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**WEARE BOARD OF SELECTMEN
MEETING MINUTES
August 19, 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: Tina Connor, Nathan St. Clair, Connie St. Clair, Jan Snyder, Sergeant Joe Kelly, Todd Prevett, Sharon DeStefano

Chairman Clow moved, Selectman Lacasse seconded to enter into non public session @ 6:30 p.m. pursuant to the authority granted in RSA 91-A:3II (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 Lawton seconded to come out of non public session @ 6:58 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

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

PUBLIC COMMENT – Nate St. Clair, owner of Big Dawg Landscaping, explained to the Board that he received an email regarding mowing Ineson Field. The emails that went back and forth were from a few individuals and stemmed from a text between him and Mike Housman. Mr. St. Clair read aloud a text message between him and Mike Housman regarding not being able to line the fields for soccer due to the grass clumps. Mr. St. Clair noted that he mows once a week per the specs and said that in other towns he mows twice a week per their specs. He was told bagging was not required. He explained to the Board that he does not receive notice of events and with notice he could have taken care of the issue. The communication has been slim. Mr. St. Clair said that was not even notified of the carnival or of the soccer camp at Bolton Field. He tries to mow everything in town once a week. He did major cleanups from other contractors on his dime and did not ask the town for any money. The dumpsters at Bolton Field have been over flowing three weeks in a row. The communication needs to be improved. Selectman Leary said that the emails were originally sent to PARC with pictures of the clumping at Ineson Field. It was discussed that between the irrigation and the fertilization the grass is so thick which causes it to clump. Mr. St. Clair said that is why other towns mow twice a week and not once. Mr. St. Clair said that he can't double mow every week. Selectman Leary said that he would not expect him to do twice as much work, but people are complaining about the clumping on the fields. Ineson and the football field have the heaviest grass. The contracts are two years and he is into the second year. Mr. St. Clair suggests that if they continue with the fertilization program than it would need to be in the specs to mow twice a week or bag. Mowing twice a week would almost double the cost. Selectman Lawton asked how much bagging would affect

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the cost. Mr. St. Claire said that he would have to figure the cost and the extra time. There should be better communication between PARC and Mr. St. Clair.

DEPARTMENT HEAD AND COMMITTEE ITEMS

Finance Administrator, Tina Connor, presented the revised revenue sheets to the Board. The due date for the reports to go to DRA is September 1st. Mrs. Connor is looking for Board guidance regarding Warrant Article 29 dealing with the Schmid property. The estimated revenue from the transaction of that purchase was put on the original form. The Board will have opportunity to make revisions to the form up until the day that DRA sends the town the paperwork to set the tax rate. The estimated revenue on the MR6 form at the end of January was \$2,501,403 and now there is a projected increase of \$110,000.

Mrs. Connor said that the projected revenues are still a work in progress and that they have right up until the day they set the tax rate to make changes.

Article 29 for the \$600,000 Schmid property states to raise and appropriate \$380,000, with \$200,000 to be raised by taxation added to \$50,000 from the Conservation Commission and \$130,000 from the Mildred Hall Fund with the remainder of the \$200,000 to be raised by grants or by solicitations. The question is that if this deal does not go through do they give the \$200,000 back to the tax payers when they set the tax rate in October. According to DRA they would have to put a warrant on the article next year to give the money back to the taxpayers. According to the article they have until 2018 to come up with the funding. The Board discussed that they will be setting tax rate on something that may not happen and if it doesn't they will need to have an article to give the appropriation back. It was mentioned that the Conservation Commission could appropriate more money and an additional expenditure of up to \$130,000 was discussed at the Conservation Commission meeting and it would be a one year pledge. There are a lot of stipulations and still needs to be worked out, but still leaves \$90,000 to be raised. Vice Chairman Butt requested that Ian McSweeney come before the Board.

Prosecutor Discussion – Todd Prevett, temporary prosecutor for the Town of Weare, told the Board he serves as the prosecutor for the Town of New Boston as well. Mr. Prevett presented an overview of his proposed contract if he were to be hired by the Town of Weare. The contract states that he would prosecute all criminal, juvenile, motor vehicle offenses, and ALS hearings. Mr. Prevett would serve as an independent contractor with no benefits and an annual salary of \$85,000. In the past the cost of prosecution was \$68,405 to \$87,615. Mr. Prevett told the Board that an experienced officer does not make an effective prosecutor. Prosecution is a full-time position, which means that the town has one less officer if an officer were to do the prosecuting. Overtime, benefits, and payroll taxes may result in increased costs overall. Mr. Prevett said that the cost for a prosecutor serving as an independent contractor in a town with 150-225 annual arrests would be \$59,160. There are approximately 300 arrests in Weare annually. There is a town with 600-750 annual arrests that pays a town employee with full state benefits \$72,000 and the town pays all attorney related expenses. There is a town with 800 annual arrests that pays a town employee \$75,000 with full state benefits and the town pays all attorney related expenses and provides substantial administrative support. Mr. Prevett would be available to the Police Department at almost all times via cell phone and email and would devote the majority of his law practice to the Town of Weare. He has been keeping regular office hours at the Weare Police Department. Since prosecuting for Weare and New Boston he does have some private clients, but has eliminated all other criminal defense from his practice to avoid conflicts. Vice Chairman Butt mentioned that it was suggested to have a police officer handle some of the small offenses. Mr. Prevett said while the officers are capable of handling the motor vehicle offenses or ALS cases, doing so would take them away from policing the town. Any defendant that comes his way he tries to arraign. Vice Chairman Butt mentioned that there have been too many plea bargains in years passed. Mr. Prevett wants the officers to feel that they are getting an effective resolution and he does not know if the town feels they were getting effective prosecution in the past. Mr. Prevett told the Board that he always consults the officer with any plea bargain.

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Chairman Clow said that it is clear what Mr. Prevett is offering and what he is asking for, but the Board will need to review other figures will need more time to make a decision.

Mr. Prevett explained that he would back out a portion of what the town has paid him in the past 2.5 months. He is willing to be flexible and work with the town.

The contract would be for one calendar year from the time of signing and Mr. Prevett would consider locking in a rate for future years as well. In Mr. Prevett's present arrangement he charges the town \$225 per case, but there is some flexibility if the case does not involve a full trial worth of effort.

Vice Chairman Butt noted that in addition to reviewing the budget, they will meet with the administrator to review performance.

TAX PAYMENT / DEEDING DISCUSSION – Sharon DeStefano told the Board that she did not send out a letter like the Board asked her to because she was in school and not in her office. Mrs. DeStefano explained that some individuals have come in to speak with her and some have increased their payments. Vice Chairman Butt mentioned the process. Mrs. DeStefano thought that they were going to have a lawyer look at it. Vice Chairman Butt said that the Board discussed the process to go through to collect money and provide information with the Tax Collector two weeks ago. Chairman Clow said that they specifically asked that everyone on the list receive a letter regarding option 2. The lawyer reviewed the form and suggested that they ask for all the information with the exception of 401k information and had no other issue with the form. Vice Chairman Butt said that they need clarification because people don't understand what the Board is requesting. Mrs. DeStefano said that she notified some of the people, but did not send out the letters that the Board requested because she knew she would not be in the office to explain option 2 to people. Town Administrator Bolton noted that a cover letter could have explained the process. Vice Chairman Butt said that the Board agrees that something needs to be done to define the process so that it is followed the same in every case. He would like a document for the next meeting that describes at what point of time they solicit people for payment options.

As a result of Mrs. DeStefano's schooling last week, she is now a certified Tax Collector. The Tax Collector reports to the Town Administrator. Mrs. DeStefano put together a draft letter for option 2. Town Administrator Bolton said that on the 16th she discussed sending a cover letter that addresses both option 1 and option 2 with Mrs. DeStefano. The letter that went out for option 1 never mentioned that there was an option 2. Mrs. DeStefano told the Board that she only heard from 9 out of 23 taxpayers.

Chairman Clow said that the taxpayer has to be told the amount that it would take to meet their monthly obligation and if they send it back saying they couldn't do that then there would be option 2. Step 1 is for the Tax Collector to sit with the individual to discuss the amount needed for them to meet their obligation of their 2010 taxes by December 31, 2013 and if they can't meet that obligation they will be given the list of information that the town requires for option 2. The Board would review all the information provided by a taxpayer for option 2. With option 2 the taxpayer makes a proposal and provides back up information stating that is all that they can pay. The Board will then review the packet with the documentation and the taxpayer's proposal in non public session. Vice Chairman Butt said that there should be something in the contract discussing missed or late payments. Chairman Clow said that they need to be proactive.

Chairman Clow moved, Selectman Lacasse seconded to enter into non public session @ 8:38 p.m. pursuant to the authority granted in RSA 91-A:3II (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 @ 9:14 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

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The board met with the Tax Collector to go over payment arrangements for tax payers.

MANIFESTS

Checks dated: August 16, 2013

Weekly Payroll \$42,020.18

Chairman Clow moved, Selectman Lacasse seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated August 22, 2013. Passed 5-0-0

Accounts Payable \$668,011.15 (John Stark \$250,000, Weare School District \$350,000)

Gross Payrolls \$46,796.94 (Includes taxes, credit union, police detail)

TOTAL \$714,808.09

Also, to order the Treasurer to sign payroll checks dated August 29, 2013 and September 5, 2013; that will include payment for weekly wages and matching taxes. It is also ordered that the Treasurer sign up to \$25,000 in Accounts Payable checks to be dated August 29th as the Board will not meet again until September 9th and there will be some payments that must be paid before that date. 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 August 5, 2013 as amended. Passed 4-0-1; Selectman Lacasse abstained.

ADMINISTRATIVE REPORT

Emergency Management Director – Town Administrator Bolton will set up appointments with the two applicants from Weare, which both have preparedness experience and will contact the applicant from Rochester and explain that the position is in Weare.

The Board reviewed samples of other town websites. The majority of the Board was in favor of the Newburg, NY website format. Once the website is built, the Board will have the opportunity to test it before it is rolled out.

The Brown deed for the Discretionary Preservation Easement for the barn was previously signed by the Board, but their signatures are still required on the original application.

Chairman Clow moved, Selectman Lacasse seconded to enter into non public session @ 9:34 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 @ 10:05 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

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

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary