: $25,000 \text{ sq ft} / 625 = 40$. $40 \times 3 = 120 \text{ people}$.

For Staff:

Training:

- Training on sanitization and hygiene measures, prevention per the Universal Guidelines for All New Hampshire Employers and Employees.
- Provide PPE to be worn if within 6 feet of others.
- Stay home guidelines
- Screening measures, as outlined in the Universal Guidelines for ALL New Hampshire Employers and Employees
- Fill out daily screening sheet
- Constant communication with Parks and Recreation Offices about beach status

TOTAL = \$80,262

Wolfeboro Town Beaches 2020 Covid-19 Plan

Communications:

- Post clear signage outlining allowable activities, use and enforcement.
- Real time posting of beach totals via...Facebook/website
- Ensure that the public is aware and educated about the public health and safety measures that are in place including limits on certain activities and gatherings, encouraging good hygiene, staying home when sick and wearing face coverings.

Physical Distancing and Limiting Gatherings:

- Limiting number of people at beach based on available footage of beach.
- Managing cars entering and counting numbers in car at gate and communicating with Beach Attendant.
- Training and deploying beach attendants and gate keepers to educate beachgoers about physical distancing.
- Using tape or cones to mark 6 ft. intervals in popular areas on boardwalks or at beach access points

Cleaning, Disinfection and Supporting Hygiene:

- Support hygiene and public health (e.g. ensure access to wash stations, clean restrooms, hand sanitizer, etc.).
- Frequently clean and disinfect restrooms and other commonly shared surfaces and spaces around the beach according to CDC guidance (permanent benches, railings, showers, etc.).

Protecting Staff and Beach Staff

- Ensure that staff has the personal protective equipment necessary to do their job safely.
- Ensure that beach staff are trained in handling difficult situations, know that they can avoid situations that make them uncomfortable, and know when to call for additional support.

2020 CHANGES/ENFORCED RULES TO OUR BEACHES

Because of the fluidity of COVID-19, these recommendations, and procedures for the operation of Wolfeboro Town Beaches are subject to change.

- No picnic tables at beaches
- Beaches only open when staffed, beaches closed during inclement weather
- No lifeguards on duty
- Bathrooms and Porta Potties will be cleaned and signed appropriately
- CDC signage, appropriate to COVID-19 and inland beaches will be posted
- It is highly recommended that visitors wear a mask at all times, to be removed when playing or swimming in the water
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