

FINAL



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
January 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: Tina Connor, Jan Snyder, Jeff Spring, Matt Whitlock, Stephen Flanders, Tim Redmond, Mallorie Blevins, Ian McSweeney

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

APPOINTMENT TO CABLE COMMITTEE AS FULL MEMBER – Chairman Clow asked Mallorie Blevins what sparked her interest in the Cable Committee. Ms. Blevins said that she grew up in Weare and always watched the Cable Channel. She recently moved back to town and saw the notice on the Cable Channel stating there was a need for Cable Committee members and she wants to help.

Selectman Lacasse moved, Selectman Leary seconded to appoint Mallorie Blevins as a full member to the Cable Committee. Passed 5-0-0

Chairman Clow swore Mallorie Blevins as a member of the Cable Committee.

DEPARTMENT HEAD AND COMMITTEE ITEMS – Tim Redmond, Public Works Director, has information to give to the Finance Committee regarding the warrant article for the Transfer Station revenue. He is requesting to create a sustainable fund for the Transfer Station in which half of the revenues from the non fee based recyclables will be deposited. This six year program will fund the needs of the Transfer Station and would alleviate the need to place an article on the warrant every year to request equipment. Mr. Redmond hopes that the Finance Committee will recommend the warrant article with the submittal of this information. It was discussed that the Finance Committee did not have the list of items planned; they had the information from the CIP. The Finance Committee did not recommend the article because they did not have this information and they like the idea of the Selectmen and the voters having control over the expenditures each year, this article would eliminate that control. Mr. Redmond said that he would need the consent of the Board to spend from the fund. Mr. Redmond would like to continue with the fund until the need for the fund no longer exists. He knows this money poses a way to stabilize the taxes in town and he is asking to take from that stabilization, but it provides a way for the Transfer Station to run smoothly. Vice Chairman Butt said that instead of a revolving fund it could be a special revenue fund, which would allow for the accrual of money in the fund, but it can only be expended by the voters. The problem with a special revenue fund is that if the need arises for equipment they have to wait for approval from the voters. Mr. Redmond will be attending the next Finance Committee meeting.

FINALIZE 2013 TOWN WARRANT – Town Administrator Bolton told the Board that DRA and Mitchell Group were not available today due to the holiday; she will get the information tomorrow and bring it to the Board. The finalized Town Warrant needs to be posted at both the School and at the Town Office by midnight next Monday. They need to decide which Selectmen will speak to which article. Town Administrator Bolton

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told the Board that along with Tina Connor, she is putting together a PowerPoint presentation for Deliberative Session.

Ms. Snyder told the Board that Article 5 was written by Bond Counsel. The amount may change because the 80% could be based on a different figure and the 20% figure would also be different. Ms. Snyder said that it is the Bond Counsel's opinion that in order for the town to borrow the money and Bond Counsel to approve, this is what needs to be on the warrant. Ms. Snyder said that Bond Counsel is the final answer. 3/5 ballot vote is required for the article to pass. The Board feels that Article 5 needs to be shortened and needs to be explained to the voters in the Town Mailer.

Bond Counsel also provided amended wording for Article 4. The wording includes "to authorize the Selectmen to apply for and accept any funding that maybe available," which the Board feels has the potential to mislead the voters to believe that there are other funding sources available.

Chairman Clow said that the minutes from the last meeting refer to Mr. Redmond looking into making the building bigger and the Board did not follow-up. The possibility of being able to find a pre-built building was also mentioned.

The actual cost for the Highway Building is \$696,000, but the employees will do some work reflecting a cost of \$675,000.

Vice Chairman Butt would like another opinion, other than Bond Counsel, on the wording of the warrant articles to make them as short as possible for the voters. The Board does not think that the wording is necessary because they are not applying for any grants or funding for the Highway Building. Town Administrator Bolton said that she is waiting for legal opinion from Laura Spector and DRA. Selectman Lawton said that shortening the article will not change the numbers.

Ms. Snyder told the Board that the wording is needed to apply for the 80/20 funding and is giving them the authority to borrow the money. Chairman Clow said that they will ask legal counsel if the wording is necessary and Town Administrator Bolton will also contact Bond Counsel.

Vice Chairman Butt said that once the article is approved, they have months to go through the process. Selectman Lawton asked if they don't include the wording are they precluding the option to be able to seek funding. Selectman Lacasse feels the wording is misleading. Vice Chairman Butt said they need to get approval, start the bid process, and if there are any grants available to offset the cost they can apply for them.

It was noted that both Articles 4 and 5 were recommended unanimously by the Finance Committee.

Town Administrator Bolton will get legal opinion regarding including the wording "if this article passes the operating budget will be reduced by an amount to be determined to reflect a savings in health insurance" for both the DPW and Police contract warrant articles. If the police contract passes there will be a savings of \$12,992 in insurance cost. The Board questioned if they can include the net tax impact. Chairman Clow said that before they vote on setting the tax rate the Finance Administrator will issue a revised number that will reflect the actual number. Ms. Connor said that wages and taxes will increase, but she will lower the health insurance line budget to reflect the savings stated in the article.

If Article 4 for the Highway Building passes there will be a cost savings of \$4,500 in building maintenance costs in the proposed budget.

Vice Chairman Butt mentioned that they need legal opinion on the DPW Union contract.

It was discussed that whether or the not the DPW contract is approved there will be a cost savings and the cost savings has not been applied to the proposed budget. Vice Chairman Butt said that the employees know that there will be a significant decrease in the insurance buyouts whether the article passes or not. Chairman Clow said that the budget was finalized last Monday and had the full amount for the DPW, regardless if the article passes it the savings will come out. The DPW cut in for insurance is April 1st if the article does not pass, but

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August 1st if the article does pass. Vice Chairman Butt said that if the article does not pass, anyone who takes the buyout will be losing money. Chairman Clow said that if the article does not pass, the decision should come back to the Selectmen. The DPW is currently still getting the full benefit of their buyout and 100% health insurance. There are terms and the conditions of the contract that they are working under right now. The DPW contract mirrors the Personnel Policy.

Article 7; DPW Union – Vice Chairman Butt does not agree with having the wording “if the article passes the operating budget will be reduced by an amount to be determined.” Chairman Clow said that if this article fails, the Board will need to make a decision the same as they did with non-union employees and he thinks it needs to come back before the Board. If the article passes it would take affect August 1st and reflect a savings of \$4,485. The savings is not known if the article does not pass. The Board agreed that they need legal opinion for the wording of the article.

Article 9; Fire Department Standby Pay – Chief Vezina changed the wording of the article since their last meeting. The Board feels that the new wording is confusing and would like the wording from Draft #2. Vice Chairman Butt thinks this wording from Draft #3 would be appropriate for the Town Mailer. This article was not recommended by the Finance Committee. The Finance Committee felt that the realignment pay and standby pay should not be implemented at the same time.

Article 10; Fire Department Realignment Pay – The Board agreed on the wording of the article.

Article 11; Non-Union Employee Raises – Town Administrator Bolton said she changed the amount from 2% to 3% in the narrative. This article is recommended by the Finance Committee.

Article 12; CIP Fire Equipment – Town Administrator Bolton said that Chief Vezina may want to withdraw this article because if “no” truly means no and the article gets voted down he is concerned with not being able to purchase the turn out gear if he gets the grant. Chairman Clow believes that if the article is voted down Chief Vezina would not have the right to go to his operating budget and spend because the voters said no, but if there was a grant and no town money involved he does not believe it would be an issue. Vice Chairman Butt said they will have to do something if this does not pass because they need the equipment for the personnel. It was discussed that they need a clear documented opinion on what “no” means if it is voted down. The article was not recommended by the Finance Committee because of the potential of the grant influencing the voting.

Article 13; CIP Fire Equipment – This article is recommended by the Finance Committee.

Article 14; Road Reconstruction – This article is recommended by the Finance Committee.

Article 15; CIP DPW 10 Wheeler & Pickup Truck – The Board discussed adding the words “new or used” for the pickup truck. Justification was made that a 10 wheeler could hold more material and make less trips than a 6 wheeler. The 6 wheeler was replaced for the short term with a 90,000 truck, now they want to replace with a 10 wheeler which makes since because you can load a 10 wheeler once and it can do the whole route. Matt Whitlock said that the issue was changing from a 6 wheeler to a 10 wheeler was not replacing, it was upgrading. Vice Chairman Butt said that it is the functional compatibility, not the number of wheels. Mr. Spring said that Mr. Redmond told him that he can get a new truck through state bids at the same cost as a used truck. Mr. Spring said that the 10 wheeler does make sense and that the Finance Committee discussed revisiting their recommendations. It was mentioned that the piece of equipment was due to be replaced 6-7 years ago. The wording “new or used” will be inserted into the article.

Article 30; Shmid/Banks Property on East Road – Ian McSweeney said that the Banks/Shmid property on East Road is 137 acres, of which 20 acres will be put aside for recreation. The total 137 acres will be for town use with 117 acres under easement and the other 20 acres for an active permitted gravel pit and recreational field usage. The total purchase price to the land owner is \$600,000. Mr. McSweeney said that the voters are being asked to come up with \$200,000. The Mildred Hall Committee has pledged \$130,000 and the Conservation Commission has pledged \$50,000, and the remainder of the funds will come from grant sources outside of the

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Town of Weare. Mr. McSweeney said that he has verbal approval for about \$60,000 and will be applying in the next few months for additional funds. If the voters approve these funds it would help with leverage when submitting fund proposals. If the funds are not approved, nothing will be spent. Mr. McSweeney said that in addition to the \$600,000 there will be approximately \$20,000 in project costs being covered by the land owner, Forest Society, and the Russell Foundation.

Town Administrator Bolton will forward Mr. McSweeney's email to Town Counsel along with the article for review.

Mr. McSweeney will know by August if all the funding is in place. The Board needs to know by September, when setting the tax rate, if the \$200,000 needs to be appropriated.

Mr. McSweeney told the Board that from a visual and from the test pits there is over 8 years worth of material in the gravel pit. He said that the request of \$200,000 from the voters will be paid for in a matter of 2 years in gravel and sand from the parcel and the town will get recreational fields. The gravel pit permit is not transferrable and is Site Specific through DES. The current gravel pit permit is good through July 2015. The pit was approved to remove gravel and no amount was specified on the permit.

Vice Chairman Butt asked if the Finance Committee has sufficient information. Mr. Spring said that the information is helpful because the numbers were very confusing and they were not informed. Mr. McSweeney will try to attend the Finance Committee meeting.

Vice Chairman Butt said that they could include in the town mailer that this is the only viable location for recreational fields in town.

Article 17; CIP Police/Fire Vehicle – Chairman Clow told the Board that he explained this article at the Finance Committee meeting, but it did not get the Finance Committee's recommendation. The article was re-worded to make it more clear to the voters exactly what is happening.

Article 18; CIP Police Laptops – This article is recommended by the Finance Committee.

Article 16; Transfer Station Revenue Fund – Mr. Redmond is going to make a presentation to the Finance Committee. Vice Chairman Butt wonders if the Finance Committee will consider reconsidering the article if it is a Special Revenue Fund. The Finance Committee rejection was because they felt it could be expended on anything. Vice Chairman Butt is concerned with saving \$50,000 a year and stock piling it. Selectman Lacasse thinks that Mr. Redmond would still work off the plan he laid out. The Special Revenue Fund would mean that the money is reserved and goes into the fund for Transfer Station equipment, but it can't be spent without voter approval. The Board agreed that the article needs major re-wording to establish the Special Revenue Fund.

Article 19; CIP Police Filling System – This article is not recommended by the Finance Committee.

Article 20; Government Building and Maintenance – This article is recommended by the Finance Committee.

Article 21; CIP Cemetery – This article is recommended by the Finance Committee.

Article 22; Cemetery Cy Pres – This article is recommended by the Finance Committee.

Article 23; Hazardous Waste Day – This article is recommended by the Finance Committee.

Article 24; Fireworks – This article is recommended by the Finance Committee.

Article 25; Conservation Commission – This article is recommended by the Finance Committee.

Article 26; Conservation Commission – Chairman Clow told the Board that he spoke with Steve Najjar and the Conservation Commission does have a specific piece of property that they are negotiating. Chairman Clow thinks that the article does need a change to reflect that there is a specific piece of property. All expenditures from the Town Forest Fund need to be approved by the voters at Town Meeting. Town Administrator Bolton will contact Steve Najjar regarding what information can be included in the article.

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Article 31; Petition Cable – Vice Chairman Butt does not think that anyone on the committee today was on the committee previously. He feels that a lot of the equipment is not being used. He is an advocate for training the volunteers and taking an inventory of the equipment. The option of bringing someone in from another cable committee and have them train the volunteers was discussed. Vice Chairman Butt feels that the bulk of the work can be done by the Cable Committee volunteers and that the bulletin board is not a big issue. He does not think they are utilizing the equipment they have and feels that after a year they can have the volunteers decide if they need to hire someone. Vice Chairman Butt wants the Cable Committee to succeed and asked that if they do hire someone he wants them to be an IT person to help them with computer purchases. He feels that 20-40 hours would be a sufficient amount of time to train all the volunteers. Selectman Lacasse noted that all the training should be videotaped for future volunteers. Chairman Clow said that when the budget season is over they should look at having someone come in to train. This article is not recommended by the Finance Committee. A petition article can be amended at Deliberative Session. Vice Chairman Butt would be willing to be on the Committee.

Vice Chairman Butt moved, Selectman Lacasse seconded to recommend Article 31. Failed 5-0-0

The Board is supportive of the Cable Committee and doing something, but they are not supportive of this article.

Vice Chairman Butt noted that there was a signed contract for Tax Collector searches in the Manifest this week. The contractual agreement reflects a reduction of \$874. The amount can be changed at Deliberative Session. Vice Chairman Butt said that it was dated December 12, which provided more than sufficient time to notify people that the amount was changed. It was discussed that the cap on the contract is \$2,626.

The Finance Committee did not recommend the operating budget, because they are looking for a cut from a specific department. Chairman Clow said that his concern with the Finance Committee picking out a specific line and asking for it to be reduced is that it takes away the discretion of the Board. He would be more comfortable going to a department and telling them to cut \$10,000 and leaving it to the department heads discretion where the cut would be. Chairman Clow said that the MRI report is a long term report to work from; the Board has not made decisions on anything else in the report other than the canine program. Selectman Lacasse feels that the Finance Department identified a specific line because if they asked the department to reduce their budget by \$10,000 they would be asked from what line. Chairman Clow said that it is taking aim at one line and the Board spent money and time on looking at that line themselves and making a commitment that they would use the report and use it effectively to reduce the line and already took \$10,000 out of that line. They have an obligation to use the report over time to make those decisions.

Vice Chairman Butt said that there are other things they are considering as well that should reduce the overtime such as establish a standard for the department to hit. He said that if the Police Department overtime goes over they will look for it elsewhere in their budget or look to other departments. Chairman Clow said that regardless of which department head, regardless of history, if they are going to take xx number of dollars out of a department it should be left to the department head to decide which line in their budget to reduce. Chairman Clow said that the Police Department did have a good balance remaining at the end of the year. It was mentioned that there are offices that are vacant and not paying out salary. Chairman Clow feels that if they are going to do anything or compromise he would want it to be broader. Vice Chairman Butt mentioned that there are so many other departments that will benefit if the proposed budget gets approved. He does not think it is too early to act on the report, just does not know what the amount should be, but feels \$100,000 should be appropriate. Chairman Clow asked Vice Chairman Butt if he is offering that a \$10,000 reduction would get a Finance Committee recommendation. Mr. Whitlock told the Board that at least two Finance Committee members would change their vote if the Board consented to \$100,000 in the Police Department overtime line.

Chairman Clow noted that the motion would need to be made at Deliberative Session. He said that if the motion was made at the Deliberative Session he would not stand to oppose it, but he would not make the motion. Vice

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Chairman Butt said that the motion could be made to reduce the operating budget by \$10,874 and if the question gets asked why, they will have to answer it.

It was discussed that there is a policy in place regarding if a department head overspends a line in their budget, they need to discuss it with the Board. The policy is there, but has not been followed through by the department heads.

Vice Chairman Butt will make a motion at Deliberative Session to reduce the budget by \$10,874.

Vice Chairman Butt thinks that things are being put in place to lower the overtime line.

The Board was in consensus of \$100,000 in the police overtime line, but a formal vote was not taken.

MANIFESTS

Checks dated: January 17, 2013

Weekly Payroll \$38,527.99

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

Accounts Payable \$670,400.67 (John Stark \$500,000)

Gross Payrolls \$42,379.43 (Includes taxes, credit union, police detail)

TOTAL \$712,780.10

Also, to order the Treasurer to sign payroll checks dated January 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 January 7, 2013 as amended. Passed 5-0-0

Selectman Lacasse moved, Selectman Leary seconded to approve the minutes of January 14, 2013 as written. Passed 4-0-1; Chairman Clow abstained.

ADMINISTRATIVE REPORT

Chairman Clow signed Mallory Blevin's Oath of Office

Chairman Clow signed the easement.

The Selectmen need to appoint a representative to the Scenic Byway Committee.

A staff meeting was held on Wednesday, January 16th at 9:00. The meeting was short and brief and the need to get things done for the Town Report was discussed as well as the need for department heads to attend the Deliberative Session.

Town Administrator Bolton said that the monthly report was late and she did not receive one from Mr. Redmond and the Fire Department's was late.

The Selectmen will finalize the warrant articles next Monday night. Town Administrator Bolton told the Board that as soon as she gets the information from DRA and Laura Spector she will send it to the Board. She hopes that the Board can sign the Town Warrant next Monday.

The Cable Committee discussion will be put on a future agenda.

Town Administrator Bolton asked the Board if there is anything specific they would like to have stand-out in the Power Point presentation at Deliberative Session. Selectman Lacasse asked about having the Highway Garage plans included and information on the truck. Town Administrator Bolton said that she made a slide for each collective bargaining article. She mentioned that Chief Begin has some backup information to include in the presentation, which she assumes would be part of the operating budget. The Board does not discuss

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individual department operating budgets. Vice Chairman Butt said asked Ms. Connor to put together information for Article 11. Town Administrator Bolton will draft the presentation and send it to the Board.

Chairman Clow moved, Selectman Lacasse seconded to enter into non public session @ 10:02 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 Leary seconded to come out of non public session @ 10:20 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 Lacasse seconded to seal and restrict the minutes of the non-public session pursuant to the authority granted in RSA 91-A:3 III. Passed 5-0-0

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary