

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
February 26, 2018

PRESENT: TOM CLOW, CHAIRMAN; FREDERICK W. HIPPLER, VICE CHAIRMAN; JON OSBORNE, SELECTMAN; AND JAN SNYDER, SELECTMAN.

RECORDING SECRETARY: Naomi L. Bolton

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Lori Davis; Leigh Bosse; John Vanloendersloot; Valerie King, NH Lottery; Frank Campana; Police Chief Sean Kelly; DPW Director Benji Knapp; Donna Osborne; Fire Chief Bob Vezina; Heleen Kurk; Emily Dauphinais; Sgt. Brandon Montplaisir ; Linda Plante, NH Lottery.

Chairman Clow called the meeting to order at 6:30 PM, welcomed everyone present and watching, followed by the Pledge of Allegiance.

Chairman Clow stated that he would like to take a moment to thank the police department for all their involvement in last week's events. With all the things that are going on in the world today, there is no such thing as overreacting. We appreciate all the effort that went into providing the protection that was needed for the safety of everyone.

SWEARING IN NEW POLICE OFFICER: Police Chief Sean Kelly gave a brief update on the search that was conducted in order to get to where we are tonight, swearing in a full time officer. Chief Kelly introduced and welcomed Chad Averill. He shared some of Mr. Averill's background and previous employment. Chairman Clow stated the Board interviewed Mr. Averill two weeks ago in nonpublic session. **Vice Chairman Hippler moved, Selectman Snyder seconded to hire Chad Averill as a full time patrol officer for the Police Department. Passed 4-0-0**

Chairman Clow administered the oath of office with Mr. Averill and then Mr. Averill's dad Ken presented him with his badge.

DISCUSS REVISIONS TO 2018 DEFAULT BUDGET: Chairman Clow stated that the board is discussing revisions to the 2018 default budget due to a recent law suit against the Town. The order issued by the judge was in favor of the plaintiff. With assistance of our Town Counsel and agreement with the plaintiff and his attorney, a new default budget is being presented. Town Administrator Bolton walked through all the increases and decreases that were made to the default budget per the agreement between counsels, with a net result of an overall \$489 reduction to the originally presented default budget. Chairman Clow informed the Board that if there were no further questions a new 2018 Default Budget needs to be signed. **Vice Chairman Hippler**

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moved, Selectman Osborne seconded to sign the 2018 Default Budget as discussed and amended this evening. Passed 4-0-0 The Board signed the 2018 Default Budget forms for DRA.

Chairman Clow stated the second piece of this is a discussion amongst the Board regarding whether an appeal is something the Board would like to move forward with. Chairman Clow stated that Selectman Meaney is not present tonight, but he is in favor of the appealing this decision. Vice Chairman Hippler stated that he is also in favor of an appeal. Chairman Clow noted that our Town Counsel has also agreed to split the cost of any appeal on a 50/50 basis. **Chairman Clow moved, Selectman Osborne seconded that the Town move forward with the appeal of the recent decision regarding the 2018 default budget. Discussion:** Selectman Snyder stated that the action that was just taken was something that was agreed upon by both sides. It was not brought out in court, therefore she doesn't feel that the judge heard both sides of the argument. Vice Chairman Hippler stated that he would like to see some clarification come as a result of this appeal. **Passed 4-0-0**

There are two scheduled public hearings posted for 7 PM, being it was not quite time the Board continued on with some other smaller items.

DEPARTMENT HEAD/COMMITTEE ITEMS: DPW Director Benji Knapp was present. Director Knapp informed the Board that he lost one of the Volvo trucks during the storm. Per the purchasing policy he has reached out to three garages for quotes. Sizemore Truck and Equipment who does a good share of the work on the large trucks, was not interested because it was a Volvo. McDevitt Trucks is where it came from when it was new can't get the truck into their shop until at a minimum, the middle of March. TMS Diesel here in Weare can get the truck in on Wednesday. McDevitt's hourly rate is \$118/hour. TMS Diesel's hourly rate is \$108/hour. The consensus of the Board was to allow Director Knapp to take the truck to TMS to do the work. Selectman Snyder asked if there was an estimate. Director Knapp stated that there is not because there could be other things wrong once they get in there. The DPW mechanic has taken it apart so that cost has already occurred and he is not going to put it back together for TMS to take it back apart. The truck will be delivered in the condition that it is currently in.

Fire Chief Bob Vezina was present to request funds from the Air Pack Replacement Capital Reserve Fund (CRF) for some ancillary equipment needed for the air packs. The request was for \$665.06 for bags to store the masks while on the vehicles as well as protective thread covers. The current balance in the Air Pack Replacement CRF is \$25,851.64. **Selectman Osborne moved, Vice Chairman Hippler seconded to approve the expenditure of \$665.06 from the purchase of the requested ancillary equipment for the air packs with the funds to come from the Air Pack Replacement Capital Reserve Fund. Passed 4-0-0**

MEETING MINUTES:

February 12, 2018 Minutes: Selectman Snyder moved, Vice Chairman Hippler seconded to approve the February 12, 2018 minutes as amended. Passed 4-0-0

Selectman Osborne excused himself for the rest of the evening.

PUBLIC HEARINGS: The Board of Selectmen will hold two (2) Public Hearings for the purpose of hearing public testimony and comment on: 1) Allowing the operation of KENO within the Town pursuant to the provisions of NH RSA 284:41 through 51. 2) Amending Warrant Article 41 of the 1999 Town Meeting, the Weare Fire Department Vehicle Replacement Special Revenue fund, to allow for the purchase of equipment in addition to the existing purpose of purchasing vehicles and to change the name of said fund to Fire Department Equipment and Vehicle Special Revenue Fund.

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Chairman Clow opened the first public hearing with regard to the operation of KENO within the Town at 7 PM. Linda Plante, Assistant Director for the NH Lottery was present along with Valerie King who also works at the NH Lottery Commission. Ms. Plante thanked the Board for having her and stated that they have been visiting lots of NH communities to discuss KENO. KENO is being started to allow for a \$1,100 per pupil stipend for all full day kindergarten students enrolled for 2019. If things go well with KENO the stipend could move to \$1,800. The direct enrollee numbers will be coming from the Department of Education to determine the total stipend. There are three establishments in Weare that would be eligible to offer KENO, which are General's Sports Bar, Dimitri's Pizza and the Stark House Tavern. To be eligible to host KENO you need to have a bar/pouring license registered with the State. Ms. Plante explained that KENO is like electronic bingo. To play you would have to purchase numbers through a machine that looks like an ATM machine. You can pick up to a maximum of twelve numbers. There are pick three and pick four options too. Every five minutes twenty numbers come up on the screen. Winnings that total \$599 or less are paid out immediately at the establishment, anything higher you would have to go to the NH Lottery Commission.

Bob Vezina asked what percentage of money comes back for education. Ms. Plante stated that the establishment gets 8% to them from KENO and they have opportunities for bonuses too. One (1) percent of the sales go to Health and Human Services. The rest would be available to fund the stipends. KENO is going to be looked at each year to make sure there are enough establishments to fund the full time education.

Lori Davis pointed out that it is not going to cover 100% of the full day kindergarten costs, so the Town will be responsible for the other costs. If the State at some point stops KENO and the funding stops then the Town would be responsible for 100% of the cost. Ms. Plante agreed with Ms. Davis.

Heleen Kurk asked if communities already have full day kindergarten are they eligible for the \$1,100 stipend. Ms. Plante replied that yes they would be eligible to get the stipend.

John Vanloendersloot asked if the communities that don't have KENO will they still be getting the \$1,100 the first year. Ms. Plante responded yes. Mr. Vanloendersloot then asked how many towns have full day kindergarten. Ms. Plante replied she was unsure that number would have to be gotten at the Department of Education. Mr. Vanloendersloot asked why only full day kindergarten and not part time kindergarten. Ms. Plante replied that is how the bill was assigned.

Ms. Plante reminded everyone that KENO is totally up to the individual communities. If KENO is not allowed communities with full day kindergarten will still be eligible for the \$1,100 stipend. If KENO is allowed in the Town it is still up to the individual establishments whether they want to get licensed for KENO. She again thanked the Board for the opportunity to discuss this and answer any questions.

Being there were no further comments or questions, Chairman Clow moved to close the public hearing at 7:25 PM.

Chairman Clow opened the second public hearing at 7:25 PM to hear public testimony and input on changing the Special Revenue Fund for the Fire Department. Chairman Clow read the public hearing notice in its entirety. Town Administrator Bolton pointed out that the word "existing" appears in this public hearing notice because it was posted before deliberative session. At deliberative session the word existing was removed and the article will appear on the ballot without it.

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Frank Campana stated that this will open lots of money for anything the Fire Department wants and he has a concern with that. Chairman Clow stated that any request for money to be spent from this fund has to still go to the voters. This change would allow for equipment like the Jaws of Life, thermal imaging cameras, etc. The same process would need to be followed like any CIP request would. Mr. Campana asked what kind of assurance he would have that what is purchased is what is needed and not just what is wanted. Chief Bob Vezina stated that speaking for himself, since he has been here which is approximately 6 years, they have been very frugal stewards of the funds they have to work with. Chief Vezina stated that as long as he is the Chief he is going to continue to conduct business this same way for the benefit of the community. He reiterated that there is a lengthy process they would have to go through having lots of discussions at various boards/committees along the way with the final one being a vote at Town meeting. Any request would be made at the CIP level. From there it goes the normal channel to the Planning Board, Finance Committee, Board of Selectmen and finally a warrant article on the ballot. Being there were no further comments or questions, Chairman Clow moved to close the public hearing at 7:40 PM

DEPARTMENT HEAD/COMMITTEE ITEMS:

ACO Position Discussion: Police Chief Sean Kelly put together a draft ACO Job Description that both Town Administrator Bolton and Finance Administrator Beth Rouse reviewed. There were a couple of changes made during that review that have been done, but Finance Administrator Beth Rouse was not available to verify the changes today. With that being said, Chief Kelly asked that this be tabled to next week to allow the changes to be reviewed. The Board agreed to table it to next week, March 5, 2018.

SPCA Contract: The SPCA out of Bow sent a new contract to handle the stray dogs. Town Administrator Bolton shared the highlights of the contract. Vice Chairman Hippler stated that he wants to see a start date and some sort of termination clause. He is in support of keeping them on board even when the ACO position gets filled. Chief Kelly will forward it to Attorney Laura Spector-Morgan for her review. Selectman Snyder asked where the money for this contract would come from. Chief Kelly replied somewhere in the ACO budget, probably the wage line.

Larmonie Group, LLC Contract: Chief Kelly has a new contract from the Larmonie Group for 2018 to be signed. This group does the background work on potential police department candidates. Chief Kelly stated that he will also forward this to Attorney Spector-Morgan for her review before bringing it back to the Board.

CUSTODIAL JOB DESCRIPTION DISCUSSION:

Town Administrator Bolton emailed and shared hard copies of the latest job description for the Part-Time Custodian position from July 17, 2007. The board began reviewing the job description and felt that the words Town Office and Town Hall need to be removed because the intent is to have all the town facilities fall under this person's duties. There was some discussion of having the custodian take back over the cleaning duties as well. The Board felt where there were only 3 Board members present they would like to continue this discussion on March 19, 2018.

MANIFESTS:

Chairman Clow moved, Selectman Snyder seconded to order the Treasurer to sign accounts payable and payroll checks dated March 1, 2018 as included in the following manifests:

Payroll Manifest **\$ 66,269.31** (Weekly payroll)

Accounts Payable Manifest **\$ 102,974.83**

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John Stark School District Manifest

\$ 250,000.00

TOTAL

\$ 419,244.14

The following manifest was previously ordered to sign at the February 12, 2018 Board of Selectmen meeting:

Payroll Manifest

\$ 57,580.36 (Weekly and monthly checks dated 02/22/18)

Passed 3-0-0

ADMINISTRATIVE REPORT: Town Administrator Bolton went through the upcoming agenda items as follows:

Candidates Night is scheduled for Wednesday, March 7th @ 7 PM at the Weare School Cafetorium.

Open House for new DPW Garage –Saturday, March 10th from 9 AM to 12 noon at the DPW Garage

Betterment Release for Hemlock Drive – in 1996 the Board of Selectmen signed and recorded a betterment assessment lien for all the properties along Hemlock Drive. The lien was to be for 10 years. The liens have long been paid for and the lien has never been released. Attorney Spector-Morgan typed up the release for the Board to sign. The Board signed the release and Town Administrator Bolton will send it to the registry to be recorded.

Request for trapping permit on Town property 6 Steve Kurylo has received trapping permits in the past to trap off Forest Road and Route 77 on the Town land. **Vice Chairman Hippler moved, Selectman Snyder seconded to authorize the Chairman to sign the trapping permit for land off of Forest Road and Dustin Tavern Road, Lots 287, 282, 226, 227, 228 & 230. Passed 3-0-0**

PT DPW Secretary –The deadline for the applications was today at 4 PM. We received 6 applications, 5 from Weare residents and 1 from New Boston. Town Administrator Bolton and DPW Director Knapp will review the 6 applications and provide the Board feedback on a tentative time frame, etc.

Sealed Bid for Cordwood – bids were due by Monday, February 26, 2018 @ 4 PM to be opened at the Board meeting tonight. This RFP was put in the newspaper on February 9th for a cost of \$98.91. It was also put on the Town's website and posted here on the bulletin board and at the post office. One bid was received. Vice Chairman Hippler opened the one bid, which read as follows: I have been a lifetime resident of Weare, NH. I have a truck ready to haul out the wood. The only hold up on transporting the wood will depend on the roads being posted. I measured this pile some time ago and it measured a bit under 30 cords. My bid for the entire pile is \$900. The Board reviewed the bid and discussed options. Town Administrator Bolton explained that the bid was posted with the option that the Board could accept or reject any and all bids. The Board felt that DPW Director Knapp might have a look at it for his response. Director Knapp messaged that it's worth as much as someone offers. Other Board members felt that if we continue to wait the wood will be rotted and worthless. **Selectman Snyder moved, Vice Chairman Hippler seconded to accept the bid for \$900 from Bryan McGee for the pile of cordwood that is at the Transfer Station and to work with DPW Director Knapp on removal because of posted roads. Passed 3-0-0**

PUBLIC COMMENT:

Heleen Kurk, Mt. Dearborn Road, she wanted to make comment about the default budget. She understands what's been done and understands that it is legal, but she feels it is playing with the voters. There is absolutely no reason for voters to vote for the proposed budget; \$77,000 difference between the two doesn't give the voters any choice. She's disappointed in what she considers game playing with the numbers.

Frank Campana, Quaker Street, stated that he is going to plead ignorance in regards to the appeal that you voted for tonight. He claimed that he did not know really all the nuts and bolts that got the Town to this point, but is really offended that the Board decided to appeal. He wondered if it is a question of ego but it's certain perhaps

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the Board taking the position that they want to be the gold standards and have to go fight for other towns. Mr. Campana stated that in going back over the last 6 years or so the default budget was constructed with plus and minuses. If the budget dictated that you needed more money for fuel then the Board was agreeable to construct the default budget with more money for fuel. If the Board saw that a proposed line item was less than the default the Board lowered the default and it worked. Mr. Campana stated sarcastically that he would like to thank the Board for wanting to be at the top of the pyramid and go to bat for other towns.

Lori Davis, Buxton School Road, reminded the Board that she was the Chair of the Finance Committee this year so she is very familiar with the budget. She claimed to be extremely familiar with the lawsuit that came down and aware of the decision. She found it fascinating that the Board didn't take money out of the budget they just moved it over into the insurance line. Ms. Davis stated that the Finance Committee scrutinized this budget and she is claiming that there is well over \$250,000 in this budget to play with without adding the salaries and now we have boosted it up to close to \$300,000 that people will have as a slush fund. She stated that the money is being moved around to protect two contracts, where the Board already has money in it. Ms. Davis stated that the Board wants to be fiscally sound, yet an appeal is being pursued. She also stated the Board wants to be open and there are people in this Town that do not know what this lawsuit is about. She accused the Board of not informing everyone of why the Town got sued, what it is about, what the actual answers were about and what the parameters are. She also stated that she finds it very interesting the Board is supposed to be very transparent and not once has the Board explained to the residents of this Town as to what is going on. Ms. Davis then informed the Board that "the rest of us will take care of sending fliers out and educating the residents because this board doesn't do that". She further added that it's unfortunate that the Board is more interested in protecting two people than you are in the fiscal responsibility to the taxpayers. She further claimed that there is plenty of money that the budget and \$47,000 out of the budget would not hurt anything and she knows that for a fact. Ms. Davis pointed out that there are two Board members up for re-election and that people need to understand how they view things, how they move money around and who they are protecting. She added that we have a fire chief in this town that does a great job and he is not paid what the police chief is and he handles more people. She stated we have people at the highway department and town office and what they're getting paid compared to the rest of the people is unfortunate.

Chairman Clow stated that needless to say, he does not agree with what Ms. Davis just said about these extra monies in the budget. Ms. Davis interrupted and claimed she can point out exactly where the \$250,000 is. The Finance Committee has run the numbers and she said she could show the Board where it is. Chairman Clow stated that it is news to this Board and Ms. Davis replied it is in the police department budget.

CORRESPONDENCE: None

OTHER BUSINESS: Selectman Snyder stated that back on February 5th she asked if we could get a final report on the DPW Garage. She would like to see if Mr. Fillmore can come in next week. Town Administrator Bolton will schedule that.

Selectman Snyder stated that in the Town Administrator's office upstairs, she would like to see if a company like ServePro could come in and look at the ceiling and provide the Board with a free estimate. Vice Chairman Hippler stated that he believes it is beyond ServePro, it's gone beyond a cleanup it's at the reconstruction stage, unless there is some mold abatement or something. Chairman Clow stated that it might be wise to put up a suspended ceiling. Selectman Snyder stated that she would like to see that taken care of before it causes any health issues and someone gets sick.

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Selectman Snyder stated that she would like to see the Town put out to bid for electrical and plumbing for an hourly rate for the year. She felt that it seemed like we hire the same people and others don't get that opportunity for impending projects. It seems that we wait too long after Town meeting and then all the people have work in place and are not available or interested.

The minute taker position(s) will be put back out for applications shortly after Town meeting.

Chairman Clow wanted to address how the Board is to handle when speakers at public comment get up and just say information that is so untrue, like our last speaker. The Board has been criticized just recently about being careful and not to give out information that is untrue and tonight we have a resident claiming to be a committee member doing the exact same thing. Selectman Snyder stated that if there was truly that amount of money available then why was it not brought up through the Finance Committee when the Board attended. The Department Heads met with the Finance Committee individually and then the Board met with the Finance Committee to go over the whole budget. There was ample opportunity for the Finance Committee to address the Board and it didn't. The Board, after meeting with the Finance Committee, came back and revisited the warrant articles in an effort to address their concerns for their support. The Board felt that there should have been conversations back and forth between the Board and Finance Committee, which was how it was done in previous years. This year was not done that way, which is troubling. The Finance Committee used to come in to our meetings and point out items that would be looked into or explained the reasoning for the numbers. The Board is taken aback by these statements, because it feels it presented an honest budget. This whole default budget issue would not be a problem if we were regularly passing our proposed budget. Selectman Snyder stated that it all goes back to the contracts and there was no way to get at that so this is the way it's come about. The default budget item is a struggle in lots of communities. NHMA as well as other communities have reached out indicating that they will be watching this case in a hope that some clarity to constructing a default budget can be cleared up. The Board felt that the default was constructed within the law with guidance from Town counsel. Some items were increased and some were decreased. Vice Chairman Hippler reminded the Board of what was asked at the Finance Committee meeting regarding the insurance amount for default and one specific member of the Finance Committee stated the default should be the higher amount, even though they knew what was needed, which is why it got pushed back up. The Board felt that there needs to be a clear answer on default. The Board is certainly not looking to be the top of the pyramid or is not doing it for ego; we just would like clarification which is what the appeal is for.

NONPUBLIC SESSION:

Chairman Clow moved, Vice Chairman Hippler seconded to enter into nonpublic session @ 8:41 p.m. pursuant to the authority granted in RSA 91-A:3II (e). A roll call vote was taken, Selectman Snyder – yes; Chairman Clow – yes; Vice Chairman Hippler – yes. Passed 3-0-0

Chairman Clow moved, Vice Chairman Hippler seconded to exit from the nonpublic session @ 8:58 p.m. A roll call vote was taken, Selectman Snyder – yes; Chairman Clow – yes; Vice Chairman Hippler – yes. Passed 3-0-0

Chairman Clow moved, Vice Chairman Hippler seconded to seal and restrict these minutes of this nonpublic session. Passed 3-0-0

Being there was no further business to come before the Board, Vice Chairman Hippler moved, Selectman Snyder seconded to adjourn at 8:59 PM. Passed 3-0-0

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ADJOURNMENT

A True Record.

Naomi L. Bolton

Naomi L. Bolton

Recording Secretary