

**Wolfeboro Board of Selectmen
Meeting Minutes - Unapproved
June 17, 2015**

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

Staff present: Town Manager David Owen, Director of Planning and Development Rob Houseman, Finance Director Pete Chamberlin, and Recording Secretary Larissa Mulkern.

Chairman Senecal opened the meeting at 6:30 PM.

Non-Public Session

Mr. Owen stated a non-public session is needed because the Board has received a written threat of litigation.

Consideration of Minutes

➤ **6/3/15 Meeting**

Mrs. Murray added to page 5: "Mrs. Murray requested a public notice be placed in the newspaper so that everyone knows there is an opportunity to be appointed to the Fisherville Committee." Mrs. Murray added a revision to page 8, third paragraph from the bottom, ..."she suggested that the minimum bid be \$35,000" rather than "she questioned why they would not set the minimum bid.."

Member Dave Bowers moved the Wolfeboro Board of Selectmen approve the minutes of the June 3, 2015 meeting as amended. Brad Harriman seconded. Members voted and being all others in favor, the motion passed.

Public Input

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

Josephine Amatucci addressed the Board, reading from a document: "I am asking you people to do an investigation and you haven't asked and neither did I submit my exculpatory evidence so I'll give you all this evidence and I expect you to go forward with a comprehensive investigation because I wasn't abused for nothing and I'm going to make sure I get justice. Now, if this town refuses to address the criminal complaints that I set forth to this town about this Chief Chase, Officer Dean Rondeau and employee Rob Houseman and if these employees are not disciplined and terminated for their criminal offenses against me within two weeks I am going to file a lawsuit and I'm going to have Town Manager Dave Owen, Linda Murray and Chair Dave Senecal prosecuted for the crime of official oppression under RSA 643 1, and a violation of my First and Fourteenth Amendment, my Civil Rights for them violating my equal protection under the law, due process and the right to have my grievances addressed and decided. I am accusing Dave Owen, Linda Murray and Chair Dave Senecal of a

conspiracy of not making the police accountable for their crimes against the fair administration of justice for a breach of duty and for their deliberate indifference; for not performing a duty that's imposed on them under the law and that's totally inherent in the nature of their office, that is, to address criminal behavior, to investigate criminal behavior, and to have an outside unbiased agency to do a second investigation in the crimes of three employees. As it is clear that policy and law outlines that the initiation of disciplinary action against any employee whose conduct violates any criminal statute they have to investigate and we the people have zero tolerance for anything less than absolute integrity from our public officials especially where public safety is compromised. Under 'Lawrence v. Texas,' equality of treatment and the due process rights demands respect for conduct protected by a guarantee of liberty under the equal protection clause of the Constitution. The Fourteenth Amendment states, no state or municipality shall deny to any person within its jurisdiction the equal protection of the laws. This validates the provisions contained in the Civil Rights Act under the Fourteenth Amendment. Public corruption is a breach of trust by local officials when they undermine our safety, our trust and our confidence."

Ms. Amatucci provided Chair Senecal with a written copy of her statement.

Public Hearings

Accept grants in excess of \$10,000

A. New Hampshire Department of Safety, Emergency Management Performance Grant of \$60,000 to purchase and install an emergency generator at the Town Hall/EOC.

Chair Senecal opened the public hearing.

Rob Houseman stated the town applied for the \$60,000 grant through the U.S. Department of Homeland Security and FEMA to cover the cost for a generator for town hall to fulfill its duty as an Emergency Management Center; the generator would allow the EOC to operate during a power outage. The grant required a FEMA and Historical Resources evaluation. Houseman added the generator pad would be located behind town hall in an area adjacent to the handicapped parking area.

It was moved by Linda Murray and seconded by Dave Bowers to accept a grant in the amount of \$60,000 from the NH Department of Safety for an Emergency Management Performance Grant to purchase and install an emergency generator at the Town Hall/EOC. Members voted and being none opposed, the motion passed.

B. New Hampshire Department of Environmental Services Grant, entitled Lake Wentworth and Crescent Lake Watershed Management Plan Implementation Project, Phase 2 Stormwater Best Management Practices, in the amount of \$120,000.

Chairman Senecal opened the public hearing.

Rob Houseman again spoke to the motion, noting that co-applicant and co-manager of the grant, Rick Massey, representing the Lake Wentworth Foundation, was in attendance. The

Foundation will provide a significant portion of the grant match and soft match. Houseman said the grant targets the reduction of sediment load in the lake, protecting the water quality of the lake. The Phase 2 Stormwater plan targets two areas: the first off South Main Street from the Kingswood Regional High School to Morrissey's Front Porch where runoff affects Crescent Lake, and the second from Wentworth State Park along Route 109 east behind the state beach where there is significant migration of salt and sand into Lake Wentworth.

Linda Murray noted this grant is an example of a public/private partnership and thanked the Foundation for participating.

It was moved by Linda Murray and seconded by Dave Bowers to approve acceptance of the \$120,000 grant from the NH Department of Environmental Services entitled Lake Wentworth and Crescent Lake Watershed Management Plan Implementation Project, Phase 2 Stormwater Best Management Practices. Members voted and being none opposed, the motion passed.

Bulk Vote

- A. **Weekly Manifests** dated: June 12, 2015 and June 19, 2015
- B. **Property Tax Abatements**
 - i. Map 151, Lot 12, abatement amount: \$1,064.45 for year 2014
 - ii. Map 260, Lot 56, abatement amount: \$269.00 for year 2015
- C. **Raffle Permit** – Wolfeboro Area Children's Center – July 11 drawing

Linda Murray stepped down from voting on Bulk Vote item 3; Harriman made a motion seconded by Luke Freudenberg to approve Bulk Vote items A (Weekly Manifests) and B (Property Tax Abatements). Members voted and being all in favor, the motion passed. Harriman made a motion to approve bulk vote item C (WACC raffle); Chair Senecal seconded the motion; members voted, with Murray abstaining, and passed the motion.

Note: Linda Murray rejoined the Board.

Appointments

A. Fisherville Committee

Linda Murray moved to appoint Lucy Van Cleve, Caroline Nolan and Paul W. Green to the Fisherville Committee, an ad hoc committee of the Board of the Selectmen. Harriman seconded the motion.

Members voted and being none opposed, the motion passed.

The board concurred to hold off on appointing additional members and alternates.

New Business

A. Accept check from Friends of Town Hall in the amount of \$375,000

Joyce Davis, chair of the Friends of Wolfeboro Town Hall, addressed the board. She stated that the town passed the warrant article in March 2014 for \$4 million to renovate the town hall with the component that the Friends of Town Hall raise and donate \$750,000 towards the town hall renovation project. She was delighted to present a check for \$375,000 to fulfill the group's commitment. Davis and the group's board members posed for a photograph of the check presentation to the Board of Selectmen. Davis noted the Friends launched a campaign to cover the cost of 200 seats for the Great Hall and new seating and carpeting for the balcony.

A photograph of the Great Hall renovation project is posted on the Friends' Facebook page and on the Town of Wolfeboro web site.

B. Use Policy for the Great Hall at Wolfeboro Town Hall

Friends of Town Hall committee member Kathy Barnard said the proposed use policy incorporates suggestions from the Wolfeboro Public Library and Brewster Academy; she added the policy encourages use by government and nonprofit organizations, and considers the impact on town employees, as well as on local businesses, with whom the Great Hall wishes not to compete, but rather complement.

Reviewing the list of entities that would not be charged such as town boards, commissions and committees, Murray noted that regional groups – the Lakes Region Planning Commission – should be exempt from the \$50 use fee requested from by nonprofit organizations. Chair Senecal suggested that the \$50 fee could serve as a deposit/cleaning fee and returned to the group.

Mr. Bowers put forth a motion to accept the Use Policy for the Great Hall at Wolfeboro Town Hall as proposed, with the addition of another bullet under the Fee Schedule as follows: meetings of other governmental bodies and agencies subject to the request of a \$50 refundable deposit, to be refunded if no extra cleaning or repairs are requested; seconded by Mrs. Murray. Members voted and being none opposed, the motion passed.

C. Monthly Budget Expenditures and Revenues Report

Finance Director Peter Chamberlin addressed the board and presented the monthly budget and revenues report as of May 31, 2015. The summary sheet listed the initial percentages expended to date as of the end of May as follows: General Fund, 36.75 percent; Water Fund, 37.471 percent; Electric Fund, 34.158; Sewer Fund 58.341 percent and Pop Whalen Fund 39.008 percent. The overall expended-to-date is 37.485 percent. Chamberlin stated that at this time of year the funds overall should be 42 percent expended. Chamberlin stated the revenues are generally in line, comprising 43 percent of the general fund. He reported the \$4,101,000 bond had been sold through the NH Municipal Bond Bank at an interest of 3.1 percent.

In response to a query from Brad Harriman regarding the Welfare Department office supplies expense, Chamberlin stated a new printer was purchased for the department; otherwise the Welfare Department expenditures were significantly under budget.

Linda Murray proposed a motion to sign the General Obligation Bond Certificate for year 2015 and authorize the Town Treasurer to countersign. Chair Senecal seconded the motion. Members voted and being none opposed, the motion passed.

D. Prodigal Brewing Company to vend at Wolfeboro Farmers Market

Chair Senecal stated the town and state previously approved a permit for the company to sell beer at the Wolfeboro Area Farmers Market in 2013, with the caveat prohibiting on-site tastings of the product.

Brad Harriman moved the motion to approve the request of the Prodigal Brewing Company to sell its beer at the Wolfeboro Farmers Market, subject to the conditions that no sampling of the product will occur at at Clark Park, that all bottles of beer purchased at Clark Park be removed from those premises before being opened and consumed, and that the seller will adhere to all laws and rules pertaining to alcoholic beverage sales, including carding for age verifications. Linda Murray seconded the motion. Members voted and being none opposed, the motion passed.

E. Application for Barn Preservation Easement

James Marchese of Allen Road Realty LLC has submitted a Discretionary Preservation Easement Application through the NH Department of Revenue Administration for the property located at 29 Allen Road, last operated as the Bittersweet Restaurant. The application requires a public hearing to satisfy the public approval process under RSA 79-D:5, prior to approval from a majority of the Board of Selectmen.

Mr. Marchese stated he provided the board with background information and the criteria for the barn easement application under RSA 79-D.

Mr. Owen stated the board does not need to act on the application this evening but can decide to hold a public hearing on the application as required by the RSA. The earliest opportunity is at the July 15 board meeting.

Mrs. Murray said it was her understanding that the board can approve a historic preservation easement with the property maintaining a commercial use. She stated she would be interested in learning what future repairs and maintenance are planned for the building. She recommended that it would be helpful at the public hearing if Mr. Marchese could provide a plan. Mr. Marchese, in response to a query from Chair Senecal, stated the building has not been on the market for more than two years.

Chair Senecal made a motion, seconded by Mrs. Murray, to approve setting a public hearing on the application for a barn preservation easement for the property at 29 Allen Road at the Board's scheduled meeting on July 15, 2015. Members voted and none being opposed, the motion passed.

F. Proposed Pianos for Town Sidewalks

Peter Cole addressed the board with a request to locate, decorate and place several console or spinet-sized pianos on the sidewalks of downtown Wolfeboro with an invitation to passers-

by to sit down and play for a while. Potential locations include the Wolfeboro Bandstand or Dockside, Railroad Station, in front of Black's Paper Store. Cole stated his plan is modeled on a similar project in Littleton, NH. He stated he was not sure what permission his project required as the pianos would be located on the private property of enthusiastic owners willing to cover the pianos in inclement weather, or under cover of businesses with existing canopies downtown.

Mrs. Murray stated her concern was for cluttered sidewalks; some of the sidewalks downtown are narrow. She stated she thought it was a great idea, but that pedestrians needed to get from one place to another.

Mr. Owen said he would ask the public works department to review the request as it may relate to guidelines for 'street furniture.' Chair Senecal concurred.

G. Proposed Amendments to the Wolfeboro Town Code

i. 140-2 Distribution on Sidewalks

Mr. Owen developed an amendment to the town's ordinance to better regulate the use of Town sidewalks, based on an ordinance from another New Hampshire municipality. Town Counsel has reviewed the draft amendment. Mr. Owen stated the ordinance would allow people to hand out materials and engage in discussion, and would not infringe upon First Amendment rights. The ordinance is directed at regulating booths or tables on town sidewalks.

The amendment to Chapter 140: Streets and Sidewalks of Wolfeboro's Town Code by adding a new section as follows:

"Any person or organization may distribute political, charitable, religious or similar materials on any public sidewalk within the Town, provided that access to any entranceway to any building is not restricted and free passage of pedestrians upon said sidewalks is not infringed, including maintaining access for disabled persons as required by the Americans with Disabilities Act (A.D.A). Access to an entranceway to a building shall be deemed not to be restricted if the dissemination of materials is not conducted within five feet of either side of said entranceway at its widest points. Free passage of pedestrians upon a sidewalk shall be deemed not to be infringed if a passageway has a width of 36 inches as required for A.D.A. access and remains free at all times. No table, chair, sign, stool, booth, kiosk display, billboard, or other similar article or device shall be placed upon any sidewalk in connection with the dissemination of materials as set forth in this article, unless the person or organization obtains a permit from the Board of Selectmen under the procedures of the Temporary Outdoor Event ordinance (Chapter 156.) This article does not apply to sandwich boards placed on Town sidewalks by merchants under the provisions of the Town's Sign Ordinance or street furniture placed on sidewalks or approved by the Department of Public Works, so long as A.D.A. access is maintained."

Chair Senecal moved a motion, seconded by Dave Bowers, to approve the form of the proposed amendment to the Town Code Chapter 140, Streets and Sidewalks, by adding a new section entitled, 'Distribution on Sidewalks,' and setting a public hearing date of July 15, 2015 to hear any comments of the public on this proposal. Members voted and being none opposed, the motion passed.

ii. Island Resident Parking

Mr. Owen stated that since overnight boat parking is no longer available at the dock closest to the Main Street Bridge in Back Bay, the Island Resident Parking section of the Town Code required revision. The proposed change is to make the second closest dock to the Main Street Bridge in Back Bay available to island residents for parking their boats, including overnight.

Chair Senecal moved a motion, seconded by Linda Murray, to approve setting a public hearing at the Board's scheduled July 15, 2015 meeting on the proposed amendments to the Town Code Chapter 36, Docks and Wharves, Section 36-5 M Island Resident Parking. Members voted and being none opposed, the motion passed.

Old Business

None.

New Business

Mrs. Murray attended the New Hampshire Magazine's "Best of New Hampshire" event in Manchester with members of the Friends of Town Hall; the magazine included a write up of the Town Hall renovation project. She stated it was an honor to be included and that the Friends have raised a lot of money.

Town Manager's Report

Mr. Owen reported the following:

- Sale of tax deeded property: Pursuant to the board's vote at the June 3 meeting setting the minimum bid price at \$25,000, the sale of tax deeded property on 757 South Main Street [Tax map 267, Lot 4] is progressing with an abutter who expressed interest in the parcel. The sale will be noticed in the Granite State News, on the Town's website, and on the Wolfeboro bulletin boards.
- Josiah W. Brown Scholarship Funds: a Public Notice has been posted regarding the availability of scholarship funds for the 2015-2016 academic year.
- Welfare Department new software: The department has a new software system that is very useful for towns that use it because it allows department officials to cross check if an applicant has applied for assistance in other communities. The municipalities of Wakefield, Alton, Dover and Rochester utilize this software; Owen suggested it would be helpful if the Town of Ossipee acquired the software.
- The Pathways of Wolfeboro group has changed its name to Friends of Wolfeboro Trails; the group is pursuing registration of the name with the State of New Hampshire.
- Road improvements: due to having received a good bid price on pavement this year, the Public Works department can repave more of Beach Pond Road than anticipated. The plan is to grind and reclaim the road from Route 109A to North Line Road this year, apply a base coat this year, and a final coat next year. Reclamation work on Middleton Road is slower than anticipated. Reclamation on the upper end should start next week with paving the week of June 29.
- Solid Waste Facility: he has received word that the solid waste facility will only accept corrugated cardboard,

Committee Reports

Luke Freudenberg stated the Conservation Commission has selected an intern to work at the town garden. Commission members discussed an invasive species in the garden and on the walking trail at Front Bay Park. Members are talking to a couple area contractors regarding finding a way to deal with the invasive species.

Linda Murray attended the Wolfeboro Area Chamber of Commerce Executive Board meeting and a Chamber mingle event, and the dedication of the new Pickle Ball court. She was impressed that approximately 80 people, including Selectmen Harriman, attended.

Dave Bowers attended a Wolfeboro Public Library trustees meeting where members are planning for a reduced scope library; the library roof is in serious need of repair. He added the recent Book and Author Luncheon went very well and tickets sold out.

Questions from the Press

None.

Being no further business before the Board, Chairman Senecal entertained a motion to enter non-public session.

Member Dave Bowers moved the Wolfeboro Board of Selectmen to enter non-public session at 7:30 PM to discuss pending claims and litigation which has been threatened in writing against the town. Brad Harriman seconded. Roll call vote: Luke Freudenberg-yes, Dave Senecal-yes, Dave Bowers-yes, Brad Harriman-yes, and Linda Murray-yes, the motion passed.

The Board re-entered public session at 7:54 PM.

Chairman Senecal stated the non-public session minutes of June 17, 2015 were sealed by a 2/3rds vote as required by law.

Being no further business before the Board, Chairman Senecal entertained a motion to adjourn.

Member Dave Bowers moved the Wolfeboro Board of Selectmen to adjourn at 7:55 PM. Chair Senecal seconded. Being none opposed, the motion passed.

Respectfully submitted,
Larissa Mulkern
Recording Secretary