

Wolfeboro Board of Selectmen
Public Meeting Minutes-Approved
June 1, 2016

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

Members absent: Chairman Brad Harriman

Staff present: Town Manager David W. Owen, Police Captain Dean Rondeau, Fire Chief James Pineo, Parks and Recreation Director Christine Collins and Recording Secretary Michele Chamberlain.

Vice Chairman Luke Freudenberg opened the meeting at 6:30 PM.

Non-Public Session RSA 91-A:3, II (c)

Mr. Owen stated a non-public session is needed to approve several non-public meeting minutes.

Consideration of Minutes

Vice Chairman Freudenberg asked for approval from the Board of the May 18, 2016 Regular Meeting Minutes.

It was moved by Linda Murray and seconded by Dave Bowers to accept the minutes of the May 18, 2016 Regular Meeting with amendments. Members voted and being none opposed, the motion passed.

Public Input

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

Josephine Amatucci brought a paper to the podium.

Ms. Amatucci stated:

My name is Josephine Amatucci. When I appear it is always to address my grievances which takes more than your allotment to talk but I have this right under the Constitutional Law to address my grievances. The Town is telling the people that it costs \$30,000 for them to address my grievances and if they don't address them properly it's going to cost this Town triple the \$30,000 because I am going to continue, continue, continue you until justice is done. The Town Officials are practicing organized crime in this Town because

they conspired the Police to commit constitutional violations against the people. I will explain this to the people. What I mean by them conspiring with the Police. Just the fact that they won't investigate the Police tells you how they conspire of misconduct. Now, do you people remember Rossinger, the Rossinger case? I have the article that he wrote in the Granite News where he mentioned that the Selectmen never addressed the misconduct of the police to him. So here is a continuing conduct in the Town of Wolfeboro where the officials have a closed sided. And in doing so they commit perjury. They lied to the public. Linda Murray has lied, and lied, and lied, and lied. Linda Murray has stated continuously that the Selectmen have no jurisdiction to investigate the police. That's a lie and she even lied in the court under oath. Therefore, there is a conflict of interest in investigating my my crimes and we're talking serious felony crimes against Police Chief Chase, Police Officer Dean Rondeau, James O'Brien, and Rob Houseman. They have committed serious constitutional crimes which I will reiterate to the people quickly at the end of my conservation. As a note of the No Trespass Order. The No Trespass Order is void by space. It means nothing because it was a constitutional violation and no court judge can remove a constitutional violation unless he gave me a hearing. Unless you gave me the hearing and nobody has even given me a hearing where I can face my accusers, that's the kind of hearing, I have to be given, facing my accusers in order to determine if the No Trespass Order was was void. So because I was not given this hearing....

Vice Chairman Freudenberg stated your time is up Ms. Amatucci.

Ms. Amatucci continues talking without listening to Vice Chairman Freudenberg. That means I can continue to walk in the Town Hall and if nobody comes near me they are committing a crime. A constitutional crime, they are taking my liberty away. Now

Vice Chairman Freudenberg stated your time is up.

Ms. Amatucci continues In a court of law

Vice Chairman Freudenberg stated I have been gracious enough.

Ms. Amatucci yelled I have a right to address my grievances! As long as it takes.

Vice Chairman Freudenberg stated you have had four minutes, that is your allotted time.

Ms. Amatucci yelled there is an internal policy here the Town has an obligation of reporting and investigating corrupt constitutional violations. The policy is set up.

Vice Chairman tried to bring order to the meeting. He stated are you going to continue after your three minutes is up. You are now at five.

Ms. Amatucci stated I want to tell the people that they never investigated that right and they have to force, they have to force these Town Officials to investigate properly. It will be transparent. It will be treated in front of everyone in this Town or else it's going to

cost the Town money on top of money on top of money when these corrupt officials have to call the Town, the Town as the Town Official, the Town Lawyer and I say how are you going to get away with not investigating. But they are not going to get away with it. So the issue that the people want to know what is going on is that I went to that Police Station to ask Police Chief Chase.

Vice Chairman Freudenberg said that is enough.

Ms. Amatucci continued on the Captain Rondeau, the captain on what he did to me. When he accused me of a bogus traffic violation and he tried to have my license to drive revoked. He contacted the Department of Safety. Instead of

Vice Chairman Freudenberg tried to speak ... Other taxpayers might like to speak.

Ms. Amatucci continued with I was able to tell the Department of Safety. I was not in Wolfeboro that day and I knew it because I was that day and they can show me the lobby. I brought my complaint to Police Chief Chase with his finger in my face, he said if you ever accuse my men of misconduct again I will get you and I will arrest you on the spot, which he did. He chased me. I told him that I was going to the sheriff's office but first I was going to the Town Hall where Rob Houseman, when I complained about Police Chief Chase. Rob Houseman attacked me. He grabbed me. He took me in the court room and tried to get me

Vice Chairman Freudenberg called for order. He stated you are over your allotted time.

Ms. Amatucci yelled.

Vice Chairman Freudenberg stated your time is up.

Ms. Amatucci yelled, in the Town Hall. Now, Chief Chase followed me when I was going to the sheriff's office. He accused me of scheming which I was found not guilty. He was trying to stop me before I could get to the sheriff's ...

Linda Murray asked Mr. Chairman to recess the meeting and take a break at this time.

All Board members, Dave Owen and Michele Chamberlain stepped out of the room.

Ms. Amatucci continued.....

He accused me of speaking and disobeying a police officer which I was completely innocent. Chief Chase had no cause, no probable cause and he was able to put me in jail! So, and Officer O'Brien he started the set up from the Town Hall. He called the Sheriff to stop me saying there was a pursuit but they told the Sheriff that I was not scheming that the police just wanted to stop my crime. The police cannot stop your crime unless they have a warrant or unless they have probable cause. Which there was none. So, O'Brien set me up with the Sheriff. Rondeau who accused me of a bogus traffic violation

and Chief Chase and Rondeau and Rob Houseman are going to face the effects they are going to be terminated. They are going to be terminated or it will never end! Now, Chief Chase after all this happened he made Rondeau a Captain, that goes to show how a criminal corrupt human being, to to that's retaliation. He made this guy, this criminal a Captain. Also, he tried to have the judge, the judge revoke my license. He knew I was incinerated but Chief Chase asked the judge to revoke my license. Now, is that the kind of Chief you want in this Town? She yelled get rid of him!

The Board of Selectmen re-entered the Board and the meeting resumed.

Vice Chairman Freudenberg stated the meeting of June 1, 2016 resumed.

Mr. Owen read a letter to the public that was sent to Ms. Amatucci regarding a No Trespass Order/Request for Hearing dated May 24, 2016 signed by Chairman Harriman. The letter stated the following:

Dear Ms. Amatucci:

This is in response to your letter dated May 20, 2016 requesting a hearing in regard to the No Trespass Order dated May 21, 2014 which was issued to you on May 23, 2014. Subsequent to the issuance of that Order, the Town Manager wrote you, indicating that the Board of Selectmen would like to provide you with the opportunity to set forth in writing your reasons for opposing the order. That letter indicated that, based on your response, the Selectmen could either continue the No Trespass Order, revoke the No Trespass Order, or amend the Order.

You did not respond to the Town's invitation to set forth in writing your reasons for opposing the No Trespass Order. Instead, you continued with your action in Carroll Superior Court challenging the validity of the Town's No Trespass Order. By Order dated February 11, 2015, the Court (Temple, P.J.) dismissed your challenge to the No Trespass Order "with prejudice." "With prejudice" means that the dismissal is final, that you are barred from bringing an action on the same claim. You appealed to the New Hampshire Supreme Court, however by Order dated May 14, 2015 that Court dismissed your appeal, thereby upholding the Superior Court's dismissal "with prejudice."

Accordingly, the Board of Selectmen will not be granting you a hearing to challenge the No Trespass Order. Your challenge to that Order has been dismissed "with prejudice."

However, this is to clarify that you may continue to attend any publically noticed meeting of any Board or Commission of the Town, as you have done in the past. Also, if you need to enter either the Town Hall or the Public Safety Building for any legitimate purpose (such as to register your motor vehicle), you may make a request in writing to the Town Manager who will determine whether your purpose for entering those buildings is legitimate and whether you will be able to make an appointment to see a Town official or employee for that purpose. You have availed yourself of this privilege in the past.

We have given careful consideration to your further request for a hearing challenging the No Trespass Order. Based on the above, the Selectmen respectfully decline to grant your request.

Sincerely,

Brad Harriman, Chairman
Board of Selectmen

Bulk Vote

A. Weekly Manifests

May 27, 2016

June 3, 2016

B. Property Tax Refunds/Abatements

Approvals:

- | | |
|----------------------------|------------------------|
| i. Abatement/Refund #8 | Tax Map 217, Lot 32-11 |
| ii. Abatement/Refund #53 | Tax Map 206, Lot 13 |
| iii. Abatement/Refund #67 | Tax Map 266, Lot 10 |
| iv. Abatement/Refund #68 | Tax Map 172, Lot 6 |
| v. Abatement/Refund #69 | Tax Map 157, Lot 2 |
| vi. Abatement/Refund #70 | Tax Map 158, Lot 26 |
| vii. Abatement/Refund #72 | Tax Map 217, Lot 34-10 |
| viii. Abatement/Refund #80 | Tax Map 243, Lot 11 |
| ix. Abatement/Refund #85 | Tax Map 158, Lot 21 |
| x. Abatement/Refund #88 | Tax Map 236, Lot 6 |
| xi. Abatement/Refund #93 | Tax Map 228, Lot 7 |
| xii. Abatement/Refund #95 | Tax Map 200, Lot 19 |
| xiii. Abatement/Refund #98 | Tax Map 228, Lot 50 |
| xiv. Abatement/Refund #101 | Tax Map 258, Lot 22 |

C. Notice of Intent to Cut Wood or Timber

- | | |
|----------------|--------------------|
| i. Bryant Road | Tax Map 152, Lot 3 |
|----------------|--------------------|

D. Property Tax Levy Warrant--\$13,613,438.50

E. Yield Tax Levy Warrants

- | |
|---------------|
| i. \$1,507.71 |
| ii. \$579.50 |
| iii. \$108.89 |

F. Raffle Permit

- i. Wolfeboro Area Chamber of Commerce Hospice of Southern Carroll County & Vicinity
- ii. Wolfeboro Parks & Recreation

Linda Murray asked to remove two Abatements. The first one being Abatement/Refund #85 Tax Map 158, Lot 21 for Property Owners, Clinton A. Johnson and Cynthia L. Johnson which Linda Murray asked to step down from and Abatement/Refund #98 Tax Map 228, Lot 50 she asked to table. She asked if the seasonal water had been taken into consideration on Abatement #98 and asked to have time to talk to the assessor.

It was moved by Linda Murray and seconded by Dave Bowers to table Abatement #98 Tax Map 228 Lot 50. Members voted and being none opposed, the motion passed.

It was moved by Linda Murray and seconded by Dave Bowers to vote separately on Abatement #85 Tax Map 158, Lot 21. Members voted and being none opposed, the motion passed.

It was moved by Dave Senecal and seconded by Linda Murray to approve items A through E in the Bulk Vote minus Abatement #85 and Abatement #98. Members voted and being none opposed, the motion passed.

It was moved by Dave Senecal and seconded by Dave Bowers to approve Abatement #85. Linda Murray stepped down. Members voted and being none opposed, the motion passed.

New Business

A. Renewal of Discretionary Easement Agreement with Kingswood Golf Club

Dave Senecal stepped down from this discussion because he has one share in the corporation. Town Counsel has provided two copies of the revised Discretionary Easement Agreement with the Golf Club. The first is a red-lined version showing the revisions to the document that he is recommending, which are different than the last version of the document provided by Attorney Jennifer Haskell. The second version is a clean copy of the revised Agreement, which is ready for approval.

It was moved by Linda Murray and seconded by Dave Bowers that the Board of Selectmen approve the Discretionary Easement Agreement Deed conveying a discretionary easement to the Town from the Kingswood Golf Club, Inc., in the form submitted by Town Counsel for the Board's consideration, and authorize the Selectmen to execute said Deed. Dave Senecal recused himself from this vote. Members voted and being none opposed, the motion passed.

Attorney Haskell thanked the Board Members.

B. Friends of Abenaki-Proposed New Building at Abenaki

The Parks and Recreation Department and the Friends of Abenaki have been in discussion about the possibility of building a shed to provide space for storage and other uses that they don't have room for in the new Abenaki Lodge facility. It would be contingent upon the Friends of Abenaki paying the cost of constructing this storage building.

Christine Collins, Director of Parks and Recreation Department, addressed the Board. She stated last year we built the new lodge that was supposed to be two stories but due to limited funds we had to scale down the original plans. The original plans had a downstairs that was going to be used for storage and ski waxing. After this current season we realized that this space was needed. Ms. Collins discussed the plans to build a new shed with Friends of Abenaki and the Ski Team. She stated they have a sketch and a rough estimate of \$75,000 to build a new shed. She stated \$75,000 was more than what they wanted to spend but it was a rough estimate.

Andre de Beer, Director of Abenaki Ski Team, addressed the Board. He stated the new shed was needed for storage of safety netting and gates, a waxing room to wax skis and an area for time announcers during Winter Carnival.

Linda Murray stated she was in favor of this plan. She stated there had been areas cut out of the lodge and it would add to the Abenaki area. She questioned what kind of agreement or commitment we would have with the Friends of Abenaki. The agreement would need to state how it was to be paid for and when the shed would be built and completed so we would all be on the same page.

Mr. De Beer stated he could not answer that at this time but knew they needed the shed built before next year. He stated he would get back to the Board with answers to these questions.

Dave Bowers asked to accept the concept of creating a new lodge based upon satisfactory agreement between the Friends of Abenaki and the Board of Selectmen of the Town.

Linda Murray stated it is not a new lodge we are building, but a new shed.

Dave Bowers stated it could be called a storage building.

Christine Collins stated it could be called a glorified shed.

Dave Bowers agreed.

Vice Chairman Freudenberg stated we will go with glorified shed.

It was moved by Dave Bowers and seconded by Linda Murray to accept the concept of creating a new glorified shed based upon satisfactory agreement between the

Friends of Abenaki and the Board of Selectmen of the Town. Members voted and being none opposed, the motion passed.

C. Cate Park Benches and Plaques

Mr. Owen stated we have a couple of requests to place memorial benches and plaques in Cate Park. One request is a proposed memorial bench in memory of James Foley, the journalist that was beheaded by ISES. The applicant was initially informed that we already have a full complement of benches in Cate Park, but that we would try to find an appropriate alternative location for it. However, Christine Collins and I made a visit to Cate Park and we have located a couple of locations in the park that could accommodate that additional bench in memory of James Foley.

Katie Ling, Wolfeboro Resident and Kingswood Regional Graduate of 1992 addressed the Board. She stated Jim Foley was a classmate in 1992. She stated several classmates have been working on commissioning a Granite Memorial Bench for James Foley and would like to place the bench at Cate Park since that was a special place for him. Unfortunately, we were not aware that Cate Park was no longer placing benches at the park so we are respectfully request an exception for a bench to be placed at Cate Park for Jim Foley. The bench would be paid for by the class of 1992.

Dave Bowers stated the bench should architecturally fit in with all the other benches in Cate Park so it doesn't stick out. He stated he was one hundred percent in approval of the bench.

Ms. Ling stated the bench was 4 feet wide by 14 inches deep and 4 inches thick with the letters sand blasted and highlighted in black. The top of the stone would be smooth but not polished and the sides would be a rough edge. Ms. Ling stated she had been working with Brian Lord, David Owen and Christine Collins to make sure the bench would be similar to some of the benches already there.

Mr. Owen confirmed that the bench would be similar in size to the other benches already there.

Linda Murray stated she thought it was proper that the Town honor Jim Foley in this way. She stated she remembered Ms. Long and Jim Foley on the Wolfeboro Swim Team together. She stated he was a hometown boy who gave a lot for America.

Vice Chairman Freudenberg stated he sacrificed his life and brought a lot to journalism. He stated it would be a nice way to give remembrance for all that he had done.

Vice Chairman Freudenberg read the following email from Heather (Andrade) Spitzberg:

Good evening Chairman Harriman, Vice Chairman Freudenberg, and Members Murray, Senecal and Bowers.

Thank you for taking the time to consider the motion to allow for a memorial bench for James Wright Foley at Cate Park. Thank you also to Mr. Owen and Ms. Collins for their incredible assistance in this matter.

My name is Heather Spitzberg. My maiden name is Heather Andrade. I am a member of the class of 1992 from KRHS. As you know, Jim was a dynamic individual who demonstrated stories to the world where others were unwilling. Jim was also our classmate and friend. We have been slowly working on an ideal way to remember Jim in Wolfeboro and a bench seemed an apt way for friends to actually "sit" with their memories of Jim and share them with their families. Cate Park was identified only recently as an ideal place because it existed when we graduated and because it is a place of family gatherings. I have spoken with Michael Foley, Jim's brother and also a KRHS graduate and he prefers this location if possible.

Back when I worked at the Stationery Shop, turned J.S.C. Office Supplies, which is now gone, I would sit in Cate Park and eat my lunch and usually make my way down to the docks where the hot dog stand served as a gathering point and there'd always be laughs with many friends, including Jim.

Now, when I bring my family to Wolfeboro, I intend to bring those stories to life with my children and share with them how Jim continues to inspire me to work harder in life for social justice.

I believe others will do the same. We have established a Facebook group of KRHS classmates of Jim's with over 200 members, many local to Wolfeboro and many far-away. We would all greatly appreciate a bench for Jim in Cate Park. Statements from other members can be obtained if needed.

Thank you for your time and consideration.

Heather Spitzberg

It was moved by Dave Bowers and seconded by Linda Murray to approve making an exception to the Parks and Recreation Department's policy of not allowing any more benches to be placed in Cate Park, and to approve the placement and a bench in memory of KRHS graduate and journalist James Foley in Cate Park. Members voted and being none opposed, the motion passed.

Mr. Owen stated the other request was for a memorial plaque on a wall in Cate Park. He stated he would recommend against it for a couple of reasons. First, we don't have any memorial plaques on walls in Cate Park, and he didn't think we should start a precedent, because then a lot of people would want memorial plaques on walls in the park. Secondly, the person proposed to be memorialized with a plaque wasn't even a Wolfeboro resident, but rather an Alton resident and he felt the park should remain as park-like as possible, not become like a cemetery.

Linda Murray agreed with Mr. Owen but she suggested maybe putting a plaque on Bridge Falls Path.

Dave Bowers agreed.

D. Capital Improvement Program (CIP) Guidelines

Linda Murray passed out a page written with the Goals for the 2017-2026 CIP Guidelines. She stated the sheet had the more general guidelines in the beginning and the more specific ones down towards the end.

She read the CIP Guidelines into the record as followed:

Goals for the 2017-2026 CIP

1. To have all departments spread their projects over 10 years.
2. New capital project submittals should be programmed into the out years of the CIP Plan.
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 project and un-phased projects.
- 4. To consider the use of a capital reserve account as a method to spread the cost of a project over a number of years so bonding would not be necessary.**
5. To look at developing smaller projects into yearly appropriations instead of every other year.
6. To propose no more than one major building project per year
- 7. To plan your department projects knowing that the Library project is scheduled for 2018.**
8. To maintain focus on achieving and keeping ADA compliance at all Town facilities.
9. To maintain funding for Town Roads upgrade.
10. To continue focus on building maintenance and repairs of Town facilities.
- 11. To use the Public Restrooms subcommittee report:**
 - a. To review a design and cost for restrooms and pavilion for the Foss Field Complex being developed by the Parks & Recreation Dept and the Dept. of Public Works**
 - b. To provide a design and cost for additional restrooms at Dockside.**
12. To consider the future re-use of the Electric generation building on Lehner Street. Evaluate the need for a new community center after the addition of Town Hall Great Room, Abenaki Four Seasons Lodge and new Library.
13. To determine a use or disposition of the Old Railroad Freight House being acquired by the Town

She would like to see numbers 4, 7 and 11 added to the guidelines.
Mrs. Murray stated #13 was added by Mr. Owen.

Mr. Owen stated he had reviewed the suggestions and was happy with them. He stated he had sent them out to the Town Departments.

It was moved by Linda Murray and seconded by Dave Bowers to approve the Guidelines of 2017 to 2026 CIP as presented tonight. Members voted and being none opposed, the motion passed.

Old Business

None

Other Business

None

Town Manager's Report

Mr. Owen stated the following:

There was a planned electrical outage on Barn Door Island, Melody Island, and Keniston Island this morning so the electric department could do some preventative maintenance work. Also, at the next meeting there will be a presentation of the new Power Supply Contract.

The Town had received notice from the Probate Court of Carroll County stating the judge had approved the Cy Pres Petition to amend the Trust of Edward F. Cate.

CCI has been contacted about a small punch list of items needed to be completed in the Town Hall.

The Town had received communication from the NH Department of Transportation denying the approval of the experimental bike lanes.

Ambrose Brother's of Meredith of NH is the contactor for the Whitten Neck Water Line Improvements project. They started yesterday.

A reminder that next Tuesday at 10 am is the swearing in of Officer LaRochelle.

He stated the Trustees of the Josiah W. Brown Trust had sent us a check for \$20,000 to replenish the Annual Scholarship Funds. This means we will be allowed to grant the higher level scholarship amount of \$1,500 rather than the \$1,000.

He shared with the Board a copy of what the new Town website would look like and its features.

Mrs. Murray questioned when the Town would move to this new website.

Mr. Owen stated a firm date was not decided on yet.

Mr. Owen stated the Port Wedeln and Winterhaven Road Construction Project bid had been awarded to Lyman Construction. The project was approved to happen over a two-year period because there was not enough money in the budget to complete the project in one year.

Committee Reports

Linda Murray attended the MRI presentation to the staff on the Pay and Classification Study. She attended the Selectmen's workshop with Dave Senecal and Brad Harriman. She attended the Huggins Hospital Summit with Dave Senecal. Also, she attended the Public Restrooms Committee Meeting this afternoon and they discussed the two projects they are working on which are Foss Field and Dockside.

Dave Senecal attended the Huggins Hospital Summit and the NH Municipal Association with Brad Harriman.

Dave Bowers stated he was giving permission for Wolfeboro citizens to park in his company parking lot across the street from the Hunter's Market. He asked that they place a sign in their car stating I'm a friend of Dave's.

Luke Freudenberg stated he had nothing to report at this time.

Questions from the Press

None

It was moved by Linda Murray and seconded by Dave Senecal to enter into non-public session under RSA 91:3 II (c) to approve several non-public meeting minutes. Roll call vote, Linda Murray – yes, David Bowers – yes, Dave Senecal – yes and Vice Chairman Freudenberg – yes. Being none opposed, the motion passed.

The Board entered non-public session at 7:21 PM.

The Board re-entered public session at 7:41 PM.

It was moved by Linda Murray and seconded by Dave Bowers to adjourn at 7:42 PM with a roll call vote, Vice Chairman Freudenberg – yes, Linda Murray – yes, David Bowers – yes and Dave Senecal – yes. Being none opposed, the motion passed.

Respectfully Submitted,
Michele Chamberlain

