

FINAL



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
March 19, 2018**

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

RECORDING SECRETARY: Naomi L. Bolton

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Bill Alleman; Suzanne Marcroft; Doug Alwine; Frank Campana; John Lawton; Sandy Heino; Justin Fernandez; Beth Rouse, Finance Administrator; Matt Whitlock; Frank Richardson; Mike Mudge; Scott Russell; Pastor Fuller; Travis Corcoran; Bob Vezina, Fire Chief; Neal Kurk; Heleen Kurk; Richard Butt; David Recupreo; Tim Matheson.

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

SWEARING IN OF ELECTED OFFICIALS:

The first order of business was to swear in the newly elected officials. Selectman Jack Meaney administered the oath of office to Sherry Burdick and Frederick Hippler and shook hands, welcoming them and congratulating them.

Vice Chairman Hippler welcomed Sherry Burdick to the Board and thanked Tom Clow for his 12 years of service for the Town of Weare as Selectman.

WEARE BAPTIST CHURCH – ABATEMENT DISCUSSION:

Pastor Calvin Fuller was present with several others from the Weare Baptist Church. They have requested an appointment tonight to discuss an abatement request for the 2016 property taxes on their property located on 84 North Stark Highway. On May 12, 2016, the Town determined that the parsonage at 84 North Stark Highway did not qualify as tax exempt under RSA 72:23-c and assessed taxes for a short period of time against the property as the tenants are residing in the parsonage. This was a decision from Hillsborough Superior Court dated February 18, 2016 determining that the tenant is no longer the Church's pastor. The Church seeks an abatement for good cause based on its numerous and continuing efforts to remove the tenants from the parsonage, dating back to a trial that occurred at the Hillsborough Superior Court's Northern Division in December 2015. The Church has always intended to use the property for Church purposes. Since that time in 2015, the Church has engaged in multiple and on-going actions and lawsuits in an attempt to remove the tenants. On February 2, 2018 Hillsborough Superior Court issued an order finding that the tenants were in contempt of its February 18, 2016 order. The court further allowed the eviction action in Goffstown District court to proceed which has been filed and they are currently waiting for the Goffstown District Court to schedule a hearing on the eviction. The Church has every reason to believe the eviction will occur and a Writ of Possession

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will issue in favor of the Church. Pastor Fuller stated that the Church has been working in every legal way to remove the tenants and has been frustrated in its effort by the tenants. The Church is requesting the Board consider all the facts and circumstances and find that good cause exists for this request. The Board suggested that Town Administrator Bolton reach out to Town Counsel for her input before a decision on the abatement is made. Vice Chairman Hippler stated that the decision will be put off until next week to allow time for Town Counsel to provide her opinion. Pastor Fuller thanked the Board for its time.

DEPARTMENT HEAD/COMMITTEE ITEMS:

Police Chief Sean Kelly was present with a couple of department items. First was the SPCA agreement with the Pope Memorial SPCA Society in Concord. A few weeks ago Chief Kelly brought forth an agreement, which the Board asked to have Town Counsel review prior to any signature. Vice Chairman Hippler recalled the issue at that time was the agreement had no start date and no end date. That has not been added but the rest of the agreement was reviewed and it was fine. Chief Kelly will get back in touch with the SPCA for consideration of a one year renewable agreement. The consensus of the Board was that would be appropriate.

Next, Chief Kelly discussed the issue of overnight coverage now that the warrant article for the 12th officer did not pass. He suggested that the board has a couple of options. The first is to have an MOU with the NH State Police to cover the 3 AM to 7 AM shift. The agreement would consist of 4 hours every night at the overtime rate. An additional cost would be incurred if there was a need for extra personnel needed to complete the call. The other document in place is the CBA in which there is specific language for employees to have right of first refusal to work overtime. With the current roster of officers at the current levels, the Town has 70 hours of week of overtime needed to cover that shortfall of staffing. For the next 22 weeks we have to be compelling our officers to work far in excess of what would be for their health and wellness matters. Both options are in excess of \$100,000, and being on a default budget there are no funds. Chief Kelly recommends that the Board have the Town Administrator contact our personnel attorney to review the CBA specifically regarding allowing a consultation between the Town and the Union. That would be his recommendation. Vice Chairman Hippler stated that after the vote the agreement goes away correct? Chief Kelly stated that was correct. It was an agreement between the troop commander and the Chief. Mutual aid with the abutting towns was mentioned as a possibility for assistance. The Board agreed to have Town Administrator Bolton contact Town counsel.

Vice Chairman Hippler stated that he noticed that we bought a radio component, not from our vendor. We bought a microphone from Ossipee Mountain and our vendor is R & R, was there a reason why. Chief Kelly stated that our preferred contractor has been selling us materials that they are not lawfully allowed to sell us. Ossipee Mountain is the Motorola vendor for the portable radios. They are the authorized manufacturer's representative for the State of New Hampshire. R & R is not supposed to be selling the town those materials, so when they went to get three quotes for something, Ossipee Mountain went through the roof when they found out there was a vendor in the state that's not allowed to sell anything to the Town. They have exclusive rights to sell the radios in the State of NH. Their price is about \$600 less than R & R Communications, so it makes you wonder if they are buying them retail someplace else and then turning around and selling them he was not sure. Chief Kelly stated that he is telling the Board right now and that he is not going to deliberately go out and violate civil law. Vice Chairman Hippler stated that he would like to know why they are not eligible.

MANIFESTS:

Vice Chairman Hippler moved, Selectman Meaney seconded to order the Treasurer to sign accounts payable and payroll checks dated March 22, 2018 as included in the following manifests:

Payroll Manifest

\$ 73,981.50 (Weekly, monthly & quarterly payroll)

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Supplemental Payroll Manifest	\$ 189.68
Accounts Payable Manifest	\$ 21,952.22
Weare School Accounts Payable Manifest	\$ 900,000.00
TOTAL	\$ 996,123.40

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**Passed 4-0-0**

**NEAL KURK – ARTICLE 23 ON TOWN WARRANT:**

Neal Kurk, Mt. Dearborn Road was present to inquire about Article 23 of the Town Warrant. Mr. Kurk stated that Article 23 appeared on the ballot in a form that was different from what was moved and approved at deliberative session. His question is does the Board have a position on this, as to whether the 1994 warrant article is in force or not. Vice Chairman Hippler replied that is our understanding. Mr. Kurk further added so if there is a property of 10 acres or more it would go onto the warrant. The Board replied yes. Town Administrator Bolton asked if there should be a full explanation of what happened. Mr. Kurk stated it would be helpful and asked that it be put into the official minutes. Town Administrator Bolton explained that it was brought to her attention on Wednesday after the vote that there was a problem with Article 23. Article 23 is the article that pertains to the Board selling tax deeded property or town owned property for sealed bid and/or public auction. It went to deliberative session written as follows: "Shall the Town vote to authorize the Board of Selectmen to dispose of all tax deeded property by public auction or sealed bid, regardless of its size? The authority granted in 1994 limited the selectmen's authority to sell tax deeded property to properties of less than 5 acres (land only) and 10 acres (if developed with a residence)."

After some discussion and a couple of amendments at deliberative session, the last amendment proposed by Bill Alleman was read several times by the moderator, but was not what was put on the warrant. In an effort to try to figure out why this happened, the amendment documentation that was provided from the Town Clerk did not have the proposed amendment. The moderator was consulted and he agreed that he had a document that had corrections on it, but the amendment was not signed, which it legally is supposed to be to be valid. The YouTube footage of the deliberative session on the Weare Channel 6 portion, clearly confirmed that there was an amendment that was voted on which was to read: "Shall the Town vote to authorize the Board of Selectmen to dispose of all tax deeded property by public auction or sealed bid to properties of less than 5 acres (land only) or 10 acres (if developed with a residence)?"

The intent of the amendment from Mr. Alleman, which was very clear is that it would read exactly how the 1994 warrant article read. Unfortunately, what got printed on the ballot was: "Shall the Town vote to authorize the Board of Selectmen to dispose of all tax deeded property by public auction or sealed bid? The authority granted in 1994 limited the selectmen's authority to sell tax deeded property to properties of less than 5 acres (land only) or 10 acres (if developed with a residence). Town Counsel has been consulted and the opinion is that the 1994 article will continue to be enforced. Town Administrator Bolton suggested that next year that everyone needs to write out the entire amendments and sign them, so we don't have this occur again. Town Administrator Bolton stated that she felt next year's warrant will need to have an article to make this correct. Heleen Kurk, Mt. Dearborn Road, asked if this will go in as amended on the floor or as the original. The consensus of the Board was that it would be put in as amended.

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### MEETING MINUTES:

March 5, 2018 Minutes: Selectman Snyder moved, Vice Chairman Hippler seconded to approve the March 5, 2018 minutes as amended. Vote: 3-0-1 (Burdick abstained)

**ADMINISTRATIVE REPORT:** Town Administrator Bolton went through the report as follows:

*TA Office Roof* óServPro did not show up because of the storm on Tuesday (voting day). We are still trying to connect to reschedule and it should happen sometime this upcoming week.

*Custodian Position Details-* on the agenda later for tonight

*ACO Position* – to be on the next agenda of March 26<sup>th</sup> with Chief Kelly

*DPW Part Time Secretary* – Six (6) applications were received and all 6 candidates will be interviewed between Wednesday and Thursday this week. The hope is to bring forth a candidate next Monday night.

*Milton Cat Scheduled Maintenance Plan* – A renewal contract was presented to the Town for signature for the generator at the safety complex. The Board asked Town Administrator Bolton to contact them and have the name(s) and information changed to the Town office.

*Inman Tax Deed for Signature* – The Inman property was tax deeded in 2013. All the back taxes were paid in full so the Board has a deed to sign to deed the property back to Mr. Inman. The Board signed the deed that will be sent for recording.

### **PUBLIC HEARING: To hear public testimony and comment on the acceptance of the Draft Hazard Mitigation Plan Update, dated 2017**

Vice Chairman Hippler opened this public hearing at 7:15 PM. Town Administrator Bolton explained that this plan was discussed over months with a group of Town officials and board members. This update was funded by a grant through Homeland Security with a match of time as an offset. The Town's interpretation was the deadline is April 1<sup>st</sup>, but that is not the same interpretation as the State. With that being said, the Town has to adopt the final plan as the final step. Southern NH Planning Commission (SNHPC) has informed us that the State of NH has to approve the draft before the public hearing, so tonight will be only a final public input meeting versus a public hearing. SNHPC has inquired about the deadline of the grant with Homeland Security. Chief Vezina stated that we received a \$6,000 grant from Homeland Security and according to the documents we have 2 years to complete, approve and adopt. Selectman Burdick has reviewed the document and has come up with lots of changes. Chief Vezina stated that any input received tonight we would take as a submittal and send it off to SNHPC for their review. Both Selectman Snyder and Selectman Burdick would like some additional time to create one document with changes. Selectman Burdick briefly went through a few suggested changes. Chief Vezina stated the reason that the Town has a Hazard Mitigation Plan and an Emergency Operations Plan which represent a foundation for reimbursement in the case we have a declared emergency by FEMA. Vice Chairman Hippler closed the public input session at 7:36 PM.

**CUSTODIAN JOB DESCRIPTION DISCUSSION:** The Board began reviewing the Custodian Job Description that was started prior to the town meeting vote and Board change. Town Administrator Bolton reminded the Board that with the default budget the Board has 10 hours per week budgeted for this position, cleaning and maintenance. Town Administrator Bolton suggested that the Board have a discussion one evening about the default budget before moving forward. The Board wanted to put a future discussion with regard to the job description on April 2<sup>nd</sup> to be able to have that hashed out and finalized.

### **PUBLIC COMMENT:**

Selectman Burdick asked for the Board to consider having the public comment portion earlier. Vice Chairman Hippler stated that we could have that discussion when we have a full board present, which will be next week.

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Selectman Snyder stated that some of the neighboring Towns have a notation on their agendas a notation indicating that it would be for those that are not planning on staying for the entire evening.

Frank Campana, Quaker Street, congratulated Vice Chairman Hippler and Selectman Burdick on their election wins as well as considering going back to having the public comment early in the meeting. He felt that will serve the residents better. Mr. Campana stated that he was unaware of having to sign amendments at the deliberative session in order to be legal. Mr. Campana stated that last week a piece of correspondence, an email, was read word for word by a Board member including the foul language. He stated that when the letter was read he was not shocked at the expletives but his concern would be if he was to use those words at the microphone what would happen. He feels that reading it with the foul language reflects very poorly on all of the Board.

Richard Butt, Old Town Road, congratulated Vice Chairman Hippler and Selectman Burdick on their recent wins. Mr. Butt stated that the legal line is currently 75% expended. He is under the understanding that things are going well. If so, what has the \$15,000 been spent for? He asked the Board to watch all the printouts and make sure to ask questions about any over expenditures. He stated that the overtime in the Police Department has already spent one third of their budget. He is also disappointed with the Board using the foul language that was used in the correspondence. He spent 15 years on volunteer boards and he has never used that language. There have been many heated discussions and that language should never be used. He feels an apology should be given. He also hopes that this is not a new standard for the Board doing business.

Tim Matheson, River Road, also congratulated Vice Chairman Hippler and Selectman Burdick and the 2018 Board. Mr. Matheson asked if there was any way we could save money by calling NHMA for some legal assistance. Vice Chairman Hippler stated that we can ask the questions but the information provided would be nonbinding. He stated that he is in fear of the language used because he is concerned with our electronic storage content. Mr. Matheson stated that he holds the whole Board including the Administrator responsible for allowing this to be read. The brakes should have been put on when the letter was going to be read. There is a time and place for everything.

Frank Campana, Quaker Street, stated that when the Police Chief was talking about covering the four hour shift, two options were mentioned but he thinks there is a third option that was never mentioned. The third option would be do nothing and continue to do work as usual, which he would like kept in mind.

**CORRESPONDENCE:** Town Administrator Bolton asked to read into the minutes a letter that the Board received from Tom Clow, as follows:

Dear Board Members,

I want to thank you for allowing me to serve as your chairman for the past year, and for being the open and honest people that you are. It has been an honor to serve with you, as it has been to serve with so many other board members over the last 12 years. To repeat what I said on Monday night, I have not known a single board member over that time who wanted to be anything but open and honest. Sometimes we disagreed, and sometimes it was a wild ride, but there was never a question of the integrity of any member I served with. Obviously, I was hoping for different results from today's election, but I can live with the results. Thanks again.

Tom

**OTHER BUSINESS:** Selectman Snyder stated that there was another issue with a warrant article. The conservation commission article for the forester was missing part of the wording that would have included trails work, which was the reason for the increase in the amount requested. She also stated that she and Selectman Burdick would like to attend the free NHMA conference on April 16<sup>th</sup>. It is for new and current selectman.

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Town Administrator Bolton stated that she would register both Selectmen and they will get confirmation via email. Selectman Snyder stated that she is sorry about how the letter was read; she has no excuses because she doesn't use that language.

### **NONPUBLIC SESSION:**

**Vice Chairman Hippler moved, Selectman Meaney seconded to enter into nonpublic session @ 8:09 p.m. pursuant to the authority granted in RSA 91-A:3II (c). A roll call vote was taken, Selectman Snyder – yes; Vice Chairman Hippler – yes; Selectman Burdick – yes; Selectman Meaney - yes. Passed 4-0-0**

**Vice Chairman Hippler moved, Selectman Meaney seconded to exit from the nonpublic session @ 8:17 p.m. A roll call vote was taken, Selectman Snyder – yes; Vice Chairman Hippler – yes; Selectman Burdick – yes; Selectman Meaney – yes. Passed 4-0-0**

**The Board went into nonpublic to discuss an elderly exemption application for consideration.**

**Being there was no further business to come before the Board, Vice Chairman Hippler moved, Selectman Meaney seconded to adjourn at 8:18 PM. Passed 4-0-0**

### **ADJOURNMENT**

A True Record.

*Naomi L. Bolton*

Naomi L. Bolton  
Recording Secretary