

FINAL



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
October 27, 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: Jack Dearborn, Jan Snyder, Tina Connor, Frank Campana, Tim Redmond, Sherry Burdick, Heleen Kurk, Susan Winsor, Lori Davis

Chairman Clow moved, Selectman Bohl seconded to enter into nonpublic session @ 6:34 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, Selectman Leary seconded to come out of nonpublic session @ 7:15 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 seconded to seal and restrict the minutes of the nonpublic session. Passed 5-0-0

7:16 p.m. Chairman Clow called the meeting to order.

PUBLIC COMMENT

Sherry Burdick asked why the town as a whole is not using fluid film on their vehicles to prevent rust. She noted that fluid film is being used in many different towns and on a variety of equipment to cut down on the maintenance of equipment. Tim Redmond said that they already purchased some and also purchased the applicator to begin applying to all Public Works equipment.

Frank Campana noted that the Board approved the tentative tax rate and sent it off to the state. The town rate reflects an increase of \$.80, which he feels is unfortunate. He said that with the numbers they had in front of them they did the best they could with Vice Chairman Lacasse's proposal. Mr. Campana said that if the numbers are subject to change, he would like every member to reconsider their vote last week and consider some reduction. He hopes that the numbers are accurate, whether revenue or budget numbers, if the tax rate stays at \$.80 hope it comes as a shock to the taxpayers and hopes they can figure out the increase. Some of the increase is due to the way the voters voted in March. Mr. Campana said that he is a senior, but he does not depend only on Social Security to live. He told the Board that he read that Social Security will increase by 1.7% reflecting an increase of \$240 next year. The \$.80 increase does not include the school. He commented that a \$225,000 house reflects a \$180 increase for the year, leaving those on SS with \$60 to pay their increases in utilities and cost of living. Mr. Campana hopes that the Board will consider giving some money from the fund to reduce taxes.

FINAL

PURCHASE AND SALES AGREEMENT: Lease Agreement on Gordon Brown Property on East Road, Jack Dearborn noted that Boards discussed the Purchase and Sales Agreement last week. In 2013 they all discussed the possibility of purchasing Gordon and Paula Brown's property on East Street and at the time the Board was supportive. Mr. Dearborn said that the Trustees of the Trust Fund have approved both the Cy Pres funds of \$85k and \$85k from the Charles and Ethel Eastman Fund. The Trustees have all the documentation and the intent going forward is for the property to be used for cemetery expansion and the use of the building by the Historical Society for cold storage of their equipment.

The Trustees noticed that there was an issue with Cy Pres, because according to the RSA it can only be used for cemetery purposes. They Met with Laura Spector, Town Attorney, and she agreed there is an issue with Cy Pres having two uses on the deed. The secondary use could be obtained through a lease of the property. The long term lease would be for the Historical Society to use the building. Mr. Dearborn asked the Board to approve the Brown P&S so that they can move forward and also to approve the lease. He is also asking for the Board to vote to bind the Board to put an article for a long term lease on the 2015 warrant so they don't have to renew every year. Currently the town can only approve up to a three year lease and anything over that requires town meeting approval.

Mr. Dearborn clarified that the \$170k for the 40 acres is not coming from tax dollars. Half of the money needed is coming from Cy Pres funds, which come from the sale of lots and accumulates over time. The amount of land set aside years ago for cemeteries is being used up so having these 40 acres, 20 acres of which is very conducive for burials, is a benefit to the town. The other \$85k is coming from the Charles and Ethel Eastman Fund and was approved by the Board and Trustees.

Mr. Dearborn said that Mr. Brown has been very patient and is now anxious to get this finalized. Mr. Brown set the price of \$170k, the certified appraisal came in at \$180k and if he were to sell with gravel rights it would be substantially more. The three buildings are in very good shape. The roofs are aluminum on two of the additions and steel on the original. Mr. Brown sees this as part of his wish to help the town, as well as the cemetery and Historical Society, which he thinks very highly of. The deed will be in the town's name. Selectman Lawton commented on the barn being very large and not being sure how much the Historical Society has to store. Chairman Clow said that when they originally voted on this and to use the Charles and Ethel Eastman Fund, the building being used by the Historical Society was all spelled out. The Mildred Hall Committee was also presented with the use by the Historical Society.

Selectman Lawton asked if they got a report on the barn from the Building Inspector. Town Administrator Bolton said that the Building Inspector was supposed to go there today, but she did not get a report from him before he left. Mr. Dearborn said that the building is part of the property, this was the case going forth from the beginning. Selectman Lawton said that the lease says that the Historical Society will maintain the building. Sherry Burdick said that is not the agreement. Mr. Dearborn said that the building has been repaired and re-sided in the past two years because Mr. Brown was preparing it for sale. Mr. Dearborn told the Board that he would like to meet Mr. Brown's 2014 deadline. Mr. Dearborn said that they cannot transfer the title until the lease is agreed too.

Vice Chairman Lacasse moved, Selectman Bohl seconded that the Board of Selectmen sign a Purchase and Sales Agreement between Gordon and Paula Brown and the Town of Weare for a 42 acre parcel, Tax Map Lot #203-94, on East Road. Passed 4-1-0; Selectman Lawton was opposed

The lease agreement was revised by Laura Spector. The lease is for one year to get to Town Meeting and then the Board is obligated to put it on the warrant for the voters. Chairman Clow mentioned that the lease time could be changed. Vice Chairman Lacasse said that the voters would need more information for a 99 year lease. Chairman Clow said that before they went with a long term lease there would have to be some negotiations between the Historical Society and the town. Mr. Dearborn told the Board that he is representing Mr. Brown's

FINAL

intentions and his great service to the town in 20 acres for burials. The barn is for cold storage, there is no heat, water, or electricity. If in the future the Historical Society wishes to make it more they will have to come back to the Board. There is a well that Mr. Brown installed, which he believes would be beneficial to the cemetery. There is also a state spec septic system, which Mr. Brown used to dump his sewer from his RV. There is no intention of using the well in the foreseeable future, but if the Historical Society wishes more of the barn, the Board will have to approve. Mr. Dearborn encouraged the Board to act on the one year lease so that they can pass the papers. Selectman Leary asked why they would afford one town owned building the option of not doing the maintenance, when another building being leased is maintained by the leasee.

Vice Chairman Lacasse moved, Selectman Bohl seconded to authorize the Board of Selectmen to sign a lease agreement between the Town of Weare and the Historical Society for the lease of three attached buildings located on property owned by the town at Tax Map Lot #203-94 for one year. Passed 4-1-0; Selectman Lawton was opposed

Chairman Clow moved, Selectman Bohl seconded that it is the Boards intent to sign the one year lease and draft a lease to be put forth to the voters in March 2015. Passed 4-1-0; Selectman Lawton was opposed

DEPARTMENT HEAD AND COMMITTEE ITEMS

Discuss Transfer Station Hauling Contract ó Tim Redmond, Public Works Director, told the Board that the trash hauling contract expires on December 31, 2014. He received a letter from Sizemore Trucking offering to extend the contract for three years; January 1, 2015 to December 31, 2017. Sizemore Trucking is requesting an increase of \$5.00 per load on their current rates. The \$5.00 increase per load reflects a 1.92% increase annually in the contract. Sizemore Auto and Truck has been extremely dependable and are local. Mr. Redmond asked the Board to consider the request to extend the contract for a three year period.

Selectman Leary moved, Vice Chairman Lacasse seconded to extend the Hauling Contract with Sizemore Trucking from January 1, 2015 to December 31, 2017 with an increase of \$5.00 per load annually.

Selectman Lawton asked that if according to their operating procedures, are they required to go out to bid. Mr. Redmond said that the Board executed a contract extension last year for one year of hauling. The Board could choose to waive the purchasing policy if it is in the best interest of the town to do so. Selectman Lawton does not know if it is in the best interest of town until it goes out to bid. Vice Chairman Lacasse said that if it is reasonable and they are happy with the service to the town, it is in the best service of the town.

Passed 4-1-0; Selectman Lawton was opposed

TAX RATE SETTING DISCUSSION

Tina Connor, Finance Administrator, explained the process that she goes through until tax rate setting time, which is now all done electronically. She told the Board that the bridge bond money was not handled the way it should have when enacted many years ago. She has to report the whole amount of the bridge repair as an expenditure. There are different forms asking for different information, she missed it, and it was showing in two different places. There are different forms throughout the year that she has to prepare and submit to DRA. There really was \$200k more in the fund balance than the sheet from DRA indicated last week.

Vice Chairman Lacasse moved, Selectman Bohl seconded to take \$200k from the Unassigned Fund Balance and apply it towards the tax rate, reflecting \$3.86 for the town portion and a total tax rate of \$22.21.

Jan Snyder told the Board that she has called the banks. The town has always done business with Northway Bank, but they will not lend to the town unless they get the town's full banking relationship. Ms. Snyder also called TDBank, which will lend at 1.75% and Citizens Bank will give the town a rate if the town has a problem.

FINAL

There is one complication generally, the banks like the last three years of audits, but because the town does not have the 2013 audit they may take the MS5, but could bump the rate up if they don't have the 2013 audit. Ms. Snyder received rates based on \$2m at 1.75% for 50 days, which would cost \$4,861.11 and then \$1m, which would cost \$2,430.55. Ms. Snyder noted that the Board will also need legal opinion. There is \$700k actual cash on hand. Ms. Snyder suggests that the max the Board borrows is \$200k. Ms. Snyder explained that last October Chairman Clow had Town Administrator Bolton prepare a sheet reflecting when all forms were due to DRA and suggest that the Board assign someone to make sure that those forms are given to the Board.

The passing of Vice Chairman Lacasse's motion would reduce the tax rate by \$.25, it may cost \$4,500 to borrow money if needed, but in return the town would get \$.25 in tax relief.

On December 17, 2014 \$936,286.00 is owed to the County. If tax bills go out by Friday and are dated November 1st they will be payable December 1st.

Passed 4-1-0; Selectman Leary was opposed

Town Administrator Bolton distributed a sheet regarding the tax rate, which explains where they were off in setting the tax rate last week. She took what was voted on at Town Meeting and listed what was passed. Last week they used the tax impacts for the articles and the estimated revenue. The actual revenue went down between March and setting the tax rate and was revised. The town lost the SRO and the Transfer Station recycling was less than anticipated. The town portion went down approximately \$78k, reflecting a bottom line of \$4.11.

MEETING MINUTES

Chairman Clow moved, Selectman Lawton seconded to approve the minutes of October 20, 2014 as amended. Passed 5-0-0

MANIFESTS

Chairman Clow moved, Selectman Leary seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated October 30, 2014. Passed 5-0-0

Accounts Payable	\$456,052.50	(Weare School \$450,000)
Gross Payrolls	<u>\$40,410.46</u>	(Includes taxes, credit union)
TOTAL	\$496,462.96	

Also to order the Treasure to sign payroll checks dated November 6, 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 Town Administrator Bolton explained to the Board that she did not have time to work on any policies because she spent most of her week calculating where the tax rate was off.

ADMINISTRATIVE REPORT ó Town Administrator Bolton told the Board that the insurance premiums are increasing and she provided Board members with confidential backup information detailing the increases. The cost increase is public information and will become part of the tax rate. Worker's compensation has increased from \$80,998 to \$93,151 reflecting a 15% increase. The unemployment compensation has increased from \$19,789 to \$27,694 reflecting a 39.9% increase. Property and liability has increased from \$193,146 to \$386,295 reflecting an increase of over 100%. The increase caused the town to be put into a separate bracket and each liability claim will have a \$10k deductible going forth; Primex suggests that the town hold \$50k.

Chairman Clow said that the holes are all drilled for the handrails at the Town Hall. The railings will be installed the beginning of this week. There is nothing new to report on the doors.

FINAL

Sean Kelly sent the Board two Noise Ordinances from other towns. The Board members need time to review the ordinances and will discuss the ordinance again in two weeks.

Town Administrator Bolton will schedule a meeting with Primex at Vice Chairman Lacasse's request.

PUBLIC COMMENT ó Jan Snyder explained to the Board that she came to last week's meeting with the Town Report and the MS535. She had no knowledge of what was on the DRA tax setting sheet until she asked for a copy of the sheet that was distributed. Ms. Snyder said that just brought up the fact of the balance difference so that the Board could make a decision based on both numbers. She knew that there was \$1.4 remaining in the Unassigned Fund Balance. Chairman Clow said that he would have been uncomfortable with making two decisions last week. The Board appreciated Ms. Snyder bringing the information forward.

Lori Davis told the Board that there is no excuse for the tax rate not to have been set sooner. She noted that are dates for the information to be done and there needs to be accountability and the town need not to be borrowing money. She asked the Board to please stay on top of the people responsible.

Chairman Clow moved, Selectman Bohl seconded to enter into nonpublic session @ 9:08 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, Selectman Bohl seconded to come out of nonpublic session @ 10:00 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 Lawton seconded to seal and restrict the minutes of the nonpublic session. Passed 5-0-0

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary