

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
September 26, 2022

PRESENT: KEVIN J. CAHILL, SELECTMAN; FREDERICK W. HIPPLER, CHAIRMAN; SHERRY M. BURDICK, SELECTMAN; JOHN VAN LOENDERSLOOT, SELECTMAN.

ABSENT: JONATHAN H. OSBORNE, VICE CHAIRMAN

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Richard Butt; Benji Knapp, DPW Director; Nick Fox; Frank Campana; Beth Rouse, Finance Administrator; Tom Flaherty; Tom Carr; Mike Colburn; Steve Najjar; Ray Lemay; Richard Kaiser; Mike Camacho; Attorney Cooley Arroyo.

CALL TO ORDER:

Chairman Hippler called the meeting to order at 6:34 PM.

NONPUBLIC SESSION:

Chairman Hippler moved; Selectman Van seconded to enter into nonpublic session @ 6:34 p.m. pursuant to the authority granted in RSA 91-A: 3II (a & c). A roll call vote was taken, Selectman Cahill – yes; Chairman Hippler – yes; Selectman Burdick – yes. Passed 4-0-0

Selectman Van moved; Chairman Hippler seconded to exit this nonpublic session @ 7:00 p.m. A roll call vote was taken, Selectman Cahill – yes; Chairman Hippler – yes; Selectman Burdick – yes; Selectman Van – yes. Passed 4-0-0

Selectman Van moved; Selectman Burdick seconded to seal and restrict these nonpublic session minutes. Passed 4-0-0

OPEN PUBLIC PORTION OF MEETING:

Chairman Hippler called the meeting to order at 7:09 PM, followed by the pledge of allegiance. Chairman Hippler noted that there is no public comment tonight as this is a special meeting.

PUBLIC HEARING:

Chairman Hippler opened the public hearing at 7:09 PM to hear public testimony and comment regarding increases to the Transfer Station Fee Schedule at 7:09 PM. DPW Director Knapp was recognized to speak. Director Knapp asked to address the solid waste hauling bids as they have an impact on the raising of the transfer station fees. Bids for Solid Waste Hauling bids were opened on September 16, 2022 @ 9 AM. Only one bid was received and that was from Sizemore, which the prices were as follows:

Municipal Solid Waste	\$325.00 per trip
Construction Waste	\$375.00 per trip
Recyclables/Scrap Metal	\$325.00 per trip

Loose Paper	\$575.00 per trip
Wait Time	\$105.00 per hour
Fuel Surcharge	\$13.50 per trip
Additional \$0.50 per \$0.50 fuel price above \$5.50/gallon	

These fees are higher than the prior contract. The solid waste fee was \$300.00. The loose paper fee was \$500. The wait time was \$85.00 per hour and the construction waste/demo is up about 16%. This contract will not take effect until January 1, 2023. **Chairman Hippler moved, Selectman Van seconded to award the 2023-2024 Municipal Solid Waste Contract to Sizemore Motors as presented above effective January 1, 2023 through 12/31/2024. Passed 4-0-0**

DPW Director Knapp stated that the construction demolition debris is taken to Naughton and as of 10-1-22, they are raising their rates. The hearing tonight is to raise the rates for the construction debris only. The proposed increases are as follows:

Wood/Siding	\$40.00/yard - \$1.30 Cubic Foot – was \$35.00/yard
Asphalt Shingles/Sheetrock	\$110.00/yard - \$4.07 Cubic Foot – was \$85.00/yard
Toilets	\$ 7.00 each – was \$5.00/each
Mattresses	\$16.00/each – was \$15.00/each

Chairman Hippler asked Director Knapp is this increase is proactive enough. Director Knapp stated yes. Chairman Hippler asked for any public comment.

Frank Campana, Quaker Street asked if all the other fees were going to remain the same. Director Knapp stated yes.

Without any further comments or questions, Chairman Hippler closed the public hearing at 7:24 PM. **Selectman Burdick moved, Selectman Van seconded to approve the new proposed transfer station increases as discussed, effective 10/1/22. Passed 4-0-0**

MANIFEST:

Chairman Hippler moved, Selectman Van seconded to order the Treasurer to sign the payroll and accounts payable checks dated September 29, 2022 as included in the following manifests:

Payroll Manifest	\$ 90,217.30 (<i>Weekly/monthly, quarterly payroll</i>)
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Accounts Payable Manifest	\$ 71,642.65
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TOTAL:	\$ 161,859.95
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Passed 4-0-0

CORRESPONDENCE/OTHER BUSINESS:

Chairman Hippler wanted to thank all of the attended the vote on September 13th and the dedicated workers and volunteers to help. Events like these do not go off without lots of people. The Board would like to say thank you.

There was a ceremony held at the Granite State Communications open house where a resident was presented the Hometown Hero Award for all the time given to the community. This year's nomination was Doug Alwine who is our cable man that does all the videos, YouTube, etc. The Board would like to congratulate him and thank him for all his service.

Chairman Hippler stated that the Board forgot the pledge at the beginning, so he asked everyone present to join us for the pledge.

PUBLIC HEARING:

Chairman Hippler opened the public hearing at 7:30 PM to hear public testimony and comment pursuant to RSA 31:95-b relative to the acceptance of unanticipated revenue in excess of \$10,000 for the following:

1. Additional Highway Block Grant \$ 239,376.07
2. Additional Municipal Bridge Aid \$ 326,966.00

Chairman Hippler recognized Finance Administrator Beth Rouse. Finance Administrator Rouse explained that currently the Town has received the additional highway block grant but we have not yet received the additional bridge aid. The funds as received will be placed into the general fund as unanticipated revenue, but they are “committed” for a specific purpose, where it would be switched from unanticipated to committed. Without any further questions from the Board, Chairman Hippler opened up the hearing for public input.

Tom Flaherty, Sunrise Lane asked compared to last year how does this money compare, more or less. Chairman Hippler stated that each year the Town gets around \$280K and is written into the warrant article. This was an additional amount of money we are getting. Mr. Flaherty asked if there is a plan in place for these extra funds. Chairman Hippler stated, as one member the bridge money will probably be used 100% for River Road Bridge. The additional highway block grant will probably be used to extend the work to the roads, but again, that would be up to the DPW Director.

Richard Butt, Old Town Road asked why this additional money could not be applied to the warrant article. Chairman Hippler stated that maybe for 2023 but that would only be temporary relief. Mr. Butt hopes the Board will consider using the money for an offset. Town Administrator Bolton read information provided about SB401. SB401 was provided to communities for immediate infrastructure resources. It will provide funding with restricted uses, meaning that it may be used to supplement (not supplant) local budgets; The “supplement not supplant” provision requires that these funds must add to (supplement) and not replace (supplant) local budgeted funds when providing services that repair, maintain, and construct municipal bridges; repair and maintain class IV and V roads; or acquire the equipment necessary to maintain Class IV and V roads.

Frank Campana, Quaker Street asked if it could be used for buying equipment. Spending money on a new truck is an acceptable use of the funds. Mr. Campana stated that now we have been provided the balances in the capital reserve funds, out of the \$575K of funding only \$270K was spent leaving around \$316K in the fund. He would like to see that these funds be offset totally to reduce the taxation amount.

Richard Butt asked if the funds could be used next year as a taxation offset.

DPW Director Ben Knapp stated that he still has money left. He is not done with the rest of the work on High Rock Road. He has not discussed any warrant articles yet. His plan right now is to ask for the same amount of money for road reconstruction and using this as an additional boost, which would allow them to do more work.

Being there were no further questions, Chairman Hippler closed the public hearing at 7:54 PM.

Chairman Hippler moved, Selectman Burdick seconded to accept the unanticipated revenue from the State of NH in the amount of \$239,376.07 for Additional Highway Block Grant money and \$326,966.00 for additional Municipal Bridge Aid pursuant to RSA 31:95-b Passed 4-0-0

APPROVE AFTER THE FACT PERMIT: This agenda item has been taken off tonight’s agenda and moved to October 3rd.

DEPARTMENT HEAD/COMMITTEE ITEMS:

DPW Update: DPW Director Knapp reported that the bridge survey is done. We do not need a wetlands permit but we may need shore land, but we now need to decide:

1. Go ahead with temporary bridge and hope for a swap with Lull Road or
2. Fix River Road bridge out of pocket with no patch

Chairman Hippler stated he would be more pointed to fixing the date and not waiting for the State Aid.

HIGHLAND FARM & FOREST – LAKEVIEW DRIVE: (Joint meeting with Conservation Commission) Selectman Cahill recused himself from the Board and took a seat in the audience. Conservation Commission members Chairman Andy Fulton; Vice Chair Steve Najjar; Mike Camacho and Ray Lemay joined the table for this joint meeting. Chairman Fulton called the special Conservation Commission meeting to order at 8:12 PM. Chairman Hippler stated that for Board members seated tonight are Selectman Van; Selectman Burdick and Chairman Hippler.

Attorney Cooley Arroyo introduced herself. She is from Cleveland, Waters and Bass out of Concord, NH and she is representing Highland Farm & Forest Acquisitions in this matter. She has been working with them on the permitting process, which has gotten a little complicated in recent months. Present with her are Rick Kaiser and Wetlands Scientist Tom Carr with the hope of answering all of your questions and finally getting this process to the finish line. It is Attorney Arroyo's objective to leave here tonight with a clear understanding of what remains to be done and what boxes still need to be checked to get this permitting process to its logical and necessary conclusion.

Rick Kaiser stated that last week they asked for a vote from the Board of Selectmen. Mr. Kaiser stated that there were three things they had to do before moving on per last week's meeting. One of the conditions was to get a form from the Town, which has been done. Town Administrator Bolton explained that the Selectmen invited the Conservation Commission so that they could complete their input/recommendation. Chairman Fulton agreed that they are here to do their small part in the process.

Wetlands Scientist Tom Carr was present with Meridian Land Services. Mr. Carr stated that he wants to make a disclosure. He had done work in the past for Mr. Cahill for his company, so he met with Mr. Cahill regarding some development behind him with some possible wetlands issues. When it was brought to Mr. Carr's attention that it was Art Siciliano's plan, Mr. Carr stated that he could not take on this work as he does Mr. Siciliano's entire plans. He wanted it to be clear that he is not working for both sides. He went through the plan that showed the wetland vegetation cutting and wetland buffer referred to the Harris complaint. They acknowledged that it does need some replanting. There is a planting plan. After the presentation, Chairman Fulton stated that he felt that what is being proposed is acceptable. Kevin Cahill stated that all is established and stable. They are satisfied with this and indicated that Mr. Carr and his team has done a great job. Ray Lemay stated that if any silt was running onto the property is any is minimal and this plan all works. Vice Chairman Najjar stated that he is very comfortable with this plan. Tom Carr stated that these plans are meant to be supplements to Art Siciliano's septic plan. Kevin Cahill stated that he would be an advocate to building for footing drains versus a dry well. After a little more discussion, **Vice Chairman Najjar moved to recommend to the Board of Selectmen that the Conservation Commission has heard testimony from a licensed wetlands scientist with a very good recommendation that has said that there is about 45% buffer disturbance, which is all within acceptable range of the ordinance and that there's replanting so that while it was a valid concern, there was no violation that occurred and there are steps being taken to improve the habitat and the buffer and that is satisfactory and the commission recommends to the building department and Selectmen that no further action be taken , Ray Lemay seconded the motion. Passed 4-0-0**

Vice Chairman Najjar moved and Ray Lemay seconded to adjourn the conservation commission part of the meeting at 9 PM. Passed 4-0-0 Conservation Commission members then left and the Selectmen continued on the meeting.

Rick Kaiser stated that he went and saw Katy in the building department for numbers 3 & 4 of the conditions of the zoning board. He went and asked how he could satisfy the conditions to get a building permit. Number 1 is the posting of the sign and he sent pictures to Town Administrator Bolton. They have ordered the sign from the State. The last condition was the Agreement and Release Liability Disclaimer be signed and recorded at the Hillsborough County Registry of Deeds. There is one disclaimer for each lot. Town Administrator Bolton handed it to Attorney Arroyo for her review on behalf of Mr. Kaiser.

Town Administrator Bolton created a form that the Board should sign that lays out conditions precedent and conditions subsequent as part of the approval process. Tom Carr agreed that the conditions precedent should be: 1) vegetation replanting in fall of 2022 – per 9/22/22 letter; 2) liability and disclaimer – per ZBA condition #2; and 3) driveway condition – per ZBA condition #3 and conditions subsequent should be: 1) storm water infiltration – per 9/22/22 letter; footing drainage outfall – per 9/22/22 letter; 3) road posting – per ZBA condition #1; and E9-1-1 condition – per ZBA condition #4.

Chairman Hippler that because we had our meeting with legal counsel earlier this year it flipped the Town's process upside down and unfortunately this group has taken the brunt of it. We apologize as a Board and a Town to you. Everyone has been more than accommodating and Mr. Carr has gone above and beyond to work with us and we thank you.

Chairman Hippler moved, Selectman Burdick seconded that the board grant the approval to the building department from the Board of Selectmen and subsequent commissions and boards for tax map 102-031 and 102-032 with the following conditions: conditions precedent should be: 1) vegetation replanting in fall of 2022 – per 9/22/22 letter; 2) liability and disclaimer – per ZBA condition #2; and 3) driveway condition – per ZBA condition #3 and conditions subsequent should be: 1) storm water infiltration – per 9/22/22 letter; footing drainage outfall – per 9/22/22 letter; 3) road posting – per ZBA condition #1; and E9-1-1 condition – per ZBA condition #4. Discussion: Selectman Van had a question regarding the plantings in the fall is it pre-construction or post-construction. Tom Carr stated that it will be fall of 2022 for them to be able to get the building permit. **Passed 3-0-0**

Selectman Cahill returned to his position on the Board.

DPW Update (Continued): DPW Director Knapp returned to continue his update from earlier. Selectman Van stated that some of his neighbors have mentioned to him that they would like to thank the department for paving the road. Director Knapp stated that the shoulders wouldn't be done until he finishes High Rock Road. Selectman Van also asked about the roadside mower. Director Knapp stated that the motor has an issue. They think the head gasket might be blown. The small truck came in just cab and chassis. The big truck was supposed to come sometime in the first quarter of next year but he has been told he might see it in October. They have painted all the gates going up to the transfer station, trying to spruce things up. The signs from NH the Beautiful are in and the guys hung them up. The joint loss committee came up with a few minor safety items that they have taken care of. Director Knapp did get a chance to go to the Hillsboro Transfer Station. He took away from the visit is that he would change how we do business. A handout was provided to the Board using 2020 totals showing a comparison between Hillsborough and Weare.

As there was no further, public business the Board will be going into nonpublic session and then adjourning at the conclusion.

NONPUBLIC SESSION:

Chairman Hippler moved; Selectman Van seconded to enter into nonpublic session @ 9:47 p.m. pursuant to the authority granted in RSA 91-A: 3II (a & c). A roll call vote was taken, Selectman Cahill – yes; Chairman Hippler – yes; Selectman Burdick – yes; Selectman Van - yes. Passed 4-0-0

Before the conclusion of the nonpublic session, Selectman Van left the meeting.

Chairman Hippler moved; Selectman Burdick seconded to exit this nonpublic session @ 10:29 p.m. A roll call vote was taken, Selectman Cahill – yes; Chairman Hippler – yes; Selectman Burdick – yes. Passed 3-0-0

Chairman Hippler moved; Selectman Burdick seconded to seal and restrict these nonpublic session minutes. Passed 3-0-0

Chairman Hippler moved; Selectman Burdick seconded to enter into nonpublic session @ 10:29 p.m. pursuant to the authority granted in RSA 91-A: 3II (b). A roll call vote was taken, Selectman Cahill – yes; Chairman Hippler – yes; Selectman Burdick – yes. Passed 3-0-0

Selectman Cahill moved, Chairman Hippler seconded to hire Pamela Moul as the Full-Time Deputy Town Clerk at an hourly rate of \$19.60 per hour and upon successful 6-month probation, the rate would increase to \$20.60 per hour. Passed 3-0-0

Chairman Hippler moved; Selectman Burdick seconded to exit this nonpublic session @ 10:35 p.m. A roll call vote was taken, Selectman Cahill – yes; Chairman Hippler – yes; Selectman Burdick – yes. Passed 3-0-0

Being there was no further business to come before the Board, Chairman Hippler made a motion, Selectman Burdick seconded to adjourn at 10:36 pm. Passed 3-0-0

ADJOURNMENT

A True Record.

Naomi L. Bolton

Naomi L. Bolton, Town Administrator
From notes and YouTube Video