

FINAL



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
March 2, 2015**

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

RECORDING SECRETARY: Cherry Palmisano

TOWN ADMINISTRATOR: Naomi Bolton

GUESTS: Frank Campana, Jan Snyder, Jason Way, Doug Alwine, Lori Davis, David Recupero, Pat Sullivan, John Vanloendersloot, Richard Butt, Bill Bolton, Wayne Hood, Stephen Najjar, Stephen Flanders

Chairman Clow moved, Selectman Bohl seconded to enter into nonpublic session @ 6:32 p.m. pursuant to the authority granted in RSA 91-A:3II (b). 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 @ 7:10 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

The reason for the nonpublic session was to interview a potential DPW employee; discuss the promotion of another DPW employee; and review the petition for a new collective bargaining unit for the DPW.

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

PUBLIC COMMENT

Steve Najjar, Pondview Road, said that the Right to Know request that he made has not been adequately responded to. There has been a long standing issue on Pondview Road with his neighbor Janet Wilson, who is a dog breeder. Chip Meany had issued a cease and desist. Mr. Najjar told the Board that he heard Mrs. Wilson was going to the ZBA for a variance. He emailed Chief Kelly on February 2nd asking for all the dog related complaints that the Police Department has handled since the Wilsons have resided on his road. He was told it was going to legal counsel. On February 9th he again requested all dog related complaints citing the Right to Know law and received an email back from Chief Kelly stating that because of legal rights he was referring all requests for documents to the Town Administrator. Mr. Najjar stated that the town has five days to respond to a Right to Know request. Mr. Najjar said that if Mrs. Wilson goes to the ZBA he will have to get legal counsel and fight. The situation has been disruptive to his life. Town Administrator Bolton said that she will get him a response as soon as possible. Mr. Najjar said that it has been 30 days. Town Administrator Bolton will provide a response by Friday. The Board does not get notified of Right to Know requests. Vice Chairman Lacasse requested that all future Right to Know requests be forwarded to the Selectmen when they are received. Selectman Leary told Mr. Najjar that if he does not get a response to let him know.

Richard Butt said that the default budget has been changed after the Deliberative Session and according to the RSA it can only be changed if the Board is acting on new relevant information. He would like to know what new

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information the Board received. Chairman Clow said that they were threatened with a lawsuit by a Finance Committee member, and perhaps backed by other members, concerning the default budget. In response to that and at the advice of the town's legal counsel Laura Spector, the Board made changes in the default budget to make it somewhat acceptable to the attorney and his clients. As a result, they ended up with a default budget that was \$9,028 less than the one presented at Deliberative Session. There was a motion made at the Deliberative Session to substantially reduce the proposed budget. The Board went through the default budget and made changes, which were agreed to even though they were substantially different from their proposal. The Board worked with Laura Spector. Chairman Clow said that this does not meet "new information" as Mr. Butt presented it, but that is what was behind the change. Mr. Butt said that there were key items that were an issue. Chairman Clow said that their attorney asked them to go through and follow the procedures that most towns follow moving the figure over from the default itself. If they had a figure lower than the previous years accepted budget, they moved that lower number into the default. The Board took out \$40k in the insurance line that Primex recommended they have in the budget, but other things went back in on the advice to attorney. Mr. Butt said that the overtime in the Highway budget was decreased in the default from proposed, which he thought was based on a salary increase, not increased hours. The things that changed, were not just taking items out, but putting items back in. Mr. Butt is concerned with this being the philosophy on how the Board will operate; strictly on dollar figure. Chairman Clow said that at this point of time, based on counsel recommendations, that is how. Mr. Butt is concerned with lawyers telling them how to do things. Town council does not review individual default line items; the only governing body that reviews line items is DRA. Mr. Butt asked if DRA was involved in this process. Chairman Clow said that it was the Board's decision to negotiate the default budget rather than to deal with any legal action. Vice Chairman Lacasse said they went through every single line, read the law, and applied numbers based on the law. Mr. Butt asked the Board to see what DRA has to say, as far as he knows DRA did not reject the initial default budget. Town Administrator Bolton said that DRA was notified they were meeting. DRA did not have a problem with the initial budget. Mr. Butt said that DRA is the group that will determine the default budget. Selectman Lawton noted that this sets a dangerous precedence going forward and it is possible that in the future the default budget could be higher than the proposed budget. Chairman Clow said that when they asked DRA they were told it was up to the Board. Mr. Butt asked the Board to find out who is responsible for the default budget.

Lori Davis told the Board that she is on the Finance Committee. She said that the Finance Committee is not responsible for what was done and there was no discussion on the Finance Committee. The Finance Committee was never approached and as a resident she did not have a hand in what happened.

DEPARTMENT HEAD AND COMMITTEE ITEMS

Chairman Clow noted that the purpose of the nonpublic was to interview a possible candidate for the Public Works Department and discuss a promotion of another employee.

Tim Redmond, Public Works Director, said that there was a resignation in the department. He had Jason Way's application from the last hiring round still in the file, who was one of the two choices for the position that was filled. Mr. Way is a Frankestown resident. Mr. Redmond is recommending Jason Way for employment in the Public Works Department as a Truck Driver/Transfer Station Attendant.

Selectman Leary moved, Vice Chairman Lacasse seconded to hire Jason Way as a Truck Driver/Transfer Station Attendant at a rate of \$15.30 per hour with a start date of March 9, 2015. Passed 5-0-0

Mr. Redmond said that Benji Knapp went to the Town of Deering as their Road Agent leaving an opening as foreman in the Highway Department. Mr. Redmond is recommending that Gerard Turco be promoted to the Highway Department Foreman.

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Selectman Leary moved, Vice Chairman Lacasse seconded to promote Gerard Turco as Highway Department Foreman at a rate of \$19.00 per hour. Passed 5-0-0

Mr. Redmond noted that both employees will be on a six month probation before they reach their threshold to be permanent employees in their positions.

Ryan Boisvert tendered his resignation and is no longer with the Department of Public Works. Mr. Redmond placed an ad in the Union Leader, NHMA website, and of the Town of Weare website. He will begin accepting applications and bring forth recommendation when he has a qualified candidate.

Mr. Redmond told the Board that FEMA is trying to declare disaster for the area for the January 28-29 snowstorm. They are asking for a cost estimate from the town. Mr. Redmond submitted a full report, went through the process, and made a request to FEMA. The town's cost for the storm was approximately \$38k and if FEMA does get a declaration they will reimburse the town 75%.

DONATION OF RESCUE SLED FROM SNOWMOBILE CLUB

Wayne Hood, Weare Winter Wanderers Snowmobile Club Member, asked the Board to officially accept the donation of a rescue sled that the club acquired. The rescue sled is loaded with a stretcher, blankets, and other emergency items. The Snowmobile Club acquired the sled from the widow of the former Hillsboro County Representative of the NH Snowmobile Association. They have had the sled for over a year and it has been stored in Brown's barn. Recently there was a 911 call reporting a snowmobile accident involving a 14 year old boy who struck a tree, broke his leg and ribs. The phone tree was activated to request use of the sled. Volunteers transferred the boy on the sled to emergency responders waiting to air lift him to Dartmouth. Mr. Hood was involved with getting the sled to the site along with Jason Bolton and Jeremy Bolton. The sled was at Brown's Farm so it took some time to get it from the farm to the site. As a result, and in conversation with Fire Department personnel, he recommended that the sled be located at the Fire Department, which would facilitate a more rapid response. The Fire Department accepted the recommendation and has since loaded the sled with rescue materials and it is now located at the Fire Department. The current replacement value for the sled, not counting any material inside, is \$3,500. Mr. Hood noted that there are two stipulations the Snowmobile Club would like placed on the donation, first they would like to affix a plaque stating that they donated the sled to the town and second to make it available to surrounding towns and other snowmobile clubs in the area that may need it in case of a rescue. If the item being donation is valued under \$5,000 a public hearing is not necessary. The rescue sled is towed with a snowmobile, but could be loaded on a truck by two people. Selectman Leary noted his concern with accepting a sled that needs to be towed on a snowmobile and receiving a future request for a snowmobile. Mr. Hood said that when necessary the Fire Department has a call list of various snowmobile club members that could take the rescue sled to where it is needed 24/7.

Vice Chairman Lacasse moved, Selectman Leary seconded to accept the generous donation from the Weare Winter Wanderers Snowmobile Club of a rescue sled valued at \$3,500 and to allow them to affix a plaque acknowledging their donation and to make the rescue sled available to surrounding towns if needed. Passed 5-0-0

DISCUSS PROCESS FOR POLICE CHIEF SEARCH

Chairman Clow explained that the Board is looking at two possibilities to assist them in the search for a new police chief. One process is to be guided by the NH Chief of Police Association by Executive Director, Pat Sullivan. Mr. Sullivan noted that they just completed the same process with a town up north. He explained that an advertisement will be placed based on the job description and needs of the community and Board. Candidates will be asked to write a two page letter of intent to see what the candidate can bring to the town. Once the Board

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of Chiefs receives the applications and resumes they will review who meets and does not meet the qualifications. The Selectmen can structure the panel of the community members. Each panel member grades each candidate and averages their scores for a final score. Once completed, the combined panel of community members and chiefs will deliver 3-5 candidates to the Board. The NH Chief of Police Association would be willing to help with background checks. Mr. Sullivan will not be on the panel during the process because he lives in Goffstown, which is too close to Weare. Chief Bailey from Bedford will oversee.

The panel will first review paperwork, but does not interview candidates. Mr. Sullivan said that the last community had 30 applicants, which the panel narrowed down to 8, 5 of which got positions during the process, and they proceeded with the three remaining applicants. Mr. Sullivan said to advertise with the Chief of Police Association nationwide. They have the potential to limit within the State of NH.

Selectman Leary asked what kind of experience they have had in finding Chiefs. Mr. Sullivan responded that they are fairly new in the process working with two towns, but have chiefs with 25 years experience assisting on these panels.

Selectman Lawton asked if they provide topics for the letter of intent and also if they do background checks. No references are checked before the final candidate. Mr. Sullivan explained that they would sit down with the Board to see what they want to see in the letters. He would like to see something about the town and how to solve a problem. If they receive a high number of applicants the panel of 3-4 chiefs will narrow down the applicants to a manageable number. If they brought forth all the applicants to the Selectmen it would drag out the process too long and they will lose good candidates. It was discussed that no one should be taken off the table to be on the community panel; it is the Board's decision. The process should take a maximum of 3-4 months to complete. The advertisement will be published for two weeks. Mr. Sullivan told the Board that they do not currently charge for the process, but there are costs associated with the background checks, which is only conducted on the final candidate for approximately \$3,000.

Town Administrator Bolton told the Board that Alan Gould, MRI, could not attend tonight's meeting.

Mr. Sullivan noted that MRI does offer an assessment center.

COMCAST FRANCHISE AGREEMENT

The Selectmen have reviewed the present contract and asked Bryan Christiansen, Comcast, to come in to answer their questions. The contract did expire in February. Mr. Christiansen said that he met with Town Administrator Bolton and members of the Cable Committee in the fall and discussed the state of the infrastructure in town and how they wanted to move forward. It was agreed that the current contract was a sufficient contract that went through legal review and they should work off of that contract. Mr. Christiansen said that he submitted the contract to the Town Administrator in the fall and just switched the dates in the contract.

Chairman Clow said that the Board reviewed different franchise agreements from other towns and discussed whether it would be in the towns favor to have a higher franchise fee. The Board had also discussed a fiber video return line and some new digital modulators. The length on contract was reducing from 7 years to 5 years. Mr. Christiansen said that there is fiber in the town serving John Stark and the center of Town. Doug Alwine said that he was always under the impression it was coax. It is coax up to John Stark and fiber to here. Mr. Christiansen said that fiber is pricey to run to the 5-6 locations and the digital modulators will cost approximately \$10k. The primary sites where they want to improve broadcasting capability is at the Town Office and WMS. Mr. Christiansen said that they can incorporate the upgrades for the Town Office and WMS to the contract. Vice Chairman Lacasse asked about the Town Hall as well. Mr. Christiansen noted that at some point it becomes a cost benefits analysis for the sites that are not used that frequently. It was discussed that the capability is there for

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the Town Hall, but it has not been used for many years and it is unknown if it works. Mr. Alwine said that they would have to drag over a lot of equipment.

Chairman Clow asked if the contract negotiations ever include technical advice. Mr. Christiansen said that the short answer is no, but everyone in town that has worked with them knows they are here to help and can offer unofficial advice. Comcast does not want to take ownership.

Mr. Christiansen said that they would have to figure out the most cost effective way to get fiber to the Town Office. WMS may need to be upgraded, but may not need to be fiber. Selectman Lawton noted that going forward the equipment is getting older and is harder to replace. Mr. Christiansen said they can look at both fiber and coax. Mr. Christiansen told the Board that Comcast has no immediate plan to run more fiber in town; there are more fiber miles in town than they have coax.

Selectman Lawton asked about phone, internet and TV. Mr. Christiansen said that it would be nice to offer it, but the local telephone company has rural exemption and Comcast does not have the proper certificate to offer telephone service to Weare residents for that reason. There is a process to get the rural exemption removed, but it is a lengthy costly legal process.

Chairman Clow noted that it is a non-exclusive contract, with stipulation. He asked if they were to go with the \$30k upfront payment, does that mean if another company wanted to offer video and TV in town would they also have to offer that kind of money. Mr. Christiansen said that they cannot offer competitive franchises the same agreement and the incumbent provider who have to take a look at it. The burden in NH is taken as a whole, they would look at the franchise fee.

Mr. Christiansen agrees that updating the equipment is a good use of resources. He does not have a problem with shortening the contract to five years and changing to a 5% franchise fee versus taking the upfront payment is within the Board's purview to do. He reminded the Board that not every taxpayer in town is a cable subscriber. Mr. Christiansen agrees that it is logical to bring fiber to the Town Office, but he would have to look at WMS to see if it is a good use of resources. He noted that they should discuss an extension of 3-4 months, because it will take him some time to get a real number. Chairman Clow said that the Board is still exploring options. If the Board wants to increase the fee to 5% instead of 3% the town will get more money, but the cable subscriber will be paying more.

Mr. Christiansen said that he would want to put a radiant transmitter here and a receiver at John Stark. The radiant digital transmitters only work on fiber. He would like to get an actual design and price on what they are discussing. When they get the design and estimate, they will have to work with someone in the town and will be asking for needs and wants and put the drawings and pricing together.

Selectman Leary moved, Selectman Bohl seconded to extend the Comcast Franchise Agreement until July 1, 2015 or until a new franchise agreement is reached.

Selectman Lawton asked about the FCC ruling and thinks Comcast is on the side of network neutrality. He is concerned about the future and the need to buffer. Mr. Christiansen said that the order has not been released yet. Comcast video is not IP based and their primary business is video business. Selectman Lawton said that technology changes relatively quickly. Mr. Christiansen does not know what the future holds, but basically technology is still the same.

Passed 5-0-0

MEETING MINUTES

Chairman Clow moved, Selectman Lawton seconded to approve the minutes of February 23, 2015 as amended. Passed 4-0-1; Vice Chairman Lacasse abstained

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Chairman Clow moved, Vice Chairman Lacasse seconded to approve the minutes of February 24, 2015 as printed. Passed 5-0-0

MANIFESTS

Chairman Clow moved, Selectman Bohl seconded to order the Treasurer to sign the accounts payable and payroll checks dated March 5, 2015 as included in the following manifests:

Accounts Payables Manifest	\$79,671.97
Accounts Payable Manifest	\$3,075.30 (not included in previous Manifest)
Accounts Payable Manifest	\$770.19 (postage for the Mailers)
Accounts Payable Manifest	\$450,000.00 (Weare School District Payment)
Payroll Manifest	\$45,052.81 (Includes taxes, credit union, police detail)
Fire/EMS Payroll Manifest	\$13,291.70 (February 2015 Monthly Payroll)
TOTAL	\$591,861.97

ADMINISTRATIVE REPORT

Spaulding Hill Technologies is in both the proposed and default budget. They come out every other week. Selectman Lawton noted that there are still ongoing issues. The Town Clerk's office is still experiencing issues when two people are online with the state and someone is trying to print. Town Administrator Bolton said that it is being worked out.

Vice Chairman Lacasse moved, Selectman Leary seconded to authorize the Chairman to sign the Safety Net Management Agreement with Spaulding Hill Technologies in the amount of \$11,440. Passed 5-0-0

Town Administrator Bolton said that the default that the Board agreed to requires all Board members to sign. The new default is \$5,306,523. The absentee ballots went out with updated the number, but the mailers were already printed.

The Town Prosecutor provided an agreement with a 3% increase reflecting \$68,029.24 for the entire year for prosecutor services. The Board would like further discussion with Chief Kelly before signing.

Monday, March 9th the Board will hold an informal coffee hour at 6:30 p.m. followed by a call-in meeting from 7:00-8:00 p.m.

Tuesday, March 3rd there will be a Candidates Night at the Town Hall at 7:00 p.m. for the seven candidates running for the Board of Selectmen.

Alan Gould from MRI could not attend tonight's meeting, but he can meet Tuesday, Wednesday, or Thursday night this week or next Tuesday, which is election day. The Board wanted Selectman Lawton as part of discussion and decision on what process to take. The Board discussed the possibility of meeting with Alan Gould on Friday at 6:00 p.m.

Chris Hague sent a letter to the Board from the Library Trustees. At their February meeting they voted to appoint Frank Oehlschlaeger as an alternate Library Trustee. Lee Marcroft is becoming a member.

Selectman Leary moved, Vice Chairman Lacasse seconded to appoint Frank Oehlschlaeger as an alternate Weare Public Library Trustee. Passed 5-0-0

Sean Kelly sent Town Administrator Bolton an email regarding the 30 safest communities in NH with over 3,000 or more residents. Weare was number 30 on the list. Chief Kelly is asking to add the Safe Wise logo to the Police Department's website. The Board agreed to include the logo.

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There was an issue with a roof leak today upstairs in the Merry Rice's office. It was determined to be caused by an ice dam on the roof. Chief Vezina installed plastic to stop the leak. There is no insulation in the attic.

Town Administrator Bolton reported that the Town Reports are onsite and the ballots came in on time.

Purchase Order Module ó Selectman Lawton mentioned the open-ended purchase order for the DPW. Town Administrator Bolton said that Country 3 Corners has an open-ended order for \$500. Selectman Lawton asked if the DPW is utilizing the PO policy. Town Administrator Bolton will verify, but it is her understanding that Merry Rice is utilizing it.

Inventory ó Selectman Lawton hopes that the Board continues with the inventory so that the town has an understanding of what they have and where it is. Chairman Clow noted that having a system for disposing of items is important.

Town Administrator Bolton explained to the Board that she was approached by the Food Pantry. The Food Pantry is looking for a new location and looked at the Town Office basement. There are items that need to be disposed of in the basement. The Food Pantry is currently serving 68 families every week. They have several freezers and refrigerators. Selectman Bohl recommended the church and contacting the pastor. The Food Pantry may have to relocate to the Town Office basement.

Selectman Lawton asked for update on the Town Hall Doors. Chairman Clow met with David Caldwell from Mast Road Lumber. He does not have a bottom line price yet.

Vice Chairman Lacasse explained that he received a phone call from a resident regarding their mailbox. The policy will be discussed at the March 16th Selectmen's meeting.

The Audit for 2014 is scheduled for the week beginning April 6, 2015.

PUBLIC COMMENT

Janet Snyder told the Board that she has worked diligently with Beth Rouse to balance out both of their books. They have done a lot of research. The end of the year ended up with two credits due to a check being issued and a void being issued. Ms. Snyder asked the Board to sign to reverse out the void.

Chairman Clow moved, Selectman Leary seconded to enter into nonpublic session @ 9:30 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 @ 9:55 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 the minutes of this nonpublic session. Passed: 5-0-0.

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary