

FINAL



WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
March 5, 2018

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

**RECORDING SECRETARY:** Naomi L. Bolton

**TOWN ADMINISTRATOR:** Naomi L. Bolton

**GUESTS:** Bruce Fillmore; Police Chief Sean Kelly; Beth Rouse, Finance Administrator; Lori Davis; Keith Erf; Sherry Burdick; Neal Kurk; Heleen Kurk; Tim Matheson.

Chairman Clow called the meeting to order at 6:32 PM, welcomed everyone present and watching, followed by the Pledge of Allegiance.

**DEPARTMENT HEAD/COMMITTEE ITEMS:**

ACO Position Discussion – Police Chief Sean Kelly was present. Chief Kelly explained that since the last time the Board saw this he has made a couple of corrections, largely the first two bullets pertaining to the conditions of work. Those two bullets came from other documents that he has in his possession. There was some discussion of adding wording to indicate that the Town of Weare's employee would be under the guidance of the Weare Police Department. Chief Kelly stated that he will find some language to meet that concern. Chief Kelly asked what type of action the Board is looking for. His reasoning is because if it is going to be a Town policy then it needs to come out of the Weare Police Department policy manual. Chief Kelly pointed out that if it is going to be the Police Department policy then the Board of Selectmen shouldn't be voting on it. The Board understands what the Chief is saying. Chief Kelly pointed out that if we go down that road then the Board of Selectmen has managerial control over the police department into the depth of policy. The Board gives the Chief the general functions of what is expected and the police chief works it out. This was a budgetary thing that was worked out together. He's happy to have that conversation with the Board which is why he's here looking at this today. He doesn't think the Board should be voting on policy. Chairman Clow agreed because the Board does not do the job descriptions for the police officers, sergeants, etc. so he understands what he is saying. The board discussed the section of domestic animals, which is what we want to stay away from and leave it to just dogs, essentially. Unfortunately this community has a cultural difference and feels that the animal control is a jack of all trades which is not what the Board is looking for. Investigations of animal abuse occur and usually are turned over to other trained agencies. Chief Kelly stated that he will seek out the appropriate authorities to assist in the wording so that we can limit this appropriately, but that won't happen tonight. Chief Kelly stated that realistically he will not be back before March 26<sup>th</sup> to allow him ample time.

Town Administrator Bolton asked to discuss the civil forfeiture for unlicensed dog's form letter from the Town Clerk. In prior years the ACO would come into the office, sign them and the Town Clerk sends them out. The police department letterhead is not really being used, just the words Weare Police Department are on it. Town

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Administrator Bolton asked if the Town removed the words Weare Police Department could the clerk sign them and mail them out, especially because they are not being hand delivered. Chief Kelly asked if it was a notice of seizure or just a heads up. Town Administrator Bolton replied that this letter is to let them know that their dog has not been licensed as required by the RSA and they are hereby required to pay a civil forfeiture to the Town clerk within 15 days. Chief Kelly stated that if this is a friendly town clerk item then he felt he didn't need to sign them. It's when it is a statute violation and there's going to be a legal action that then the Town will have to have law enforcement, animal control or SPCA to it for the Town. Chairman Clow stated that all we need to do is to change the heading to the Town and sign them at this point. Chief Kelly stated that the Town should check with Attorney Laura Spector-Morgan to make sure the Town can sign them. The Board agreed to have Town Administrator Bolton run it by Town counsel.

**DPW GARAGE UPDATE:** Bruce Fillmore, Clerk of the Works was present to update the Board. Mr. Fillmore stated that the garage is finished, almost. Overall the project was done for slightly less than what was voted on, which was \$1.36 million. We got some things in the building that weren't part of the original contract. There is a water treatment system that came in at over \$5,000. There was not any allowance for any flooring in the office areas, so the concrete got polished which is a good way to have that because if people walking in with muddy shoes you can just sweep it up and it's not going to destroy anything or wear anything prematurely. That was \$6,000+ dollars to do that. The last thing that has to get done is the airline system for the compressor and we are upgrading that from steel pipe to aluminum pipe. It is not treaded and it can come apart which can easily be added onto or expanded onto later. A few things like that got worked into the price and still ended up where it needed to be. Mr. Fillmore stated that DPW Director Knapp got curious last week about the generator. The electrician sized it based on the needs of the building. So they killed the power to the building and turned every light on, turned on the boiler on, and then went upstairs to start the compressor. That came on and off a couple of times on generator and it never squeaked or drew down. It is a 45kW generator which is more than adequate for that building. It's all LED lighting. The generator is a screw drive. The compressor is a screw drive compressor which uses a lot less power than a piston type compressor. It's a variable speed motor that takes a lot less to start than a one speed motor. Overall it came out pretty nice. We got things in there that weren't in the original budget, like the water treatment system that feeds water to the transfer station as well, so they have potable water right out of the faucet now, which they never had before. The Code Enforcement is waiting for the okay from the Fire Chief who has to go through to do his last fire alarm test. All the as built plans have been submitted, two hard copies and a thumb drive with all the plans that will need to be kept in a safe place. The contractor right now is putting a book together on all the items in the building with written warranties, for the one year warranty period. Overall there a lot of things that can go wrong with construction and there wasn't anything that did that was really off the wall. The general contractor was more than accommodating when they were asked to do a couple of things that were not planned on. Vice Chairman Hippler asked if the car lift was usable. Mr. Fillmore stated that he didn't know if it was usable but the contractor is done all they needed to do with the installation the rest is up to the Town. Vice Chairman Hippler asked Mr. Fillmore to type up a report that could be included in the book from the contractor to address some of the things that were encountered, so that 20 years from now we will know.

**DEFAULT BUDGET:** Chairman Clow recognized Neal Kurk who had asked to be put on the agenda regarding the default budget.

õGood evening, Board members,

I'm Neal Kurk, and I live on Mt. Dearborn Rd. I wish to address the Board on the default budget that will be before voters a week from tomorrow.

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As a result of a superior court decision after the town meeting deliberative session, the Selectmen removed about \$60,000 from the default budget representing new contract increases not previously approved by voters. Simultaneously, the Selectmen revisited the default budget and increased it by approximately the same \$60,000. This was accomplished by increasing lines, such as insurance, to the prior year's appropriation amounts even though you know that lower amounts will be spent this year.

At its meeting last week, the Board suggested that these increases in the default budget were agreed to by both parties to the law suit, the town and me. That was not the case; there was no agreement of any kind. The town's attorney asked my attorney whether the town could increase the default budget and provided a list of the proposed increases. My attorney told the town's attorney that the statute gave the Selectmen authority, based on "relevant new information" so that the statutory language of RSA 40:13, to change the default budget any time prior to the printing of the ballots.

I don't believe the statute contemplated the loss of a lawsuit as "relevant new information". So, my question to you is this: what was the "relevant new information" on which you based your \$60,000 increase in the default budget? I believe the voters of Weare deserve an answer.

Thank you.

Chairman Clow thanked Mr. Kurk. Mr. Kurk asked, you don't wish to answer. Chairman Clow replied no.

### MEETING MINUTES:

February 26, 2018 Minutes: Chairman Clow moved, Selectman Snyder seconded to approve the February 26, 2018 minutes as amended. Passed 3-0-1 (Selectman Meaney abstained.)

### MANIFESTS:

**Chairman Clow moved, Selectman Meaney seconded to order the Treasurer to sign accounts payable and payroll checks dated March 8, 2018 as included in the following manifests:**

<b>Payroll Manifest</b>	<b>\$ 54,361.75</b> (Weekly payroll)
<b>Fire Department Manifest</b>	<b>\$ 12,019.59</b> (February Fire payroll)
<b>Accounts Payable Manifest</b>	<b>\$ 88,204.56</b>
<b>Supplemental Accounts Payable Manifest</b>	<b>\$ 4,124.24</b>
<b>TOTAL</b>	<b>\$ 158,710.14</b>

Discussion: Vice Chairman Hippler stated that he will not be voting in favor of this because he felt there were a couple of items one in the payables and one in the payroll that he feels should have been quoted out per the purchasing policy. **Passed 3-1-0 (Vice Chairman Hippler opposed)**

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

*TA Office Roof* óServePro was reached out to today to schedule a free estimate of what needs to be done. As of this meeting, no scheduled appointment has been set.

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*Candidates Night* - scheduled for Wednesday, March 7<sup>th</sup> @ 7 PM at the Weare School Cafetorium, regardless of the weather.

*Open House for new DPW Garage* –Saturday, March 10<sup>th</sup> from 9 AM to 12 noon at the DPW Garage ó refreshments provided

*Esther McLain's 100<sup>th</sup> Birthday Party* – Sunday, March 11<sup>th</sup> from 12 noon to 2 PM, Presidential Oaks in Concord, NH ó the family has invited the Board

### **PUBLIC COMMENT:**

Tim Matheson, River Road stated that he has a couple of questions for the clerk of the works. In the last meeting here it was mentioned that the polishing of the floor was a freebie and now we are learning it was \$6,000. Mr. Fillmore replied that he didn't recall stating it was a freebie, it did fall within the budget largely because there were lots of items that ended up coming in under the quotes. Mr. Matheson asked if it was a change order. Mr. Fillmore responded, there were no change orders. Chairman Clow stated that there was enough funding left to do certain things and one of those things was to polish the floors in the office areas. Mr. Fillmore stated that similar to the water treatment system. The well was drilled and the water test came in high in arsenic, so a water treatment system was put in, but again it was from other areas of the overall project that came in under. Mr. Matheson asked where the 5,000 gallon underground tank is vented. Mr. Fillmore replied that it is vented outside and it contains baffles at both ends. Mr. Matheson asked if the concrete on the floor in the truck by was it sealed and if not why? Mr. Fillmore stated that it was not done there was no money for it and sealing would deteriorate over time with the oil and the salt. Mr. Matheson stated that he felt it should be sealed because over time if not done it will be down to raw aggregate. Chairman Clow stated that we can make a note of it in the minutes, but it is not up to the clerk of the works responsibility. Mr. Matheson asked if the Board could have the electrical contractor write up a consumption chart on the whole of the DPW. Chairman Clow repeated that again that is something under public comment that we can put in the minutes. It's not up to Mr. Fillmore as to if we can do that or not, it's up to this Board. Mr. Matheson stated that he heard earlier that he didn't know if they would be able to run the welder with everything else going and now they are saying that everything will run on 45kW when before it was said it was a 50kW, it's kind of confusing and he's not believing that. Mr. Matheson then asked about candidate's night. Before he left home the Boston channels were calling for 3-40 per hour from 7 PM on. Chairman Clow stated that at this late time there is not a chance to reschedule. Mr. Matheson asked if the Board knows what kind of cost was saved on the building itself and the concrete. He said he heard the bids came in a little lower then was projected. Mr. Fillmore stated that the cost of the concrete was not lower.

Lori Davis, 118 Buxton School Road, stated that she was on the committee to have the highway garage built. She pointed out that the Board is well aware of that they need to account to the taxpayers how you spend your money. We expect itemized accountings from our Board of Selectmen that's part of the budget process. When you have a project as big as the highway garage that the voters have voted to do and they have entrusted it to the Board to make sure it's done correctly. They too have a right to expect a full and complete accounting. They should know what the concrete costs; what doors cost, etc. There should be a complete accounting of everything. You do it in your home you. You do it in your bank accounts. We do it in our town. We expect it of our department heads. There were a few problems as stated; those should be documented as to what they cost, what they saved, where we went wrong, so we don't do it again. It's a learning process but it is the correct process. It is about being transparent. It is about answering to your voters who are your taxpayers who are paying a lot of money to get these things done. The Board should be asking for more accounting. I as a voter and taxpayer expect to be able to go to my town administrator or this board and get a full report of everything that was spent line by line so that she knows. It's her money as well as everybody else who's paying taxes in this town. Secondly, Ms. Davis felt it was unfortunate that to date we still haven't discussed the full lawsuit but

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more importantly when somebody comes to you and explains what happened, because they were part of the lawsuit, you can't even justify your actions to it. Now whether you didn't want to get into an argument or not again but that's the Board's choice, but it looks bad. Taxpayers are looking for transparency. We hear it from the Board all the time that we want our committees to be transparent. We're listening to the things on the new ACO position it's nice that the Board and the police chief have a report in front of you. You are putting together a person's position that taxpayers are funding and we have no idea what this position does and we are footing the bill for it, again lack of transparency. There's nothing illegal about letting us know the job description completely, what is expected of this person and what their duties are. She's concerned about the lack of transparency from my Board of Selectmen, very concerned. Chairman Clow replied that they are working on a job description for the ACO so the Board can get it posted.

Sherry Burdick, Deering Center Road, stated that she would like to see a full report of the items that Mr. Fillmore actually found that were wrong; how many items he actually detected that were wrong and have that out. Ms. Burdick would also like to know what the full load of electrical of the building, everything when it is running. Ms. Burdick asked Mr. Fillmore if he knew the total load or even the R-value of the insulation. Mr. Fillmore stated that he didn't know all the particulars off the top of his head. Chairman Clow stated again that we will be getting an electronic copy as well as hard copy of everything for that building. Ms. Burdick stated that she doesn't see transparency here. She stated that when you put a building in like that, for of all we have no minutes from that committee which was a town committee. Then you have a building put up and we have no reports, no minutes, what went on, what didn't go on, what the R-value is on the doors. She can tell us what her R-value is on her house that she built 30 years ago. Chairman Clow again stated all these things will be part of the report. As requests for payment were requested, the Board received an itemized breakdown of the total costs which were signed off on and paid by the Board. We didn't bring all of our invoices and go over what we paid for this week. Ms. Burdick stated that she is not asking for that she was just asking several simple questions, like the R-value of the walls and ceilings, the R-value of the garage doors, that's just basic. She feels that it seems ridiculous that we don't have basic information. She claims she went through this back in April, the Board didn't know any of it then either and it's been worked on for 18 months. She thinks there is a big separation here that people don't know what's going on.

**CORRESPONDENCE:** None

**OTHER BUSINESS:** None

### **NONPUBLIC SESSION:**

**Chairman Clow moved, Selectman Meaney seconded to enter into nonpublic session @ 7:43 p.m. pursuant to the authority granted in RSA 91-A:3II (a & c). A roll call vote was taken, Selectman Snyder – yes; Chairman Clow – yes; Selectman Meaney – yes; Vice Chairman Hippler – yes. Passed 4-0-0**

**Chairman Clow moved, Selectman Meaney seconded to exit from the nonpublic session @ 8:30 p.m. A roll call vote was taken, Selectman Snyder – yes; Chairman Clow – yes; Selectman Meaney – yes; Vice Chairman Hippler – yes. Passed 4-0-0**

**Selectman Meaney moved, Selectman Snyder seconded to seal and restrict these minutes of this nonpublic session. Passed 4-0-0**

**Being there was no further business to come before the Board, Selectman Snyder moved, Selectman Meaney seconded to adjourn at 8:31 PM. Passed 4-0-0**

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**ADJOURNMENT**

A True Record.

*Naomi L. Bolton*

Naomi L. Bolton

Recording Secretary