

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
May 8, 2017

PRESENT: TOM CLOW, CHAIRMAN; FREDERICK W. HIPPLER, VICE CHAIRMAN; JOHN (JACK) MEANEY, SELECTMAN; JAN SNYDER, SELECTMAN.

RECORDING SECRETARY: Naomi L. Bolton

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Ernie Thibeault; Vincent Iacozzi; Wendy Clark; Tim Matheson; Gary Cote; Frank Campana; Richard Brown; Janet Brown; John Knox; Sherry Burdick; Heleen Kurk; Betty Straw; Eldon Townes; Richard Butt

Chairman Clow welcomed everyone present and watching before calling the meeting to order at 6:30 p.m. followed by the Pledge of Allegiance.

DEPARTMENT HEAD/COMMITTEE ITEMS

Cemetery Trustees: Chairman Janet Brown informed the Board that approximately 300 feet of the fence at East Weare was removed by Holm-z Construction. He was charged \$384.00 for a demolition fee to dump the fence materials. Mrs. Brown stated that on past projects for the cemetery and other town properties, there has been no charge. She would like the fee to be refunded to Holm-z Construction. Town Administrator Bolton stated that in the future if notice could be given ahead of time when projects like this are done, proper parties could be notified so this doesn't happen again. Mrs. Brown agreed and stated that she was not sure when the fence was actually going to be coming down and taken to the Transfer Station. **Chairman Clow moved, Selectman Meaney seconded to refund \$384.00 to Holm-z Construction for the demolition fee paid for the East Weare Cemetery demolition. Passed 4-0-0**

Town Administrator Bolton informed the Board that Chief Kelly just notified her that he is going to be a little late, but would be over.

Gravel Discussion with NBAC Corporation: Ernie Thibeault and Vincent Iacozzi were present. Mr. Thibeault stated that he is here on behalf of Thibeault Corporation. They have two parcels of land at 254 Clough Park Road that were previously used as gravel operations. The two parcels contain a total of about 415 acres, approximately 215 acres on Lot 107 and 200 acres on Lot 104. He is here tonight to talk about Lot 107. This lot was the former Rocco Schelzi property which was then transferred to Thibeault Corporation in 2008 by a public hearing held by the Board of Selectmen. Mr. Thibeault stated that Lot 104 had a lawsuit pending and in 2012 the lawsuit was dropped. Lot 104 was not the topic for tonight but Mr. Thibeault felt it was important for the Board to know that information. Mr. Thibeault provided each Board member with a package of information which contained:

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- A letter dated September 6, 1985 from NH Department of Environmental Services issuing a site specific permit.
- A decision of the Board of Selectmen in July 1985 issuing a gravel permit with an expiration of December 31, 1985.
- An excavation plan prepared by Dunn Geoscience Corp. which depicted a location containing 7 acres, test pits information and written stipulations for the gravel operation.
- An email chain between the Town and Thibeault Corporation's representative
- A copy of the 2007 Excavation Permit for Thibeault Corporation of NE for a 7 acre area
- The withdrawal letter regarding Lot 104 (not this lot)
- A September 2012 letter from Town Counsel Bill Drescher regarding the status of litigation on Lot 104 (not the lot here for discussion tonight)
- A 2006 Excavation Permit for Thibeault Corporation of NE for a 29 acre area

On September 28, 2016 Mr. Thibeault, Mr. Iacozzi, Attorney Bussiere, Jr., Chip Meany, Code Enforcement Officer, Naomi Bolton, Town Administrator and Town Counsel Bill Drescher met to discuss this. In April 2017 after several phone calls a legal opinion from Attorney Drescher was provided. Mr. Thibeault felt that time frame was unacceptable. The package of information that the Board received was information that Attorney Drescher did not have when the opinion was given. Mr. Thibeault claims that the use on this property is vested and therefore he would not need to go to the Zoning Board for permission. Town Administrator Bolton asked if he was talking grandfathered. Mr. Thibeault stated that no he knows that he is not grandfathered. He feels that he is vested and would like to have the Board look at the package and return an opinion. He would like to move forward and get a permit which requires a public hearing. Chairman Clow stated that the Board would have to get a legal opinion and get back to him. Mr. Thibeault asked that the legal opinion be a much more speedy process than the last one, because it is holding up moving forward.

DEPARTMENT HEAD/COMMITTEE ITEMS

Discuss up-fit for the new cruisers: Chief Sean Kelly was present. Chief Kelly obtained four bids for the up-fit for the new cruisers that have been ordered and are due in approximately 2-3 weeks. They are as follows:

Ossipee Mountain Electronics, Moultonborough, NH ó total for 3 cars \$46,159

MHQ, Marlborough, MA ó total for 3 cars \$45,330

2-Way Communication, Newington, NH ó total for 3 cars \$46,983

Adamson Industries, Haverhill, MA ó total for 3 cars \$50,819

Chief Kelly is recommending that the town go with Ossipee Mountain Electronics. It is a New Hampshire company that he is familiar with and he would like to use them. R & R Communications our current radio vendor was contacted to bid on the radio part of the bid and he was much higher. Vice Chairman Hippler stated that his only concern would be to make sure that if we purchase from another vendor that R & R would include these under the plan and warranty them. Chief Kelly stated that he would reach out to R & R to get that information. Town Administrator Bolton explained the breakdown of funds needed to pay for the up-fit with Ossipee Mountain. The town warrant article for the cruisers was \$107,184, \$75,480 was already spent for the cruisers leaving \$31,704. Cruiser capital reserve fund has \$362.03; Police Communications capital reserve fund has \$1966.25, Fire Communications capital reserve fund has \$5,190 which was earmarked for the police, leaving \$6,985.33 to come out of the operating budget. **Selectman Meaney moved, Vice Chairman Hippler seconded to award the up-fit to the police cruisers to Ossipee Mountain Electronics with \$362.03 coming from the Cruiser Capital Reserve Fund; \$1,966.25 coming from the Police Communications Capital Reserve Fund; \$5,190.00 coming from the Fire Communications Capital Reserve Fund (earmarked for Police); \$6,985.33 coming from the operating budget and \$31,704 from the balance left in the 2017**

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warrant article, pending a discussion with R & R Communications regarding covering the new radios with this up-fit. Passed 4-0-0

Chief Kelly stated for clarification, so if R & R Communications will cover these new radios he can move forward without coming back to the board. The board replied yes.

MEETING MINUTES

May 1, 2017 Minutes: Chairman Clow moved, Selectman Meaney seconded to approve the May 1, 2017 minutes as amended. Passed 4-0-0

MANIFESTS

Chairman Clow moved, Selectman Meaney seconded to order the Treasurer to sign accounts payable and payroll checks dated May 11, 2017 as included in the following manifests:

Payrolls Manifest	\$ 44,932.49	(weekly payroll for w/e 05/04/17)
Accounts Payable Manifest	\$ 48,064.07	
Supplemental Accounts Payable Manifest	\$ 14,073.68	
Weare School District Manifest	\$450,000.00	
TOTAL	\$557,070.24	Passed 4-0-0

ADMINISTRATIVE REPORT:

1st Half Tax Warrant: Town Administrator Bolton stated that she has the first half tax warrant for Board signature. There is a tax lien that has not been cleared up that needs to be cleared up before this warrant can be processed. The Board could sign the warrant, but it would not be processed until after the tax lien gets cleared up. The Board felt that they want to wait until the tax lien has been handled first, so the warrant will come back at that time.

Piscataquog River Local Advisory Committee (PRLAC): Dick Ludders is currently Weare's representative to the PRLAC committee and is willing to continue even though he no longer lives in Weare. If the Board chooses to not have Mr. Ludders be Weare's representative he would like to continue in an "at large" capacity. Town Administrator Bolton reminded the Board that a representative needs to be appointed, so if it is not Mr. Ludders someone else must be appointed. **Chairman Clow moved, Vice Chairman Hippler seconded to reappoint Dick Ludders as Weare's representative to the Piscataquog River Local Advisory Committee. Passed 4-0-0**

Police Locker Room Renovations: Another plan has been devised but still needs to be shared with both Chiefs before coming back to the Board.

Transfer Station Fees: April reports were provided to the Board last week from the Finance Administrator which include budget expenses, transfer station receipts, DPW vehicle repairs to date and Police cruiser vehicle repairs to date.

PUBLIC COMMENT

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Betty Straw, Flanders Memorial Road, asked that everyone please speak up and do not mumble any longer. The board felt some sort of speaker should be looked into. The microphones on the table are for the cable recording but they do nothing for those in the room.

Eldon Townes, Huntington Hill Road asked if anything that was talked about last week was brought to the clerk of the works and general contractor. Chairman Clow stated that the intent is to get all the questions over to them so that a public presentation can be done. Mr. Townes then asked if there could be a formal agenda item for the DPW Garage discussion, maybe next week. Chairman Clow stated that we would have to double check with both parties and do our best.

Tim Matheson, 80 River Road, was looking for answers from last week's questions. Chairman Clow stated that he would like to get together with the clerk of the works and the Town Administrator to get the answers. A question was raised as to why not more selectmen. Chairman Clow stated it would have to be posted as a meeting. Selectman Meaney and Vice Chairman Hippler indicated they didn't have a problem with Chairman Clow meeting to get some of these questions answered. Mr. Matheson asked if the two packages that were provided at the last meeting with the clerk of the works and the contractor here tonight. Chairman Clow asked Town Administrator Bolton to reply. Town Administrator Bolton stated that she was told that one of the packages was the bond paperwork and the other package is being reviewed by the clerk of the works and has not been given to the board. Mr. Matheson asked if there was a window or second means of egress up in the mezzanine. The reason for asking is that the hose making equipment and supplies are being used on the second floor and if there was a fire they could be trapped. Mr. Matheson questioned using a heat exchanger versus a dehumidifier. Chairman Clow stated that these questions need to be looked at as a whole package and any way we could save money to apply toward a fire suppression system will be looked into.

Sherry Burdick, 382 Deering Center Road, stated that she has not seen any drawings/specs or an overall operating budget. She would like to get a copy of all drawings, specs and equipment for this building. In hindsight, Mrs. Burdick wished that she would have stayed on the committee. She asked why there was no contingency plan, like 10% or something. Chairman Clow replied that prior two board members had input along with Henniker's cost per square foot was the number used. Plus with the track record of the voters in the community it was the feeling that too high of a number would fail the project. Mrs. Burdick asked why there were no minutes for the building committee. Chairman Clow stated that he looked into this and even reached out to the prior DPW director Tim Redmond, but no minutes were found. Mrs. Burdick asked if the Board knows what the law is. There were no minutes then and no minutes now for this new committee. Selectman Meaney stated that as a member of the original building committee he brought it up and felt that it should be the Chairman of the committee to have minutes be taken. Mrs. Burdick felt that someone should be held accountable. The Board stated that the contractor meetings are just meetings it is not a committee, it is an internal meeting not public meetings. Mrs. Burdick asked what process was used to get the clerk of the works. Is there a payment cap for this position?

Janet Brown, Orchard Path, stated that she missed the process but in the past when there were issues with general projects local residents/contractors were used. She felt that the location was bad. She felt that the clerk of the works needs to be a special person not just a general contractor because we have been burnt too many times. She feels we would go ahead and do it but make sure that he knows what is going on.

Eldon Townes, Huntington Hill Road, stated that there was a gentleman who offered to do the clerk of the works and the Town turned him down and he was wondering why that offer wasn't taken seriously. Mr. Townes stated the gentleman he is referring to is Kevin Cahill. Chairman Clow replied that Mr. Cahill helped the board

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through the process but when asked he stated he couldn't do it. He also set in on selecting the contractor with the Board.

Greg McDowell, South Sugar Hill Road, stated that he was on the original committee and he is concerned. Mr. McDowell stated he doesn't like design build. He liked the old design of the drive thru garage. Mr. McDowell then asked why there was an almost 50% increase in the up-fit of the cruisers. He was on the Finance Committee and it was presented that the up-fit would cost about \$10,000 per car and now it's higher. He felt it was a big hit to the taxpayers.

Heleen Kurk, Mt. Dearborn Road appreciates having three members needing to post it as a meeting, but she felt that any selectman should be able to attend. She got the impression that the reason for not having all board members was the burden to post the meeting.

Richard Brown, George Moody Road asked how the board came up with \$85/hour for the clerk of the works. He asked if he comes with a machine and what are his qualifications. Chairman Clow stated that as residents it is hard to feel mistakes have been made here and he hears everyone's concerns but all intentions were up front and transparent, but he understands everyone's concerns.

Wendy Clark, Bogue Road asked if there will be an itemization of costs at this meeting. She stated that impression is 99% reality and in order to look open people need to be accountable. It doesn't look good for the Town when this occurs, so take a good look at things, own the job and hold someone responsible.

Richard Butt, Old Town Road, has concerns about no fire suppression. When the presentation was made to the Town it was supposed to be built with fire suppression. Mr. Butt asked if the contractor came in with costs for a fire suppression system. Chairman Clow replied there is not a system in the plan and they will be looking to see if there are any changes that can be made to get a fire suppression system. Mr. Butt stated that this is the single biggest municipal project and he feels it is not going well. Mr. Butt stated that those drawings didn't just show up overnight and does the clerk of the works have authority to make that decision. Mr. Butt asked if it was known before the vote that fire suppression was not going to be included. Chairman Clow stated that he and Selectman Meaney were notified out of courtesy as they sat on the original building committee. Mr. Butt stated that politically fire suppression should be number one over everything else. The next question is regarding the noise ordinance. He witnesses this on Sunday from noon to 5 pm there was automatic fire in two locations down by his home. It is disturbing the peace but because nothing has been done it crops up more and more. He would rather see something put together. Last November at the elections the committee had voters fill out a survey. He has not seen any results of this survey and wondered where they are. He felt the Board should know the results as it is the board's committee. The last is the firing range feasibility committee there were only two meetings last year. He is wondering what is going on, we are no closer today than before and he wanted to know the status.

Frank Campana, Quaker Street asked how much time the clerk of the works will be putting in. Will he be on the job every day for eight hours a day? What authority does the clerk of the works have, especially with regard to fire suppression to be able to authorize without input. He would suggest cutting the radiant heat and look at a different means of heat. He heard that the committee went to two towns with radiant heat, one liked it and one didn't why wasn't a third one looked at as sort of a tie-breaker. He feels that radiant heat is short sided.

Tim Matheson, 80 River Road asked if paving was excluded. Town Administrator Bolton stated that it is not included in this plan. There was discussion about paving it at a later date, possibly as part of the road

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reconstruction projects. Mr. Matheson then stated that the clerk of the works is going to cost \$3,400 per week for a 40 hour a week and if you take that to the end of the project, approximately 29 weeks, the total to be paid is around \$98,000. He asked when the final decision regarding fire suppression was made if two members were notified on the Saturday before the board meeting. Mr. Matheson stated that if he knew one month prior why wait until the Saturday before the meeting to share it with two members and then order the building the next day after the board meeting. In 2016 Chairman Lacasse stated that he would sacrifice space over safety. Mr. Matheson stated that when eliminating the safety factor versus equipment, Mr. Townes stated previously that he would be okay with leaving trucks out. Mr. Matheson stated that replacing the fleet will be placed on the taxpayers if this garage burns down. The only one that is hurting through this process is DPW director Knapp because the taxpayers are up in arms over this and he won't get any more trucks. Mr. Matheson stated that he would like to see more speed on this. Mr. Matheson asked in the mechanics bay there is a drainage grate in the middle of the floor to a tank, what will happen if a fuel leak happened and then a fire, is there any safety precaution? Mr. Matheson asked if the clerk of the works was budgeted for. Where did his payment come from? What credentials does the clerk of the works have? Is he under the Town's insurance umbrella for workers compensation? Is he the acting agent? Is he a vendor? He would need insurance if he is a vendor. Mr. Matheson then asked about the Town Hall projects being advertised and bid on. Chairman Clow stated that because of our purchasing policy, projects over \$1,000 needs 3 quotes and projects over \$5,000 needs to have formal bids. Mr. Matheson asked that jobs should be advertised on the website.

Chairman Clow closed the public comment portion of the meeting.

Selectman Snyder stated that she would like to add a few things to the DPW Garage topic while people here. She looked at a plan that she received from DPW Director Knapp and there is a date on the side that says January 2017. Chairman Clow and Selectman Meaney both agreed that the plan that was being referred to was the old original plan and not what is being talked about now. Selectmen Snyder stated that on September 12, 2016 the contractor was chosen. On September 19, 2016 it was noted that the contractor and garage committee will be having the initial meeting this week. On September 26, 2016 it was noted that the contractor and garage committee met this morning at 10 AM. On October 3 Administrator Report stated Selectmen met in non-public to discuss public works garage. Resident Bruce Fillmore, who is a member of the DPW Garage Committee will stay on the project as Clerk of the Works as the town's rep. The cost will be forthcoming. Cost not brought up from October to April, 2017. Also a non-public was held to discuss Clerk of the Works. From October 2016 to April 2017 indicated that the costs will be forthcoming and that is no update as to what transpired in these meetings. She questioned how the clerk of the works can get paid if his costs were forthcoming?

CORRESPONDENCE 6 Chairman Clow stated that the NHMA Bulletin reported that the legislature approved the bill for highway reconstruction by about 85% from excess funds in this fiscal year, but nothing official from the State has been received to date.

Wendy Clark, Bogue Road submitted a complaint regarding the condition of Mountain Road and Bogue Road. She stated with all this discussion she would be very upset if we spent money on paving the driveway at the DPW Garage when her road is in complete disrepair. She encouraged all the board members to take a ride out and see for yourself.

Town Administrator Bolton stated that she had a resident that sent in a complaint a week ago came by the office to report that this past Sunday they were up and shooting again nonstop starting at 7:30 AM and he would like to see the Board do something about it.

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OTHER BUSINESS

Greg McDowell asked if the Board would like the update on the survey. He began to report information to the Board but was going to get the actual survey with all the numbers to Town Administrator Bolton for the records.

The Board felt that a request should be made to the Chairmen of the Noise Ordinance Committee and the Firing Range Feasibility Committee for an update and status of the committee.

Chairman Clow stated that he followed up with both the Middle School principal and the Upper Elementary School principal to finalize the draft of the MOU for the skateboard park. The Board reviewed the draft and okayed it to be sent to Parks and Recreation for their approval at their meeting tomorrow night.

The Board asked if a list of contractors can be asked for from Mast Road Grain and Lumber as they are the ones that sold us the doors. Town Administrator Bolton will reach out to Mast Road and Chairman Clow will put together a list of things that need to be done in replacing the doors.

Selectman Snyder stated that she would like to attend a Right to Know seminar with NHMA on June 8th. Town Administrator Bolton will register her.

Being there was no further business to come before the Board, Chairman Clow moved, Vice Chairman Hippler seconded to adjourn at 9:19 PM. Passed 4-0-0

ADJOURNMENT

A True Record.

Naomi L. Bolton

Naomi L. Bolton
Recording Secretary