

**Wolfeboro Board of Selectmen  
Meeting Minutes - *Unapproved*  
September 2, 2015**

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

**Staff present:** Town Manager Dave Owen, Finance Director Pete Chamberlin, and Recording Secretary Larissa Mulkern

Chairman Senecal opened the meeting at 6:30 p.m.

**Non-Public Session**

Mr. Owen stated a non-public session is needed to discuss a personnel matter under the provisions of RSA 91-A:3.

**Consideration of Minutes**

➤ **August 19, 2015 meeting**

**Member Linda Murray moved the Wolfeboro Board of Selectmen approve the minutes of the August 19, 2015 meeting as submitted. Dave Bowers seconded. Members voted and being all 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 telling the selectmen I do not want an agenda or special forum to air my views about the police department. I want the town to address the procedure under the employee personnel policy on how they deal with complaints of criminal acts by the employees. I want to address how the town is addressing equal protection under the law in addressing criminal conduct. Under due process and my First Amendment right to debate grievances directly to the government, I am asking to be on the agenda or a special forum next Wednesday where we will publicly review the town employee personnel policy and how it deals with criminal conduct of an employee and our police chief if it's different and assuming the police chief is treated differently and he has his own employment contract with the town and what is that contract. This is of public concern and must be dealt with before the citizens of the town. I am asking that you please bring your copy, you the selectmen, of the employee personnel policy or any special contract the police chief has so we can review the policies and answer the following questions:

1. Is the police chief under the union contract, and if not is he considered an at-will employee, which means he can be fired any time, with cause?
2. Can you fire the chief when his contract is renewed, by simply refusing to renew the contract, by just stating you are not pleased with his work?
3. According to the union contract, it is true you have maintained equal jurisdiction over the police for firing and is this not true that the chief would not be included in the contract?
4. When someone puts in a criminal complaint of an employee or police chief what is the present procedure investigating this matter. Is the complainant involved?
5. Is it mandatory according to the internal review procedure which was set up by the attorney general for all police departments in the state that it is mandatory for the town to get an outside agency to do a second investigation for criminal matters?
6. If someone complains about criminal matters it is true that you have to contact the District Attorney immediately?
7. Is it not true that the Police Commissioners are only liaisons and that it is the selectmen who actually have the final say on any important matter, especially of any employee termination?
8. And if it is decided by the court that the police chief was guilty of a crime and a complainant wants him terminated, how do you determine whether to terminate him or not?

I want to talk about this next Wednesday and I have a right to get here and say everything I have to say and I want answers and the town, for their safety, have a right to know government procedure.

Robert Mulholland informed the Selectmen he has talked with Executive Councilor Joe Kenney regarding a veterans tax credit for disabled veterans. He is working on filing legislation.

## **Public Hearings**

### ***Temporary Event Permits***

#### **A. Wolfeboro Community Television Scarecrow Buffet & Display on October 17 – October 24, 2015 from 8 a.m. to 4 p.m. at Cate Park.**

Chairman Senecal opened the public hearing. Megan Rohrbacher spoke on behalf of the event, where a scarecrow-building workshop with supplies laid out buffet-style would culminate in a set of displays for public viewing at Cate Park. Mrs. Murray noted the application required an updated certificate of insurance as the current policy runs out the end of September. Being no others to speak for or against the request, Dave Senecal closed the public hearing.

It was moved by Linda Murray and seconded by Dave Bowers to issue a Temporary Event Permit for the Wolfeboro Community Television Scarecrow Buffet & Display on October 17 – October 24, 2015 from 8 a.m. to 4 p.m. at Cate Park contingent upon receipt of an updated insurance certificate. Members voted and being all in favor the motion passed.

### **Bulk Vote**

**A. Weekly Manifests:**

1. Manifest dated August 28, 2015
2. Manifest dated September 4, 2015

**B. Property Tax Abatement/Refund Approvals:**

- i. Abatement/Refund #16 (2014) Tax Map 177, Lot 10-11
- ii. Abatement/Refund #37 (2014) Tax Map 176, Lot 20-1

**C. Notice of Intent to Cut Wood or Timber**

- i. Tax Map 80, Lot 1, York Road
- ii. Tax Map 81, Lot 1, York Road

It was moved by Linda Murray and seconded by Dave Bowers to approve the Bulk vote items as listed approve A-C. Members voted and being all in favor, the motion passed.

### **New Business**

**A. Conference: Joint Loss Management Committee – Safety Rules and Guidelines RE: cell phone use policy.**

Representing the Joint Loss Management Committee, Jim Shannon from the Wolfeboro Municipal Electric department spoke to this adjustment to the town's cell phone use policy. The language in the existing guidelines will be changed to specify the employee must adhere to current state and federal law regarding cell phone use and/or distracted driving. The committee recommended that the Board adopt the following motion: To amend the Town's Safety Rules and Guidelines by deleting the current Cell Phone Use by Town Employees policy and substituting the following provisions:

**Cell phone use by Town Employees:** The Town of Wolfeboro requires the safe use of cellular telephones by employees who use such telephones. Employees who use cellular phones while on town business shall comply with current state hands-free law and federal law with regard to cell phone use and/or distracted driving. Individual town departments are free to adopt a more restrictive cell phone use policy at the discretion of the department head.

**Chair Senecal made a motion to amend the rules and guidelines on page three of the existing Safety Rules and Guidelines RE: cell phone use policy, seconded by Brad Harriman. The board voted and there being none opposed, the motion passed.**

#### **B. Supplemental Project or Service Costing Form**

Finance Director Peter Chamberlin said the Budget Committee has requested the development and use of an additional form to be used in conjunction with Capital Project Request forms. The form's intent is to provide additional cost/benefit information about proposed new projects or services. Mrs. Murray asked whether the committee had considered or had recommended a baseline cost for using the form, and Chamberlin responded the committee had not come up with a number. Chair Senecal said the Capital Improvement Program deals with projects over a certain amount and data is provided on those projects. Brad Harriman added the Board does not want to burden department heads with additional paperwork. The consensus of the Board was to ask the Budget Committee for additional information with regard to setting a dollar amount where this additional cost/benefit form would be used.

#### **C. Return of 2015 Workers Compensation Premium Credit**

Mr. Chamberlin informed the Board that the town needs to send a letter requesting a Workers Compensation premium credit of \$79,451.25 from Primex for 2015.

**Mrs. Murray made a motion that the Board approve requesting Primex to return by check in the amount of \$79,451.25 as Wolfeboro's Workers Compensation premium credit for 2015 and to authorize the Board's Chairman, Dave Senecal to sign a letter stating such request. Brad Harriman seconded the motion and the board voted unanimously in favor of the motion.**

#### **D. Great Hall Meeting Applications**

Mr. Owen stated the town is beginning to receive applications from organizations wanting to use the Great Hall at the renovated Town Hall for events. The New Hampshire Preservation Alliance applied to use the Great Hall to hold its annual meeting and "Seven to Save" announcement, and to celebrate the Brewster Town Hall as a "saved" historic property. Mr. Owen added this event will be postponed since contractors will still be working on the second floor Great Hall in October. The second application is from the nonprofit Wolfeboro Area Farmers Market organizers who want to use the Great Hall on a weekly basis on Saturdays from 8:30 a.m. to 3 p.m. from Nov. 14 to April 9<sup>th</sup>. The Great Hall would serve as a venue for local farmers to offer their products for sale to the public. Wolfeboro Farmers Market President Fred Martin attended the meeting on behalf of the application. Mr. Owen noted that repetitive events such as this was not something he contemplated when

the Great Hall use policy was developed; the use fee for nonprofits is \$50 per event. Mr. Bowers asked if sales of products at the Great Hall conflict with the policy, and Mr. Owen clarified that nonprofits are allowed to make money. Mrs. Murray raised her concern that the Farmer's Market would occupy the Great Hall every Saturday from 8:30 a.m. to 3 p.m. for almost six months. Mr. Harriman suggested the Farmer's Market assemble less frequently, such as once a month, and/or a different day of the week. Mr. Martin said many people have asked for a winter farmer's market in town and that vendors prefer certainty as to time and location. Mr. Bowers concurred with other board members who felt that allowing weekly use on Saturdays would block out use for other groups for too long. He suggested choosing two different Saturdays. Mr. Bowers added that historically, the Great Hall had been used as an entertainment venue; he was unaware that merchants had used the space to sell things. Mr. Freudenberg suggested the market could be held every other Saturday and then re-evaluate the schedule the following year. Chair Senecal suggested that Mr. Martin relate the Board's concerns and return with an alternate plan. No vote was taken.

#### **E. Budget Hearing Dates in October**

The board scheduled the following meeting dates to review the budgets:

Tuesday, October 13 at 6 p.m.

Monday, October 19 at 6 p.m.

Wednesday, October 21 at 6 p.m.

Tuesday, October 27 at 6 p.m.

Thursday, October 29 at 6 p.m.

#### **F. Draft Amendment to Town Code Chapter 5 – Alcoholic Beverages**

Mr. Owen said that currently, there is a blanket prohibition of consuming alcoholic beverages on all Town-owned properties and facilities. There has been interest expressed by many residents in the possibility of amending the Town Code to allow the consumption of alcoholic beverages at certain Town facilities during special events, like at the Great Hall at Town Hall, the new Abenaki Lodge, the Libby Museum and Cate Park and Dockside during Fisherville events. In addition, Mr. Owen stated that in the past, the Town had granted the town-owned Dockside restaurant the right to serve alcoholic beverages and was puzzled how the town could have granted permission to do so with the existing prohibition in place. He suggested the value of the lease at Dockside would be greater if the restaurant operator could serve alcoholic beverages there. An amendment to the Town Code was proposed; the amendment requires a public hearing, the earliest date being on Oct. 14, 2015. The proposed amendment would allow the sale of beer or wine only, no spirits, and only with the proper permits from the NH Liquor Commission.

The amendment reads as follows:

Chapter 5. Alcohol

5-1. Consumption on Town property; violations and penalties.

Except as provided below, the consumption of alcohol is prohibited on all property over which the Town has supervision and control. The maximum penalty for the first offense shall be a fine of up to \$100, any portion of which may be suspended. Conviction of a second or subsequent offense shall be a fine of \$150, and no portion of the fine may be suspended.

**Licensing of Beer and Wine Use on Town Property**

1. In accordance with the provisions of sections 2 through 9 below, and RSA 178:22-V(l). Licensing shall be limited to events sponsored or organized by a not-for-profit organization seeking to serve and offer for sale beer and wine for consumption in Town buildings and on Town premises as permitted in section 5. The not-for-profit organization shall first apply for the applicable license with the Town Manager's office.
2. To qualify for a license under this Chapter, events sponsored or organized by a not-for-profit group shall obtain a license from the New Hampshire Liquor Commission under RSA 178:22 V(l).
3. The Town shall require a license application, which shall include standards for issuance of the license to serve and offer for sale beer and wines for consumption on Town property.
4. No license to serve and offer for sale beer and wine for consumption on Town property shall be granted for the hours between 10 p.m. and 10 a.m.
5. Permitted locations to serve and offer for sale beer and wines for consumption, subject to the applicable license:
  - Town Hall-Great Room, in accordance with the Town's Great Hall use policy
  - Abenaki lodge, in accordance with the town's Abenaki Lodge use policy.
  - Libby Museum, in accordance with the Museum's use policy.
  - Cate Park, Town Park and Dockside, permitted between January 1 and April 1 and subject to a temporary event permit.
6. Application for a license under this section may be made at the Office of the Town Manager.
7. The Police Chief, Director of Public Works, Fire Chief and Parks/Recreation Director (where applicable for Town Parks) shall review the application for completion and transfer it to the appropriate authority with any comments, or concerns, or conditions for review to the Town Manager for review. The issuance of a license shall also require a public hearing and approval by the Board of Selectmen. Notice of a public hearing shall consist of certified mail notice to the applicant and the posting of notice in at least two prominent locations in Town at least fourteen (14) days prior to the hearing.
8. To the extent the applicant meets all of the standards for issuance of a license, the Board of Selectmen may conditionally issue the license, which shall not become valid until the applicant provides the Town Manager with an RSA 178:22-V(l) license from the New Hampshire Liquor Commission for the applicable license issuance time period.
9. The fee for said license shall be two-hundred dollars (\$200.00).



**A motion to hold a public hearing on the proposed amendment Oct. 14 was made by Mr. Harriman, seconded by Mr. Bowers. Members voted on the motion and there being none opposed, the motion passed.**

## **G. Town Manager Evaluation Process**

Mrs. Murray distributed Town Manager Evaluation Forms to the Board, setting a deadline for their return of Oct. 14<sup>th</sup> for discussion at a non-public session.

## **Old Business**

### **A. Pickering House – “Seven to Save” application**

Mrs. Murray attended a tour of the landmark Pickering House, at 116 South Main Street, which is now held by Bank of New York Mellon. It failed to sell at a foreclosure auction last summer; the minimum bid was \$350,000. On August 21, 2015, a small group of concerned parties toured the house with the current broker, Dennis Potter, who asserted that it will be listed on the open market soon. He thinks it might be priced around \$275,000, though he also said there has been no appraisal. There are currently five apartments in the building, and the barn is still relatively intact from 19th century appearance. Wolfeboro resident Maggie Stier of the New Hampshire Preservation Alliance is spearheading an effort to get the property listed on the statewide “Seven to Save” list. Inclusion on the list does not restrict a buyer from demolishing the property. Mrs. Murray added the designation may attract investors to restore the property, but that otherwise it is going through the normal sales channels. Mr. Bowers offered to assist Mr. Owen with writing the historical background of the Pickering House for the “Seven to Save” application.

**Mr. Bowers made a motion to recommend the Pickering House as a “Seven to Save” property and submit the nomination form. Mrs. Murray seconded the motion. Members voted and there being none opposed, the motion passed.**

### **B. Town Milfoil Committee**

Mrs. Murray reported that Limnologist Amy Smagula from the state NH DES took a look at Back Bay and found a significant amount of milfoil regrowth. The committee met and discussed additional chemical treatment using 2,4-D, and that Smagula felt that chemical treatment would be the best way to address it. She added that she the committee members are still very committed to eradicating milfoil through utilizing the D.A.S.H. unit and hand pulling.

## **Town Manager’s Report**

Mr. Owen reported the following:

- Parks and Recreation Department was notified from the NH DRED that the town will receive federal approval for a \$150,000 grant to assist with the Abenaki lodge; that amount will reduce the cost to taxpayers.

- The town has received a preliminary assessment figure for the town's new valuation: \$1,981,918,580, which reflects a decrease below the \$2 billion mark and the likelihood that the property tax rate will go up.
- Town Employee Appreciation Day will be held on Sept. 10 at Albee Beach; Board members are invited to attend.
- Carroll County Commissioners set a Sept. 9 public hearing regarding a supplemental appropriation request by the county.
- Town Hall update; The Friends of Town Hall will attend the Sept. 16 Board meeting to offer the donation of chairs and kitchen appliances to the Great Hall. The Town Hall rededication Ceremony has been pushed back to the weekend of Nov. 7-8.

### **Committee Reports**

Mr. Harriman attended planning board hearings where a proposal for a storage facility at Clark Plaza, and a spa/health food store on Elm Street, were passed.

Mrs. Murray attended Milfoil Committee, Town Hall Construction meetings and two Capital Improvement Committee meetings. Discussion ensued about the improvement plans for the town docks area and the lack of public restrooms in general. Members of the CIP suggested the Town establish an advisory committee to look into the town's public restroom shortage where members can determine how many bathrooms are needed and where it makes sense to put them.

**Mr. Freudenberg made a motion, seconded by Mrs. Murray, to set up a subcommittee tasked with coming up with a public bathroom plan. Members voted and all being in favor the motion passed.**

Mr. Freudenberg attended a Police Commission meeting. He commended the Police Department, commission and Captain Dean Rondeau for implementing a task force to address the heroin epidemic and approach it as a community issue, not just a law enforcement issue. He said the town needs to recognize the fact that the drug and addiction problem is here and that we need to do what we can to promote healing and addiction recovery. Granite State News Editor Tom Beeler noted that the paper will run a story on the task force in the Sept. 3 edition.

### **Questions from the Press**

None.

### **Non-public session - Personnel Matter**

A motion to enter into a non-public session under RSA 91-A:3 was proposed by Chair Senecal and seconded by Mr. Harriman. Members voted and all being in favor, the motion passed.



Respectfully submitted,  
Larissa Mulkern  
Recording Secretary