



FINAL

**WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
April 18, 2011**

**PRESENT:** Thomas Clow, Chairman; Richard Butt, Vice Chairman; Keith Lacasse, Selectman; Donna Osborne, Selectman; Lee Marcroft, Selectman.

**RECORDING SECRETARY:** Naomi Bolton, Town Administrator

**GUESTS:** Daniel Gorman; Heleen Kurk; Valerie King; Frank Campana; George Malette; Meg Malette; Yvan Lamothe; Dan Aiken; Wendy Stevens; Art Siciliano; Diane Frechette, DRA; Gregory Heyn, DRA; Janet Brown; Andy Fulton.

**I. CALL TO ORDER:**

The meeting was called to order by Chairman Clow at 7:00 PM. Chairman Clow stated that he would like to make a change to the agenda due to the fact the Dan Gorman is supposed to over at the Safety Complex for the Board of Firewards meeting.

**II. DEPARTMENT HEAD & COMMITTEE ITEMS:**

Discussion of Defibulator Purchase – Dan Gorman: Dan Gorman, Rescue Captain handed around two copies of defibulator bids he received. The bids were:

Physio Control	\$ 29,598.80
Zoll	\$ 23,999.95
Zoll	\$ 25,145.70

Mr. Gorman stated that Zoll bid with two (2) different models. Mr. Gorman stated that Zoll is the lowest bids but he would recommend going with the Physio Control model. The Physio model does a lot more. The Town approved Article 8 in the amount of \$31,000.00. Mr. Gorman felt that the better machine, seeing that it falls into the article amount should be the one purchased. He felt that when it comes to a purchase like this the cheaper model is not necessarily the best. He has checked with Concord Hospital and they are switching over to the Physio's from the Zoll's. This unit will have a 1 year warranty from Physio. He also presented the Board with a letter from the Town of Hillsborough supporting the Physio purchase. They just purchased one and bought the Physio. Vice Chairman Butt moved to purchase the defibulator unit from Physio Control in the amount of \$29,598.80; Selectman Osborne seconded the motion, all in favor.

**III. PUBLIC COMMENT:**

Heleen Kurk – 250<sup>th</sup> Celebration Committee Update: Heleen Kurk was present to update the Board on what is happening. Mrs. Kurk stated that they will be hosting a "Dial for

Dollars” telethon. They are asking every resident for a donation, no donation is too small. They will be on channel 6. The phone lines will be open from 6:30 to 8:30 PM on May 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 13<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, 30<sup>th</sup>, 24<sup>th</sup> and 25<sup>th</sup>. Granite State Communications will be donating the lines and phones to be used. It is going to be set up for a two conversation. They will receive calls and they will be calling residents. She is looking for people to man the phones. If you are interested in helping, call Heleen at 529-7253. They have prizes for various donation amounts: \$25.00 - t-shirt; \$50.0 – tote bag; \$75.00 – duffle bag (the bags will be stitched); and for \$100.00 – you get all of the items. Their goal is \$1.00 per resident. Mrs. Kurk stated that they are hoping to do a lot more. She read over a very extensive list of items they are looking to plan. If you are interested in the list you may contact Heleen.

Yvan Lamonthe, Dudley Brook Road: Yvan Lamonthe stated that he lives on Dudley Brook Road, which is a dirt road that runs from Reservoir Drive to Abijah Bridge. He purchased his house in 1990. He has issues with the Town’s grading system as it creates a lot of dust. Once they come by and grade the road it takes 2-3 weeks for the dirt to pack down. All summer and spring they live in this intolerable condition. He walks his dog and eats dust. Not to say what it does for his cars and the house. Three years ago they were constructing Abijah Bridge they were using Dudley Brook as a detour and they would roll the road and then put down calcium and that was like heaven, no dust. He would like to see recommend they look at grading, rolling and then using calcium to save all the expenses of constant grading. The Board explained that in approximately 2 weeks we will have a new Public Works Director on board and we will let him decide the plan. Mr. Lamonthe stated that the traffic increases in the summer because the people that own property on Craig Road and Branch Road use Dudley Brook Road.

George Malette: George Malette was present. He stated that there is a General John Stark By-Way Council that consists of 4 towns (Goffstown, New Boston, Dunbarton and Weare). In order for the council to continue they need to maintain representation. He has been the only participating member. The by-laws state that each Town needs to have one representative present for any vote to occur, without representation no action can be taken. The total council consists of 5 representatives for each community. Within the council there are sub committees. Weare needs a representative for marketing. Mr. Malette has been on for a year and a half. Ian McSweeney has filled in on the marketing committee meetings but he has not officially been appointed. The next item he would like to discuss is that he is one of three members to the Heritage Commission and at this moment his term expires in 2013. He would like for it to be extended to 2012 so that there is never more than one person expiring a year. The last item he wanted to mention was alternates in general on any committee. He felt that all alternates should be given a 3 year term and they should be staggering. At times some of the committees are challenged with getting enough for a quorum. He questioned why reappointments have to come before the Board, he can see new members, but there are people that have decided not to be reappointed because they have to come back before the Selectmen. Mr. Malette stated that if there was anything the Board could do to alleviate that it would be appreciated. Chairman Clow explained briefly that the reason for coming back is so that the member

and the Board have a brief face to face. There could be times that the board that originally appointed the member, may not necessarily be the ones that reappoint.

Frank Campana: Frank Campana stated that two weeks ago Senator Andy Sanborn was here and the Board briefly discussed the evergreen clause. Mr. Campana stated that he was following it but he had lost track. It was rescinded at the State level and now it is filtered down to the Towns for the Board to make the decision of a wage increase or not. He stated that he was very surprised it was in the Board's hands. He would encourage the Board not to entertain the idea of the increase. He felt this was a self serving piece of legislature for some but no as taxpayers. He hopes that the negotiators would discount this and keep in mind who pays the bills. Chairman Clow responded that to look at it in more of a fair way you need to look at the hourly rate and not the total amount the officers may earn in a year. The hourly rate is what is negotiated in a contract. Any future contract will be on the warrant to be approved by the voters.

#### **IV. RE-APPOINTMENTS TO VARIOUS COMMITTEES:**

Heritage Commission – George Malette: Chairman Clow stated that before we get into the items on the agenda he would like to address Mr. Malette's term on the Heritage Commission. Chairman Clow moved to change the expiration of George Malette on the Heritage Commission from 2013 to 2012 as requested; Selectman Lacasse seconded the motion, all in favor.

Conservation Commission – Andy Fulton – Full Member: Andy Fulton stated that he has been on the Conservation Commission for about 10 years and he is here for another 3 year term. Mr. Fulton explained that they have made some small financial guarantees for a couple of easements with the Society for the Protection of NH Forests, for the Bolton property and the Purington property. They have also met with a boy scout on an eagle project to put up a kiosk near the entrance of the Wood Conservation Land. They are waiting on approval from DES for the Ferrin Pond culvert replacement. Mr. Fulton stated they are still having monitoring issue and they are working with Naomi on those. Selectman Lacasse moved to appoint Andy Fulton to the Conservation Commission for 3 years as a full member; Vice Chairman Butt seconded the motion, all in favor.

Parks and Recreation Committee – Valerie King – Full Member: Valerie King stated that she is the secretary for the Parks and Recreation Committee. She has done it for 6 years now. She stated they have a good group of people on the committee. They do projects for mostly youth but for the Town as a whole. The skating rink worked out really well. The school liked having it. The snowflake festival went well and they are planning on doing it again next year. They have planned again the summer concert series on the common. They had a young man replace the dock at Chase Park for his Eagle Scout project. They also now have a full committee. Selectman Lacasse moved to appoint Valerie King to the Parks and Recreation Commission for 3 years as a full member; Selectman Osborne seconded the motion, all in favor.

*Heritage Commission – Meg Malette – Full Member:* Meg Malette stated that she is the secretary for the Heritage Commission. They have some very committee people on the commission. It was started about three years ago and there are not that many commission members, but it will just take time to pick up the members. Selectman Osborne moved to appoint Meg Malette to the Heritage Commission for 3 years as a full member; Selectman Lacasse seconded the motion, all in favor.

*Planning Board – George Malette – Full Member:* George Malette stated that he is currently the secretary for the Planning Board. Chairman Clow stated that the Planning Board really required a large commitment and with all the other commitments Chairman Clow asked Mr. Malette how does the planning board rank. Mr. Malette stated he would say the planning board is the most important. Chairman Clow then stated that he has had the opportunity to serve with Mr. Malette on the planning board and he stated that Mr. Malette's commitment to planning is remarkable and very much appreciated. Selectman Lacasse moved to appoint George Malette to the Planning Board for 3 years as a full member; Selectman Marcroft seconded the motion, all in favor.

*Conservation Commission – Wendy Stevens – Alternate Member:* Wendy Stevens stated that as a member of the Agricultural Commission she was reviewing projects that the Conservation Commission was doing, as they work together on lots of projects. She found herself at the majority of the conservation meetings, so she felt that she help out. A lot of the topics or projects sparked her interest. Andy Fulton, Chairman of Conservation Commission stated that they still have room for three more full members. They only have 4 members total, which is what requires a quorum. Mr. Fulton stated that Wendy is committed to the Agricultural Commission and would like her to be a full member but he also understands that people can have too many commitments. She would be an asset to the commission, even as an alternate it would help with the quorum issue. Chairman Clow moved to appoint Wendy Stevens to the Conservation Commission for 3 years as an alternate member; Selectman Lacasse seconded the motion, all in favor.

Chairman Clow took a minute to thank everyone present for serving as well as coming in to meet briefly with the Board.

**V. DEPARTMENT HEAD AND COMMITTEE ITEMS:**

*State of NH-DRA – Diane Frechette:* Gregory Heyn and Diane Frechette from the Department of Revenue were here pursuant to RSA 21-J. Every 5 years the Department of Revenue conducts assessment reviews on municipalities to determine the data accuracy that is being done for us through Avitar. DRA will be looking at assessing practices, exemptions and credits, data accuracy and proportionality. Tonight's meeting is considered the kick off meeting. The ratios for the entire State will be available in June. Mr. Heyn stated that they will be back a couple of different times as this process is occurring.

Cemetery Trustees – Janet Brown: Janet Brown, Cemetery Trustees was here to answer questions regarding the cemetery bids. Naomi explained that the Trustees put the fence at Center Square out to bid. They received 2 bids for repairs. This fence damage happened in December of 2009 from the snow plow. Primex has indicated that they will not cover the damage due to the age and condition of the fence. The low bid for the fence was \$7,450.00. The problem was that on the warrant this year we intended to use all the money in the capital reserve fund for the Dow-Peaslee Cemetery, so there would not be money to do both until the scope of the project for Dow-Peaslee changed. The State met with the Trustees and they don't want them digging down that close to the highway. That means that the rebuild is not going to be as extensive as was first priced. The Mended Wall has re-bid the Dow-Peaslee project and the total is \$18,000.00. So, they have \$29,664.24 in the capital reserve fund which would cover both. The Board asked Naomi to check with DRA to make sure we can use it for both projects and not just the one specified on the article. The Board informed Mrs. Brown that they will not be making a decision tonight until they hear back from DRA. Selectman Lacasse stated that he would recommend cedar or redwood for the fencing or stainless bolts. Mrs. Brown then asked if the Town could pick up the old fence once it was removed. Selectman Lacasse then asked about Cutting Blade. Mrs. Brown stated that they had a meeting with him on April 12<sup>th</sup>. To date he has indicated that he has done five cemeteries but she said she is not sure which five. The Board asked Naomi to get a hold of him to have him come in on May 2<sup>nd</sup> to meet with the Board regarding Memorial Day.

**VI. COLBY ROAD LANDFILL DISCUSSION:**

Art Siciliano was present on behalf of Roger Hardy owner of the property on Colby Road. Mr. Siciliano came in and got the registration form to register the site as a former landfill. He has also had a conversation with Doug Kemp at DES to see what is going to happen. Mr. Siciliano stated that they have no intention of building upon the landfill. They want to be able to use the property. They need to find out the limits and stay away from it. They need to find out where it is in order to go back to the Planning and Zoning Boards. Mr. Siciliano asked for a copy of the letter from Wilcox and Barton so he can contact them to see if he could hire them for a third party inspection. Mr. Siciliano stated that he could dig test pits, have someone from Wilcox and Barton there to witness what is there and by doing that they would be able to map the perimeter so that know the outer limits of it. Then they would have something that would demonstrate that they are not putting a building on the landfill.

**VII. MANIFESTS:**

Chairman Clow moved to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated April 21, 2011 in the following amounts:

Accounts Payable	\$ 240,077.28
Gross Payroll	\$ 41,792.35(Includes Police Details, Taxes, Credit Union)
<b>TOTAL</b>	<b>\$ 281,869.63</b>

Selectman Lacasse seconded the motion. Vote: all in favor

**VIII. MINUTES:**

March 21, 2011 Minutes: Chairman Clow moved to approve the March 21, 2011 minutes as amended; Vice Chairman Butt seconded the motion, all in favor.

April 4, 2011 Minutes: Chairman Clow moved to approve the April 4, 2011 minutes as amended; Selectman Lacasse seconded the motion, all in favor.

April 11, 2011 Minutes: Chairman Clow moved to approve the April 11, 2011 minutes as amended; Selectman Lacasse seconded the motion, all in favor.

**IX. OTHER BUSINESS:**

Steel Beams and Truck Bodies Bid: The Board discussed these bids again. The Board didn't have a problem with awarding the truck bodies to Benjamin Knapp as the amount we would receive in scrap as priced through the transfer station in Concord. The board then continued the discussion of the steel beams and some members of the board felt that the Town would get more money if they were to scrap it themselves. Selectman Lacasse moved to award the truck bodies to Benjamin Knapp for a bid of \$1,500.00; Vice Chairman Butt seconded the motion, all in favor.

Selectman Lacasse moved to award the steel beams to Big Foote Crushing for a bid of \$1,850.00; Vice Chairman Butt seconded the motion. Discussion: Chairman Clow explained that there will be expenses incurred by the Highway Department to cut up the beams and transport them to Concord, whereas this bidder was going to reuse them. Vote: 2 in favor (Clow, Marcroft) and 3 opposed (Butt, Osborne, Lacasse), therefore the motion fails and the Town will scrap them ourselves.

Town Wide Trash Pick up Day: Sherry Burdick has asked if the Selectmen will once again take the same route for trash pick up day, which is Saturday, April 30<sup>th</sup> with a rain date of Saturday, May 7<sup>th</sup>. The Board agreed that they will do the East Road/Buzzell Hill Road route.

Evergreen Clause: Naomi asked the Board if they were going to do anything further with the legal opinions that were received, more particularly the letter sent to the Board from Officer Aiken. The Board felt that Officer Aiken could get a copy of them. Selectman Lacasse read the opinion from Attorney Spector publicly. The one from LGC was 2 pages. Officer Aiken stated that he would like a copy of each and thanked the board.

Update on Fire Chief Applications: Naomi informed the board that we received 13 applications. The deadline was Friday, April 15<sup>th</sup>. The Board of Firewards has asked the Fire Chief in New Boston and the Fire Chief in Goffstown to sit down with the Town Administrator to narrow down the applicants and have the top 3 be interviewed by the Board of Firewards. The Board of Firewards would then bring the top candidate to the Board of Selectmen for the appointment.

Anonymous Letter regarding old South Weare Garage: The Board received an anonymous letter complaining about the condition of the old South Weare Garage. The

Board asked Naomi to forward a copy to the code enforcement officer, health officer and fire department.

Letter from Malcolm Wright to Avitar: The Board acknowledges receiving the letter but will leave it up to Avitar to respond back to Mr. Wright.

Passports: In the April 25<sup>th</sup> minutes there was a brief discussion regarding this and at that time information was to be brought back to the Board regarding this. Since that meeting a determination was made by the Town Administrator to have Merry Rice do the on-line training to become certified. The Board felt that it really needs to be looked into to see if it is really worth continuing. There are only 1-2 other Towns that do it the rest are done at other locations or at Post Offices.

**X. PUBLIC COMMENT:**

Officer Dan Aiken: Officer Aiken was present. He stated that he will be speaking as the chapter chairperson for the union. As a result of reading the public information he is not surprised by the opinions regarding the appeal and impact this would have. He disagrees with Selectman Lacasse that it is illegal regardless of the status. Selectman Lacasse stated that for clarification, he stated that regardless of whether or not it would be legal, he would like it to go in front of the voters. Officer Aiken further disagrees with the April 11<sup>th</sup> minutes. He stated that they understand the impact of the evergreen. It is not illegal to give raises. It is up to the discretion of the Board of Selectmen. Officer Aiken asked, if it is unethical to give raises. Chairman Clow stated that at this time the Board will not be responding because public comment is one way communication and not made for an exchange of information.

**XI. NON-PUBLIC SESSION:**

Chairman Clow moved to go into non-public session under RSA 91-A: 3 II (a & c) at 10:51 PM; Selectman Lacasse seconded the motion. A roll call vote was taken: Vice Chairman Butt – yes; Selectman Marcroft – yes; Chairman Clow – yes; Selectman Osborne – yes; Selectman Lacasse – yes.

Selectman Lacasse moved to come out of non-public session at 11:10 PM. Vice Chairman Butt seconded the motion. A roll call vote was taken: Vice Chairman Butt – yes; Selectman Marcroft – yes; Chairman Clow – yes; Selectman Osborne – yes; Selectman Lacasse – yes.

Chairman Clow moved to seal and restrict the minutes of the non-public session pursuant to the authority granted in RSA 91-A:3 II; Selectman Lacasse seconded the motion. Motion passed 5-0.

**XII. NON-PUBLIC SESSION:**

Chairman Clow moved to go into non-public session under RSA 91-A: 3 II (a) at 11:11 PM; Selectman Lacasse seconded the motion. A roll call vote was taken: Vice Chairman

Butt – yes; Selectman Marcroft – yes; Chairman Clow – yes; Selectman Osborne – yes; Selectman Lacasse – yes.

The Board discussed the finalization of hiring the Director of Public Works.

Chairman Clow moved to come out of non-public session at 11:34 PM. Selectman Lacasse seconded the motion. A roll call vote was taken: Vice Chairman Butt – yes; Selectman Marcroft – yes; Chairman Clow – yes; Selectman Osborne – yes; Selectman Lacasse – yes.

Selectman Lacasse informed the Board that he will not be at the May 2<sup>nd</sup> meeting.

**XIII. ADJOURNMENT:**

As there was no further business to come before the board the board, Chairman Clow moved to adjourn at 11:35 PM; Selectman Osborne seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton  
Town Administrator