

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
December 3, 2012

PRESENT: TOM CLOW, CHAIRMAN; RICHARD W. BUTT, VICE CHAIRMAN; JOHN LAWTON, SELECTMAN; JAMES LEARY, SELECTMAN; KEITH R. LACASSE, SELECTMAN (entered the meeting at 8:20 p.m.)

RECORDING SECRETARY: Cherry Palmisano

TOWN ADMINISTRATOR: Naomi Bolton

GUESTS: Tim Redmond, Douglas Alwine, Cristal Rauert, Tami Andrews, Chris Bolton, Gene Archambault, Christine Hague, Steve Flanders, Paul Marsh, Susan Morin, Tina Connor, Doreen Kenney, Craig Francisco, Ike Shepard, Ray Kelly

7:00 p.m. Chairman Clow called the meeting to order.

Chairman Clow moved, Selectman Leary seconded to enter into non public session @ 7:00 p.m. pursuant to the authority granted in RSA 91-A:3II (b). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Lawton – yes; Selectman Leary – yes; Chairman Clow – yes. Passed 4-0-0

The Board interviewed a potential Public Works employee.

Chairman Clow moved, Selectman Leary seconded to come out of non public session @ 7:13 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Lawton – yes; Selectman Leary – yes; Chairman Clow – yes. Passed 4-0-0

Mr. Tim Redmond, Public Works Director, presented Steven Kenney for consideration to fill the position of Truck Driver/Transfer Station Attendant.

Selectman Leary moved, Selectman Lawton seconded to hire Steve Kenney as a Truck Driver/Transfer Station Attendant at a rate of pay of \$13.00 per hour. Passed 4-0-0

APPOINTMENTS TO COMMITTEES:

Appointment to Cable Committee as Alternate Member – Chairman Clow asked Douglas Alwine what motivated him to join the Cable Committee. Mr. Alwine said that he was recruited by Steve Flanders. He likes to help the town and has worked for a company that did optic. He will enter the data onto the bulletin board.

Selectman Lawton moved, Selectman Leary seconded to appoint Douglas Alwine as an alternate member on the Cable Committee. Passed 4-0-0

Appointment to Cable Committee as Full Member – Chairman Clow asked Cristal Rauert what interests her in the Cable Committee. Ms. Rauert would like to help out the community and heard there was a need. She would like to instill community into her daughter. Ms. Rauert told the Board that she is good with computers, has an MBA, and can make movies on the computer. She recently moved here from Hillsborough and plans to be in town for the long term.

Selectman Leary moved, Vice Chairman Butt seconded to appoint Cristal Rauert as a full member on the Cable Committee. Passed 4-0-0

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Appointment to Cable Committee as Full Member – Chairman Clow asked Tami Andrews what interests her in joining the Cable Committee. Ms. Andrews said that she is trying to get more people involved in the community. A friend of hers joined the Finance Committee and gave her the push. She feels that the town needs more communication and she would like to help and knows there is a need. She is a business owner in town and has computer experience.

Selectman Lawton moved, Selectman Leary seconded to appoint Tami Andrews as a full member to the Cable Committee. Passed 4-0-0

MANIFESTS

Checks dated: November 29, 2012

Weekly Payroll \$46,480.03

Chairman Clow moved, Selectman Leary seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated December 6, 2012. Passed 5-0-0

Accounts Payable \$2,077,503.57 (John Stark \$500,000, Weare District \$350,000)

Gross Payrolls \$42,681.65 (Includes taxes, credit union, police detail)

\$710.69 (FD quarterly stipends)

\$2,375.92 (Fire monthly)

\$7,421.68 (EMT/Fire)

TOTAL \$2,130,693.51

Also, to order the Treasurer to sign payroll checks dated December 13, 2012, that will include payment for weekly wages and matching taxes. Actual amounts paid and reports backing up the numbers will be disclosed at the next scheduled Board meeting.

MEETING MINUTES

Chairman Clow moved, Vice Chairman Butt seconded to approve the minutes of November 26, 2012 as presented. Passed 4-0-0

Chairman Clow opened the public hearing at 7:30 p.m.

PUBLIC HEARING – To hear public testimony and comment for the acceptance of approximately 2100 LF of Rolling Hill Drive (Phase III) as a Class V Town Maintained Road

The Planning Board moved to recommend that the Selectmen approve Rolling Hills Phase III with the conditions that the ditch line be moved so the telephone pole is not in it and the depth of the ditch is required per road cross section as shown on the approved plans.

Mr. Bolton is asking to speak about the conditions that the Planning Board asked the Selectmen to enforce; move the ditch for the telephone poles and the depth of the ditch. If the town votes to approve the road there will be a two year maintenance bond for \$70,000. The Planning Board is recommending that the road be approved provided that the two conditions are met. Mr. Bolton would like to have the road accepted. There are houses on the road and people living there. He paid an engineer to inspect and see that roads are done according to the plan. Mr. Bolton said that he spent \$35,000 on engineering costs. He explained that the road was inspected and the telephone poles have been in place for six years. There are no problems with the road and there is no erosion. There are now four occupied houses. Mr. Redmond and the Code Enforcement Officer inspected the road. Mr. Bolton noted that now after them saying the inspection was fine, they are saying it is not a deep enough ditch. The ditch has worked without a problem even through the Mother's Day Floods. He would hate to change it now that the road is top coated. Mr. Bolton spent a lot of money having the road inspected by engineers. He knew that he would have to leave a \$70,000 bond and will change the ditch if it means losing his bond.

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Craig Francisco said that the reason the Planning Board mentioned the utility poles and ditch is because it states in the Town Ordinance that utility poles should not be in ditches. He was not present during the inspections.

Mr. Bolton said that this has never been brought to his attention before and he has built many roads in town. He explained that he gives PSNH a copy of the plan and PSNH engineering says where the poles go. The pole has been drilled and put into ledge and he does not understand what the problem is with this pole. Mr. Bolton said that this is Phase III of the project and no one ever brought this to his attention.

Mr. Francisco said that the poles are in the shoulder and if the shoulder was shortened up to 3ft the pole wouldn't be in the ditch. He said that the Planning Board is trying to state that there is a regulation regarding ditches.

Mr. Redmond said that the ordinance regarding poles was adopted before he came to work for the town. He would like to know the Planning Board's reasoning for the making the ruling. As far as the shoulders, the width of the gravel shoulder is a number placed on the print according to the engineer, and he does not see a problem with the shoulder being wider because it is less maintenance for the town. Jim Donison did the inspection and Mr. Redmond was invited as a courtesy. Mr. Redmond said that he has no issues with either road.

Chairman Clow said that they have a recommendation from the Planning Board. Vice Chairman Butt said that they don't have the authority to override the ordinance; it's an error if in fact the pole is in violation of a subdivision ordinance. Mr. Bolton said that if the Planning Board is going to determine, at the end of the project, that the pole is not where they want it to be they need to take it up with PSNH. Vice Chairman Butt said that it is not up to the Selectmen to decide.

Mr. Bolton asked that the Selectmen approve the road based on the conditions and he will go back to the Planning Board to see if they are able to waive. The only issue is the placement of the poles and Mr. Bolton said that is why he asked for it to be inspected. He believes it is one pole in question. He said that it is not a big deal to move the ditch line, but just too bad to have to go back with heavy equipment after just recently paving the road. Mr. Bolton said that if he moves it closer to the road it will interfere with plowing and he does not think there is enough wire to move it further. The pole needs to be moved one to two feet to get it out of the ditch line. Mr. Bolton said that he can give input to PSNH, but he gives them a plan and they work it out so that they are right on the properties. The ditches are in before poles. The poles and ditches been there six years and now that he paved the road the Planning Board is saying the poles are in the ditches. He thinks that all the poles are on private property.

Chairman Clow closed the public hearing at 7:50 p.m.

Vice Chairman Butt moved, Selectman Leary seconded to accept approximately 2100 LF of Rolling Hill Drive (Phase III) as a Class V Town Maintained Road with the conditions that either the ditch be moved or the telephone pole be moved so that it is not in the ditch and that the depth of the ditch is required per road cross section as shown on the approved plans. Passed 4-0-0

Chairman Clow opened the public hearing at 7:52 p.m.

PUBLIC HEARING – To hear public testimony and comment for the acceptance of approximately 1650 LF of Elanor Way (Phase II) as a Class V Town Maintained Road.

Mr. Francisco said that there are issues with a couple of driveways. The driveways were approved by the Public Works Director and are paved and there is not much that can be done. Mr. Francisco said that the driveways are pitched at 2% slope away from the road, but there is not enough swale. They got approval from the Public Works Director at the time, got the driveway permits, certificates of occupancy, and sold the houses. A 2% slope should go back 8ft off the road. When they did a site walk during a rain storm the driveways were functioning properly. The road is built and people are living in the houses.

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Mr. Redmond said that the driveways do not meet the strict letter of the law, but function and don't let water flow into the town road. He thinks this is a planning issue, not a driveway issue because the 2% slope could not be met. Chairman Clow mentioned the driveway permit being done at the same time as the rest of the lot. Mr. Redmond said that the driveway permit is done at same time of the building permit. Regulations are given to the builder's and some builders try to get away with it. Mr. Redmond said that he has been upfront with the builders in town about having negative slope going away from the road. There is one driveway that he has failed and he didn't approve the lot, but he has to try to work with them to make it work.

Mr. Francisco said that he knows that 2% is not met for 8ft, but the driveways are draining away from the road. The Planning Board is working with Mr. Redmond and the Fire Department regarding regulations. Mr. Francisco said that his client cannot go in and fix the driveways because the lots are now all privately owned.

Vice Chairman Butt said the Selectmen are accepting the road, the implication here is driveways, not the road.

Mr. Redmond said that the reason for the slope requirement is to keep water from coming off driveways into the road and creating ice. He said that if they are going to set a regulation they need to make sure that when the lots are approved then can meet the regulations.

The missing granite bound in the culdesac was place by Mr. Francisco personally.

Vice Chairman Butt said that they need to recommend it back to the Planning Board or they recommend it as is given that the water does flow into road. The Planning Board would need to change the regulation.

Mr. Francisco said that he is a surveyor and they can't really know who is going to buy the lot and where they want the garage and which side the driveway will be on. Mr. Redmond said that the Planning Board has to consider that not all driveways should have 8ft of 2% slope and there is room for discussion. The RSA protects the town regarding driveway culverts and the driveway culverts are the responsibility of the homeowners.

Chairman Clow moved, Selectman Leary seconded to accept approximately 1650 LF of Elanor Way (Phase II) as a Class V Town Maintained Road.

Selectman Lacasse entered the meeting at 8:20 p.m.

It was discussed that the site plan regulations are created by the Planning Board and can be changed by the Planning Board. The driveway permits go through the Public Works Department and go hand and hand with building permits.

Mr. Redmond is familiar with the driveways in question. Mr. Francisco and the Planning Board observed the driveways in the rain and they were functioning, but not for 8 ft.

Chairman Clow closed the public hearing at 8:18 p.m.

Vice Chairman Butt said that a slope of less than 8 ft should sound reasonable to the Planning Board as well. He thinks that this should go back to the Planning Board and that the motion should have been with the condition that the Planning Board should accept the slope and distance of the three driveways in question. He would hate to overrule the Planning Board.

Chairman Clow thinks that the way the previous motion read was to send Mr. Bolton back to work it out with the Planning Board. Vice Chairman Butt said that the motion was made to accept the conditions. An amendment to the motion would be that they would accept the road if the Planning Board was willing to accept the slope and distance.

Vice Chairman Butt said that to accept the road as built would be overriding the Planning Board recommendation.

The motion Passed 4-1-0; Vice Chairman Butt was opposed.

Mr. Redmond reminded the Board and the public that the Transfer Station will be closed on Tuesday, December 25th in observance of Christmas Day, but will be opened on Thursday, December 27th from 8:00-noon.

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DEPARTMENT HEAD AND COMMITTEE ITEMS

2013 Proposed Library Budget – Ray Kelly, Chairman of Weare Trustees of the Library, asked the Board if they had any questions on any particular line item or how the library has been operating. The default budget for 2013 is \$184,815.20 and the proposed budget is \$185,320.20. Most of the increases are in the area of computer maintenance, software renewal fees, downloaded books, electricity, and fuel. Building maintenance has stayed the same. Mr. Kelly told the Board that the library has gone through a thinning because of the demand for new books. They are trying to offer new books, but at the same time offering downloadable books, which is a feature that all libraries are providing at this time. The current number of active borrowers is 1,518. The children's program offers fifty-six different programs and 750 children attended the activities this year.

Ms. Hague told the Board that the programming budget was \$200 when she started in 1999. The library relied on the Friends of the Library for funds or they didn't spend. The expectation throughout NH is that they will provide programming for all ages. She was tracking programs under supplies for materials for children's crafts and food for programs. The Friends of the Library cut their allotment in half; therefore she put the expense into their operating budget. Most of the Libraries in their group spend \$3,000-\$4,000 per year on programs. Downloadable books and software renewal fees are contractual obligations. The NH Downloadable Books Association raised their rates. The library has an online catalog so that residents can look from home to see in the library owns a book. Ebooks and audios can be downloaded onto a device, but you can only have it on your device for a period of 14 days. Residents can renew their paper books or CDs from home to avoid late fees. They do have a lot of users that do not have computer access and come to the library to use the computers or utilize the Wi-Fi. The electricity line reflects an increase due to PSNH stating they would have a 5% increase. Ms. Hague has the invoice for next year for \$2,700 for software renewal, which is a guaranteed fee for two years to be paid in March of 2013 and effective until March 2014. Ms. Hague still needs to get the fire alarm monitoring fee from the company. Naomi Bolton, Town Administrator, mentioned a multi building discount that will be owed to the town. Book keeping is under contract and has stayed the same for three years. Trust funds are under the care of the Treasurer of the library. Their operating budget request is \$185,320 and they have \$9,800 but need to have spending permission for that money. The library can't spend from the Trust funds without permission from the voters. They were recently given \$1,500 when a former Trustee passed away. There is no change from anything that was voted on from last year in their budget. Vice Chairman Butt commented on the \$9,800 being raised in appropriated. Tina Connor, Finance Administrator, said that it is revenue and is shown coming in. Vice Chairman Butt said that it could be a separate article on the warrant. Ms. Hague said that it is not legal to use the money to offset the operating budget.

The library does not have a computer maintenance contract, but they want to have a prudent reserve in the case of a crash because their whole operation relies on computers.

Ms. Hague hopes that next year they can have a Selectmen attend a Library Trustees budget meeting.

Vice Chairman Butt recommended bringing the default number down to the proposed number.

ADMINISTRATIVE REPORT

Award Assessing Contract – Marazoff Assessing is willing to change the amount of his bid to \$92,000 to reflect the reevaluation in 2016 and not 2017 as he assumed. Marazoff is recommending that Mr. Sansoucy assess the utilities poles. Chairman Clow said that if they pay over five years it would be \$65,000. Naomi Bolton, Town Administrator, said that it appears there is a one year option of \$30,000 or a five year option of \$13,000 each year. The Marazoff bid also includes a billable amount if there are more than 500 properties per year. Selectman Lacasse asked the Town Administrator if she contacted the references provided by Marazoff Assessing. Naomi Bolton, Town Administrator, said that she did not call anyone. Avitar indicated that they will assess approximately 980 properties per year and Marazoff will assess approximately 500 properties per year but then each additional property will be billed additionally. Selectman Lacasse would like Marazoff's

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references contacted and cited Pittsfield and Bradford as towns to contact. Selectman Lawton would like to have the new information provided incorporated into the chart to gain a better understanding of what the town will be charged. Vice Chairman Butt would like Marazoff to provide a flat rate for 1,000 parcels including utilities. Vice Chairman Butt noted that the additional costs in Marazoff's bid is shrinking the savings from Avitar. The Board signed with Avitar last year for \$26,250 for general assessing for one year to keep all homes up to date. The Board needs verification before making a decision. Avitar currently spends one day a month in the office. There are approximately 4,975 total properties in town. If Marazoff bills them separately for all parcels after 500 annually and then utilities it closes the savings gap. Chairman Clow would like to know if Avitar would charge equally over the five years to eliminate a spike in the operating budget. The new sheet from Marazoff Assessing should reflect 1,000 parcels per year and factor in the cost for assessing utilities as well. The Board would like clarification if Marazoff's bid could be divided over 5 years, equal payments to avoid a one year spike.

Award 2012 Town Report and 2013 Mailer bids – The RFP specified 600 copies of the Town Report and 3,500 Mailers. RC Brayshaw & Company is the least expensive for the Town Report and they are located in Lebanon and Bradford. The least expensive bid for the Mailer is Select Print Solutions in Massachusetts. Last year Craftsmen Press in Weare printed the Town Mailer. Vice Chairman Butt said that if there is a benefit in going with one vendor then he would go with RC Brayshaw & Company.

Selectman Lacasse moved, Chairman Clow seconded to award the printing contract for the Town Report to RC Brayshaw & Company for \$1,865 and the Mailer to Craftsmen Press for \$1,445. Passed 5-0-0

Traffic Control Ordinance Discussion – Naomi Bolton, Town Administrator, told the Board that she confirmed with PSNH and Asplundh that they are sending representatives to meet with the Board on December 10th. She asked if the Board would like anyone else to be present for the discussion. The Board is comfortable with just having a Board discussion.

2013 Balance of Budgets presentation – Will be discussed on December 10th after the Traffic Control Ordinance Discussion.

The Board needs to choose alternate meetings for Monday, December 24th and Monday, December 31st. The Town Office closes at noon on Christmas Eve and has regular hours for New Year's Eve. The Board discussed that there are two more meetings, both of which will include budget discussions. They still need to draft a warrant and take the CIP items into consideration. Bonded items require a public hearing in advance. Vice Chairman Butt told the Board that he spoke with the Treasurer regarding a Revenue Anticipation Note that may be applicable to the bridge projects and is similar to a bond.

CBA – Discussion of having Steve Jakubowski present for both the Highway and Police negotiation sessions. Chairman Clow said that he brought this up because they were having language issues and concerns about consistency. He recommends that the negotiator from the Police go into the Highway negotiations. Selectman Lacasse doesn't think they need him, but he feels that reviewing the language is a good idea.

MRI Report – Chairman Clow said that he went through the entire report again and sees no reason not to release the report in its entirety. Vice Chairman Butt would like to have a cover sheet regarding the canine program that was discontinued. He is not recommending removing the section, just inserting a cover sheet stating that since the Board reviewed and adopted the report the canine program has been eliminated. It was also mentioned that the Board could insert a cover page stating that they are currently working on the Traffic Control Ordinance. The report talks about specific positions and the general operation of the position as it relates to the department. Vice Chairman Butt thinks that the cover letter is needed to let people know that action has been taken. The report will be released on the town website and several hard copies will be made available for the public. The cover letter will be a separate addendum to the report that will be drafted by Chairman Clow.

Chairman Clow moved, Selectman Lacasse seconded to enter into non public session @ 9:45 p.m. pursuant to the authority granted in RSA 91-A:3II (a&c). A roll call vote was taken, Vice Chairman Butt – yes;

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Selectman Lawton – yes; Selectman Leary – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Selectman Lacasse seconded to come out of non public session @ 10:05 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Lawton – yes; Selectman Leary – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Selectman Lacasse moved, Selectman Leary seconded to seal and restrict the minutes of the non-public session pursuant to the authority granted in RSA 91-A:3 III. Passed 5-0-0

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary