

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
July 28, 2014

PRESENT: TOM CLOW, CHAIRMAN; KEITH R. LACASSE, VICE CHAIRMAN; JENNIFER BOHL, SELECTMAN; JOHN LAWTON, SELECTMAN; JAMES LEARY, SELECTMAN

RECORDING SECRETARY: Cherry Palmisano

TOWN ADMINISTRATOR: Naomi Bolton

GUESTS: Frank Campana, Richard Butt, George Malette, Deborah Brown, David Lansford, Tim Redmond

Chairman Clow moved, Vice Chairman Lacasse seconded to enter into nonpublic session @ 6:35 p.m. pursuant to the authority granted in RSA 91-A:3II (a&c). A roll call vote was taken, Selectman Bohl – yes; Selectman Lawton – yes; Selectman Leary – yes; Vice Chairman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Vice Chairman Lacasse seconded to come out of nonpublic session @ 7:05 p.m. A roll call vote was taken, Selectman Bohl – yes; Selectman Lawton – yes; Selectman Leary – yes; Vice Chairman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Vice Chairman Lacasse seconded to seal and restrict the minutes of the nonpublic session. Passed 5-0-0.

Chairman Clow noted that the purpose of the nonpublic was to discuss Police Department concerns.

7:10 p.m. Chairman Clow called the meeting to order.

PUBLIC COMMENT ó Deb Brown, Moody Pond Marketplace, said that at the last meeting it was brought to the Board's attention, by Wendy Stevens, that she was not having a market. Ms. Brown clarified that she does have a market that is going strong. Ms. Brown commented on Ms. Steven's saying there was a need for another farmer's market, but Ms. Brown does not think the town can support a third market.

Richard Butt has concerns with the purchase of a vehicle for the Highway Department. His concerns are that he does not think it is an existing vehicle, it was not voted on by the voters, and was not voted on by the Board to be added to the fleet. The vehicle is not on the CIP list of vehicles for the Highway Department. A new vehicle would need a separate article on the warrant. Mr. Butt feels that it is ridiculous to authorize money from the operating budget to purchase the vehicle. It is a capital onetime expense and would need to come out of the default budget next year if spent from the operating budget. That was a vehicle from the Police Department down at the Highway Department and was not voted on to be there by the Board. It is an additional vehicle and should go before the voters. The Board is violating the terms of what the Capital Improvement Program was to be.

Mr. Butt noted that there is 53% remaining in the Highway budget, but the overall budget only has 49% remaining. The Board is obligated to look at total expenses.

Mr. Butt told the Board that he came in to get a building permit last week and it took 10-15 minutes to go through the process. He asked that the permit forms be on the town website with the ability to be filled out and paid for electronically.

FINAL

Frank Campana has an issue with the Selectmen approving money from the operating budget to purchase a pickup truck for the Highway Department. He said that this is a dangerous trend because any department head can come to the Board and request any item, whether a long term commitment or not, and if they can find the money in their operating budget the Board will approve it. Mr. Campana noted that Vice Chairman Lacasse stated that it was to go before the voters and Selectman Lawton raised the issue of a future request to replace the \$10k truck with a \$40k truck. Mr. Campana said that the Board hired a Deputy Police Chief and personnel typically goes through the voters and the Board approved an additional vehicle, which typically goes through the voters. The Board set the precedence 5-0 and now it will be hard to build voters trust. He is disappointed and hopes the word gets out to the voters. The money for the pickup truck is coming from the maintenance line, plow cutting edges, and salt line. He noted how he has heard for many years how expensive cutting edges are and salt is a primary line for winter time safety. Mr. Campana said that it will be interesting to see how much money will be left in those lines.

George Malette, Vice Chairman of the Heritage Commission, but not speaking on behalf of the Heritage Commission is concerned with metal detecting on town property because of digging on historic or cultural sites. Chairman Clow said that no decision has been made by the Board.

Mr. Malette asked the Board if they can hold off on making a decision on the Discretionary Preservation Easements on the agenda. A decision needs to be made before April. Mr. Malette asked that the applicants come before the Heritage Commission so that the Heritage Commission can do a written evaluation to present to the Board to help them with their decision making process. A 25%-75% assessment is of historical nature. The Heritage Commission can assist the Board in determining how the structure meets historic criteria and what the public benefit will be.

Chairman Clow thanked Mr. Malette for all his years on the Planning Board and his commitment to the Master Plan.

Town Administrator Bolton said that both discretionary easements requests were submitted on time in March. These are the 3rd and 4th discretionary easements to come before the Board. The Board can have the Heritage Commission do the review. Avitar has made the decision that the applicants qualify. 50% was given to the first two applicants. Chairman Clow thinks that this is an appropriate role of the Heritage Commission. There are certain criteria that needs to be met. The easement is for a 10 year period. The public hearing can be continued and the Board can refer to the Heritage Commission to review. Chairman Clow would be more comfortable if the property owners come in to present to the Board. The Board agreed to continue the public hearing. Vice Chairman Lacasse is concerned with time lapsing and the Heritage Commission not meeting. Mr. Malette noted that they had no agenda items and that is why they did not meet.

Chairman Clow opened the public hearing at 7:34 p.m.

Public Hearing ó To hear public testimony and comment on two (2) separate requests for Discretionary Preservation Easement Applications per RSA 79-D:3, filed by:

1. Roberta Shaw, 65 Bart Clough Road, #409-7
2. W. Perry Dowst 2007 Revocable Trust, 185 Poor Farm Road, #411-19.1

Chairman Clow moved, Vice Chairman Lacasse seconded to continue the public hearing until October 6, 2014 during which time the applicants are asked to meet with the Heritage Commission. Passed 5-0-0

DEPARTMENT HEAD AND COMMITTEE ITEMS

DPW Update ó Tim Redmond, Director of Public Works, told the Board that he has not done anything regarding the pickup truck and it will remain that way until he is advised otherwise.

Buzzell Hill Road ó paving of 900ø feet or less will cost approximately \$17,000 to pave past the cemetery driveway. Selectman Lawton said that he spoke with Steve Flanders who told him that the road was paved back

FINAL

in the 1960s. Mr. Redmond said it can be paved while the crew is paving East Road, which is scheduled for August 11th.

East Road Parking Area ó paving of 100ø x 16ø will cost approximately \$1,350 to pave. It would create 8-10 parking spaces and could be done in conjunction with the paving on East Road.

Bolton Field Driveway ó WAC contacted Mr. Redmond concerning the condition of the road. Mr. Redmond advised them that it is not a town road, but a driveway. The town has graded it in the past and he needs authorization from the Board to move forward.

Bridge Joint Repairs ó Two bridges on Reservoir Drive and River Road at Buzzell Hill Road. Mr. Redmond told the Board that he only has two bidders, the third advised him they were too busy. Mr. Redmond will make a request to use funding from the capital improvement fund for bridges.

Concord Resource Recovery Association (CRRA) Funds ó The town will be receiving \$31,030 in Ash Credit for 2013; a total of \$65,000 will be received in two payments. The revenue will go into the general fund, but could be set aside in a separate fund and used to reduce the tipping fee by \$3.25 per ton or the town can pay CRRA the full amount. Selectman Lawton asked if CRRA suggests reducing tipping fees in the budget with that ash credit. Mr. Redmond said no, they should keep it simple. The town will receive \$91,467 as a first payment of the Reserve Funds Credit/Refund, which is extra money for the landfill that was collected. Mr. Redmond suggests there be a warrant article stating that the money go to the Transfer Station Improvement Capital Reserve Fund to facilitate improvements and repairs to the Transfer Station. Mr. Redmond feels that the refund and any future refunds would be best serve the town if it was set aside for Transfer Station safety and operational improvements. He thinks they should look into the future because getting money from the voters has been difficult.

Mr. Redmond said that there is sufficient funding in road reconstruction for the Buzzell Hill Road paving. Money is already set aside for the remaining large projects and he has funds for the small paving projects.

Vice Chairman Lacasse moved, Selectman Leary seconded to allow spending of up to \$17,000 to add to the paving scope at Buzzell Hill Road and up to \$1,350 to add to the paving scope on East Road to a add parking area near the gazebo on East Road with the money available from the Road Reconstruction Fund.

Chairman Clow mentioned that Buzzell Hill Road was paved in the past, but the parking area is a new paving area. Selectman Leary said that PARC discussed the parking area as well because people always park there. It will be plowed by the town.

Passed 5-0-0

Bolton Field Driveway ó Vice Chairman Lacasse said that he thought they had decided that the town will maintain, grade, and plow snow. Mr. Redmond said that they do, but those are minimal costs to the town. He would like the consent of the Board to haul, place, and roll gravel. Selectman Leary noted that they are not expanding, just maintaining what is existing. The gravel can come from the stockpile in the town gravel pits and there will be no additional expense other than to truck it down there. The Board agreed.

Vice Chairman Lacasse would prefer that the money for the bridge joint repairs come from the Bridge Improvement Fund.

Vice Chairman Lacasse thinks that the \$31k Ash Credit and \$91k Reserve Fund Credit should go into the general fund, unless sometime in the future a warrant article was on the ballot. The \$31k will go directly into the general fund next week. Mr. Redmond would like the \$91k to go into a separate fund by way of warrant article. Chairman Clow would like more in-depth conversation regarding the warrant article and prefers the reimbursement coincide with the warrant article request. Mr. Redmond mentioned the need to relocate the recycling area and that a consultant could give them direction. Selectman Leary asked if Primex could do an

FINAL

evaluation concerning the safety and traffic pattern. The Board will have further discussion on the Reserve Funds Credit.

Chairman Clow asked Town Administrator Bolton about the issue with the Highway Department vehicle and whether or not there was any ordinance or state law. Town Administrator Bolton said that no state law was violated. The Board needs to look at CIP policies as to whether any additional vehicle must go before the voters. Mr. Redmond said that the vehicle did come from the Police Department and needed repair; they are not adding an additional vehicle, just replacing that vehicle.

Request to Allow Metal Detecting on Town Properties

Town Administrator Bolton received an email from the Conservation Commission regarding concerns with metal detecting on town property. She did contact the Chairman of the Heritage Commission who is a NH state archeologist. There is no town ordinance, but the state does have penalties and fines if caught without permission. The Town of Nashua granted Dave Lansford permission to use his metal detector for one year in Nashua parks, with the exception of Holman Stadium.

Mr. Lansford explained to the Board that the detector he uses detects a very narrow slice in the ground. It can determine generally how deep he has to dig and the footprint of the item and after he plugs the hole there is not much trace left that he was even there. Mr. Lansford enjoys metal detecting and said that if he was to find something historic, he would be more than happy to turn it over to the Historic Society.

Chairman Clow said that there is lots of conservation land, which could have remains of old homesteads and artifacts that they don't want touched. Mr. Malette is asking for review by the Heritage Commission. Mr. Malette said that someday the Heritage or Conservation Commissions may actually do an archeological dig. He noted that the purpose of the Heritage and Conservation Commission is to preserve and protect.

The Board discussed giving permission on some select areas and as they establish a policy they could open up other areas. The Board mentioned the bleacher areas at ball fields, lawns of Library and Stone Building, gazebo area, playground, tennis courts, and Chase Park. To obtain permission for areas around the schools, Mr. Lansford may have to contact the SAU and School Boards.

Town Administrator Bolton will list the areas discussed on a card granting Mr. Lansford permission to metal detect.

Chairman Clow moved, Vice Chairman Lacasse seconded to allow Dave Lansford to do metal detection on the areas of Chase Park, bleacher areas at fields, playground, gazebo area, and tennis court. Passed 5-0-0

MEETING MINUTES

Chairman Clow moved, Selectman Lawton seconded to approve the minutes of July 14, 2014 as amended. Passed 5-0-0

MANIFESTS

Checks dated: July 22, 2014

Weekly Payroll	\$48,259.69	
	<u>\$237.80</u>	(Fire and EMT)
Total	\$48,497.49	

Chairman Clow moved, Selectman Lawton seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated July 31, 2014. Passed 5-0-0

Accounts Payable	\$753,125.69	(John Stark \$450,000)
Gross Payrolls	<u>\$42,740.35</u>	(Includes taxes, credit union)
TOTAL	\$795,866.04	

FINAL

Also to order the Treasurer to sign payroll checks dated August 7, 2014; with up to a possible \$50,000 in Accounts Payable checks that cannot wait until the next meeting to be processed. Actual amounts paid and reports backing up the numbers will be included on the Manifest Memo at the next scheduled Board meeting.

Vice Chairman Lacasse would like to hold payment on check #56057. The Board discussed that the Bigg Dawg has not done the fertilizing that is specified in the contract. Selectman Leary noted that there was a representative from Bigg Dawg present when they reviewed the contract. There are three payments remaining. Bigg Dawg hires a subcontractor to fertilize and the fertilizer representative said that there is plenty of time for the four applications. Vice Chairman Lacasse would like to review the contract, bid, and minutes of when the contract was approved.

Vice Chairman Lacasse moved, Selectman Leary seconded that they order the Finance Administrator to hold payment on check #56067 until the Board meets on August 11, 2014. Passed 4-1-0; Selectman Lawton was opposed.

ADMINISTRATIVE REPORT

Government Building and Maintenance Projects ó The Board discussed if the stairs could be put in place before the repair of the doors and the tilting of the threshold. Chairman Clow said that Milford Granite is coming out now because there is not enough height to accommodate the steps. The granite was ordered with 7 inch steps and has already been cut. The concrete pad has not been poured. Vice Chairman Lacasse wants to make sure that they don't prohibit the repair on the doors or the threshold by installing the steps. The Town Hall is still usable through the back and side doors.

Review of policies and procedures ó Cash receipts and Fraud policy will be put on the agenda for the next meeting. Anything financial will be compiled into one policy.

SNHPC Representative ó Wendy Stevens has volunteered to replace Terry Knowles as Weare's representative. This is a four year commitment.

Chairman Clow moved, Selectman Bohl seconded to appoint Wendy Stevens to the SNHPC as Weare's representative for a period of four years. Passed 5-0-0

Planning Board Member ó Bruce Fillmore would like to fill the full member vacancy on the Planning Board created by the resignation of George Malette.

Vice Chairman Lacasse moved, Selectman Leary seconded to appoint Bruce Fillmore to a full member position on the Planning Board with a term to expire in year 2016. Passed 5-0-0

Sugar and Spice Lease ó The current lease expires in October 2014. They pay \$125 a month for the lease, no taxes, and pay their own utilities. Chairman Clow is hesitant on renewing the lease for 10 years.

Town Administrator Bolton told the Board that the IT person at the school is interested in reviewing the Comcast contract. She will give him a copy of the current contract to review and make suggestions to benefit the town and school. Selectman Lawton asked if they should notify residents that the contract is coming up for renewal and ask if they have any input before negotiations. The Board discussed putting a notification on the town website for feedback.

Farmer's Market ó Chairman Clow said that previously there was a private group, some of which were members of the Agricultural Commission, who ran the farmer's market. He asked the Board if they want the town to run the farmer's market. Currently, both markets in town are privately run. It was suggested that the green around the gazebo be used for anyone that wants to sell market goods on a certain day from a certain time. Selectman Leary noted that Wendy Stevens said that a town run market would alleviate some of the issues. Selectman Lawton said that if it is town run, it should be open to anyone to sell legal goods. The Board will review the information and have further discussion.

FINAL

There is 51.06% remaining in the total budget as of June 30, 2014. Town Administrator Bolton said that there is money encumbered from last year for the dash cameras; that \$21,015 rolled over and has already been taken out of what is being used. The money has not been spent, but the report makes it look like it has been spent. Chief Vezina has areas of concern with his budget such as, heating, vehicle maintenance, and he is over on the intercept line because some did not get encumbered from 2013 like it should have. Town Administrator Bolton told the Board that she spoke with Mr. Redmond and if the Board decided not to go forward with the pickup truck he will understand. The legal budget needs to be discussed; there are five pending suits in the Police Department. Town Administrator Bolton suggested instituting a discretionary spending freeze. Chairman Clow mentioned possibly telling all departments to plan ahead to under spend their budget by a certain percent. Selectman Lacasse noted that the department that is over should have a plan in place. On January 13, 2014 a motion was made to encumber the funds for cameras, not to spend, and no specific cameras were mentioned. The Board encourages all departments to pay attention to their budgets. The Board decided to hold on the pickup truck purchase for the Highway Department.

A compliant was received regarding signs at the intersection of Rt 77 and Rt 114. Chairman Clow said that when the sign policy was developed there was discussion as to what was a sign and if the sign was temporary or permanent. The discussion at the time was that a temporary sign did not qualify as a sign; sandwich board signs are an exception. Selectman Lacasse wants to look at the sign ordinance.

Town Administrator Bolton informed the Board that HealthTrust sent a summary to the Town regarding a return of surplus amounts to be distributed to the Town in 2014. The Town of Weare will be receiving two separate distributions shortly after September 1st. The first will be the final part of the 2011 surplus of \$6,052.06 and the second will be the 2012 surplus of \$17,433.29, totaling \$23,485.25. HealthTrust needs to know if the Board would like to receive the amount in the form of two checks or a Contribution Holiday (credit) to the Town's account. The Board felt the checks should be returned to the general fund.

Chairman Clow moved, Vice Chairman Lacasse seconded to have the surplus funds from HealthTrust totaling \$23,485.25 be received in the form of two checks. Passed 5-0-0.

Chairman Clow moved, Vice Chairman Lacasse seconded to enter into nonpublic session @ 9:58 p.m. pursuant to the authority granted in RSA 91-A:3II (a&c). A roll call vote was taken, Selectman Bohl – yes; Selectman Lawton – yes; Selectman Leary – yes; Vice Chairman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Vice Chairman Lacasse seconded to come out of nonpublic session @ 10:35 p.m. A roll call vote was taken, Selectman Bohl – yes; Selectman Lawton – yes; Selectman Leary – yes; Vice Chairman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Vice Chairman Lacasse seconded to seal and restrict the minutes of the nonpublic session. Passed 5-0-0.

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary