

DRAFT



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
May 4, 2020**

PRESENT: JOHN (JACK) MEANEY, CHAIRMAN; FREDERICK W. HIPPLER, VICE CHAIRMAN; JONATHAN H. OSBORNE, SELECTMAN; SHERRY M. BURDICK, SELECTMAN; JOHN VAN LOENDERSLOOT, SELECTMAN

TOWN ADMINISTRATOR: Naomi L Bolton

GUESTS: Police Chief Chris Moore; Finance Administrator, Beth Rouse; PARC Chairman, JaNeen Lentsch; PARC Director, Lisa Purington-Grolljahn; Pastor Bill Stockhaus, Weare Christian Church
(In keeping with the gathering limit of ten people, certain guests came in separately and then left when their business was done.)

NONPUBLIC SESSION:

Chairman Meaney moved, Selectman Van seconded to enter into nonpublic session @ 6:30p.m. pursuant to the authority granted in RSA 91-A: 3II (a&c). A roll call vote was taken, Selectman Van – yes; Selectman Osborne - yes; Chairman Meaney – yes; Selectman Burdick – yes; Vice Chairman Hippler - yes Passed 5-0-0

Chairman Meaney moved, Vice Chairman Hippler seconded to exit this nonpublic session @ 7:08 p.m. A roll call vote was taken, Selectman Van – yes; Selectman Osborne – yes; Chairman Meaney – yes; Selectman Burdick – yes; Vice Chairman Hippler – yes. Passed 5-0-0

Chairman Meaney moved, Vice Chairman Hippler seconded to seal and restrict these nonpublic session minutes. Passed 5-0-0

Chairman Meaney opened the meeting at 7:08 pm., welcomed those present to the May 4, 2020 meeting of the Weare Board of Selectmen and proceeded with the pledge of allegiance. Chairman Meaney stated Selectman Burdick and Selectman Osborne are seated in the audience.

PUBLIC COMMENT: eliminated until further notice, contact Town Administrator Bolton if you need to have something addressed.

DEPARTMENT HEAD/COMMITTEE ITEMS:

Pastor Bill Stockhaus has lived in town for 18 years and was here tonight to join the Planning Board.

Vice Chairman Hippler moved, Chairman Meaney seconded to appoint Pastor Bill Stockhaus for alternate position on the Planning Board for a term of three years. Passed 5-0-0

PARC Director Lisa Grolljahn was looking for the Board's approval to open the boat ramp for property owners on Lake Horace during Memorial Day weekend by appointment only, May 23rd and May 24th from 9am to 6pm, one lake property owner every half hour. Boat owners would have to leave their boat at their own docks for the season, their truck/trailers have to be gone by 6:30pm. She also questioned what should be done for people parking along the road ignoring the locked gates as Chase Park is closed until further notice. The Board responded to call dispatch. Lisa also wondered if she should have trash receptacles and porta pottys removed. The Board answered, yes have them picked up and removed. A discussion then followed to leave Bolton Field open, but tape off access to the playground and Skate Board Park taped off, but leave the Tennis Courts open. It was also concluded to tape off and post *No Trespassing-Closed Until Further Notice* signs denying access to Chase Park. Lisa mentioned cameras will soon be installed at Purington Field as people have been dumping their personal trash at the town dumpsters. Selectman Van suggested contacting PD to do directed patrols in the town parks for the foreseeable future. PARC to put together a message for the town's website.

Selectman Burdick expressed her concerns over COVID-19 and suggested having all visitors wear masks. Town Administrator Bolton stated more information to follow.

Finance Administrator Beth Rouse passed out copies of a letter generated by Weare Fire Rescue Chief Vezina. It read as follows:

Date: May 1, 2020

To: Weare Board of Selectmen

From: Robert Vezina, Fire Chief

Subject: CARES Act Relief Fund

On March 27, 2020, the President signed the bipartisan CARES Act that provided \$100 billion in relief funds to hospitals and other healthcare providers on the front lines of the coronavirus response. This funding will be used to support healthcare-related expenses or lost revenue attributable to COVID-19 and to ensure uninsured Americans can get testing and treatment for COVID-19.

In April 2020, the Department of Health and Human Services (HHS) began the disbursement of the first \$30 billion of this provider relief funding. This disbursement was made to all healthcare providers and suppliers that were enrolled in the Medicare Program, and who received Medicare Fee-for-Service reimbursements during calendar year 2019.

On April 16, 2020, the Town of Weare received \$4,278.52 from the CARES Act Relief Fund. The Board of Selectmen need to consider the terms and conditions associated with this funding in order to decide whether to accept the funds by May 15, 2020.

Terms and Conditions

Please note that this will not affect the payment of claims from: (1) Medicare, Medicaid or other state and federal health care programs that already require the allowed amount as payment-in-full, and (2) the uninsured. In other words, this requirement only affects payments from commercial insurers with which Fire Rescue does not contract with currently.

There are several terms and conditions attached to this funding with most being typical boilerplate items. There is one, however, that could have a financial impact- the ability to balance bill. The actual language from the Terms and Conditions reads as follows:

"The Secretary has concluded that the COVID-19 public health emergency has caused many healthcare providers to have capacity constraints. As a result, patients that would ordinarily be

*able to choose to receive all care from in-network healthcare providers may no longer be able to receive such care in-network. Accordingly, for all care for a **presumptive or actual case of COVID-19** [emphasis added], Recipient certifies that it will not seek to collect from the patient out-of-pocket expenses in an amount greater than what the patient would have otherwise been required to pay if the care had been provided by an in-network Recipient.”*

The American Ambulance Association states the language makes clear that HHS was not focused primarily on the practice of balance billing. Rather, HHS’ concern was that many healthcare providers would have capacity restraints. As a result, patients may be restricted in their ability to receive care from their normal providers- who are presumably in-network with the patient’s insurer. HHS’ intent was to ensure that the patient does not suffer any adverse financial consequences as a result of seeking care for presumptive or actual cases of COVID-19. It accomplishes this goal by requiring the recipient of provider relief funds to agree not to collect from the patient out-of-pocket expenses that are greater than what the patient would have incurred had the care been provided by an in-network provider.

This is being interpreted as a ban on balance billing because most commercial insurers require their contracted providers to accept the plan’s allowed amount as payment-in-full, i.e., to agree to only bill the patient for applicable copayments and deductibles.

At this writing, it is expected that non-contracted commercial insurers will process a claim and make a determination as to whether the claim is related to the treatment and care of a presumptive or actual case of COVID-19. If the plan determines that the services furnished were COVID-related, they will likely pay the in-network rate they have established with contracted providers in our service area. The plan will likely then issue a remittance notice that indicates that we may not bill the patient for any balance over the insurer’s payment.

Many of the larger commercial insurers have indicated that they will waive the copayments and deductibles due from patients for COVID-related claims. If the plan waives the copayment and deductibles, they may pay these amounts as part of their payment of the claim. If they do not waive the copayment and deductible, we may be permitted to seek to collect these amounts from the patient. If the plan determines that the services furnished were not COVID-related, they will continue to pay claims using their normal claims processing, and we would be permitted to balance bill the patient to the extent otherwise permitted under state and local law.

Impact

The main consequence of accepting CARES Act funds is that Fire Rescue will likely recover less EMS billing revenue. While it remains unknown how much less, we believe it to be a manageable amount based on past experience and current trend lines.

As EMS billing revenue is deposited to the Fire Department Equipment and Vehicle Special Revenue Fund and is not used to directly fund services, any loss of revenue experienced from reduced insurance payments would not have a detrimental effect on our primary function- that of service delivery.

Should the loss of revenue be more significant than expected, there may be sufficient flexibility to modify the timing of future capital purchases to match actual fund balances.

Recommendation

Based on the information reviewed in the CARES Act terms and conditions, conversations with the Town’s Finance Administrator, COMSTAR EMS billing company and other industry professionals, it is our recommendation that the Board of Selectmen accept the funds as being in the best interests of the residents of the Town of Weare.

To order the Treasurer to sign payroll checks dated May 14, 2020 estimated to be about \$70,000.00. Furthermore, to order the Treasurer to sign up to the amount of \$75,000.00 for accounts payables that cannot wait until the next scheduled meeting. Reports and actual check amounts will be reported to the Board of Selectmen by inclusion on the Manifest Memo at the next scheduled meeting.

Chairman Meaney moved, Selectman Van seconded to accept the manifest as follows, which passed 5-0-0.

ADMINISTRATOR’S REPORT: Administrative Topics:

- RFP 2020 Flower Care – seeking proposals with the scope of supplying, planting and the care of flowers in all 17-whisky barrels located at the town office and the Stone building. Care to include weekly watering, deadheading spent blooms, fertilization and removing of plants in the fall at the end of the season. Bids are due Monday, May 18, 2020 by 4:00pm. Because of the current Pandemic COVID-19, emailed bids will be accepted and presented to the Board for awarding that evening, at the Selectmen’s meeting. Questions can be directed to Town Administrator Bolton by calling 529-7535 or email: nbolton@weare.nh.gov. Vice Chairman Hippler asked about insurance for covering contractors/vendors on our property under an RFP binding contract. Selectman Van added, “What happens if the person who is awarded the bid doesn’t have insurance and we didn’t require it, gets injured?” Town Administrator Bolton to check with Primex.
- DPW Department is looking to hire a temporary, part time flagger. Selectman Osborne asked about the current DPW part timer. It was stated he is working, as the department is short-handed because of one employee out on workmen’s comp. Selectman Van stated we have to send any potential person who is hired on a temporary part time status out for drug testing or a back ground check. He asked, “What are the cost involved?” Town Administrator Bolton answered no, not as a temporary part timer. To be discussed further on Wednesday, May 6, 2020 at 6:30pm.
- Police Chief Moore sent radio communication logs to Town Administrator Bolton who forwarded to R & R Communications, Swanzey, NH.
- Each year the Board hires a person to do mortgage searches for liens involving unpaid property taxes. Sanders Searches, LLC., Newmarket, NH. was used in the past. The Board signed a contract with Sanders Searches.
- A check was received for the repurchase of the property at 149 Branch Road, so the Board signed the repurchase deed.
- Wednesday, Avitar will be coming in to get together on warrant to start the first half of tax billing.
- Abatements: A few campers left Cold Springs and Autumn Hills in late 2019. They did not pay their taxes so as a means of housekeeping the Board signed the abatements.
- Building/Code Inspector job description and advertisement for further discussion. Perhaps restructuring Building Inspector under Fire Department, to revisit with Chief Vezina.
- A letter was sent to the resident at 122 Colby Road regarding the home business being compliant with zoning regulations.

CORRESPONDENCE & OTHER BUSINESS:

Chairman Meaney discussed the complaint concerning the Town Clerk letting a group into this building and into this conference room to perform a wedding. This was a violation as the room was unprotected and the group was fifteen people. He continued, a letter put in the record and sent forth, reads as follows:

Dear Town Clerk, Maureen Billodeau,

This letter is to notify you of the two violations, one from the Board of Selectmen, the other from Governor Sununu's Emergency Order #16 on March 23rd. The Selectmen made the decision to close the town office building to the public and discussed essential versus non-essential employees to safeguard employees and the public. Town employees were to alternate their work schedules and days accordingly. Single appointments were being provided to allow residents to perform transactions they can't do online. On April 6th, Governor Sununu signed Emergency Order #16 that limited gatherings of ten people or more for social, spiritual or recreational activities. On Monday, April 27th, you performed a wedding ceremony at the town office in the conference room with the number of attendees exceeding ten. It was certainly planned as the groom arrived in a suit and boutonniere and the bride carried a bouquet of flowers, plus the parents arrived with others. This is a clear disregard and violation of both the Board of Selectmen's Order and the Governor's Emergency Order. As an elected official, you are expected to abide by the orders. Disregarding both orders to hold a wedding is illegal and wrong. A copy of this letter is being forwarded to the Secretary of State's Office and the Governor's Office.

Letter to be signed by the Board. Chairman Meaney asked the Board for a discussion. Selectman Van asked since the word *illegal* was used, does that nullify the wedding. Chairman Meaney answered no; it was illegal to have them in the building not to perform the wedding. Town Administrator Bolton to change the word wedding to gathering for an event to clarify.

Selectman Burdick mentioned letting only people in the building wearing a mask. Town Administrator Bolton stated she has seen many businesses posting NO Mask NO Service. A lengthy discussion ensued; ultimately, it was decided to have a person looking to enter the building: answer a questionnaire, strongly recommend they wear a mask and have the employee clean up once the visit is over with a spray disinfectant and wipe down with paper towels.

Selectman Osborne reiterated opening the Town Clerk's Office to the regular Wednesday night hours. Town Administrator Bolton explained she has not received a response from the Town Clerk on this matter. Other than, she would think about it. Selectman Osborne continued the Deputy Town Clerk is an employee of the town and therefore the Board could have her work Wednesday's from 3:00pm to 7:00pm. Selectman Burdick added Wednesday evenings are a regular time frame so she does not understand the push back. Vice Chairman Hippler stated this plays directly into what he mentioned prior. It effects people who are still working fulltime and cannot make the morning hours the Town Clerk has put in place. Chairman Meaney mentioned the oddity of the Town Clerk closing by noon every day and he wonders why there has been no response from the Town Clerk on the Board's request for the Wednesday evening hours. Both Selectman Van and Vice Chairman Hippler stated the service needs to be provided for the town's people. Selectman Osborne and Chairman Meaney stated the request is not out of the ordinary. Town Administrator Bolton suggested having the hours 5:00pm to 7:00pm. Chairman Meaney stated by law the Town Clerk could set her own hours, but the Deputy Clerk as an employee of the town, therefore, is subject to the Board's decisions. Town Administrator Bolton then asked; do you want to have the Deputy Town Clerk open from 5:00pm to 7:00pm? Selectman Van suggested 3:00pm to 7:00pm as their office is open now for four hours a day. Chairman Meaney stated the Town Clerk could cover the morning shift and the Deputy Town Clerk to cover the evening hours. Selectman Van noted they are being paid for their entire shift already so this would just be to process registrations. It was concluded the Town Clerk Office will be open next Wednesday, May 13th from 3:00 pm to 7:00 pm.

NONPUBLIC SESSION:

Chairman Meaney moved, Selectman Van seconded to enter into nonpublic session @ 8:49 p.m. pursuant to the authority granted in RSA 91-A: 3II (a&c). A roll call vote was taken, Selectman Van – yes; Selectman Osborne - yes; Chairman Meaney – yes; Selectman Burdick – yes; Vice Chairman Hippler – yes. Passed 5-0-0

Chairman Meaney moved, Selectman Van seconded to exit this nonpublic session @ 8:55 p.m. A roll call vote was taken, Selectman Van – yes; Selectman Osborne – yes; Chairman Meaney – yes; Selectman Burdick – yes; Vice Chairman Hippler – yes. Passed 5-0-0

Chairman Meaney moved, Selectman Van seconded to seal and restrict these nonpublic session minutes. Passed 5-0-0

NONPUBLIC SESSION:

Chairman Meaney moved, Selectman Van seconded to enter into nonpublic session @ 8:56 p.m. pursuant to the authority granted in RSA 91-A: 3II (c). A roll call vote was taken, Selectman Van – yes; Selectman Osborne - yes; Chairman Meaney – yes; Selectman Burdick – yes; Vice Chairman Hippler – yes. Passed 5-0-0

Vice Chairman Hippler moved, Chairman Meaney seconded to exit this nonpublic session @ 8:59 p.m. A roll call vote was taken, Selectman Van – yes; Selectman Osborne – yes; Chairman Meaney – yes; Selectman Burdick – yes; Vice Chairman Hippler – yes. Passed 5-0-0

The Board discussed a tax payment arrangement for a taxpayer.

Chairman Meaney moved, Vice Chairman Hippler seconded to enter into nonpublic session @ 8:59 p.m. pursuant to the authority granted in RSA 91-A: 3II (a&c). A roll call vote was taken, Selectman Van – yes; Selectman Osborne - yes; Chairman Meaney – yes; Selectman Burdick – yes; Vice Chairman Hippler – yes. Passed 5-0-0

Chairman Meaney moved, Vice Chairman Hippler seconded to exit this nonpublic session @ 9:16 p.m. A roll call vote was taken, Selectman Van – yes; Selectman Osborne – yes; Chairman Meaney – yes; Selectman Burdick – yes; Vice Chairman Hippler – yes. Passed 5-0-0

Chairman Meaney moved, Vice Chairman Hippler seconded to seal and restrict these nonpublic session minutes. Passed 5-0-0

Being there was no further business to come before the Board, Chairman Meaney moved, Selectman Van seconded to adjourn at 9:17pm. Passed 5-0-0

ADJOURNMENT

A True Record.

Karen Nelson

Karen Nelson transcribed from
TA Bolton notes & YouTube recording