



WEARE BOARD OF SELECTMEN
MEETING MINUTES
April 1, 2024

PRESENT: JANICE MATHEWS- CHAIRMAN, BENJAMIN D. KNAPP- VICE CHAIRMAN, SALIM BLUME- SELECTMAN, JAMES DRURY- SELECTMAN, DAVID PRATTE-SELECTMAN.

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: DPW Director Jason Fiske, Acting Fire Chief Mark Roarick, Frank Campana, Tom Flaherty, Rick Hippler, Monique Nelson, Richard Butt, Greg White, Jackie Pratte.

These minutes were transcribed from the following link: <https://www.youtube.com/watch?v=6w9aLrlnjbY>

Chairman Mathews called the meeting to order at 6:36 PM.

Chairman Mathews motioned to enter into a nonpublic meeting at 6:36 p.m. to RSA 91: A-3 II (b). Selectman Pratte seconded. Roll call vote: Vice Chair Knapp-yes; Selectman Pratte-yes; Chair Mathews-yes; Selectman Blume-yes; Selectman Drury-yes. Passed in favor. 5-0-0

Chairman Mathews motioned to come out of a nonpublic meeting at 6:46 p.m. to RSA 91: A-3 II (b). Selectman Blume seconded. Roll call vote: Vice Chair Knapp-yes; Selectman Pratte-yes; Chair Mathews-yes; Selectman Blume-yes; Selectman Drury-yes. Passed in favor. 5-0-0

Chair Matthews welcomed the public at 7:43.

Public Comment: Jackie Pratte of 51 Winter Road stated over the last several weeks there have been many conversations regarding a building permit and the question of a need for a variance based on a court ruling of the interpretation of the Town Zoning Ordinance. That court order does not state that the interpretation is on a go-forward basis but rather that it is the interpretation. This means that would be from the time of the inception of the ordinance. The board at times took the stand that they do not have purview over variances and that they may be inserting themselves into a decision that they should not make. The structure of land use in NH offers the Zoning Ordinances that are created by the Planning Board and the Zoning Board of Adjustments reviews those ordinances when considering an application for a variance or relief against the ordinance. This board then took the stand to make a decision that the requirement be waived at last week's BOS meeting on the influence of the Town Administrator's recommendation of the Town Attorney's opinion. There is no RSA stating that the Select Board nor the Town Attorney is the decision maker of whether or not a variance is required if there is any sound legal finding that this should be the case. Ms. Pratte requested that the board provide that in the administrator report at the next BOS meeting since it is attorney-client privilege was broken in the January 29, 2024 emails sent to all parties by Town Administrator Bolton. This should not be an issue.

Frank Campana, 322 Quaker Street said on the agenda tonight is the discussion of furthering the DPW education to train someone to get their CDL license. If the BOS is going to offer to pay for the training Mr. Campana recommended that the Town should have the person sign an agreement that they have to stay with the Town for a certain amount of time. Mr. Campana said that they have paid to educate the Police Officers on many occasions and then when they are certified they leave and go to another town.

Richard Butt, 90 Old Town Road thanked Selectman Pratte and Selectman Dury for volunteering their time to join the board. Mr. Butt said that he is concerned with Warrant Article 10, it appears the BOS did not support, or at least some of the members did not support, any of the articles for the Fire Department. Mr. Butt said that the wage increase for the FD was nominal and the total increase between the wage adjustment and the COLA was 11% but seemed like it was too much for someone and an amendment was made. Mr. Butt said that the BOS took his vote away from him. If he wanted to vote for the COLA raises and in support of the FD, the board had taken the vote away from him by making the amendment. Mr. Butt said he wonders if the people know that even though it passed it did not go into effect because of Article 8. Mr. Butt said he thinks it is unfair and for a Selectman to support that, to him, it sends a message to the FD that they are not supporting them. There is a discussion regarding the integration of the FD on the agenda tonight, Mr. Butt stated that should not be a surprise to the board because they knew they were going to end up with the FD. Mr. Butt said that the BOS did not have one member of the BOS attend the Board of Fire Wards meeting to get a sense as to what was going on. Mr. Butt said that the BOS suddenly seems to know everything by denying some of the articles that go on the warrant. Mr. Butt said it is sending a message to the FD that is not positive in his opinion. That department is very crucial to the Town. Mr. Butt said that he hopes the BOS considers a wage salary study as a priority to find out exactly where they stand with other towns. Mr. Butt would like the town to hire an agency and not do the study themselves. Mr. Butt also wants to know when they do set their priorities where the spending cost or concerns are with the operating budget and where the priority is with cutting taxes.

Chair Mathews said that the BOS earlier interviewed Matt Legrende and he is able to start as soon as tomorrow and has his CDL-A.

Motion made by Selectman Blume to hire Matt Legrende at a rate of \$24 per hour effective April 2, 2024. Seconded by Selectman Pratte. Motion passed 5-0-0.

Tax Deeding Discussion: Monique Nelson, Administrative Assistant emailed the tax deeding list. If the BOS does not want to deed a property they will need to sign a waiver. Ms. Nelson said homeowners have received letters from the town and explained the payment plan process and the deeding process. TA Bolton said if they do or do not pick up their certified mailer, they know they have passed due bills because it is put on the current tax bill, and they also send out courtesy letters that are not certified. Those courtesy letters are sent, regular mail and don't get returned. Discussion ensued regarding the deeding process. Selectman Blume asked how the current list compares to the other years. Ms. Nelson replied that this was her first year with it and would have to look back at previous years. TA Bolton said it is much larger than previous years and part of the problem is that during the pandemic they were not allowed to take property or do anything. Ms. Nelson added that the 2020 taxes were not able to be deeded because the search person they used neglected to get the information to them in time and that is why they have requested to switch their mortgagee search company. TA Bolton explained the statute of limitation to the BOS. TA Bolton said once the properties are deeded, they become part of the Town's exposure list with the insurance company at their assessed values. Chair Mathews asked how they know if there are any environmental concerns or other concerns. TA Bolton said that letters were sent to the Police, Fire and DPW asking if they were aware of any concerns that the Town should not be taking the property. No replies were provided by the departments. TA Bolton said that she can have Katie Tounge, Administrative Assistant with the Building Department to check the files as well to make sure there are no violations. This is the first step, but the Town has until June before they actually take ownership and in between taxpayers may pay them off. Signing the papers means that they waive the right to take the property. Those that were recommended to

sign are properties in a mobile home park or campers. Those would incur monthly lot rent fees for the Town to pay. Selectman Blume asked what the fee structure was. TA Bolton said that it is typically a percentage, and she can check with other towns to see what they do because it is not the actual cost. TA Bolton explained the interest part for when they would go to sell the property. Selectman Blume said he does not think they should be taking people's money because they failed to give the town money, it's not very eloquent. TA Bolton said that she understands and is not suggesting anything and hopes they don't get to that point when it comes to June. Ms. Nelson stated that the properties they sign for will be the ones they are not taking and waiving. The ones that are not signed she will send to the mortgagee search company. The paperwork was left with TA Bolton for the Board to sign later in the evening.

DPW Update: DPW Director Jason Fiske presented the BOS with the truck specs for the bid awards. DPW Director Fiske said that they have four of the Western Star 4700s and this is a newer model. The other bid they got is from Allegiance and it is an International HX520 and that is the truck they have had for the past two years. DPW Director Fiske said the Western Star came in at \$155,183 and the International came in at \$181,000 with no trade involved. DPW Director Fiske said nothing against the truck, it did well last year but if they went that route the money would be tight. DPW Director Fiske recommends that they award the bid to ATG for the Western Star. Vice Chair Knapp asked how they were with the factory warranty. DPW Director Fiske said they are both similar with factory warranties. DPW Director Fiske said that the International could probably get it around this time next year and the Western Star could get it in by October of next year. Selectman Pratte asked if the warranty starts on delivery and is open. DPW Director Fiske said the way it works is as soon as the truck's upfit and he calls the salesman they say the truck is in their possession and ready to go the warranty kicks in.

Vice Chair Knapp moved to award the bid to ATG for a Western Star 4700s for the cost of \$155,183. Seconded by Selectman Pratte. Motion passed 5-0-0.

DPW Director Fiske presented the bid paperwork for plow equipment. DPW Director Fiske said they received a bid from Viking in the amount of \$100,800 and one from HP Fairfield for \$109,995. Vice Chair Knapp asked about the type of equipment from Fairfield. DPW Director Fiske said the same stuff they have been running. He quoted out a 14ft body with Tenco Equipment. DPW Director Fiske said they already have a barn full of Tenco equipment and parts on the shelf for these bodies and plows. He does not see the need to switch. Vice Chair Knapp asked if DPW Director Fiske was happy with the up fit of the last one. DPW Director Fiske said they missed a couple of things in the truck in 2023. He was able to see the new one and they had made corrections to the truck to fix that. Chair Matthews asked how long it takes to put everything on the truck. DPW Director Fiske said once they have the truck it will take a couple of months, they might be able to get the truck in October it's hard to say when the body can get to the upfitter.

Selectman Blume motioned to accept the bid from HP Fairfield for the plow truck equipment in the amount of \$109,995. Seconded by Selectman Pratte. Motion passed 4-0-1. Abstention from Knapp.

Vice Chair Knapp said that he abstained because he was asked for a recommendation by one of the companies and it was not a bad recommendation.

DPW Director Fiske handed out the bid for chip sealing. They received one bid from All States at \$3.25 per square yard and two days of crack sealing at \$6,000 a day. It is important to crack the seal before chip sealing because if any water under the frost heaves it will create a big hole. The bidder has been sealing roads for the Town for the last seven or eight years. Selectman Pratte asked when this goes through what percentage of the budget will it taken up. DPW Director Fiske said about 1/6 of the budget.

Vice Chair Knapp moved to accept the bid from All States at \$3.25 per square yard with an estimate of 35,000 square yards and any crack sealing to be done at a rate of \$6,000 per day if necessary. Seconded by Selectman Pratte. Motion passed 5-0-0.

DPW Director Fiske said he and TA Bolton checked references regarding the bridge engineer as requested. One of the references for one of the companies indicated that things were delayed but thought it was not entirely their fault. There were some other factors at play as far as it being a DOT thing. TA Bolton said the reference indicated that they did within budget. DPW Director Fiske recommended going with Jacobs Engineering. Selectman Blume said that Jacobs Engineering stated they had already worked with the Wetlands and asked if they would be able to expedite things. Selectman Pratte said that the BOS did ask that question and it is work that is done up front, but the design would be scheduled for August for completion. They are ahead of the game, but they will not be any later. Vice Chair Knapp said the lead engineer working on it is familiar with the project and why that bridge failed.

Vice Chair Knapp moved to award the engineering portion of the River Road Bridge Project to Jacob's Engineering. Seconded by Selectman Pratte. Motion passed 4-0-1 abstention from Blume.

DPW Director Fiske presented the educational expense agreement to the BOS. This would be to train a CDL driver. The Town would pay for their schooling. This agreement is like the Fire Department's agreement for education. It would be a 24-month prorated retention. Chair Mathews asked why DPW Director Fiske thought 24 months would be a reasonable prorated retention. DPW Director Fiske said that he thinks it is long enough for the Town to get their investment back due to the amount of time and training with the federal regulations. Chair Mathews asked if it started after they got their training. DPW Director Fiske said the training is only six weeks and thinks it is almost negligible. Selectman Pratte said it is a month and a half and would not be negligible. Selectman Blume said there may be times when they need to move someone around serving the town in another capacity and he would hate to catch someone on a technicality. He suggested that they add a carve-out that states if they are moved around, it will not hurt them. Discussion ensued regarding the wording of the agreement. Chair Mathews asked what if the person they hire refuses to sign the agreement. DPW Director Fiske said they would have to sign the agreement before receiving the training. Chair Mathews asked if DPW Director Fiske put together a matrix of how long this was going to take and the cost. DPW Director Fiske said it is going to be around \$5,000 and there are a couple of companies that will not give you pricing until signing up and taking a pre-exam and then it would be six weeks of salary. The salary would be based on \$23 to \$24 per hour and DPW Director Fiske said he is not sure which direction the BOS would like to go as far as paying someone. Chair Mathews said that at the rate of \$24 per hour for six weeks is \$5,760 per employee and then add the \$5,000 for the training costs which is almost \$11,000 to get a CDL. Chair Mathews said if you take the two years per the agreement it is basically \$2.58 an hour that it is costing the Town. Vice Chair Knapp thinks it is reasonable. Chair Mathews asked if DPW Director Fiske would come back to the board and let them know he would be sending someone for training. DPW Director Fiske said yes, the person. Vice Chair Knapp asked what if they do not pass. DPW Director Fiske said he will add something in about if they fail. Selectman Pratte said it needs to be a recoup or there is another position they can fill. Discussion ensued regarding the agreement. DPW Director Fiske will revise the agreement and bring it back to the board.

Fire Department Update: Acting Chief Roarick thanked the DPW and PD for the work they did during the last storm. There was a lot of damage done in the town. Acting Chief Roarick informed the board that three employees have left the department to go to other departments and he still does not have a secretary. Acting Chief Roarick said they are down almost half the department. Acting Chief Roarick said this will be a tremendous increase in their overtime budget because there must be coverage for those people who left, and they have been actively trying to get employees or some new employees. It has been on the Fire Academy website for about three weeks now and has one person who brought in a resume but has not filled out the application yet. There were roughly fifty positions open on the fire department website. They are going to be utilizing the per diem people as much as they can. Acting Chief Roarick said they have more people on the paid-on call he is going through them now to get those people back on and get them on the department. They will be strapped in the budget for gear, and he has spoken with someone who sells globe fire gear. The per diem fire fighters can only be utilized for so long out of the year and the way they are having to use them now they will only be able to work until September and then they will not be able to

utilize them due to hour constraints. The new ambulance was supposed to be delivered sometime this week but because of the new storm coming in it will be sometime next week. It will be put in service and run as the second ambulance because they have no radios for it. The radios are due in June because of supply chain issues. There is a new utility pickup truck that will go through an upfit and will need a radio in it as well which will not be until June. Engine two sustained damage during a call about a month and a half ago due to the driveway conditions that caused the engine to slide sideways down the driveway and hit a tree. Everyone was okay and seat belted, and it was very low speed. Primex's claim adjuster came out and looked at it and the final quote was \$23,562 and change. Parts will take eight to ten weeks and then the truck will be out of service for about fifteen days and will be repaired at Lakes Region Fire Apparatus. That is who they bought the truck from and made the truck. The truck will be used until it goes in for service. Acting Chief Roarick presented the BOS with the quote. Chair Mathews asked if it had to do with the grade of the driveway. Acting Chief Roarick said it did have to do with the grade of the driveway and that is one of the reasons why they try to keep the grades down. Discussion ensued regarding the truck parts and repair.

Acting Chief Roarick said the compressor at the South Station that they use to fill the SCBA bottles is about twenty years old. They have had maintenance on it and there was a part of the compressor that died. Chief Roarick said the good news is the compressor itself that drives the unit is called a bow compressor and they are still in business. The part that must be replaced, per the technicians, could possibly run anywhere from \$2,800 to \$3,000. It is a stainless-steel coil and that is the only available thing. The compressor was custom made and the company that custom made it is no longer in business. The technician told Acting Chief Roarick he would replace the part but there is a good chance it may only work for three minutes. Acting Chief Roarick asked for a ballpark range to replace the compressor and he said it would be around \$65,000. The technician was checking with Bower to see if they could make the part. Right now, they do not have a way of filling the air bottles. They do have a cascade station, but they filled it with that. When they get low, they can bring them to other stations as a temporary solution. Chair Mathews asked if any companies could fill the bottles. Acting Chief Roarick said some companies can have the bottles shipped out and picked up but do not know the cost. Acting Chief Roarick said it may be good to put in for a FEMA grant next year and then the town would only have to come up with 10% of the cost. This does affect their neighbors in New Boston because the town came to the station to fill their bottles. Acting Chief Roarick said that he has set up meetings with Superintendent Jacqueline Coe of SAU 24 and many other people in town regarding the school being a warming station. They were able to have a warming station from 11 to 1 at the school. Acting Chief Roarick said there have been questions as to when the appropriate time is to open the shelter. Acting Chief Roarick said the answer to that is when there is a need and when they have people that contact the town or stop in. There is no definitive plan, and it is extremely labor intensive for everyone. Acting Chief Roarick said it is easier for him to call his liaison and go through the Red Cross if it is a couple of people in need of shelter.

Fire Department Integration: Chair Mathews said they need to figure out what they need to do going forward as far as Fire Department (FD) integration. Selectman Pratte said they should familiarize themselves with RSA 154 and asked if the Board of Fire Wards (BOFW) had a charter or anything to review. TA Bolton said it was a town vote to have the BOFW and they were governed by RSA 154. Selectman Pratte asked Acting Chief Roarick to explain the structure of the FD. Acting Chief Roarick explained that they should have eight full-time firefighters, one part-time Fire Chief and an Assistant Chief. Discussion ensued explaining the structure of the FD. Vice Chair Knapp said they also need to decide if they are going to keep Acting Chief Roarick as the Chief or have people put in applications. Chair Mathews said they need to have the policy have the FD overtime and scheduling etc. integrated into their policies. Chair Mathews asked if anyone had any thoughts on having an advisory board for the FD. Rick Hippler said that he believes that it went that the Fire Chief is appointed by the BOS and then the fire fighters are hired by the BOS and that is to be in line with other departments. Mr. Hippler said before he departed from the BOS, the BOS had accepted what Acting Chief Roarick talked about as far as overtime, time off, etc., and forwarded it back to the department members. Selectman Blume said if there was any type of

committee, he would not want it to be permanent and it would be for a transitional thing and have a date to make it not last long. Vice Chair Knapp said that maybe they have to vote to accept the policies the FD has in place but as far as payroll, overtime, fulltime, and per diem that has been in the system for years and they get their checks now. Selectman Pratte asked what the role was of the BOFW. Acting Chief Roarick said that was going to be the comment that he had, he gets the idea of an advisory committee, but you just eliminated the BOFW, and they were advising. Acting Chief Roarick said his feeling is where there was a disconnect between the BOFW and the BOS maybe the BOS could get ahold of all of their minutes or talk to the Fire Ward Chair Steve Roberts in a session with the BOS so that he could bring them up to speed. Vice Chair Knapp said they did try to do that and made a specific request. Selectman Pratte asked what the difference is if the Acting Chief is coming to the BOFW or coming to the BOS. Acting Chief Roarick said absolutely no difference. Acting Chief Roarick said that if there are any issues or day-to-day things that come up his first point of contact would be TA Bolton and if it is anything huge it would end up coming to the BOS. Acting Chief Roarick said a handful of the policies and procedures are geared more on the HR side and it is not going to be complicated. Chair Mathews asked if the four policies they had seen were the only policies they had. TA Bolton said the four that the BOS saw had to do with payroll, personnel, and vacation time and those would be the ones the BOS integrates. Vice Chair Knapp said they do need to decide if they will be keeping Acting Chief Roarick as the part-time chief or if they are going to ask to receive applications. Selectman Blume asked do they defer to the past actions of the BOFW or do they do their diligence. Selectman Blume said they could affirm their suggestion and analyze if the person meets the job description. Acting Chief Roarick stated that the town spent around \$60,000 with MRI to do a process and study the needs of the town's FD. Acting Chief Roarick said he would suggest reaching out to MRI and finding out what they did for a process and how they came about selecting him and then the BOS can have a better understanding of how detailed the process is. Acting Chief Roarick said what it sounds like the BOS is trying to do is what MRI already did and the Town already spent money on. Selectman Blume said that makes a lot of sense to talk to MRI. Rick Hippler said the BOFW had the fiscal responsibility of the FD. Mr. Hippler brought up the warrant article that passed at the March 14, 2023, Town Meeting to disband the BOFW. Selectman Drury said that there are two different discussions, one being an advisory committee to help get the policies in place and then there is the discussion about the part-time Fire Chief position. Discussion ensued. The BOS agreed to request the MRI study and then review it and then get back to Chief Roarick at the April 15 BOS meeting.

Vice Chair Knapp left at 10:06 PM.

Building Inspector: Selectman Drury presented the changes to the Building Inspector job description. Chair Mathews said that she reviewed it, and it looked great. The only thing she noticed was missing was attending the ZBA and PB meetings.

Motion made to accept the Building Inspector/ Code Enforcement job description as amended. Seconded by Selectman Pratte. Motion passed 4-0-0.

BOS Selectmen Policy: Chair Mathew looked at the old policy and updated it. Chair Mathews made amendments to the hours for the summer schedule to give it flexibility instead of specific details and updated the public comment section. Chair Mathew discussed adding vacancies and posting agendas within 48 hours. The BOS will discuss the amendments at a future meeting.

Cemetery Mapping: TA Bolton said the gentleman who offered to do the cemetery mapping is still interested and they have now received approval for funding from the Mildred Hall Committee. Selectman Blume said that they were waiting for the Mildred Hall money. Another company from Georgia said that they would be doing satellite images and somehow, they would come up occasionally and the price they quoted did not make sense. The BOS will be reviewed at the April 8th meeting.

Reappointing of Volunteer Policy: Discussion ensued regarding seat openings and being posted in two places.

General & Short-Term Priorities:

- **Fire Department**
- **East Road Resolution**
- **Transfer Station permit update**
- **Landfill Cap- RFP**
- **River Road Bridge**
- **Budget**
- **Sugar and Spice Lease**
- **RFP's – Legal, Engineering, etc.**
- **Lease List (Chair Mathews will update)**
- **Article 25- Policy clean up**
- **Quarterly update with Finance review audit and forecasting year-end**
- **Reduction plan for budgets**
- **Personnel – Hiring**
- **Cemetery Trustees**
- **Cable**
- **Building Department update.**

MANIFEST:

Chair Mathews moved; Selectman Blume seconded:

To order the Treasurer to sign the payroll and accounts payables checks dated April 4, 2024, as included in the following manifests:

Checks Dated April 4, 2024

Payroll Manifest	\$ 106,082.03 (<i>Weekly payroll checks</i>)
Accounts Payable Manifest	\$ 30,820.36
John Stark Accounts Payable	\$ 250,000.00
Weare School Accounts Payable Manifest	\$ 500,000.00

TOTAL:	<u>\$886,902.39</u>
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Motion passed 4-0-0.

Correspondence: Chair Mathews said there was a request from Paul Gannon for a speed limit change on Flanders Memorial that will be discussed at the next meeting. Chair Mathews said she had another person contact her about the fire vehicle being used for personal use and it would be good to get an answer regarding a policy on that. Selectman Pratte said that he has heard some concerns about the TA being on the Selectmen email group and feels that she should not be if they are emailing the BOS directly. Selectman Blume said he has heard the same concern. Chair Mathews said it is helpful to have her on there because she can take care of things. Chair Mathews mentioned adding a disclaimer indicating that the TA is included in the board member's email. Discussion ensued regarding having the TA on the group email. A disclaimer will be added to the website regarding the BOS email and to whom the emails are sent. Selectman Drury said that he wanted to confirm that the fields at the East Road property have been mulched with manure and everything is not up for availability for practice fields. TA Bolton said they cannot permit anyone to use them at this point and the CC is working on a lease agreement with the farmer. Selectman Pratte asked if exit interviews were scheduled with the FD. TA Bolton will check their schedules and get them scheduled. Selectman Pratte asked that in the TA report, there is a report of building permits issued, complaints received, and resolved.

356 **Being there was no further business to come before the Board, Selectman Drury made a motion, and**
357 **Selectman Pratte seconded to adjourn at 11:17 p.m. Passed 4-0-0**
358
359 **ADJOURNMENT**
360 A True Record.
361 *Kearsten O'Brien*
362 Kearsten O'Brien, Minute Taker