

FINAL



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
October 21, 2013**

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

RECORDING SECRETARY: Cherry Palmisano

TOWN ADMINISTRATOR: Naomi Bolton

GUESTS: John Velleca, Jan Snyder, John Nikias, Jack Moody, Steve Elliot, Craig Slattum

Chairman Clow moved, Vice Chairman Butt seconded to enter into non public session @ 6:04 p.m. pursuant to the authority granted in RSA 91-A:3II (a&b). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Lawton – yes; Selectman Leary – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Selectman Lacasse seconded to come out of non public session @ 7:05 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Lawton – yes; Selectman Leary – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

The Board discussed an employment contract with Police Chief John Velleca.

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

EAST SHORE DRIVE DISCUSSION – Tim Redmond, Public Works Director, is asking for the Board's guidance on East Shore Drive, which is a Class VI Road. He has been involved with some of the residents regarding maintenance; most notably who has the authority to grant permission to the residents to maintain the road. Several residents of the road are present at the meeting. There is an Association that has a prior agreement with the Selectmen that relates to the maintenance of the road. Mr. Redmond asked that the Board listen to the residents and come up with a conclusion. The question is whether the Public Works Director or the Board has the authority to grant permission to do the maintenance on East Shore Drive. Town Administrator Bolton located right-a-way documents from June 1779 and November 1786 identifying the road as a Class VI road with a 36 ft wide right-a-way.

Chairman Clow asked if there is a specific issue with the road currently. Mr. Redmond told the Board that there is a grading issue with a section of the road in front of one residence and the road association and this resident can not come to terms with how it needs to be graded. Mr. Redmond intervened previously, but there was no resolution. Class VI roads are town roads in every way except for maintenance. Mr. Redmond said that he was given the information that he was the one that needed to give the association permission to grade the road, which he did a couple of months ago, but it came up that the opinion is that the Board grants permission. Mr. Redmond asked the Board if they want to take authority over the road and take over the inspections.

Craig Slattum told the Board that the East Shore Road Association was incorporated in 2001 and in 2010 filed their non-profit report that renewed their incorporation. He has a deed that goes back to 1951 when Henry and Alfred Osborne deeded a 40 ft right-of-way to the Town of Weare. The town receives all mailings sent to all residents on the road, which include letters stating how well the road is maintained, newsletters, and the

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treasurer's report. Mr. Slattum said that they also send the town a request for payment of dues. Chairman Clow said to send all correspondence specifically to the Town Administrator. There are 62 property owners and 42 current paid members. There are 12-13 year round residents on East Shore Drive.

Vice Chairman Butt said that if the town owns the road it is their responsibility to ensure that it is maintained so it is passable. The road is being maintained and plowed by volunteers. The potential is there for residents to be snowed in. In emergency situations if the volunteers are not available to plow the man that sands the road is asked to plow. The association is not objecting to the town's involvement with ensuring that the road is maintained.

Jon Nikias asked the Board who he calls if he has a problem with the way that the road is being maintained. He is not a member of the Association. Mr. Nikias said that 4-5 years ago he stood out in the road with the president of the association and was told by the president that he would fix the issue with the road, it is still not fixed. Mr. Nikias wants to know who he complains to; Mr. Redmond or the Board. He would also like to know what happens if what is suggested to be done to the road is not done. Chairman Clow said that there is a statute concerning Class VI roads that is clearly defined with the town not maintaining them. Chairman Clow said that the issue is if they take on maintaining a part of the road then they may have to take on other Class VI roads. He asked if the Association takes on the responsibility of the road what harm will there be if Mr. Redmond oversees the grading so that it is graded to the standards of public roads. Mr. Nikias would just like to know what avenue is there if Mr. Redmond's recommendations are not followed.

Mr. Redmond said that he is happy to do what the Board suggests as long as the Association agrees to grade the road from end to end and not grade a certain portion of the road.

Jack Moody, President of the East Shore Drive Road Association, explained to the Board that this particular portion of the road in question is a very steep hill and both driveways encroach on the 40ft right-a-way. They have had professional grade operators. The resident on the opposite side of the road operates the grader on the road in trade for his dues. They have had incidents where Mr. Nikias was not open for discussion and refuses to grade the road in front of his residence, but when it gets so bad they have to grade that portion.

Steve Elliot, VP of the East Shore Drive Association, said that they have been maintaining the road since the early 80s. The town did limited maintenance on the road and then stopped when it was classified as a Class VI road. They did some improvements in the mid 90s and then gradually got the Road Association together. Mr. Elliot said that there have been lots of accidents on that particular part of the road. They have tried to listen to recommendations from the Road Agents and are trying to make it safe so people can get in and out. The road needs to be passable and that is a narrow portion. Mr. Elliot said that they have done the best they can, always used professional grader operators, but can't please everyone. He said that everyone has a right to live there and they are trying to do the best they can.

Selectman Lacasse asked if the Public Works Director was to make recommendations for the road from end to end would the association follow them. The member's presents responded that they would absolutely follow his recommendations. They have tried to follow the recommendations, but Mr. Nikias wants the road one way and the neighbor wants it another. Mr. Elliot said that he would welcome Mr. Redmond reviewing the road and providing his input and supervision.

Selectman Leary said that in fairness to Mr. Nikias he is concerned with having no voice. Mr. Redmond will report back to the Board as a voice for everyone on the road. Mr. Elliot said that Mr. Redmond should have control over what happens on the road. Chairman Clow noted that the association has very qualified people who operate graders on the road, but to have a third party grade the road. Mr. Elliot said that they hired New Boston's grader operator two weeks ago to grade the road. Mr. Redmond said that the big problem is with the footage for the right-a-way. The piece of road they are talking about is not the full width that the road should be, to correct the problem the road needs to be widened, but not going to happen because residents made

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improvements and built stone walls and contest the right-a-way. They are only able to utilize half of the right-a-way due to obstructions built by the residents.

Vice Chairman Butt said that the solution to the problem based on what Mr. Redmond says is to live with it the best they can unless there is a decision to widen the road. Mr. Elliot said it has been very clear from those residents that the road will not be widened. Vice Chairman Butt wants to make sure that both Fire and Police feel that the area is acceptable.

Mr. Elliot said that they grade it the way they feel works, trying to please both sides, but they are not pleasing either side. It is a typical dirt road that needs to be graded twice a year. They won't grade again until next spring, just did it three weeks ago and put gravel down. The road wasn't graded in the spring because they had a new grader operator and they did not want him to get involved with the personality issues.

Vice Chairman Butt asked what the Board's authority is. Chairman Clow does not believe they have any authority, but it is practical for Mr. Redmond to oversee the road. Mr. Redmond noted that they do need to address the problem in front of Mr. Nikias's.

Mr. Redmond said that the road is narrow and steep and they are trying to balance the protection for the house on the high side and protection for the house on the low side. The high driveway is at angle and goes up and if they protect the high side driveway then it hurts the low side driveway. Ditch lines could be create to get it so the water would run better.

Mr. Nikias told the Board that about ten years ago his driveway abutted a paved hill. The road association came in and ripped up the pavement from the end of his driveway and there has been water running in the front of his garage and right out the back right after they did this. He said that the road association refused to fix the road.

Mr. Redmond mentioned that one thing they have the option to do is check the survey lines to ensure the lot lines are correct, which would be one way to determine the right-a-way of the road. Mr. Nikias said that all his pins are there. Mr. Redmond said that the short term fix would be for the road association to bring the equipment back in and do something with the stretch of road. Mr. Redmond said that with the direction of the Board he will move forward. Vice Chairman Butt noted that they have to be careful with the town maintaining that road. The Highway Department will not be bringing in their equipment.

Selectman Lacasse asked Mr. Nikias if he would be willing to accept any recommendation that Mr. Redmond comes up with. Mr. Nikias said that as long as he takes it pin to pin on both sides of the road; if they widen from pins on one side to pins on the other side. Selectman Lacasse noted that both sides agreeable to what Mr. Redmond comes up with.

Mr. Moody said that the problem they have is that the two neighbors do not get along. It is a no win situation because they don't agree with anything.

Chairman Clow said for this fall, they are just looking at this piece, if there needs to be some negotiation in the spring they can do the whole road then. Right now they are just focusing on the short piece between the two residences. A third party will do the work, Mr. Redmond will oversee, and the work will be done to the best ability for both sides.

Mr. Moody said that he has to think about the paying members and to give special attention to those who don't pay their dues may not be fair.

Mr. Nikias stated that he does not have a problem with waiting to the spring and does not have a problem waiting through the winter, if they agree to do it in the spring.

Mr. Nikias asked about the agreement with the road association having the authority to work on the road through the Selectmen. The Board has never seen an agreement. Mr. Slattum has never seen an agreement.

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DEPARTMENT HEADS

Chairman Clow asked Ms. Snyder if they will be needing a TAN. Ms. Snyder told the Board that there is \$1m remaining and she has been thinking of doing a TAN. They haven't set the tax rate yet, but are hoping to get a date tomorrow to set the tax rate.

MANIFESTS

Checks dated: October 17, 2013

Weekly Payroll \$38,407.62

Chairman Clow moved, Selectman Lawton seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated October 24, 2013. Passed 5-0-0

Accounts Payable \$698,274.69 (John Stark \$250,000; Weare School \$400,000)

Gross Payrolls \$42,175.34 (Includes taxes, credit union, police detail, fire detail, forest fire)

TOTAL \$740,450.03

Also, to order the Treasurer to sign payroll checks dated October 31, 2013, 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.

MEETING MINUTES

Chairman Clow moved, Selectman Lawton seconded to approve the minutes of October 14, 2013 as amended. Passed 4-0-1; Selectman Lacasse abstained

ADMINISTRATIVE REPORT

The Library Trustees sent correspondence to inform the Board of Ray Kelley's resignation and ask that newly appointed Lee Marcroft accept the full position left by Ray Kelley.

Selectman Lacasse moved, Selectman Leary seconded to appoint Lee Marcroft as a full member of the Weare Public Library Trustees to complete the unexpired term of Ray Kelley. Passed 5-0-0

Chairman Clow thanked Ray Kelley for his commitment to the town. His service is appreciated by the Board and by everyone.

The Board discussed that the Cemetery Sexton was paid \$40 per cremation site and \$25 per sale of the lot. The Board decided to post the position.

Vice Chairman Butt is concerned with the money being collected from ambulance billing. They are making enough money to pay the per diem with an additional \$6-7k annually, but this will become a big problem when it comes to equipment purchases. There is \$160k that has not been collected and a portion of that would go towards vehicle purchases. Vice Chairman Butt requested that Chief Vezina bring a balance of what is owed to the town and per diem costs when he comes to the Board to present his budget. The possibility of putting the per diem in the operating budget will be brought up. Chairman Clow said that the last time they brought up the amount owed from ambulance service it was not all due to the fees being waived from people who can't afford it, but from insurance companies as well. Reimbursements from automobile accidents go directly to the resident and then the resident can decide not to pay the bill. They need a plan in place to collect what is owed the town. Vice Chairman Butt thinks that the per diem is an operating expense and should be in the operating budget. Vice Chairman Butt noted that at Deliberative Session it was mentioned that because we have two ambulances and the per diem EMTs they would be making more calls to other towns. Town Administrator Bolton said that Chief Vezina ran his own numbers for CIP and does have a request through CIP. Vice Chairman Butt said that the recommendation through CIP was to put the request into the operating budget because it is a safety request for \$35k, which could be spread over three years. Vice Chairman Butt would like to make sure that Chief Vezina has all his information when he comes to the Board.

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The Board scheduled the Deliberative Session for February 1, 2014 at 9:00 a.m.

OTHER BUSINESS – Selectman Leary asked about Hazardous Waste Day that was held on October 12th. He explained that he spoke with many people who forgot the date and asked if it could be posted on the Town Hall Sign in the future. Hazardous Waste Day was posted at the Transfer Station and Town Office. The town pays on the basis of what is collected. If only a small portion of the budget was used, it could be possible to hold another Hazardous Waste Day. Chairman Clow said to check to see how much was used and they could advertise on the Town Hall sign a week before.

Vice Chairman Butt said that the CIP will go through final deliberations Wednesday and then will go to the Planning Board and Board of Selectmen.

Chairman Clow moved, Selectman Lawton seconded to enter into non public session @ 8:35 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; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Vice Chairman Butt seconded to come out of non public session @ 8:55 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Lawton – yes; Selectman Leary – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Selectman Lawton seconded to seal and restrict the minutes of the non-public session. Passed 5-0-0

Chairman Clow moved, Selectman Lacasse seconded to enter into non public session @ 8:56 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; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Selectman Lacasse seconded to come out of non public session @ 9:40 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Lawton – yes; Selectman Leary – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

The Board continued discussing the wording of the Police Chief contract.

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary