

FINAL



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
August 25, 2014**

PRESENT: TOM CLOW, CHAIRMAN; JENNIFER BOHL, SELECTMAN; JOHN LAWTON, SELECTMAN; JAMES LEARY, SELECTMAN

RECORDING SECRETARY: Cherry Palmisano

TOWN ADMINISTRATOR: Naomi Bolton

GUESTS: Heleen Kurk, Jan Snyder, Rick Gerrish, Andy Fulton

Chairman Clow moved, Selectman Lawton seconded to enter into nonpublic session @ 6:38 p.m. pursuant to the authority granted in RSA 91-A:3II (c). A roll call vote was taken, Selectman Bohl – yes; Selectman Lawton – yes; Selectman Leary – yes; Chairman Clow – yes. Passed 4-0-0

Chairman Clow moved, Selectman Leary seconded to come out of nonpublic session @ 7:07 p.m. A roll call vote was taken, Selectman Bohl – yes; Selectman Lawton – yes; Selectman Leary – yes; Chairman Clow – yes. Passed 4-0-0

Chairman Clow moved, Selectman Lawton seconded to seal and restrict these nonpublic session minutes. Passed 4-0-0.

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

PUBLIC COMMENT ó Heleen Kurk thanked Chairman Clow for attending Old Home Day on Saturday. The event was a success with a great turn out from the community. There were lots of activities and family and individual fun. The last of the 250th Committee's events is the Commemorative Luncheon which will be held on September 21st at John Stark High School. Activities will begin at 11:00 a.m. and lunch will be at noon. During lunch Weare's history will come alive. Tickets are \$10 per adult and \$5 for children under 12. A maximum of 250 tickets can be sold. The tickets can be purchased through Mrs. Kurk, Geri Lawton, and the school. To purchase tickets by mail write to P.O. Box 33 and state whether they would like a traditional turkey dinner or NE boiled dinner. There will be a spread of lots of other food offerings.

DEPARTMENT HEAD AND COMMITTEE ITEMS

Reappoint Full Member to Conservation Commission ó Andy Fulton told the Board that the Conservation Commission has been very busy and never have a short meeting. The Commission now has a Trails Subcommittee with three interested members and they would like to have five committee members as well as alternates. Jeremy Turner, Town Forester, will help with the trails. There is a full Conservation Commission with seven members. Mr. Fulton would encourage that Dave Ward, Trails Subcommittee, come before the Board. Mr. Fulton explained that the easement holder enforces conditions on property owners. The Commission has no policing powers and if the need was to arise they would work with the town police or state conservation commission. Selectman Lawton asked about signage for easement conservation properties to help make people aware of the lands available and asked if the Trails Committee could also work on signage. Mr. Fulton said that he will take that under advisement. Mr. Fulton said that they are working on trying to increase awareness of the

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conservation lands. The Commission will be holding a timber cut pre meeting for a bid exercise for the Poor Farm Town Forest next month.

Chairman Clow moved, Selectman Lawton seconded to reappoint Andy Fulton as a full member on the Conservation Commission for a three year term. Passed 4-0-0

Permission to use ATV on Class VI Road ó Richard Gerrish, Mountain Road, told the Board that he has lived in town for 23 years and loves the area. Mr. Gerrish is requesting permission to put up a ladder stand for the purpose of archery hunting. It is not a permanent stand and does not cause damage to the tree. He is also asking for permission to access Ferrin Pond Road with his ATV. Mr. Gerrish said that he is a responsible user of property and leaves no impact. Mr. Gerrish has been using the Class VI road for quite some time and was not aware that he was not allowed to until he was ticketed by Fish and Game. Mr. Gerrish presented the Board with a photograph of the sign that is covered by vegetation and not readable. He is not contesting the fine. Mr. Gerrish needs something in writing from the Selectmen and will need to carry written permission with him from the town at all times when out there. He does not take ATV off the Class VI road other than to park it. The sign is located on access point to Ferrin Pond on Mountain Road. Chairman Clow believes more signage may be necessary. It was noted that this is an individual case, the Board is not opening it up for public access for all ATVs. Chairman Clow said that it seems like they are opening the door for others to come before them with the same request. Selectman Bohl thinks that as town residents people should have access, they pay taxes.

Mr. Fulton told the Board that this is exactly what should happen, everything was presented accurately and there is no allowance for a free ride for the ATV on the Class VI Road. Mr. Fulton said that there is a wide diversity of concerns on the Commission. Mr. Fulton is not concerned personally with Mr. Gerrish getting approval and feels that he is a responsible rider to come before the Board to ask for permission. If the Board does grant permission Mr. Fulton thinks that conditions are a good idea and a possible annual renewal. Mr. Gerrish said that an annual renewal makes sense to him. Hunting is allowed in accordance with legal hunting.

Selectman Lawton moved, Selectman Leary second to permit Rick Gerrish the use of his ATV on the Class VI portion of Mountain Road for a period of one year from September 1, 2014 to September 1, 2015. Passed 4-0-0

Selectman Leary moved, Selectman Lawton seconded to grant permission to Rick Gerrish to install a temporary tree stand on Bartlett Ferrin Conservation Area. Passed 4-0-0

Approval of August 11, 2014 Meeting Minutes

Chairman Clow moved, Selectman Lawton seconded to approve the minutes of August 11, 2014 as amended. Passed 4-0-0

MANIFESTS

Checks dated: August 21, 2014

Weekly Payroll \$44,966.57

Chairman Clow moved, Selectman Leary seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated August 28, 2014. Passed 4-0-0

Accounts Payable \$861,925.79 (John Stark \$250,000; Weare School \$500,000)

Gross Payrolls \$46,549.63 (Includes taxes, credit union)

TOTAL \$908,475.42

Also to order the Treasurer to sign payroll checks dated September 4, 2014 which will include pay for EMT/Fire and Fire Monthly employees. In the event that last minute invoices come in, the Treasurer is also ordered to sign up to \$40,000 in Accounts Payable checks. Actual amounts paid and reports backing up the numbers will be included on the Manifest Memo at the next scheduled Board meeting.

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ADMINISTRATIVE REPORT

The Board signed a liability release form for Cub Scout Pack 24 and Troup 24 leaders to move trailers to Bolton Field.

The Board signed a deed for a cemetery creation lot. The deed was typed incorrectly and needed to be corrected. There is a manual accounts payable check that requires signatures from the Board because they previously voided a check that was already cashed.

Government Building and Maintenance ó Chairman Clow explained that the pad size did not match for the three steps, it was sized for two steps. Tim Hall, Milford Granite, suggested a 13 inch pad tied in with rebar, which matched up the step exactly with the pavement. The pad put down originally was 12 inches and cost \$900 and the second pad was an additional \$675. Chairman Clow feels responsible and would like to make it up with donation of rails. Selectman Leary was not comfortable with the idea.

Selectman Leary moved, Selectman Bohl seconded to expend an additional \$675 from the Charles and Ethel Eastman Fund for the additional concrete work at the Town Hall steps. Passed 4-0-0

Chairman Clow will check with Sherry Burdick and Chip Meany regarding the code requirements and specifications on what the Historical Society would like to see for railings at the Town Hall. Chairman Clow will try to get pictures from all possible vendors.

Chairman Clow and Mr. Meany will be meeting with the representative from Mast Road Grain on Wednesday at 4:00. The representative from the door manufacturer thought the problem with the doors could be cured with simple insulation to alleviate the gap. Chairman Clow said that they will be starting the process again. A local contractor replaced the board under the threshold and screwed the threshold to it.

Sugar 'n' Spice Lease ó The Board has agreed to enter into a five year lease agreement expiring in 2019. The lease specifies that \$50 will be entered into a separate account for maintenance monthly. Selectman Lawton thinks that the town should get monthly statements from the maintenance account. Sugar ñ Spice told Town Administrator Bolton that they just have one checking account and take all their expenses from that one account. Selectman Lawton said that the Board will not have authority on how the money is spent, but it should be done to uphold the lease contract. Town Administrator Bolton said that Sugar ñ Spice told her that the new Fire Chief has never been there for an inspection, there are no smoke detectors, no CO detectors, and no GFI or tamper resistant outlets. It will cost \$956.25 to install the combo units, outlets, and electrical panel repairs. Sugar ñ Spice is asking that the Town of Weare pay the bill. The lease states that Sugar ñ Spice is responsible for the expense. By consensus, the Board agreed to remove the line regarding the \$50 monthly deposit into a separate maintenance account. The lease agreement will be edited and brought back to the Board.

Comcast Contract ó The current contract expires in February 2015. The IT individual from the school met with Comcast regarding compatible equipment to record and play the Town Meeting on the cable channel. Chairman Clow mentioned that a recommendation was made by the Cable Committee that a certain percentage that comes from the cable franchise fee goes into the cable fund; it currently goes into the general fund. The town receives a check quarterly along with a breakdown from Comcast, which goes into the general fund to offset taxes. There was a signing bonus of \$30,000 to upgrade equipment.

Noise Ordinance ó Town Administrator Bolton sent an inquiry to the Municipal Managers Association and some towns approved their noise ordinance through town meeting and some through a zoning ordinance. Chairman Clow received a complaint about fireworks in a neighborhood at midnight. An email was sent to all Selectman and the police were contacted, but the police couldn't do anything because there is no noise ordinance. A noise ordinance would have to be voted on by the voters

2014-2015 Heating Oil/Propane ó Prices were received from five vendors. The town utilized 11,700 gallons of propane and 6,200 gallons of heating oil last year.

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Selectman Lawton moved, Selectman Leary seconded to accept the bid from Irving Oil at \$3.224 for heating oil and \$1.719 for propane. Passed 4-0-0

Chairman Clow attended a meeting of the East Shore Drive Association. He took a ride on the road to view some of the problems they have. There is encroachment of the road by people putting up fences. Chairman Clow said that he was told that at one point in time the Town of Weare maintained the road, but there is no space for the snowplow to turn around. There are areas of the road that are narrowed considerably. The Class VI road is 33ft, but there is further information that shows the road at 40ft wide. East Shore Drive is a town owned road, but not maintained. There are set back regulations and nothing should be in the town right a way. Selectman Lawton asked if people complained about some of the encroachments does the Board have any authority. The Board needs to review the Class VI Road State Statue. There are sixty lots and twenty full time/year round residents. Selectman Lawton asked about safety concerns if the town does not maintain the road. Selectman Leary commented that homeowners bought knowing it was a Class VI Road. There is an agreement and release form between individuals building on a Class VI Road. It was permissible to build on a Class VI Road if it was built before the 1980s there was no code enforcement because zoning came in after all those homes were built. There was a time when the town did maintain the road. There is no guarantee that safety services can reach the homes, most of which were once camps and are now insulated year road homes. The residents could petition the voters to upgrade to a Class V Road and share the cost over ten years dispersed through all property owners.

It was discussed that on June 9, 2014 the Board approved a change for the Finance Administrator to 30 hours. It has been questioned as to why it was not in the public meeting minutes. The Board made the motion for the change in nonpublic. If the Board chooses to unseal the minutes of the nonpublic they could. Town Administrator Bolton will bring the minutes to the Board to review and they can decide to unseal them or not.

Town Administrator Bolton will draft permission letters for Rick Gerrish.

OTHER BUSINESS ó Selectman Lawton said that he thought the new computers that were purchased came with monitors and keyboards. The new monitors have never received and he would like to know where they are. Town Administrator Bolton will do some research. Selectman Lawton asked if Spaulding ever got the mounts for the cruiser laptops. Town Administrator Bolton spoke with Chief Velleca and she got ahold of the HP Company. The laptops have a different cradle and she is waiting to hear back from the Chief. Selectman Lawton said that they were supposed to include computer, cradle and keyboard, but they only got the computer. He said that it is very frustrating when things are put out to bid and they do not follow through with bid process.

Selectman Lawton mentioned that he read in the newspaper about a Goffstown residents that had a problem with the end of their driveway. The residents are going to repair the damages created by the town, but are being asked to pay a \$100 fee to permit the repairs. He wants to be proactive. It was mentioned that there was another resident that put solar panels on their home and was taxed more. Chairman Clow said that an article was passed at Town Meeting so that does not happen in Weare; if add solar to your home it is not evaluated for a ten year period. The Town of Weare does not charge for driveway permits. Chairman Clow noted that Tim Redmond is very sensitive to individual driveways. Selectman Lawton said that there are fees for everything and he thinks that some of those fees are ridiculous. The selectman can look at the ordinance and it can be changed at a public hearing with 30 days notice. Selectman Lawton would like to look at it.

Selectman Leary received another email with pictures of lawn not being maintained per the contract and feels there needs to be some recourse. Selectman Bohl noted that the lawn care contractor has a lot of excuses and no means to rectify. Selectman Leary said that the Board has had several meetings with the lawn care contractor this year, but he is still receiving calls. Chairman Clow mentioned possibly breaking the contractor out to different companies in the future. Selectman Leary said that if a company is bidding on the contract they should be big enough to do the job. The lawn care contractor is in the first year of the three year contract. The Board will have further discussion on September 8th.

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ADJOURNMENT at 9:40 p.m.
A True Record.

Cherry Palmisano, Recording Secretary