

FINAL



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
July 31, 2017**

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

RECORDING SECRETARY: Naomi L. Bolton

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Police Chief Sean Kelly; John Foss; Neal Kurk; John Vanloendersloot; Betty Straw; Steve Colombo; Steve Roberts

Chairman Clow called the meeting to order at 6:28 PM. He welcomed everyone present and watching and stated that the Board's first order of business is a brief nonpublic session. At the conclusion of the nonpublic session the Board will return for the public portion of the meeting.

NONPUBLIC SESSION:

Chairman Clow moved, Selectman Meaney seconded to enter into nonpublic session @ 6:30 p.m. pursuant to the authority granted in RSA 91-A:3II (a & c). A roll call vote was taken, Selectman Osborne – yes; Selectman Snyder – yes; Chairman Clow – yes; Selectman Meaney – yes; Vice Chairman Hippler – yes. Passed 5-0-0

Chairman Clow moved, Vice Chairman Hippler seconded to exit from the nonpublic session @ 6:48 p.m. A roll call vote was taken, Selectman Osborne – yes; Selectman Snyder – yes; Chairman Clow – yes; Selectman Meaney – yes; Vice Chairman Hippler – yes. Passed 5-0-0

Chairman Clow moved, Selectman Meaney seconded to seal these nonpublic session minutes. Passed 5-0-0.

Chairman Clow moved, Selectman Meaney seconded to enter into nonpublic session @ 6:49 p.m. pursuant to the authority granted in RSA 91-A:3II (b). A roll call vote was taken, Selectman Osborne – yes; Selectman Snyder – yes; Chairman Clow – yes; Selectman Meaney – yes; Vice Chairman Hippler – yes. Passed 5-0-0

Chairman Clow moved, Selectman Meaney seconded to exit from the nonpublic session @ 7:10 p.m. A roll call vote was taken, Selectman Osborne – yes; Selectman Snyder – yes; Chairman Clow – yes; Selectman Meaney – yes; Vice Chairman Hippler – yes. Passed 5-0-0

Vice Chairman Hippler moved, Selectman Meaney seconded to seal these nonpublic session minutes. Passed 5-0-0.

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Chairman Clow welcomed everyone back and stated that we had two nonpublic sessions earlier to discuss a personnel issue and to interview a potential candidate for the prosecutor position. He then asked everyone present to join the Board in the Pledge of Allegiance.

DEPARTMENT HEAD/COMMITTEE ITEMS: None

DISCUSS FINANCE COMMITTEE: Moderator John Foss was present and stated that the point of him attending this evening to begin the discussion of what he feels is a need to have the Finance Committee meet in this room and have the meetings recorded. By videoing it provides a clear record of what is happening. It eliminates any misunderstandings. He wanted to bring the Selectmen up to speed as to what he is thinking about. He will be writing letters and making phone calls to the Finance Committee members with the caveat of going ahead with it this year, however he wanted to get input from the Board. Selectman Meaney felt it was appropriate and it gives another level of transparency. Vice Chairman Hippler agreed. Chairman Clow stated that he has been a proponent of urging the recording the meetings and on the cable TV for some time. Moderator Foss suggested that we bring it forward, allow for public comment and then bring it to conclusion at possibly the next board meeting. He felt it was only fair for both parties letting them know it is his intent that this is the way the Finance Committee is going to be run this year. If members don't want to participate because the meetings are going to be televised then so be it. The Board and Moderator Foss agreed that he would return to the Board on August 28th to wrap this up.

STONEWALL REMOVAL FOR A DRIVEWAY – ROCKLAND ROAD: Dan Higginson was not present. Town Administrator Bolton explained that there is a piece of property on Rockland Road owned by Frank & Nancy Burl, Tax Map 202 Lot 94.2. The intent of this request is to remove 30 feet of stonewall from part of the property closer to Concord Stage Road and Merrill Road and relocate the rocks to the existing opening in the wall to make the old driveway inaccessible. A variance was received from the zoning board article 29.8 to allow this proposed driveway to be located within the wetland buffer and specified that the existing drive was to be removed. **Vice Chairman Hippler moved, Chairman Clow seconded to approve the movement of 30 feet of stonewall from one spot to make better access and fill the existing opening on Rockland Road, Tax Map 94.2. Discussion:** Selectmen Meaney stated that he is going to abstain. Selectmen Osborne stated that he is opposed to this because the driveway is too close to the intersection of Merrill Road. Selectman Snyder agreed with Selectman Osborne. Chairman Clow asked that this be sent back to the Planning Board for further clarification.

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July 17, 2017 Minutes: Chairman Clow moved, Vice Chairman Hippler seconded to approve the July 17, 2017 minutes as amended. Passed 5-0-0

MANIFESTS

Chairman Clow moved, Selectman Meaney seconded to order the Treasurer to sign accounts payable and payroll checks dated August 3, 2017 as included in the following manifests:

Payrolls Manifest	\$ 47,060.54 (weekly payroll)
Fire Department Monthly Payroll Manifest	\$ 15,857.49 (July 2017)
Accounts Payable Manifest	\$ 172,406.74

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Supplemental Accounts Payable Manifest	\$ 50.00
John Stark Regional Manifest	\$ 450,000.00
TOTAL	\$ 685,374.77

The following manifests were previously ordered to sign at the July 17, 2017 Board of Selectmen meeting:
Payroll Manifest \$ 51,685.47 (weekly & monthly payroll dated 7/27/17)

Forest Fire Payroll Manifest \$ 805.05 (checks dated 7/27/17)

Accounts Payable Manifest \$ 47,609.94 (Checks dated 7/27/17)

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**As there is no Selectmen's Meeting scheduled for Monday, August 7, 2017,**

**Please vote: To order the Treasurer to sign payroll checks dated August 10, 2017 estimated to be about \$55,000.00. Furthermore, to order the Treasurer to sign up to the amount of \$50,000.00 for accounts payable that cannot wait until the next scheduled meeting of August 14, 2017 without incurring late charges or interest. Reports and actual check amounts will be reported to the Board of Selectmen by inclusion on the Manifest Memo at the next schedule meeting.**

Discussion: Selectman Snyder questioned if the crushed stone went out to bid. The bill being referred to is the Mt. William bill for the materials being used on Mountain Road. Vice Chairman Hippler stated the bid that went out was to process crushed materials in our pit. Town Administrator Bolton stated that we will begin processing material this week in our own gravel pit, but for several years the Town has purchased the majority of the materials from Mt. William. Selectman Snyder stated the bill said 1.5ö. The reason she is asking is based on cost analysis that we have our trucks going all the way over to Mt. William and we have others that might have bid on it. Town Administrator Bolton stated that she is going to have to defer to DPW Director Knapp for that. Selectmen Snyder replied that she was asking because Eldon is right down the street and is closer than going over to Mt. William, relative to driver time (employee), gas and wear and tear on vehicles. Town Administrator Bolton stated that DPW Director Knapp is on vacation but she will ask him to address this when he returns.  
Vote: **Passed 5-0-0**

**SIGN PURCHASE AND SALES AGREEMENT FOR PROPERTY ON CHIPMUNK FALLS:** Steve Colombo was present representing the sellers of two (2) parcels of property located on Chipmunk Falls, Tax Map 401 Lot 79 and Map 401 Lot 81. The Conservation Commission has been working with Mr. Colombo and others to purchase this property. A purchase and sales agreement was drawn up by PLC and it has been reviewed by Attorney Laura Spector-Morgan on behalf of the Town. The Board heard a presentation done by Steve Najjar regarding this property several weeks ago. There is only one signature space, so the Board would need to authorize the Chairman to sign the purchase and sales agreement for this transaction. Town Administrator Bolton pointed out that in the manifest there is a deposit check for TitlePro, LLC for \$1,000 for this transaction. **Selectman Snyder moved, Selectman Meaney seconded to authorize Chairman Clow to sign the purchase and sales agreement to purchase lots 401-79 and 401-81 on Chipmunk Falls for the purchase price of \$46,100, with the funds coming from the Conservation Fund. Passed 5-0-0** Chairman Clow and Stephen Colombo signed the agreement.

**ADMINISTRATIVE REPORT:**

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Government Building & Maintenance Projects: Town Administrator Bolton asked if the Board was ready to have a discussion regarding the bids that were sent out after last meeting. Not all Board members were present for the discussion this evening. Selectman Osborne pointed out that we need to decide what we are going to do because the one bid that was received was only good for 15 days. The Board felt we need to move forward with the Town Hall Door Project. Maskiell Painting submitted a bid of \$1,250 to paint the doors. Mattison Contracting was the only one that submitted a bid for this project, but if you subtract the painting and the replacement of the back door that was not asked to be bid on the total is \$8,532. The Board discussed the color to paint the doors, green or white. It has been noted that one reason for the doors being in the current condition was due to the color of the doors. Betty Straw was present and informed the Board that the original doors back several years ago were white. She also felt that if the color was the issue then we should stick with white. The Board agreed and felt the white doors would reflect the heat and avoid the issue we have now. **Vice Chairman Hippler moved, Selectman Meaney seconded to award the painting of the Town Hall Doors to Maskiell Painting for the sum of \$1,250 in the color of white, with the funds to come from the Mildred Hall Town Hall Fund. Passed 5-0-0** The Board then discussed the bid from Mattison Contracting particularly regarding the payment schedule of 20% - signed contract; 40% when materials are delivered; 35% upon substantial completion; and 5% net 15 days after completion of installation and owner approval. The Board felt that this was the industry standard on projects and were fine with them. **Chairman Clow moved, Selectman Snyder seconded to hire Mattison Contracting for the installation of the four new doors at the Town Hall per his bid received July 17, 2017 for the price of \$8,532, with the funds to come from the Mildred Hall Town Hall Fund. Passed 5-0-0**

Camera Project at the Safety Complex: Town Administrator Bolton asked if the Board was going to move on the camera project at the safety complex tonight. The Board asked to see the new quote that was received. We received the bottom line number but the Board would like to see the actual quotes of what we are getting. Town Administrator Bolton will request the quotes and forward to the Board once received.

SB 38 6 Additional Highway Block Grant Funds: Town Administrator Bolton confirmed that the Board has received the breakdown of the funding from the State of the \$30 million dollars being distributed. There was a letter from Department of Revenue Administration (DRA) that was sent to the Board explaining how the guidelines of how the funds are to be spent. The Town did receive the check in the amount of \$237,654.30 on Friday from the State of NH.

Hometown Hero Nomination: Town Administrator Bolton reminded the Board that at the next meeting we have to nominate someone for Granite State Communication's Hometown Hero. The application/nomination needs to be returned by August 17<sup>th</sup>.

### **PUBLIC COMMENT:**

John Vanloendersloot, Walker Hill Road, wanted to commend Moderator Foss for trying to move forward with trying to get the Finance Committee to be televised. He thinks it is a great thing and thanked him. A lot of the push back to being televised he has heard is committee members quote "discuss sensitive things". Mr. Vanloendersloot's question is, can a committee have nonpublic sessions? If they cannot, then he wants to make sure they are not discussing things that they should not be discussing without being televised. There are rules that they need to follow as a committee versus a board he believes it would be advisable that they take care of. Chairman Clow stated that RSA 91 is the right to know law. It is very specific as to why and what can be discussed in nonpublic session, it can't be used just to discuss a topic that might be considered sensitive. Mr. Vanloendersloot then asked if the gazebo technically falls under a town building. Town Administrator Bolton stated that she is going to attend the Trustees meeting for clarification of whether or not the gazebo repairs can

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be taken from that fund. The other issue is if the Board is looking to replace it completely the capital reserve fund is called the Government Building Maintenance Fund would not appear from the title to be allowed, but the Trustees will be asked this as well. Mr. Vanloendersloot stated that the reason for his asking is that he feels any repairs or replacement should not come out of taxation. It is a project that he would consider to be handled through a fundraising effort. Other towns do fundraising and he wondered if it had been considered. At this time fundraising has not been looked at or considered. He urged the board to consider this as an option.

Neal Kurk, Mt. Dearborn Road, wanted to provide the Board with some additional information about Mr. Foss's comments about the Finance Committee and having the meetings broadcast. Mr. Kurk stated that the Finance Committee is somewhat unique in the fact that it was not created by the Board of Selectman. It was created by the Town through a warrant article. The only function that the moderator has is to appoint members. So, although it may be nice for the meetings to be televised, if that's to be done other than by the finance committee members themselves, Mr. Kurk believes it would have to be done by a formal warrant article at Town meeting amending the finance committee ordinance. He doesn't feel it can be by a mandatory item from the Selectmen or by Mr. Foss. Certainly the request can be made and it has been in the past by the Selectmen, and he is not sure what would become of the finance committee. His purpose tonight was to share the background.

John Foss, Emery Lane stated that he may be wrong but it is his understanding that the moderator appoints members of the Finance Committee. If the moderator chooses to appoint members of the finance committee who are in agreement with televising their meetings over those that are opposed, is that something the moderator can do? The Board would like Town Administrator Bolton to ask Attorney Spector-Morgan that.

Chairman Clow stated that he has something that he would like address under public comment as a citizen, so he excused himself from the Board and Vice Chairman Hippler will be Chairman for this time.

Tom Clow, 125 Concord Stage Road, stated that he would like to take this opportunity to thank the Weare Rescue Squad and particularly Mark Bluteau and Paula McGrade for the assistance they gave me in a possibly life-threatening situation. In 2010 voters approved the establishment of a revolving fund that would use up to \$90,000 from ambulance billing fees to fund per diem EMT/Firefighters to be on duty during weekday hours. In 2016 voters discontinued this fund and put the money for the per diem EMT program directly into the operating budget. This change had two effects. First, it allowed money from ambulance billing fees to go into a special revenue fund to be saved toward the purchase of equipment like ambulances and fire trucks. Perhaps more important it allowed flexibility and possible expansion of the per diem EMT coverage.

Before July 20 of this year I had always been supportive of this program in a general sense. I knew that a lot of people out there would need this service. But on July 20, things became very personal. I left my home in North Weare with my son Scott, who was visiting from Colorado, on what was supposed to be an extended bicycle ride; however, by the time we reached the south end of River Road, I was off my bike, lying on somebody's lawn, and Scott was calling 911. Eleven days later I am standing here with five stents in my chest but with probably little or no permanent damage to my heart. I owe that to the fact that there were well trained EMTs and paramedics on duty and ready to go when I went down. For as long as I am a selectman and as a private citizen after that, I will continue to advocate for the expansion of this valuable program, because nobody's life should be at added risk because of the time of day that an emergency occurs.

Again, thank you to Mark and Paula, but also to all the per diem and on-call EMTs and firefighters who are there when we need them the most. Tom Clow then returned to the Board and retained his seat as Chairman.

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### **CORRESPONDENCE:**

Chairman Clow read a letter that was received from Sue Tuthill that was addressed to Chief Vezina notifying the Town that the time has come for her to retire. Her last day will be Thursday, August 17, 2017. They will be moving to South Carolina at the end of the month. The Board publicly thanked her for her many years (almost 26) of service to the Town. The Board stated that she is going to be sorely missed.

Selectman Osborne asked what is going to be done with the bid from Mattison Contracting for the gazebo. The bid was good for 15 days which is tomorrow. He felt the bid was too high and that we should reject the bid for now. The Board has the right to put it back out to bid at a later date if they so choose. **Selectman Osborne moved, Selectman Snyder seconded the motion to reject the gazebo bid that was received from Mattison Contracting. Passed 5-0-0**

### **OTHER BUSINESS:**

Vice Chairman Hippler stated that he would like to make a comment as a citizen as to how terrible the radio coverage is across all Town departments. He admitted that he rides that horse often but in some instances he feels it is creating a real safety concern. He has full faith in his department heads that if they are having issues that they are contacting the vendor. Selectman Meaney stated that the Board could look into putting it out to bid again when the expiration comes up.

Chairman Clow inquired as to whether or not the "NO SMOKING" signs for Chase Park have been installed. Selectman Meaney stated that he is going to Chase Park tomorrow and will check and report back to Town Administrator Bolton.

### **NONPUBLIC SESSION:**

**Chairman Clow moved, Selectman Meaney seconded to enter into nonpublic session @ 8:15 p.m. pursuant to the authority granted in RSA 91-A:3II (a & c). A roll call vote was taken, Selectman Osborne – yes; Selectman Snyder – yes; Chairman Clow – yes; Selectman Meaney – yes; Vice Chairman Hippler – yes. Passed 5-0-0**

**Chairman Clow moved, Vice Chairman Hippler seconded to exit from the nonpublic session @ 9:10 p.m. A roll call vote was taken, Selectman Osborne – yes; Selectman Snyder – yes; Chairman Clow – yes; Selectman Meaney – yes; Vice Chairman Hippler – yes. Passed 5-0-0**

**Vice Chairman Hippler moved, Selectman Osborne seconded to seal and restrict these minutes of this nonpublic session. Passed 5-0-0**

**Being there was no further business to come before the Board, Chairman Clow moved, Vice Chairman Hippler seconded to adjourn at 9:12 PM. Passed 5-0-0**

### **ADJOURNMENT**

A True Record.

*Naomi L. Bolton*

Naomi L. Bolton  
Recording Secretary