

**FINAL**



**WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
April 16, 2012**

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

**RECORDING SECRETARY:** Cherry Palmisano

**GUESTS:** Alan Gould, Heleen Kurk, Janet Brown, Bill Tiffany, Jan Snyder, Tim Redmond, Deborah Brown, Greg Begin

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

**PUBLIC COMMENT** – Heleen Kurk commented on the center of town, gazebo, and Town Hall looking so much better. She told the Board that others have notice the huge improvement as well.

Mrs. Kurk hopes that people are seeing the daffodils come up this year, which were planted by the 250<sup>th</sup> Committee and many volunteers.

The 250<sup>th</sup> Committee will be holding a tea party for girls ages 5-12 on May 5<sup>th</sup> from 2:00-5:00 at the Town Hall. Reservations are needed for the tea party. The committee will be having a ventriloquist show at CWES on June 10<sup>th</sup> at 2:00. The committee hopes that these activities help to build community and appreciates everyone's support.

**Chairman Clow recused himself at 7:12 p.m. to speak during public comment as a private citizen.**

Tom Clow, 125 North Concord Stage Road, said that his property abuts 611 acres of conservation, that was purchased by the town through a bond, Mildred Hall funds, and with private donations. Several weeks ago he found bright orange blazing on some trees around his property. His wife wrote to the Piscataquog Land Conservancy (PLC) who owns an easement on the property. PLC responded that the blazings were not consistent with those done by them. The letter was then passed on to Andy Fulton, Conservation Commission (CC). Mr. Clow said that he received a letter from Andy Fulton stating that the blazing was done by the forester and it was proper procedure to prepare for harvesting. Mr. Clow feels that the blazing would be less intrusive to his property had it been done on the other side of the trees. As a Selectman and taxpayer he is concerned with the land, which the town still holds a bond on. Last week foresting started and huge pieces of equipment were cutting wide swaths through the forest. Mr. Clow said that to him the purpose of the conservation area does not go along with that type of logging and he thinks it violates the actual easement. The easement states that logging should be done in a reasonable and practical manner which is not detrimental. Mr. Clow told the Board that it is heartbreaking to see what has been done. It was done according to a forestry plan. Mr. Clow said that he received a call from the logging company's secretary and he was assured it always look worse while happening then when it is finished. Mr. Clow said that the staging area has been bulldozed flat for a loading area. The person on the phone assured him it would all be put back, but he feels it cannot be put back and the easement has been violated because of the type of logging that has been done. The forester, Jeremy Turner, will be at the location tomorrow morning. Mr. Clow said that it is a terrible mess and he wanted to bring it to the public's attention. He thinks that the easement is being violated and the issue should be discussed by the Board.

**Chairman Clow returned to the meeting at 7:21 p.m.**

## FINAL

Janet Brown said that she read the Town Warrant about the Wood Family's land being turned back over. She felt bad and feels that if it should be cut then the Wood family should benefit. Mrs. Brown feels that the Wood Family has been violated and is outraged that this could happen after a family so graciously gave their land to the town. Mrs. Brown thinks easement land is given to the benefit of all and this should be guarded from happening again.

Jan Snyder asked if anyone from the Conservation Commission has looked at the property. Chairman Clow said that he is not sure, but when he came down to the Town Office to get a copy of the easement the Town Administrator got in touch with Andy Fulton and he did not know where it was. Chairman Clow thinks that everyone involved should have been looking at the easement before any thing was done. Ms. Snyder suggested that the CC and the Selectmen come to an agreement on what type of cutting can be done and what "selective" cutting actually means.

**Municipal Resource Incorporated (MRI) to discuss review of Police overtime** – Chairman Clow explained that the Board contacted MRI to take a proactive approach to the police overtime. They are not looking for wrong doing, but each year as they review the budget and work with the Finance Committee the police budget and specifically the overtime is always discussed. The Board is looking for a review of the procedure by an independent party.

Alan Gould, MRI, said that they have been in business for twenty-two years helping towns, cities, and schools manage more effectively and efficiently. They also provide interim Town Management services, assessing for many towns, and recruitment. MRI has a strong public safety division. Mr. Gould manages a good portion of their projects and all safety projects. Mr. Gould said that they will be reviewing the specific use of overtime, which for them is a component for a larger study. They will be looking at where the overtime money is being spent, why it is being spent in those areas, and if there are other ways to provide the services more efficiently. MRI will do a workforce department analysis, review scheduling, services being provided, when the calls are, the level of demand of the calls, and how the schedule reflects those peaks and valleys of service time to see if there is another way to provide the level of service more efficiently. There are standard operating procedures in place.

Chairman Clow said that Chief Begin called to inform him he might not be able to make the meeting due to an incident in town. Mr. Gould said that they would need to work closely with the Chief to determine the data. Vice Chairman Butt asked if there is any correlation between overtime and other static factors, such as the time of calls and the size of the town. Mr. Gould said there is not; they would look at how many officers are on duty and how many hours they are assigned. He said that there is no correlation to population and every community is different and has different expectations from their public safety. Vice Chairman Butt asked how long the process takes. Mr. Gould said that if they are just looking at overtime, the queries could take some time, and there is typically a couple of months of involvement with most of their time being spent away from the station. Mr. Gould explained that initially they will be on-site to conduct interviews with the Selectmen, department officials, the Town Administrator, and some other personnel. They would critically look at the data and be back and forth with questions. During that time they are forming their opinions and will submit a draft proposal. MRI would present their final report to the Board and make a presentation. Deb Brown asked Mr. Gould if they rely on information being given to them or are they actually at the station to get the information. Mr. Gould said both, they access the IMC software and they ask for specific queries from the dispatch software, station recording, and dispatch recording and MRI will compare the data.

Mr. Gould said that MRI just finished a report and the Board can review their work on the Town of Dedham, MA website. It was discussed that it would not be necessary to have a Board member appointed as a liaison because MRI usually works with the Town Administrator and interview the Board of Selectmen to see what the issues are. Selectman Lawton asked if they ever run into situation of not getting the cooperation they are looking for. Mr. Gould said they always do and they ask that the governing body provide a letter to the

## FINAL

department informing them that MRI will be conducting the review. They try to be absolutely fair and hope people can appreciate that. Mr. Gould said if they have a contract they would interview the Selectmen within ten days of signing the contract as well as interviewing the Town Administrator. Chairman Clow said they would be in touch with Mr. Gould.

### DEPARTMENT HEAD AND COMMITTEE ITEMS

**Discuss Oil Mill Cemetery Construction** – Janet Brown, Cemetery Trustee, told the Board that they are requesting \$13,674 to rebuild the stone wall at Oil Mill Cemetery. They also need Tim Redmond and the Highway Crew to help them with stones, walls, and the drainage system. They have issues that they hope to address this summer with Cy Pres funds. The Highway Department will provide signers and flaggers while the work is being done and there will also be police assistance. Per the state, the town is responsible for fences and lawn care. Mrs. Brown said that they need \$10,500 for granite and stone cleaning and also need to purchase 30 cement blocks from Central Concrete for \$2,250. The police detail will cost \$1,920 for two officers. 245 feet of PVC will cost \$170. Chris Bolton donated three ten wheeler loads of stone and Brownies Gravel donated three loads of sand and gravel.

Mrs. Brown thanked Tim Redmond, Public Works Director, for all his work and support. She also thanked Don Burke, who was a Cemetery Trustee for nine years and recently stepped down.

There is \$15,520.99 currently in the Cy Pres Fund. Mrs. Brown said that the work will be done when the Highway crew is available. A total of \$14,650 is being requested. Vice Chairman Butt asked if the \$1,920 for police detail can come out of the Capital Reserve Fund. It was discussed that the police detail is not direct labor for the project, the Town Administrator will check to see how it was paid previously. Naomi Bolton, Town Administrator, said that she put in a request for inmate services to paint fences. Mrs. Brown said that the cost of the paint can come from their maintenance fund.

Vice Chairman Butt commented on a citizen complementing the lawn care contractor and asked Mrs. Brown if she went to the cemeteries to view the work that had or had not been done. Mrs. Brown said that he has done thirteen of the seventeen small cemeteries. He also did Dow Peaselee, but needs to pick up the leaves. Vice Chairman Butt said that this is the first year for this contractor working for the town and they have received a request to pay him for April. Mrs. Brown told the Board that so far she is satisfied with his work. Vice Chairman Butt said to keep an eye on the work and verification needs to be made before payment is sent. Mrs. Brown said he is doing his job and should be paid April 30<sup>th</sup>. Chairman Clow recommended that someone make contact with the contractor at least two weeks before Memorial Day to ensure clean up has been made. Mrs. Brown will communicate with the contractor.

### **Vice Chairman Butt moved, Selectman Lawton seconded to expend up to \$15,000 from the Cemetery Construction Fund to support stonewall and drainage work at Oil Mill Cemetery. Passed 4-0-0**

Chairman Clow explained to Chief Begin that they moved ahead with the presentation from Alan Gould of MRI because they were unsure he would be able to attend.

Chief Begin told the Board that their calls for service have increased by 900 from this time last year.

**DPW to present quotes for Transfer Trailer** – Tim Redmond, Public Works Director, located a paper trailer to purchase that was approved by town warrant. He has been searching since last June when the trailer became unserviceable. Lucky's Trailer Sales in Royalton, VT submitted a bid that was higher than what the town has have available. Sizemore Truck and Auto in New Boston, NH bid \$28,000. Mr. Redmond recommends purchasing the trailer through Sizemore Truck and Auto. The quality used unit will serve the town into the future.

Mr. Redmond reminded the Board of the need for a bailer. Vice Chairman Butt mentioned single stream recycling affecting the bailer. Mr. Redmond thinks they may be moving in that direction, but he is assuming if Concord is going to pull out that the minimum tonnage will not be met to make the program operational. Mr.

## FINAL

Redmond said that Pinard Waste is administrating the program for the City of Manchester, but he is not sure where it is being taken for single stream recycling and there is no agreement with Penacook that he knows of. Chairman Clow said he understands that the project is dead from the tone of the news article he read. Mr. Redmond told the Board that if they go with single stream recycling, it would be in the distant future. The current bailer works fine, but the replacement program needs to be in place because they become too costly to maintain. The bailer has been in CIP for a number of years and has been defeated many times. The bailer generates revenue for the town.

Mr. Redmond said that the Transfer Station is still not accepting brush from town residents, until such time as the current pile can be burned, but they are accepting brush from commercial haulers.

**Vice Chairman Butt moved, Selectman Lawton seconded to award the bid for a used Demo Trailer/Paper Trailer to Sizemore Truck and Auto for \$28,000 with the money to come from the Transfer Station Equipment Capital Reserve Fund. Passed 4-0-0**

Mr. Redmond told the Board that there was a complaint filed with the Town Administrator regarding items being left at the Swap Shop. A resident left items for needy people and complained to the Town Administrator that she saw her items in a store in town for sale. Mr. Redmond has prepared a sign to be posted at the Transfer Station informing people of the intent of the Swap Shop. Chairman Clow said putting the sign up is fine, but there is no way to police it. Mr. Redmond said that it needs to be stated for residents to know the intent of the Swap Shop. The sign will read "Items that are left at the Swap Shop are for people that need or can use them. They are not to be taken to sell at businesses or yard sales."

Mr. Redmond told the Board that the town is short \$300,000 for cash flow to complete the Peaselee Road Bridge project. He checked with the state and monthly reimbursements are only done for federal projects. They can request the \$198,000 engineering fee reimbursement and then write a letter stating that they want to put the project on hold for one or two years. The town will not lose the state funding and this will give the town time to get the money. Mr. Redmond would like to add the Peacock Hill Bridge and Old Francestown Bridge to the project, which would be the last ones. He can inform DOT to move the project out one year at this time. Chairman Clow said they will have to make some decisions in the fall when developing the budget. Mr. Redmond said that the money is locked in and when towns have the funding available they are moved to the front of the line. The funding for Lull Road is still approved. Mr. Redmond told the Board that for all practical purposes the culvert on Lull Road seems to be relatively safe and usable. His crew could do Lull Road and Peacock Hill, but studies still need to be done. Peaselee Road is too big a project for the town crew.

Mr. Redmond would like to move forward with an addition to the DPW garage and asked the Board if he should move forward with cost estimates. If the project was to be bid it would need actual architectural plans. Chairman Clow would like to start with Mr. Redmond's concept to see if they are on same page.

Mr. Redmond would like to close the Transfer Station on Saturday, May 29<sup>th</sup> in observance of Memorial Day. Chairman Clow asked about a trade-off of hours. Mr. Redmond said that it is a holiday weekend; he knows it is an inconvenience to the residents, but feels the employees should be able to have the weekend off. Monday is their normal day off, therefore their holiday would be observed on Saturday. Vice Chairman Butt commented on most people using the Transfer Station on Saturdays.

**Selectman Leary moved, Selectman Lawton seconded to close the Transfer Station on Saturday, May 29, 2012 to give the Transfer Station employees the day off in observance of Memorial Day. Passed 4-0-0**

Mr. Redmond informed the Board that the job search is on hold. He offered the position to someone who decided he could not come to work for the Town at the rate of pay they were offering. The position has been offered to another individual and Mr. Redmond is waiting for a response.

The town pump failed. The water was off from 11:00 a.m. to 4:30 p.m. The water was tested the next day and cleared.

## FINAL

Mr. Redmond provided a quarterly update to the Selectmen which included storm events, roadside brush cutting, culvert replacements, spring gravel road grading and repairs, sign replacement and repairs. The report also noted that the town mechanics have been busy with inspecting the town fleet. The bid request for aggregate crushing have been noticed, tree work at Clinton Grove, spring road postings were set and removed were also listed in the report. From January 1st through April 13<sup>th</sup> they received 160 calls, 95 of which were concerns or complaints that needed to be investigated. Vice Chairman Butt asked about the skating rink. Mr. Redmond said that the line was moved to Chase Park and they are going to screen loam and spread if for PARC and PARC will have it seeded. He is in the process of getting screens now and during the month of May will get the loam on it.

Mr. Redmond told the Board that Lufkin Road will be done in two parts. The drainage will be done this season and be put out to bid to dig the ditch and put the driveway culverts in. He checked with the employees, who told him Lufkin Road has had a large amount of crushed gravel in the last few years.

Vice Chairman Butt asked about DOT and the crosswalk. Mr. Redmond responded that DOT Paint Division has not called him back, but he will continue to call them to receive an answer and follow-up. Vice Chairman Butt is not willing to have Mr. Redmond paint the crosswalk because they were told by DOT that it was not a safe crossing location.

### MANIFESTS

**Checks dated: April 12, 2012**

<b>Weekly Payroll</b>	<b>\$36,811.27</b>	
	<b>\$378.11</b>	(Fire Call)
	<b><u>\$382.59</u></b>	(Fire Call)
<b>TOTAL</b>	<b>\$37,571.97</b>	

**Chairman Clow moved, Vice Chairman Butt seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated April 19, 2012. Passed 4-0-0**

<b>Accounts Payable</b>	<b>\$363,012.84</b>	(John Stark \$250,000)
<b>Gross Payrolls</b>	<b><u>\$39,621.39</u></b>	(Includes taxes, credit union, police detail)
<b>TOTAL</b>	<b>\$402,634.23</b>	

**Also, to order the Treasurer to sign payroll checks dated April 26, 2012, 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, Vice Chairman Butt seconded to approve the minutes of April 2, 2012 as amended. Passed 4-0-0**

**Continue Discussion of Volunteer Policy** – Vice Chairman Butt stated that due to the absent of Selectman Lacasse, he would like to defer discussing this until he is present.

**Personnel Policy Discussion re: Politicking** – Chairman Clow told the Board that Selectman Lacasse asked that this discussion be deferred until he was present. Vice Chairman Butt said that he also wanted to add a section to the policy regarding calculating overtime and holiday pay.

Selectman Lawton commented on receiving legal opinion from town counsel regarding the volunteer policy; as they get more in-depth he would like legal opinion. Vice Chairman Butt said that they did get a response and it is non binding. He said they also wanted legal opinion regarding if they could restrict the number of Boards someone could sit on. Chairman Clow said that they were in favor of sending the warrant article and the policy, but it was discussed they did not want to send it twice and they would make revisions first and then send their almost final draft to the town attorney. Selectman Lawton sees it as going down a bumpy road and wants to make sure everything they do is based on legal grounds. Vice Chairman Butt said that they will not pursue if

## FINAL

legal opinion says that they cannot restrict the number of committees someone sits on; he would like to know before they finish the draft. Selectman Lawton asked how the Board would restrict someone from being reappointed if they already sit on more than three Boards. Vice Chairman Butt said that is why they need legal opinion. They need justification before removing a person that is in good standing. Vice Chairman Butt said that they asked town counsel about the article being enforceable and also asked other questions that did not get answered. It is really important to determine how to proceed before they spend more time on the issue. Vice Chairman Butt thinks that they should send the volunteer policy to all boards and committees as well before a public hearing is held.

**Administrative Report** – Naomi Bolton, Town Administrator, told the Board that she received a request from PARC to remove the sand from the site of the skating rink. They are concerned that the slope is too steep. The area was flattened and will have more shaping before it is loamed. Chairman Clow said that he is concerned with not having a firm surface because if it is not stable it will not be safe for the rides. Naomi Bolton, Town Administrator, will discuss the issue with the carnival guy. Chairman Clow mentioned parking along East Road and the possibility of paving for parking in the future.

Naomi Bolton, Town Administrator, said that she received a letter from someone who sells vineyard wine and wants to participate in the Farmers Market. The wine would be sold in closed bottles and not sampled. If the vendor is approved by the Board, the vendor is requesting that the Selectmen send a letter of approval to the State Liquor Board. It was discussed that there were two requests for two farmers markets and PARC approved both for the same day and same time. One farmer's market will stay at the gazebo and one will go to Lanctot's. The We Are One farmer's market, started by the Agricultural Committee, will be going to Lanctot's parking lot. It is not known which of the farmer's market the wine vendor will be at, but there will be no wine testing and no opened bottles. The farmer's market group controls the vendors, but the vendor will need to have a permit from the State Liquor Commission if the Board approves their participation. Naomi Bolton, Town Administrator, will draft a letter. The market starts June 1<sup>st</sup>. Vice Chairman Butt said that they can call the vendor to let him know that the Board does not object and continue with the paper work.

The Board discussed committees with ex-officio's and it was decided that Selectman Lawton will join the Heritage Commission, Selectman Leary will join the PARC Commission, and Chairman Clow will join the Stone Fund. Vice Chairman Butt will continue with the CIP and the Emergency Management Advisory Group. Selectman Lacasse will be on the Planning Board.

Naomi Bolton, Town Administrator, informed the Board that she received a bill from the school regarding an issue with their signal shortly after the Deliberative Session. The school had called Broadlink Technologies to troubleshoot the issue and it was determined that there was a bad channel mixer and a need to set up a new audio mixer. The bill for labor and material is \$768.95 and the town is responsible for the equipment. The bill will be paid from the Cable Equipment and Capital Reserve Fund.

**Selectman Leary moved, Selectman Lawton seconded to pay the Broadlink Technologies LLC bill in the amount of \$768.95 from the Cable Equipment Capital Reserve Fund. Passed 4-0-0**

A letter was received from Vachon Cluklay to schedule the upcoming audit on June 8th for the 2011 books. The letter requires the Chairman's signature.

**Selectman Lawton moved, Selectman Leary seconded to authorize the Chairman to sign the letter from Vachon Cluklay for the annual audit. Passed 4-0-0**

The Zoning Board has turned in all their volunteer forms. The Board discussed that the members of the Zoning Board will continue to serve.

Naomi Bolton, Town Administrator, told the Board that she has not finished meeting with everyone for the quarterly report and hopes to finish by the end of the week. She will bring forth the report to discuss at the next meeting.

## FINAL

**Other Business** – Chairman Clow asked if anyone was interested in meeting with the town forester tomorrow morning. The easement is held by PLC, which means it is their job to see that the easement is upheld, but the town owns it. PLC does not take an active management role, but oversees the easement. It is a conservation area, not a town forest. The deed allows for forestry. They were told that the sale of the timber would go into the general fund if it is not a town forest. It was discussed that the Conservation Commission negotiated the contract for the timber harvest. The problem Chairman Clow sees is that by the time the CC meets again the cutting will be done. The intent of the cutting is unknown. The area is used by a lot of people. The conservation area is 611 acres, but the acreage amount being cut is not known. Chairman Clow said that members of the Board of Selectmen signed the easement. Naomi Bolton, Town Administrator, said that she also received a complaint from the person who uses the access road, because it is a mess, and the person wants to ensure it will be passable. Chairman Clow said that his question is if the easement is being followed. Vice Chairman Butt said that the money is going into the general fund, the revenue is not relative to any committee, and he would like a representative from the CC to tell them why it is being cut.

Jan Snyder feels that this raises some questions and commented on the Wood property becoming a Town Forest. She also commented on PLC holding easements on the Pope Farm on Bart Clough and the Grant Family Easement on Mount Dearborn Road and the Oliphant property on Tiffany Hill that was bought by Town Meeting. Ms. Snyder asked what authority they now have, who oversees the easements, if there is a plan, and if the forester goes in before they cut. Chairman Clow said that the forester, Jeremy Turner, develops a plan. Chairman Clow hopes that the easement is before them when they develop the forestry plan to protect the easement. Vice Chairman Butt is not sure if anything wrong is being done. PLC and the CC have an interest to conserve the property and he doubts that anything detrimental is being done to the property. The Board would like an explanation on the process from Andy Fulton and a representative from PLC. Chairman Clow said that when cutting is being considered they should pull the easement out to see what is in the easement. He sees this as heavy impact to the conserved land. Chairman Clow asked the Town Administer to email a copy of the easement to all Board members. Selectman Lawton asked if going forward, the Selectmen should be informed of any intent to cut of town property.

**Chairman Clow moved, Selectman Lawton seconded to enter into non public session @ 9:50 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; Chairman Clow – yes. Passed 4-0-0**

Chairman Clow noted that the purpose of the non public is to review employee evaluations.

**Vice Chairman Butt moved, Selectman Lawton seconded to come out of non public session @ 11:25 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Lawton – yes; Selectman Leary – yes; Chairman Clow – yes. Passed 4-0-0**

## ADJOURNMENT

A True Record.

---

Cherry Palmisano, Recording Secretary