

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
November 5, 2012

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

RECORDING SECRETARY: Cherry Palmisano

TOWN ADMINISTRATOR: Naomi Bolton

GUESTS: Matheu Bernard, John McCausland, Betty Straw, Jan Snyder, Wendy Stevens, Paul Doscher, Brian Hotz, Paul King, Tim Redmond, Frank Campana, George Malette, Tina Connor, Sherry Burdick, Ruth Jones, Johnna Grzywacz, Rick Ludders, Kirk Leoni, Judy Leoni, David Erikson

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

Chairman Clow moved, Selectman Lawton 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

Chairman Clow moved, Selectman Leary seconded to come out of non public session @ 7:12 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

The purpose of the non public was to interview a candidate for a position at the Highway Department.

PUBLIC COMMENT – Frank Campana asked the Board that when they discuss the setting of the tax rate they cite the large numbers slowly.

Tim Redmond brought forward Matheu Bernard to be considered for employment with the Highway Department.

Vice Chairman Butt moved, Selectman Leary seconded to hire Matheu Bernard as a truck driver/transfer station attendant at a rate of pay of \$13.00 per hour and a start date of Tuesday, November 6, 2012. Passed 4-0-0

Mr. Redmond said that because Christmas Day falls on Tuesday December 25th the Transfer Station will be closed, but open the Thursday prior for a half day to accommodate the public.

Mr. Redmond told the Board that the Concord Resource Recovery Cooperative has been in a three year lawsuit regarding property. There has been a settlement with the City of Concord. The Town of Weare will receive \$12,086 of the tax agreement with Concord and the Concord Resource Recovery Cooperative. Mr. Redmond told the Board that the Cooperative is asking for a majority vote of whether the twenty-two members in the Cooperative would prefer a credit against the monthly bills or a check for the full amount payable to the Town of Weare. Vice Chairman Butt would like a lump sum payment. The Board agreed to a lump sum payment, not credit towards the average monthly charges of \$14,000-\$16,000. Mr. Redmond told the Board that he will vote at the next meeting and will have an answer before the end of the month. Chairman Clow said that if the payment would come this year he would prefer a credit, but after the first of the year he would prefer a lump sum check.

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DEPARTMENT HEAD AND COMMITTEE ITEMS

Emergency Management Update – Paul King, Emergency Management Director, told the Board he needs to move on from the position. He began in 2005 with an internship from the University of NH. Mr. King experienced a number of events over the years. The opportunity has presented itself for him to move on to work with the Federal Government. Chairman Clow thanked Mr. King for his years of service and his accomplishments.

Naomi Bolton, Town Administrator, told the Board that there is a void in the Manifest.

MANIFESTS

Checks dated: October 25, 2012

Weekly Payroll **\$43,319.81**

Checks dated: November 1, 2012

Weekly Payroll **\$41,736.91**

Chairman Clow moved, Selectman Leary seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated November 8, 2012. Passed 4-0-0

Accounts Payable **\$1,018,603.19** (John Stark \$500,000)

\$200.00

Gross Payrolls **\$40,518.34** (Includes taxes, credit union, police detail)

\$7,402.04 (EMT/Fire)

\$5,284.50 (Fire Monthly)

TOTAL **\$1,072,008.07**

Also, to order the Treasurer to sign payroll checks dated November 15, 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.

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

PUBLIC HEARING – For the purpose of hearing public testimony and comment regarding funds to be spent from the Mildred Hall Fund for the possibility of purchasing Conservation Easement from the Dale C. Purington Property on Quaker Street, Map 406-Lots 86 & 89

Paul Doscher said that there is a proposal from the NH Forest Society to purchase an easement on the Purington property. The process was started in 2011. The purpose of this project is mainly to protect the soils. The Farmland and Ranchland Protection Program is contributing \$132,000, the Russell Foundation \$65,000, the Mildred Hall Trust originally approved \$60,100, the Weare Conservation Commission is contributing \$15,000 from the Conservation Fund, the Emma Sawyer Trust \$32,000, and private donations were also received. Mr. Doscher said that due to additional costs, such as the bids for the surveying costs being higher than expected, additional funds are needed. The Selectmen approved the project prior to the requirement for a public hearing for expenditures and they are now asking the Selectmen to approve an additional expenditure of \$9,900 from the Mildred Hall Trust. The additional \$9,900 needs to be approved to complete the project.

The reason for buying the easement from the Purington's is so that they can use that capital to re-invest in the farm and stay on the property. 63% of the soil is categorized as agricultural use soils. The land around their house is not part of the easement. The property abuts Forest Society property and creates a green belt of land around the village. There will be public access for hunting and fishing with the ability to post it when agricultural uses require. The easement will not affect taxes in anyway, because the land is already in current use. Selectman Lawton commented on better than 50% of the property being forest. He asked if the easement allows for it to be converted back into farmland and it was said that it does.

The money has been set aside in the Mildred Hall Trust Fund, but has not yet been expended. The remaining balance in the Mildred Hall Trust after this expenditure is approximately \$840,000.

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John McCausland is a resident and Chairman of the Trustees of the Trust Fund for the Emma Sawyer Trust, which made a \$30,000 donation towards the project. He does not know how many members of the Board knew and talked with Mildred Hall, but he had the pleasure of meeting her many years ago before her passing. Mr. McCausland remembers her passion for the Weare she remembered and the Weare her family had helped shape for many generations. Mildred Hall remembered a Weare of many open fields and forests and a Weare of true community. She had talked about the farms and dances and helping people in hard times. Mildred Hall loved the community and gave the bulk of her estate to the Town of Weare in an act of trust. She specified that a committee of the Historical Society be formed that she trusted to her wishes. Mr. McCausland thinks that they have honored her wishes of conserving land. He said that when someone leaves money to the town they expect, even newcomers, to remember them. In remembering Mildred Hall he asked that the Board approve the request from the Mildred Hall Trust Fund.

David Erikson, has lived in Weare since 1979, and spoke in favor of setting aside this land for the town. Even if they were just preserving the land for open space he would be in favor. Mr. Erikson said that 30 years ago the idea of land being available for food supply seemed remote, but he thinks that is changing with the cost of fuel and water shortages in other parts of the country, and the presence of local farmer's markets. He thinks that preserving farmland is strategically important.

Neal Kurk told the Board that he supports the project. He feels that the nice thing about this trust is that it intends to protect the rural character of the town. Mr. Kurk feels that it is important to honor the wishes of Mildred Hall. He asked the Board to support the project and preserve the rural character of the town.

Rick Ludders, Weare representative to the Piscataquog River Committee, told the Board that he supports the project. He said that recently the Planning Board adopted the Land Conservation Plan identifying land that is of prime interest in conserving. The report identifies farmland as very high value to protect.

Mr. Campana said that he knows the Purington Family. He commented on Mr. Doscher saying that the reason it met the qualification is that it is an ongoing farm and produces food. Mr. Campana asked what happens when the Purington's can't carry on the production of food. He would like to know that if an organization is donating money to preserve agricultural land with food production in mind and the food production ends what happens. Chairman Clow said that they are protecting the land for agricultural use and even if it is not used for a period of time, it will be protected for future use with no destruction of the soils. This land can be sold without interfering with the legal action of the easement. The easement stays in place even if there is a new owner. The organizations are buying the easement, not the land. The land stays within the ownership of the person selling the easement, but puts restrictions on the land so that it cannot be developed and retains the use that the easement states as its purpose. The Purington's will own the land, which can be sold with the easement in place.

Mr. Doscher said that one of the goals of the program is to keep the land as farmland into perpetuity. One of the benefits is that it strips away the development value on the land and makes it possible for the land to be purchased in the future at a lower rate that a farmer could afford. The Forest Society holds a number of these easements around the state, which are designed to ensure the long term capacity of the state to be able to produce food.

Selectman Lawton asked if the farmland were to lay dormant for many years and the woods take over the fields would there be a problem with someone clear cutting the land in the future to use the land for agriculture. It is the choice of the Purington's to put the land in agricultural, they are holding some land out that is not good for agricultural use. The easement protects the land into perpetuity and no one in the future can change that. Mr. Doscher told the Board that once easements are place they are very difficult to change. The probability of being able to change an easement is very low and it is a complex process. Easements are reviewed by the state under a very strict set of guidelines. Chairman Clow said that if in fact the forest took over, the new owner would have to submit a plan to the Forest Society. The town is the secondary holder of the easement and the Forest Society does the stewardship and monitoring.

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Selectman Leary asked what percentage of these easement properties get used for working farms. Mr. Doscher said that there are a lot of organizations that do these easements. There are 50-100 across the state and they are working farms and some are even being leased to farmers. Brian Hotz said that this specific funding source targets active working farmlands and farms that are likely to stay active.

There is no motorized use on the property, but there is a provision for public access to the snowmobile trail.

George Malette said that the Master Plan states that 6% of the land in Weare is prime agricultural. He said that this is a rare opportunity to be able to preserve this agricultural land into perpetuity. Rural character is widely used in the Master Plan and talks about the importance of agriculture land and its value.

Mr. McCausland said that there is approximately \$500,000 in the Emma Sawyer Fund in income and principle and lots of income has been generated from this fund.

It was discussed that there will be \$780,000 remaining in the Mildred Hall Fund after this expenditure, which does not account for the other conservation projects.

Sherry Burdick, Mildred Hall Advisory Committee, is a blood relative of Mildred Hall and thinks there is no better way to honor her. Mildred Hall would have loved to see the land preserved and she talked about farming all the time. Ms. Burdick supports the project.

Chairman Clow closed the public hearing at 8:05 p.m.

Vice Chairman Butt moved, Selectman Lawton seconded to approve the expenditure of \$70,000 from the Mildred Hall Trust towards the purchase of the Purington Conservation Easement Map 406, Lots 86 & 89. Passed 4-0-0

TAX RATE SETTING DISCUSSION – Tina Connor, Finance Administrator, said that they stand at \$9,500 for abatements and she calculated \$15,000 as a place holder. Chairman Clow said that last year after they set the tax rate, they retained a total of \$1,334,093. According to the state, the Unassigned Fund balance is \$1,602,720 and if they were to apply \$300,000 from the fund to offset the tax rate they would be close to the amount retained last year. Vice Chairman Butt noted that in doing so, the percentage remaining in the fund would be lower than recommended to be retained. Chairman Clow said that there would be approximately 7% remaining. Selectman Lawton asked if they have ever had a problem of not having enough money retained. Chairman Clow said it would not be a problem if the tax bills were sent out earlier, the earlier the bills go out the less the likelihood of needing a Tax Anticipation Note (TAN). DRA recommends that 5%-17% be retained. The reason for retaining that amount is cash flow and not having enough the in the spring or fall and needing a TAN to carry through to the end of the year. Their experience has been that the interest is very low with a TAN. The Board applied \$262,000 to offset taxes last year. Vice Chairman Butt said that they are looking to reduce the tax rate without jeopardizing what they have available for cash flow. Vice Chairman Butt said that they would be all right with the 7% in the fund if they had the cash in hand. Chairman Clow said that using the \$300,000 from the fund would give them a tax rate of \$3.34 for the town and a total of \$20.77, reflecting a \$0.17 increase, which is an increase of \$17.00 on a \$100,000 value, and an increase of \$40-\$50 on a \$250,000 value.

The Board discussed that this would be the first time, in several years, that they had an increase that could not be offset by the Unassigned Fund balance. Chairman Clow said it is a conservative figure with a bottom line .8% increase on the total tax rate. The total appropriation equals the operating budget and any warrant articles that were passed. Mrs. Connor mentioned that DRA said the percentage of tax impact should not be included on the warrant.

Selectman Leary asked if it is common practice to take out a TAN. Jan Snyder said that they will need it. Vice Chairman Butt said that they can have the TAN available for such a small amount of money.

Ms. Snyder said that she sent out the document and detailed prospectus with all the statistical data from the town. Northway Bank is offering a 1.15% on a \$2 million TAN. The TAN would be in effect until December 28th with an interest rate of 1.15% on what is drawn on. This does not mean that they will take the \$2 million,

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but will only draw what is needed. The deadline for taxes due is December 15th and the County bill is due on December 17th. The Rooms and Meals tax is still owed to the town. The tax bills will go out by the end of next week if the tax rate is approved tonight.

Selectman Lawton said that if they used an additional \$100,000 for a total of \$400,000 from the Unassigned Fund it will bring the tax rate down to \$20.65 instead of \$20.77 with using \$300,000 from the fund.

Vice Chairman Butt said that they are artificially reducing the tax rate and will then have less in the fund next year and not being able to reduce the tax rate.

Chairman Clow moved, Vice Chairman Butt seconded to set the tax rate for the town at \$3.35 by inserting a \$15,000 overlay and using \$300,000 from the Unassigned Fund Balance bringing the total tax rate to \$20.77. Passed 4-0-0

Chairman Clow moved, Selectman Leary seconded to authorize the Treasurer to accept a rate of up to 1.35% on a \$2 million TAN with Northway Bank. Passed 4-0-0

Ms. Snyder told the Board that she cannot wait for the tax bills to come in; she will need to draw down on the TAN.

Ms. Snyder said that she has a lot of investigating to do on the bridge bond. The \$1 million bond for all bridges back in 1994 or 1995 may not have been worded properly. She has been told that the money has been approved by the state for the Peaselee Hill Bridge and assumes that the \$1 million was the town's portion. Vice Chairman Butt said if they do have to do it again they need to make sure that there is no penalty for early pay off. Ms. Snyder would only plan to borrow for a year or two and pay as the monies are reimbursed. She is working on researching the bridge bond. Vice Chairman Butt said that the plan is to put an article on the warrant. Ms. Snyder said that Mr. Redmond needs to get the approval in writing from the state. Naomi Bolton, Town Administrator, said that the first two bridges are in writing, but the third one is not.

TOWN HALL DOOR UPDATE – The money has not yet been allocated, but there was money left from Mildred Hall for the Town Hall. The Board has a proposal for \$2,400 for an engineering study on the Town Hall doors. The engineer will spec the doors, look to see what is rotted and what is not, and develop an RFP.

Chairman Clow moved, Vice Chairman Butt seconded to approve the \$2,400 proposal from Team Engineering Building and Design to examine and create a Request for Proposal for the Town Hall doors with the funds to come from the Mildred Hall Trust money allotted for repairs to the Town Hall. Passed 4-0-0

MEETING MINUTES

Chairman Clow moved, Selectman Lawton seconded to approve the minutes of October 8, 2012 as amended. Passed 4-0-0

Chairman Clow moved, Selectman Lawton seconded to approve the minutes of October 15, 2012 as amended. Passed 4-0-0

Chairman Clow moved, Selectman Leary seconded to approve the minutes of October 22, 2012 as printed. Passed 4-0-0

ADMINSTRATIVE REPORT – Naomi Bolton, Town Administrator, said that the Assessing RFP went out, three bids were received, and distributed to the Board for review. The Board will discuss the Assessing bids in three weeks.

The reason for the additional \$200 in the Manifest was for a Wetlands Application Permit being completed for Chase Park to replace the sand on the beach.

There is a credit card account form request from the Fire Department to increase their \$500 credit card limit to \$1,000. The card will be in the secretary's name. The majority of the Board feels that the card should be in the chief's name; they have no problem with the credit limit increase.

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Naomi Bolton, Town Administrator, told the Board that she spoke with Lauren Martin from DRA and she will put together a package regarding the 160 acres of federal land that the Town of Weare can get reimbursed for. More explanation will be coming.

The Board had a discussion regarding changes to the Personnel Policy and how employees are notified of any changes. Naomi Bolton, Town Administrator, has the employees sign the page identifying the changes and gives them a copy to insert into their Personnel Policy. Vice Chairman Butt is concerned with the employees getting the updated pages. There are less than fifty employees that the Personnel Policy applies to. Chairman Clow said that on April 1 all employees should be given a new and complete copy of the Personnel Policy if there were any changes.

OTHER BUSINESS – Chairman Clow said that a resident approached him to see if the Board would consider restricting a time limit to roadside memorials. The resident suggested a time limit of six months to one year and would like to know the Board's feeling. If the Board is not willing to put an article on the ballot, the resident will would do a petition article. The Board felt that a petition warrant article would be best.

Selectman Lawton asked about the projector. Naomi Bolton, Town Administrator, said that she tried to utilize it with her new laptop and they could not make it project onto the screen. Vice Chairman Butt said that there was discussion about up to date equipment at CIP. The projector was utilized last year for Deliberative Session.

There are no notices on the cable channel because they are down to only three members. There may be a possibility of an article on the warrant to use a portion of the franchise money for a technician for the cable channel.

Chairman Clow moved, Selectman Leary seconded to enter into non public session @ 9:43 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; Chairman Clow – yes. Passed 4-0-0

Chairman Clow moved, Selectman Leary seconded to come out of non public session @ 10:15 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

Chairman Clow moved to seal and restrict the minutes of the non-public session pursuant to the authority granted in RSA 91-A:3 III; Selectman Leary seconded the motion. Vote: 4-0-0.

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary