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**WEARE BOARD OF SELECTMEN
MEETING MINUTES
October 20, 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: Tina Connor, Frank Campana, Deputy Chief Sean Kelly, Heather Payeur, Todd H. Prevett, Heather Hamel, Walker Smith, Jan Snyder, Rick Brown

7:00 p.m. Chairman Clow called the meeting to order.

PUBLIC COMMENT ó Todd Prevett, former Prosecutor for the town, would like to submit a proposal to the town to be hired as the town's prosecutor again if the town was looking for different options. Chairman Clow suggested that the proposal first go to the Town Administrator for review and will then be distributed to the Board.

DEPARTMENT HEAD AND COMMITTEE ITEMS

Chairman Clow said that as people know there has been a lot in the news about what has happened in the Police Department over the last several weeks and the most recent issue that has resulted in Chief John Velleca's letter of resignation last week. This is the first meeting of the Selectmen since Chief Velleca submitted his resignation.

Vice Chairman Lacasse moved, Selectman Leary seconded to accept the resignation of Police Chief John Velleca effective immediately.

Selectman Lawton is not sure how accepting the resignation would affect the contract with the Police Chief. The contract states that the town will be given 60 days' notice unless otherwise agreed upon by all parties in writing. Vice Chairman Lacasse noted that Chief Velleca is submitting a letter of resignation and the Board can follow up with a letter accepting the resignation in writing. Chairman Clow said that under the circumstances Chief Velleca is assuming no further compensation.

Passed 5-0-0

Appointment to Trails Subcommittee ó Chairman Clow noted that he is very glad that a Trails Subcommittee has been established. He asked Heather Payeur what stimulated her to become involved. Ms. Payeur told the Board that she and her family have been involved with a lot around town. Her step children hike around town, have been working on their Eagle Scout Projects, and would like to assist. The subcommittee was just formed in August and she has not been to any meetings. Ms. Payeur said that she was told the Trails Subcommittee is planning to start with the Eastman Trail near the High School. Selectman Lawton said that he is hoping that the Trails Subcommittee will address conservation land and identify their entrances. Ms. Payeur will be the third member to the subcommittee. Chairman Clow mentioned that when the conservation area was first established people expressed interest in a mountain bike trail that connected to the Pat's Peak Area.

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Vice Chairman Lacasse moved, Selectman Leary seconded to appoint Heather Payeur to the Conservation Commission Trails Subcommittee for a term of three years. Passed 5-0-0

Cram Road Logging Update ó Tim Redmond, Public Works Director, met with Cersosimo Lumber regarding their request to use Class VI, Cram Road. Mr. Redmond noted that he is not advocating on behalf of Cersosimo Lumber. Cersosimo Lumber is offering a \$5k bond to cover damages to roads, will deliver five log truck loads of firewood to the town to be used by Weare citizens in need, and suspend trucking on Cram Road at the times of school bus travel. Mr. Redmond contacted NH DOT regarding the culvert and if the lumber company were to use tractor trails, they would have to get overweight permits issued by DOT Department of Motor Vehicles. Mr. Redmond has a letter signed by the residents of Cram Road stating that they support the Road Agent's concerns with the logging company utilizing Cram Road. Cram Road is a narrow road, the conditions are poor, and children are walking to and from the bus stop. The road cannot accommodate two normal size cars. The petition from the residents is asking the Board to take their concerns into consideration and support the Road Agent when making a decision. The petition from the residents of Cram Road was delivered to the Town Office in an envelope marked urgent that was addressed to Naomi Bolton and Tim Redmond.

Town Administrator Bolton received legal opinion from Attorney Laura Spector. Her response was the town cannot tell the logging company that they cannot use the road, but can say that they cannot upgrade the Class VI road. Mr. Redmond said that if it is an issue of cost to the logger it is not the Town of Weare's concern that it would cost the logger more to go out through Frankestown. Mr. Redmond said that Weare has no financial gain for this logging operation that is located in Frankestown.

Currently a pickup truck can barely drive through Cram Road, therefore a fully loaded logging truck cannot make it through. Selectman Lawton is concerned that they don't have an option to stop them. Mr. Redmond said that the \$5,000 bond amount was a number that the logger was agreeable to, but if the bond amount is not agreeable the town can ask for a higher amount. Selectman Lawton said that if they don't agree to this, the logger does not have to put up bond, does not have to agree to any time constraints, and won't donate any wood.

Chairman Clow said that they could let the logging company upgrade the road and have the controls outlined in the letter, let the logger make the decision to go through Frankestown, or wait until winter and build a snow road. The logger confirmed approximately 115 trips in and 115 trips out, which averages out to five trips per day, 4-5 days a week.

Selectman Leary did not know about the option of a snow road and feels they should consider the letter with conditions. Vice Chairman Lacasse would like to discuss a more realistic bond amount and have Mr. Redmond negotiate an agreeable bond amount. The logger does not want to do the job in the winter and prefers to drive on dry road. Selectman Leary wants to acknowledge the petition from the residents of Cram Road and thinks that by agreeing to the conditions in the letter is the safer way. Mr. Redmond told the Board that he would have to review the road in detail to calculate a bond estimate that would be agreeable.

The Police Department will have to enforce trucks going too fast or not giving right way to the residents.

Should the logging company exceed the load amounts and damage the culvert their insurance company would have to pay for it.

The logger intends to video tape the entire road at his expense and will provide a copy to the Board.

Selectman Leary moved, Vice Chairman Lacasse seconded to allow the upgrade of Class VI portion of Cram Road and to allow Cersosimo Lumber to use Class VI Cram Road with the stipulations outlined in their letter, with a proper bond amount to be negotiated and agreed upon between Mr. Redmond and Cersosimo Lumber Co. Passed 3-2-0; Selectman Bohl and Chairman Clow were opposed.

Mr. Redmond stated that Cersosimo Lumber will need signed written authorization.

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TAX RATE SETTING

Chairman Clow withdrew his proposal of putting unanticipated revenue from the flood control project and assigning to it to a Capital Reserve Fund because the revenue was already calculated into the revenues.

There have been years that the overlay is adjusted which is at \$15k, but there is already \$12k in abatements to be paid out and they have to leave something in there, therefore the overlay amount should probably stay the same. There is \$211,992 remaining in the bridge bond and will be spent out, which brings the retained amount to \$1,247,210. If the Board were to \$100k out of the Unassigned Fund Balance and apply it towards tax relief there would be slightly more than 5% remaining in the fund. This would bring the tax rate increase down \$.12 to reflect \$3.98 for the town tax rate. The Town Clerk added \$50k additional in revenue projection in October. The town's assessment as of April 1 is \$819,615,914. Selectman Lawton noted a discrepancy, which needs to be clarified. Chairman Clow said that their option is to wait a week to set the tax rate until they get clarification. Jan Snyder questioned the amount in the Unassigned Fund Balance. The net appropriation is \$3,361,038. Chairman Clow said that if they go with the state figure the town tax rate would be \$4.10 and overall \$22.45, but if they offset with \$100k from the fund balance the tax rate would be \$3.98 and overall to \$22.33.

Selectman Lawton moved, Selectman Leary seconded to set the Tax Rate at \$22.33 by applying \$100k out of the Unassigned Fund Balance to offset taxes.

Ms. Snyder noted that it is getting harder to borrow. Previously banks would allow them to borrow as needed, but now if you apply to borrow money and do not use it the Town will still have to pay interest if it is drawn down or not. Interest rates are around 2% or less, but the town would be paying interest on the whole amount, whether it was spent or not.

Vice Chairman Lacasse is not supportive of the motion to use \$100k from the Unassigned Fund Balance and would rather be in the position of not having to borrow money.

It was noted that there is over \$1 million still due in taxes. Last year 7% was retained in the Unassigned Fund Balance and if the Board does not apply any money from the Unassigned Fund Balance it will still be less than 7%.

Ms. Snyder commented that she believes there is another \$208k in the fund.

Failed 2-3-0; Chairman Clow, Selectman Bohl, and Vice Chairman Lacasse were opposed.

Vice Chairman Lacasse moved, Selectman Bohl seconded to set the Tax Rate at \$22.45. Passed 3-2-0; Selectman Lawton and Selectman Leary were opposed.

MEETING MINUTES

Vice Chairman Lacasse moved, Selectman Leary seconded to approve the minutes of October 16, 2014 as written. Passed 4-0-1; Chairman Clow abstained

Chairman Clow moved, Selectman Leary seconded to approve the minutes of October 13, 2014 as amended. Passed 5-0-0

REVIEW OF 2014 BUDGET

Town Administrator Bolton told the Board that as of Friday there is 22.75% remaining in the 2014 budget. There is \$9,433 from September's legal bills and remaining payroll in October to take out which will leave 16.6% remaining at the end of October. She asked the Board if they want to implement a freeze right away. This means that every purchase would need to be approved by the Town Administrator Bolton before it is ordered. Chairman Clow thinks it would be sensible to freeze and just spend essentials. Even with a freeze, the department head would still be allowed to come forth and make a case for something being essential. Purchase Orders are up to date, but there are a few that may need to be double checked. Ms. Connor noted that there are some that are

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still inputting Purchase Orders while the invoice is in front of them. The consensus of the Board was to initiate a spending freeze immediately.

MANIFESTS

Checks dated: October 16, 2014

Weekly Payroll \$40,701.21

Chairman Clow moved, Selectman Bohl seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated October 23, 2014. Passed 5-0-0

Accounts Payable \$346,693.04 (John Stark \$250,000)

Gross Payrolls \$45,401.17 (Includes taxes, credit union)

TOTAL \$392,094.21

Also to order the Treasure to sign payroll checks dated October 30, 2014. Actual amounts paid and reports backing up the numbers will be included on the Manifest Memo at the next scheduled Board meeting.

POLICY AND PROCEDURE REVIEW ó The Board discussed utilizing the Noise Ordinance from New Jersey as a template. Vice Chairman Laccase proposed the following wording: Firearm noise produced from backyard target practice ranges shall not continue for longer than three hours per day from the time the first round is fired. Selectman Lawton would like a window between 9-5 am. Deputy Chief Sean Kelly suggested making inquiries to surrounding towns to what problems they have had and what could be upheld. He will send out inquiries and provide them to the Board. Chairman Clow noted that a lot of the ordinances they reviewed talked about decibel levels, some nuisances in general, and varying time frames. Deputy Chief Kelley said to refer to comparative noises and leave it subject to the person enforcing. Selectman Leary does not want to leave it to be subjective. Deputy Chief Kelly commented that instruments used to measure decibels is extremely difficult to use and uphold in court and when appropriately challenged the town council referenced the models to be more enforceable. Durham utilized comparative noise with significant success verse specific decibel readings to determine what the ordinary person would be disturbed by during specific hours. Chairman Clow said that time issues and length of time are of concern. The Board is not ready to adopt an ordinance tonight. Deputy Chief Kelly will check what models are presently being used throughout the law enforcement community, being enforced, and upheld in court.

ADMINISTRATIVE REPORT

Inventory ó Town Administrator Bolton has each department's lists with the exception of the Police Department and DPW, but has not had the time to input them into the software program. The Fire Department has provided an inventory of their office stuff. The Town Office building has been inventoried with the exception of what is currently stored in the basement. She will get someone to do an inventory of what is currently stored in the basement to be disposed of and will create the list.

Government Building & Maintenance Project ó Chairman Clow said that one railing at the Town Hall was installed on Wednesday. It took eight hours to drill three holes in the granite so the company will have someone with a more powerful drill complete the installation. What has been done was well done with nice workmanship. Chairman Clow met Wednesday afternoon with Dave Caldwell from Mast Road Grain. He is waiting on a breakdown of what the doors themselves cost, slab vs. whole unit, to accurately compare. The doors that are being proposed are more money. Chairman Clow said that they will need to get estimates to install and paint the new doors to get the company to come down on their price to cover that cost. They are proposing a heat treated wood that is guaranteed against rotting and warping for 20 years. The town should only pay for the upgrade on the material of what they previously bought.

2015 Budget Meetings ó Town Administrator Bolton has met with some of the smaller departments and the three larger departments will be scheduled to meet with the Board as follows: November 10th ó Fire Department;

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November 17th ó Public Works Department; November 24th ó Police Department with the rest of the smaller departments fit in between or on a completely separate night.

Town Administrator Bolton has a Purchase and Sales agreement between Mr. and Mrs. Gordon Brown and the Town with a \$1k deposit to be signed and the final papers will be passed by the end of the year. There are 41+ acres which includes the red building on East Road. The agreement indicates that the town can purchase the property with a one year lease, but a multi-year lease has to go to Town Meeting. There was a meeting the President of the Weare Historical Society and Jack Dearborn and a lease agreement was provided by Attorney Laura Spector. All the items listed on the lease agreement can be negotiated except for the taxes. State law does not allow the taxes to be negotiated. The Historical Society will receive a tax bill for the building and then will have to apply for an abatement. The Historical Society does not want to be responsible for a monthly utility bill for the electricity for the well, but is willing to share the cost with the cemetery if the cemetery decides to have a well put in to provide water for the cemetery. Currently the plan is just for the Historical Society to utilize the building for storage. The purchase and sales agreement provides for a one year lease, with the understanding that a long term lease would be voted on at Town meeting. The Historical Society will cover the insurance cost for the contents only. This will be a town owned building that is leased. The Purchase and Sales agreement states that the building must be for Historical Society use, largely because the Mildred Hall Fund was part of the funding mechanism. Cy Pres funds will be used for the balance. Because it will be town owned and maintained, by accepting the town is taking on the maintenance. Chairman Clow spoke with Sherry Burdick about the use and she informed him that the Historical Society has some larger pieces of equipment that they could store there. Jack Dearborn asked that they start with the Purchase and Sales and work out a lease agreement. An article to approve a 99 year lease will be on the 2015 warrant. Town Administrator Bolton said that the Board is being asked to sign the P&S now and then they can have the individuals involved in to discuss the lease. Selectman Lawton asked if Chip Meany has reviewed the condition of the building. Vice Chairman Lacasse noted that this is the first time the Board is seeing the P&S and he would like time to review. The cost of a hazardous waste assessment would be born by the town, but the Board did not think it was necessary. Selectman Leary does not think the town should be responsible for upkeep of the building. Town Administrator Bolton will forward the P&S to each Board member to review and put the discussion on the Agenda for next Monday's meeting.

Town Administrator Bolton told the Board that there is a Supplemental Agreement with Army Corp of Engineers for the Town of Weare fire tower at Everett Lake that requires a signature.

Chairman Clow noted that he does not think that a public hearing to accept the flood control money is necessary. Town Administrator Bolton will get confirmation.

Chairman Clow moved, Selectman Leary seconded to authorize the Town Administrator to sign the Supplemental Agreement with the Army Corp of Engineers. Passed 5-0-0

Vice Chairman Lacasse moved, Selectman Bohl seconded to enter into nonpublic session @ 9:22 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 @ 10:20 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, Selectman Leary moved to seal and restrict the minutes of this nonpublic session. Passed 5-0-0

ADJOURNMENT

A True Record.

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Cherry Palmisano, Recording Secretary