

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
May 7, 2012

PRESENT: TOM CLOW, CHAIRMAN; RICHARD W. BUTT, VICE CHAIRMAN; JOHN LAWTON, SELECTMAN; JAMES LEARY, SELECTMAN; KEITH R. LACASSE, SELECTMAN

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Frank Campana, George Malette, Steve Najjar, Jeremy Turner, Deb Brown, Gene Propper, Ian McSweeney, Andy Fulton

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

DEPARTMENT HEAD AND COMMITTEE ITEMS

PARC, CIP Request for Bolton Field Maintenance – Gene Propper, Chairman of PARC, told the Board that there are two bidders for aeration and seeding of the fields; Big Dawg and Boudette. Big Dawg is the lowest bidder. They will be fertilizing three fields this spring and starting June 20th through August 2nd there will no field usage allowing the field's time to rejuvenate. PARC is looking to expend \$2,400 from the CIP Fund. Mr. Propper said that the largest difference between the two bids was that they would have to supply the seed to Boudette which would be an additional expense. As of March 31, 2012 there is \$3,943.22 in the Recreation Development and Improvement Fund. The Chase Park Maintenance Fund balance is \$22,600. Selectman Lacasse asked about Purington Field. Mr. Propper said that they did put in for a CIP fund request, but there were communication issues and the response was not channeled to him to address and they did not receive the funds. PARC did give the CIP Board a request for \$20,000 for improvements on all ball fields this year. PARC is concentrating on Ineson and Bolton. Mr. Propper said that they need to do this now or they will end up losing the fields and told the Board that this is a decision of the PARC Committee. There would be \$1,600 remaining in the fund after this expenditure.

Selectman Lacasse moved, Selectman Leary seconded to authorize that \$2,275 be spent from the Recreation Development and Improvement Fund for aeration and seeding of fields per the quote from Big Dawg. Passed 5-0-0

DISCUSS TOWN FOREST MANAGEMENT – Chairman Clow said that he brought up some concerns at their last meeting that he does not want to come across as a personal case.

Mr. Ian McSweeney, Russell Foundation, said that there was some confusion regarding who is involved with the project. He made it clear that the Russell Foundation, Forest Society, McLane project, and New England Forestry are not involved with what is currently going on. The Russell Foundation was involved in bringing the purchase to completion and helped with some funding, but is not party to the easement or any rights to the land.

Chairman Clow said that the town is half way through the bond for the Eastman Conservation Area and pays \$70,000 of principal plus interest on the bond per year. The Eastman Conservation Area is a town forest.

Steve Najjar commented on Tom Clow bringing this issue forth as a private citizen and he is uncomfortable with him chairing the Board in this discussion.

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Chairman Clow said that he did step down to present his concerns to the Board. The town is spending money on the project and he does not think he needs to recuse himself. Chairman Clow said that town has a property that is being paid for by townspeople and the concern lies with if the easement is being followed. There is a list of specifics regarding forestry listed in the easement and there is concern if they are being honored. Chairman Clow said that the other issue is the intent to cut. The intent to cut listed a map and lot, but not the Town of Weare as the owner, which he questions. The intent to cut should be clearly identified as town property whenever there is a forest harvest on the property. The intent to cut listed the contractor as the owner.

Jeremy Turner, Forest Manager for the Town of Weare, said that his contact person in town is Steve Najjar and it is his job to contact the town. Mr. Turner said that on the intent to cut when the operation is bid out, a proposal is written for the timber sale and once the bid is awarded it is the responsibility of the logger to fill out the intent to cut as buyer/owner. Mr. Turner told the Board that he followed up after receiving a note regarding the issue and he confirmed with state on the way the intent to cut is filled out. Chairman Clow asked the intent to cut can be made clear. If it was a private piece of land, the owner would be listed as owner and the cutter would be somewhere else on the form. Chairman Clow would like to know how they will know it is town land if it does not appear on the form.

Mr. Najjar said that the timber harvest is planned and the CC signs it as income. The timber sale prospectus was prepared by the company, sent to the town, and went under contract in a public meeting in January 2012. When the contract was signed by the CC that is when the timber was sold. The harvested municipal timber has a tax, the intent to cut is an estimate of acreage and the tax is paid on what is in the report when it gets filed after the cut. Mr. Turner only represents the town and collects the money to get to the town. He looks at the harvest to make sure they are in compliance. Mr. Najjar said when looking at the easement issue he thinks people think there was more of an issue then there is. Chairman Clow said that the easement does state "maintain scenic beauty" and a very large area was flattened and bulldozed. He thinks that the cutting should be more selective for an area that was purchased for recreation purposes.

Andy Fulton, Chair of Conservation Commission (CC), said that at the time of purchase the land was already known as a town forest. The easement holder was not surprised and they do not feel in any way that it was not outside of the easement. The holder of the easement said the harvest is in accordance with the easement. Mr. Fulton said that it is a town forest and was at the time of purchase. Before it was known as a conservation area, it was the Pine Hill Forest and he does not want the Board to think that the CC snuck something in there. In 2006 it was designated a town forest and they have been working on the plan ever since. The parcel was forested before when it was under private ownership. Mr. Fulton explained this is not a preserve and as conservation area they are using it wisely and the holder of the easement has agreed with them. This has been done logically and in progression from one step to the next. Mr. Fulton said that he is very saddened that Mr. Clow and his wife have felt robbed of enjoying the area. Chairman Clow said that this is not focused on him and his wife, but the fact that money is being spent on the land as a multi purpose area and he is questioning it so that everyone knows what is going on. Mr. Fulton said that the land is being forested to improve the function for the whole town. Chairman Clow asked if anyone from PLC actually looked at the area. Mr. Fulton said that he could not speak on that, but knows that PLC was put on notice that there was an abutter concern, looked into the concern, and stated it very clearly is not an infraction of the easement.

Deb Brown commented on gravel pits needing to be regulated and signed off on. She asked how the Board lost track of this.

Mr. Fulton said that the CC has gone through the management process and it brought them to the harvest.

Vice Chairman Butt said that he knows of no problems prior to this; he just questions the process. He would like a copy of the plan and to know that it is in place.

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The revenue from the sale of timber from a town forest goes into the town forest account by law and needs to be voted on to expend. Mr. Najjar thinks that the CC did a good job to get a forestry company and logging contractors that are proven responsible. The landing requires a large area and has been seeded for the future.

Mr. Fulton said that the CC has no interest in harvesting anything that is not town forest. Mr. Fulton said that the owner of the easement needs to be notified of the plan and voice any objections. This did take place with the CC, the town forester, and PLC. Mr. Fulton said that the CC works in the public realm, but not everyone has interest to follow them. A few years back he was in the habit of coming before the BOS to inform them of the CCs project. He thinks that this is valuable information and gives elected officials and volunteers the opportunity to be on the same page. He hopes to get to the point where things are proactive. Chairman Clow asked if it would be cumbersome to have a public hearing when intending to cut on town property. Mr. Fulton asked the Board to forward that request to the CC. It is the desire of the BOS to have the public hearing. Mr. Fulton said that he does not think that is legally binding and that they would have to abide.

Chairman Clow commented on the Wood Family Forest and thinks it is important that people know well in advance if there is something going on in an area with multi purpose uses. Mr. Fulton said that he is in support of better communication and setting up protocols that are not requirements by law. He sees no reason why they do not have forestry management plans online.

Chairman Clow said that there are also safety concerns and communication so that the public knows that a situation exists. The town has liability issues and they do not want anyone hurt.

Vice Chairman Butt said that notification would also help. If they have a management plan and know when the timber will be harvested, they should notify homeowners to let them know. Vice Chairman Butt mentioned the Woods Family Forest and said that notification will be critical because of Bolton Field.

Mr. Najjar commented that they are a volunteer committee and having things publically discussed meets their responsibility. He cautions the Board with having too many hoops to go through. Vice Chairman Butt said that if they identify an area they can send the document to the town office. The town office has the ability to notify abutters in the area. Mr. Najjar commented on the website being a very good tool for their plans and notifications.

It was discussed that the Ferrin Pond Area will be coming up to be logged. The CC is finishing up surveying all town forests and blazing the boundaries.

The Conservation Commission currently has four members, but they have room for seven full members. Chairman Clow hopes that they continue open communication on all the future projects. Mr. Fulton stated that they will try to be more public.

Jeremy Turner will be present at the Conservation Commission meeting scheduled for the 2nd Wednesday in June at 7:00 p.m.

MANIFESTS

Checks dated: April 26, 2012

Weekly Payroll **\$41,067.76**

Checks dated: May 3 , 2012

Weekly Payroll **\$40,803.97**

\$6,457.54 (Fire Monthly)

\$7,008.07 (Per diem/EMT)

TOTAL **\$54,269.58**

Chairman Clow moved, Selectman Lawton seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated May 10, 2012. Passed 5-0-0

Accounts Payable **\$432,401.53 (John Stark \$250,000)**

Gross Payrolls **\$39,499.95 (Includes taxes, credit union, police detail)**

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TOTAL \$462,901.48

Also, to order the Treasurer to sign payroll checks dated May 17, 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, Selectman Lacasse seconded to approve the minutes of April 16, 2012 as amended. Passed 5-0-0

Chairman Clow moved, Selectman Lawton seconded to approve the minutes of April 30, 2012 as printed. Passed 5-0-0

CONTINUED DISCUSSION OF VOLUNTEER POLICY – The Board continued their discussion of the Volunteer Policy and made edits that they felt were necessary.

Selectman Lacasse asked that all committees, whenever possible, broadcast their meetings on Channel 6. In III, part D the Board inserted the following sentence. Efforts should be made by all committees to hold their meeting in a location where their meetings can be broadcast to the public.

The Board requested that an updated version of the Volunteer Policy be distributed to them via email.

Chairman Clow said that there are volunteers waiting to be re-appointed to committees and volunteer forms waiting to be approved. The Board's decision was to have all committees stay as is and re-appoint volunteers once the policy is approved. The Board decided to have the Town Administrator send the Volunteer Policy to legal counsel for review.

PERSONNEL POLICY DISCUSSION RE: POLITICKING – Selectman Lacasse would like to add a statement under the Basic Work Rules section in the Personnel Policy.

Selectman Lacasse moved, Selectman Leary seconded that the following be inserted in the Personnel Policy under Section IV, Letter E Basic Work Rules: All Town of Weare department heads shall make it known to all the town employees that they are not to interfere with people exercising their free speech rights on town properties, unless it is an issue of safety. If a safety related issue arises, the town employee must make every effort to inform the people of the specific safety hazard they are posing, and propose a mutually acceptable alternative that does not interfere with the communication attempt the people are making. Passed 5-0-0

Compensation, Attendance, and Leave: Overtime will only be calculated on time actually worked within the time period. Chairman Clow said that if a person chooses to have a day off it is different than not having to come to work because it was a holiday and they can't come to work because the building was closed. They are getting paid straight time for hours worked, but not being paid at an overtime rate. Chairman Clow sees a difference between a person who takes a sick day and then asked to work overtime in that week and feels they should be paid overtime pay. Vice Chairman Butt is concerned with past practice, unfortunately the policy has not been followed, and they have paid overtime when sick or vacation time was used in the week. Vice Chairman Butt said that there are two CBA agreements that do allow counting the holiday time as time worked. Selectman Lacasse said that the Highway CBA mirrors the town's personnel policy. It was discussed that as used in this section, holiday means eight hours of straight time pay at straight time rate. Vice Chairman Butt questions that if it is not in the CBA, computing overtime includes the holiday. It was discussed that all hours worked in excess of 40 hours in any one week shall be calculated as overtime. Vice Chairman Butt prefers that all employees are treated the same. Employees will not be paid overtime if followed by sick time. Chairman Clow said that to be similar to the Highway it would say hours actually worked and hours paid for holiday should be considered as hours worked for the computation of overtime. Vice Chairman Butt would rather they go with holiday pay counting towards overtime if an employee is asked to work during that week.

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Chairman Clow moved, Vice Chairman Butt seconded that the following change be made to the Personnel Policy: Hours actually worked and hours paid for holiday pay shall be counted as hours worked for the purpose of computing overtime pay. Passed 3-2-0; Selectman Lacasse and Selectman Leary were opposed.

Selectman Lacasse commented on an employee not working those days and how they can consider that overtime. Vice Chairman Butt said that they have been violating the policy where they are paying employees an hour or two of their vacation. The policy states that vacation pay is based on a day and that all vacation time must be taken in full day increments. Sick time can be used in hour increments to cover doctor's appointments. The policy does not need to be changed, but the policy of vacation time being used only in full day increments needs to be enforced.

The changes will be an amendment in the policy, distributed to all employees, and a signature of receipt will be required.

ADMINISTRATIVE REPORT – Naomi Bolton, Town Administrator, told the Board that the Professional Service Agreement with Municipal Resources Inc. (MRI) needs to be approved.

Selectman Lacasse moved, Selectman Lawton seconded to approve the Professional Service Agreement between the Town of Weare and Municipal Resources Inc. dated April 30, 2012 to provide a Workforce Deployment Analysis of the Weare Police Department with a focus on the overtime expenditures at a cost not to exceed \$4,800. Passed 5-0-0

CORRESPONDENCE – Naomi Bolton, Town Administrator, told the Board that Mr. Tim Redmond opened the bids for crushing on Friday, May 4, 2012 at 10:00 a.m. Mr. Redmond recommends that the bid be awarded to Big Foote Crushing.

Selectman Lacasse moved, Selectman Leary seconded to accept the bid from Big Foote Crushing for 12,000 +/- tons 1 inch minus crushed gravel at \$3.10 per ton and 3,000 +/- tons 3 inch minus erosion stone at \$2.85 per ton to be paid for from the road reconstruction funds. Passed 5-0-0

Naomi Bolton, Town Administrator, asked the Board if they have read and reviewed the quarterly report. There are thirteen out of the thirty-five budgets that were off from have 75% remaining in their budget. Naomi Bolton, Town Administrator, gave a brief explanation of where each department's budget stands and told the Board that Chief Vezina is concerned because vehicle maintenance has almost all been expended for his department. The Police Department has 75.62% remaining, but the budget was not done line by line. The total town budget has 71.77% remaining, but should be at 75%, but the fact that insurances and dues have already been expended needs to be taken into consideration. She has not seen a revenue printout. Chairman Clow said that the budget could be less accurate because of payables only being done every other week. The budget print is as of March 31st. Chairman Clow said that if a department head states they have a concern, what they have is what they have, the understanding is that it has to be a reallocation within their budget to cover the over expenditure.

Naomi Bolton, Town Administrator, told the Board that she was invited to the SAU. They are looking at a purchasing cooperative to lock-in with certain companies to purchase office supplies. The prices will be good through January 2013. She has a package to distribute to all departments and is going to gear the employees towards the cooperative. Every department is eligible to order from the cooperative, she will need to set up who is authorized to make purchases.

Vice Chairman Butt said that they are not being told by department heads where they are going to get the overage to cover a line within their department. The department heads are also not using the invoicing system and accounts payable. Vice Chairman Butt said that the department heads must be told to use it and the Finance Administrator should be told that orders will not be accepted without purchase orders. Vice Chairman Butt said that the Town Administrator needs to take initiative.

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Naomi Bolton, Town Administrator, told the Board that the tax warrant for the half year bills will be done on Friday and they need to be signed by the 15th. She asked the Selectmen to come in over the weekend to sign; they will be in the black box for Board signatures and there will also be a stack of abatements to be signed.

PUBLIC COMMENT – Ian McSweeney said that he has the final copy for the McLane Property Easement from Brian Hoyts and it is signed by the Forest Society. Mr. McSweeney explained that the McLane's are selling the land at a generous value for open space. New England Forestry, who harvests timber sustainably, will purchase the land and the Society for the Protection of NH Forests will hold an easement on the land. The town, through the Mildred Hall Trust, provided \$62,262. The town has some rights to the property and has Executory Interest to the easement. The town, being the Selectmen, are the owners of all easements and liable for the land. The Selectmen would sign the conservation easement deed as part of the Executory Interest to the Forest Society. The McLane property is 74 acres that will be opened for public recreation. Mr. McSweeney said that the check from the Mildred Hall Trust should be ready this Thursday to go into escrow for the easement.

Three signatures were required and Chairman Clow, Vice Chairman Butt, and Selectman Lacasse signed.

There will be a sign marking the trail head to the Herald McLane Memorial Forest on Toby Hill Road. Chairman Clow suggested that there should be a pamphlet available identifying all town forests.

Chairman Clow mentioned the letter from the state regarding cutting back on street lighting in the town.

Vice Chairman Butt said that the Town Clerk's monthly report indicated that she looked into sending out advertising material in the motor vehicle registration letters. The Town Clerk looked into sending out the advertising because Manchester does. Vice Chairman Butt thinks that they should pursue it and they could reach out to local businesses or a little beyond. The overall consensus from the Board was to look into advertising.

Chairman Clow moved, Selectman Lawton seconded to enter into non public session @ 10:18 p.m. pursuant to the authority granted in RSA 91-A:3II (a&c). 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

The board discussed non-union employee raises.

Chairman Clow moved, Selectman Lawton seconded to come out of non public session @ 11:15 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

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary