

FINAL



WEARE BOARD OF SELECTMEN MEETING MINUTES May 18, 2015

PRESENT: KEITH R. LACASSE, CHAIRMAN; TOM CLOW, VICE CHAIRMAN; JAMES LEARY, SELECTMAN; JENNIFER BOHL, SELECTMAN; FREDERICK W. HIPPLER, SELECTMAN

RECORDING SECRETARY: Naomi L. Bolton

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Frank Campana, Jan Snyder, Steve Najjar, Rene Montplaisir, Lori Davis, Heleen Kurk, Eric Emerling, Neal Kurk, Gary Dionne, Marge Burke, Leigh Bosse, Kathleen Humphries, Peter Bailey, David Nelson, Jessie Gorman, Richard Butt, John Lawton, Ella Nilsen, Dorothy Fox.

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

PUBLIC COMMENT

Steve Najjar, 138 Pondview Road and Rene Montplaisir, 163 Pondview Road was present to discuss Pondview Road maintenance or lack thereof. Mr. Najjar explained that he emailed DPW Director Tim Redmond asking to patch the potholes near the mailboxes on Pondview; fix the 20 foot depression after the mailboxes; and asked to consider Pondview and Mt. William Pond Road be put on the paving schedule. Mr. Najjar explained that both roads are generally in bad shape and asked if the Town could do something. DPW Director Redmond informed Mr. Najjar that he had presented the Board of Selectmen with his five year plan and that he could express his concerns with the Board. Mr. Najjar explained that there are twenty-nine residents that live on Pondview and six on Pondsides (private). He felt that was a lot of people over the road every day. Mr. Montplaisir indicated that he has lived there for thirty years and there has never been any maintenance been done on the road since the base layer was put down. Mr. Najjar stated that they are here to ask the Board to direct the DPW to patch the potholes, something needs to be done. Mr. Najjar passed around pictures of the road that he had taken. He asked if the Town had done an overall assessment on all the roads to put them on a plan. Vice Chairman Clow stated that the DPW has been focusing on the most traveled roads and prioritizing from there. Mr. Redmond has come forward asking the Board to put a line in the budget for road maintenance, because the warrant article is used for road reconstruction. Mr. Montplaisir stated that the Town has been down there just once and patched some potholes but the road has been breaking up from all the activities. Mr. Najjar stated that 10-15 years ago there was a whole tree chip job done on the Mt. William property and the trucks tore up the road during the logging operation. Mr. Najjar stated that he would like to have the Board go and look at the condition of the road and he would appreciate some feedback.

MEETING MINUTES

Selectman Leary moved, Selectman Hippler seconded to approve the minutes of May 11, 2015 as amended. Passed 5-0-0

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MANIFESTS

Chairman Lacasse moved, Selectman Hippler seconded to sign accounts payable and payroll checks dated May 21, 2015 as included in the following manifests:

Accounts Payable Manifest	\$ 35,682.23
Payroll Manifest	\$ 39,822.18 (Weekly payroll including taxes)
Forest Fire Payroll	\$ 615.48
TOTAL	\$ 76,119.89

As there is no Selectmen's Meeting scheduled for Monday, May 25, 2015 in observance of Memorial Day. To order the Treasurer to sign payroll checks dated May 28, 2015, estimated to be about \$40,000.00. Actual check amounts and reports will be reported to the Board of Selectmen by inclusion on the Manifest Memo at the next scheduled meeting.

Passed 5-0-0

CORRESPONDENCE

Chairman Lacasse stated that he received a phone call from Ellen Bagley, owner of Autumn Hills Campground regarding the statements made last week in the minutes with regard to the increased trash generated from the campgrounds. She wanted the Board to know that her campground uses private hauling and none of their trash comes to the Transfer Station.

SECOND PUBLIC HEARING: For the purpose of hearing public testimony and comment on an employment contract for the position of Police Chief. Chairman Lacasse opened this public hearing at 7:24 PM.

Gary Dionne, Holly Hill Farm Road, stated again for the record that he is not opposed to the man he has a problem with part time. He heard that as a member of the NH Retirement system there is a maximum of hours that can be worked in a year versus 32 hours per week. Town Administrator Bolton stated that the statute limits NH Retirement System retirees working for NHRS employers to a maximum of 32 hours per week, regardless of whether they work for one or more employers and regardless of whether some of the hours are in Group I (Employee and Teacher) position and some of the hours in a Group II (Police and Fire) position. It allows a retiree to exceed 32 hours per week during a period of five consecutive months, so long as the total hours worked by the retiree in the calendar year do not exceed 1,300. The five month period commences the first week a retiree exceeds 32 hours. In addition, any previous hours worked in the calendar year are counted toward the 1,300 hour limit. Mr. Dionne stated that there were nine people for the community panel, five against part time, one was ok with a deputy, and three were undecided. What is the impact on the contract with such little input? Chairman Lacasse stated that one of the panel members came to him and indicated that they were ok with the part time position if it was going to be Chief Kelly. Mr. Dionne stated that he disagrees and feels it should be full time, there are too many residents. He stated that if part time is the way to go then he would like to see one year versus three years. He would like the one year and then re-evaluate after that. He disagrees with the severance pay. He would like to see none and that goes for part time too. His other concern is the excessive mileage that will be put on the cruiser. He suggested that a calculation should be done over the 50 miles round trip, multiply by an allowable amount and deduct it from the salary. Chairman Lacasse explained that the severance is only if the Board terminates him. Mr. Dionne stated that he understands that if he is notified at three months, then he gets the severance package. He feels there is too much fluff in this contract. He has no issue with paid vacation and health insurance. He has an issue with severance pay and felt that he needed to voice it. Vice Chairman Clow stated that last week there were a couple of things mentioned: 30 days notice to 60 days notice for leaving Weare; add a phrase clearly stating that any raise that is going to be set aside for the nonunion staff that

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the Chief will not be part of; mileage was a concern and should be looked at; and making sure that the Board communicates ahead of time so that the severance package is not exercised for lack of communication.

Heleen Kurk, Mt. Dearborn Road, stated that her comments have nothing to do with Chief Kelly they have to do with the process and the steps that the Board has taken. It took many years to vote to have full time officers and she does not know why the Board would be going to part time. She felt it was disingenuous to go through the steps of having a forum at the Town Hall, then contract with MRI, then gathering residents for a community panel only to disband the community panel, stop the process with MRI, to get people to come forward and give time and then say thanks but no thanks. Chief Kelly was hired for his strength in regulations and policy and now we are asking him to be a cop's cop. Mrs. Kurk stated that if you all like him and that is the reason for hiring him then call a spade a spade and tell everyone. She feels the Board is taking the road of least resistance and some people just don't like change. She appreciates the time to vent, but she senses nothing will change. Chairman Lacasse stated that last fall the Board had a meeting to gather input from everyone. The Board then met with two different groups, the Chiefs of Police Association and MRI to choose a group to assist the Board. MRI was chosen and as part of the steps with MRI a community panel was recommended. Chairman Lacasse stated that it has not been disingenuous. The Board has been wide open. As the Board proceeded down the road we stopped to see if we were overlooking someone. Chief Kelly worked through the CALEA process and all the baggage that was left behind, on top of running the department all within 32 hours, so 32 hours per week was not a concern. The process may look messy but it certainly was not disingenuous.

Marge Burke, 47 Merrill Road, stated that she came forward as she has been part of the interviews for potential hires and when she was asked the question about part time she had no idea it was about Chief Kelly. She attended the week after the interviews and she listened to Chief Kelly talk about technology and the capability within his cruiser, she has changed her mind given his track record. She's still uncomfortable, but not as uncomfortable as she was. Mrs. Burke stated that as a CEO you need to have an entry plan. Chief Kelly has already done that. There is concern but that doesn't happen overnight and one year is not enough. The Board has built in the opportunity to break the contract. She felt this was fair to give him and the department time to move forward and have continuity. With Chief Kelly we have some built in stability and the ability to move forward. She has no problem with him having a cruiser with today's technology. She supports the Board in hiring Chief Kelly.

Neal Kurk, Mt. Dearborn Road, stated that he has issues with the contract and handed out a contract with modifications. His first concern was that the Board should check the warrant article that passed in repealing the position of Chief from elected to appointed and make sure it is legal to hire a part time Chief. Mr. Kurk felt the three year contract is too long he feels the initial contract should be for one year and then it could be a multi-year after that. He expressed the 32 hours per week with regards to the NH Retirement System as stated earlier. The contract states that we fire only for cause and to protect the Town. His concern is that what if he is not a good fit the contract needs a provision added for that. Mr. Kurk stated that he would like to see the severance from four months to two months. He doesn't feel that the Town should be providing him a car. He stated that any Town issued cell phone use be for Town business only and should be monitored. The vacation time was overly generous and Mr. Kurk felt it should be removed altogether. The memberships to other agencies should be the prevue of town meeting and the budget. The moving expenses should Chief Kelly decide to move is very generous and not fair. Mr. Kurk felt that the Town should not be paying for totally indemnifying. In the section of continuing with CALEA, Mr. Kurk added "no participation". Mr. Kurk stated that he gets his health insurance at NHRS as a retiree he should not be eligible for health insurance or the buyout. His salary per Mr. Kurk should be \$62,400 and eliminate the second and third years. Mr. Kurk inquired as if the Emergency Director position if appointed would trigger the 1,300 hours. Mr. Kurk stated that he feels the contract needs to

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be fair to the Town and what the Board has proposed is not fair. He felt a legal opinion is needed for the warrant article changing the elected chief to the appointed chief.

John Lawton, Oak Hill Road, stated that he was surprised when he received the letter from Town Administrator Bolton informing him that the process had changed. When he left the board he felt that the board had come to an agreement on two points, the residency portion and the full time vs. part time. He felt that was rock solid and now the Board has thrown that by the wayside. Mr. Lawton stated that he likes Chief Kelly but it needs to be all about what's good for the town. He felt that 25 years ago full time was acceptable what's changed? He asked what the unintended consequences will be if Deputy Kelly leaves after three years, to hire another part time chief. The salary that is being offered is \$52.28/hour in the third year. Mr. Lawton stated that we have a Fire Chief in the same situation, are we creating a problem? There is also another department head with a large department that is making less. He is not sure the Board is looking out for the best interest of the Town. He saw the ad one month ago and there were 32 applicants that applied. We could have another Chief Kelly in that group. The UNH reserve officer position does that fall into the NH Retirement System? The process was set and if this doesn't work Mr. Lawton stated that he is unsure if MRI would come back. He felt that the process should have gone ahead and that if Chief Kelly was interested he could have stepped down and become full time.

Peter Bailey, Maplewold Road, stated that Deputy Kelly did a good job for himself but not the taxpayers. We have a contract for 32 hours, a CEO position, and a full blown package. He suggested hiring a police officer to be put under the guidance of Chief Kelly and if it's ok then hire him. Mr. Bailey thinks that Chief Kelly is very good, but he would like to see the Board bring back some of the 32 MRI candidates.

Frank Campana, Quaker Street, stated that he echoes a little of what's already been said. He appreciates Mr. Kurk's work, it is more unbiased and he feels a better solution. The contract mentions onsite assessor and CALEA and allowing a reasonable amount of time. Mr. Campana asked where and who determined reasonable? Where was the discussion? What is reasonable time? Who verifies? Does that take time away from the Police Chief's time? Mr. Campana questioned the Reserve Officer, where was that discussion? How many hours will that take away from Weare? The Emergency Management Director if offered, would he receive additional compensation? Mr. Campana stated, probably the Board has a hard time saying no. He asked about the membership costs of \$1,200 and 5% what was discussed and how did that go? Vice Chairman Clow interrupted and stated that we want the employees to be learners, the Fire Chief, DPW, Building Inspector, etc. the town pays for their memberships and conferences. The Board asked for an amount with all the associations, as it was previously left blank. Mr. Campana stated that he agrees with Mr. Kurk. What did Chief Kelly ask for and the Board said no to? He feels that the Board has not acted in his best interest. He felt the Board has acted as enablers as they have enabled Chief Kelly to draw up an agreement as he walks to the bank. He appreciates Mr. Kurk's efforts and his contract seems to satisfy the population and the concerns of the Town. Mr. Campana stated that he doesn't know Chief Kelly or care to know him. He hopes the Board will consider all aspects.

Richard Butt, Old Town Road, stated that he agrees with Heleen Kurk, although they have not always agreed he holds her in high respect. He stated that in November there was a public hearing that allowed residents to voice their concerns. He feels that the Board heard the concerns but did not listen. Mr. Butt stated that Chairman Lacasse pointed out that Chief Kelly has been to the Board weekly. He has checked the minutes from January through March and Chief Kelly has been to two meetings. What's the Board missing? He used the Police Prosecutor Contract as an example the Board signed the contract with no backup. He does not agree with a part time chief. He feels it is going in the wrong direction. He feels that the Town is going from full time to part time without inviting the public input. Mr. Butt stated that the only reason we are here tonight is Frank Campana. He put the article on the ballot several years ago to require the public hearings. Mr. Butt stated that John Velleca

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did all the heavy lifting and the Chief Kelly has not deal with all these things. He considered Chief Kelly of not only doing the double dip but now it's a quadruple dip, CALEA, UNH, retirement and Town of Weare, all these jobs are paid through tax dollars. Mr. Butt stated that he's reached a new level. Mr. Butt read some information from newspapers about double dipping. He asked why the Board is rushing into this. Vice Chairman Clow stated that Chief Kelly did come forward with a proposal last fall, but the Board put that out of their mind at that time. There was a proposal for both part time and full time. He did not come to the Board asking for it to be reconsidered. The Board reached out to him. Mr. Butt stated that he has to read between the lines and attending two meetings, that's it. Third shift, are we going to have one? Chief Kelly needs to provide leadership and all the technology in the world won't matter. Mr. Butt stated that we've seen it fall apart over lack of leadership. He would like the Board to consider one year and have more discussion.

Heleen Kurk, Mt. Dearborn Road, asked who wrote the contract and has it been reviewed by Town counsel? Town Administrator Bolton stated that her Town Administrator contract was emailed to Chief Kelly who drafted a contract and it was negotiated with the Board. The final version will go to Town counsel for review.

David Nelson, River Road, stated that he does not have a problem with part time. Every shift has a leader and a sergeant in charge. Things are going along fine and he doesn't see why we can't keep that up.

Lori Davis, Buxton School Road, stated that she went to see Chief Kelly the other day after the first public hearing and was aware that it was not sent to legal yet and that Chief Kelly had drafted it. She spoke with Chief Kelly regarding the Police Administrative Secretary. Chairman Lacasse stated that the Board is not in a position to comment regarding the Administrative Secretary. Vice Chairman Clow stated that Chief Kelly walked into a mess. One of his strengths is because of the way he's handling these situations. The way things are handled with the high level of integrity is what gives the Board the high regard.

Richard Butt, Old Town Road, stated that Chief Kelly was hired as the Deputy Chief so the transition was easier than it should have been. With regard to 40 hours versus 32, assuming four days a week, Police Chief Mara from Manchester is just retiring and he is quoted that it requires lots of hours. Mr. Butt asked if he was getting extra hours by attending Board meetings. Is it part time or is being treated as salary? He feels the Board is going in the wrong direction and making a mistake. He has serious concerns and is more interested in the public. Chief Kelly is astute and handles himself in public very well. How much commitment does he have to Weare, UNH, and CALEA? He feels that Mr. Kurk addressed the concerns in his draft.

Dorothy Fox, stated that her husband was a Police Chief with 65,000 people and she rarely saw him. Weare has the same amount of ground to cover. The town has so many problems between 2 AM and 5 AM that she continuously has to call the police. With a part time chief, it would be beneficial to go in on different shifts to make sure everyone is doing what is expected of them, because if people get comfortable, sometimes things slide. Who knows what's going on? She feels there is less control and less coverage. A trained chief has abilities others don't have. She feels that a part time chief will only cause the Town more lawsuits.

John Lawton, Oak Hill Road stated that with a part time chief will there be another request for a deputy chief? Also, CALEA he feels the Town is moving too quickly. A plaque on the wall doesn't make a good police department. His fear is that this will cost us more money.

Frank Campana, Quaker Street, stated that he appreciates the two public hearings, a lot of leeway was given to everyone speaking and he would personally like to thank the Board.

Being there were no more comments or questions, Chairman Lacasse closed the public hearing at 9 PM.

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ADMINISTRATIVE REPORT

Scenic Byways Committee: Town Administrator Bolton informed the Board that the John Stark Scenic Byways Committee has sent a ballot for the residents/Town to vote on for a new sign to be created. The Board felt that the ballot should be put on the website. Residents can cast their vote. The votes will be tallied by the Town Administrator and forwarded to the Committee by June 29th.

Minute takers: Town Administrator Bolton informed the Board that she received three applications, one specifically for the Board of Selectmen and the other two for the Land Use Boards. Land Use Coordinator Chip Meany and Town Administrator Bolton will meet with the candidates and bring forward the two for hiring.

Government Buildings: Vice Chairman Clow stated that he would like to move on getting the spires removed from the Town Hall in an effort to not have them fall on anyone. The Board agreed that we should go ahead and get the appropriate equipment to have them removed right away. The Board would like the painting for Clinton Grove Academy put out using the same specs that were used on the Bell Tower at Clinton Grove.

Harassment Training: The Board would like this training to be scheduled again.

Police Chief Contract: The Board briefly discussed the process of how to proceed. Selectman Bohl stated that she would like to make sure we do whatever is in the best interest of the Town. Chairman Lacasse stated that earlier it was mentioned that the contract is in the best interest of Chief Kelly and not the Town and that could not be any further from the truth. Vice Chairman Clow stated that the Board has to consider that there are approximately 6,000 voters and that we only hear from 10 people. He felt that the Board should take the information back to Chief Kelly and discuss it further. The Board agreed that they would digest the changes and/or suggestions received tonight and meet with Chief Kelly on Wednesday, May 27th in nonpublic to discuss it.

NONPUBLIC SESSION: Chairman Lacasse stated that there will be two nonpublic sessions the first is to review the employees for Chase Park and the second will be to discuss legal and personnel matters.

Chairman Lacasse moved, Selectman Hippler seconded to enter into nonpublic session @ 9:45 p.m. pursuant to the authority granted in RSA 91-A:3II (b). A roll call vote was taken, Selectman Bohl – yes; Selectman Leary – yes; Selectman Hippler – yes; Vice Chairman Clow – yes; Chairman Lacasse – yes. Passed 5-0-0

Vice Chairman Clow moved, Selectman Bohl seconded to come out of nonpublic session @ 9:55 p.m. A roll call vote was taken, Selectman Bohl – yes; Selectman Leary – yes; Selectman Hippler – yes; Vice Chairman Clow – yes; Chairman Lacasse – yes. Passed 5-0-0

Chairman Lacasse moved, Selectman Leary seconded to hire the seasonal employees for Chase Park as presented and recommended by the Parks and Recreation Commission. Passed 5-0-0.

Chairman Lacasse moved, Vice Chairman Clow seconded to enter into nonpublic session @ 9:56 p.m. pursuant to the authority granted in RSA 91-A:3II (a & c). A roll call vote was taken, Selectman Bohl – yes; Selectman Leary – yes; Selectman Hippler – yes; Vice Chairman Clow – yes; Chairman Lacasse – yes. Passed 5-0-0

Vice Chairman Clow moved, Chairman Lacasse seconded to come out of nonpublic session @ 10:25 p.m. A roll call vote was taken, Selectman Bohl – yes; Selectman Leary – yes; Selectman Hippler – yes; Vice Chairman Clow – yes; Chairman Lacasse – yes. Passed 5-0-0

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Vice Chairman Clow moved, Selectman Leary seconded to seal and restrict the minutes of this nonpublic session. Passed: 5-0-0.

ADJOURNMENT

A True Record.

Naomi L. Bolton

Naomi L. Bolton, Recording Secretary