

FINAL



WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
October 3, 2011

**PRESENT:** TOM CLOW, CHAIRMAN; RICHARD W. BUTT, VICE CHAIRMAN; LEE MARCROFT, SELECTMAN; KEITH R. LACASSE, SELECTMAN

**RECORDING SECRETARY:** Cherry Palmisano

**GUESTS:** George Malette, Frank Campana, Ike Shepard, Jon Osborne, Donna Osborne, Christine Hague, Tim Redmond, Art Siciliano

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

**PUBLIC COMMENT** – Mr. George Malette asked Selectman Lacasse to send him a digital copy of the specifications for the Stone Building heating system. Naomi Bolton, Town Administrator, will forward the specifications to Mr. Malette.

Mr. Malette told the Board that a number of years ago the voters voted in a Code of Ethics, which should be available on the town website.

Mr. Malette asked the Board where they stand regarding the issue of signs on town property. Chairman Clow responded that there have not been any changes. Mr. Malette said that he understands that under the town's zoning ordinance permission needs to be given from the town to put signs on town property. Chairman Clow said that it is his personal opinion to let the current signs at the Town Office run their course. He said that the signs will be gone shortly and thinks it is a fair way to handle it. Chairman Clow told Mr. Malette that he understands that there should be equal time given for signs, but there has been a period of time before the issue came before the Board. They will handle it differently in the future and do not want to hurt the person who made the donation. Mr. Malette said that there are many businesses giving donations and giving their time and they all should all be treated fairly. Mr. Malette asked the Board to make a decision on the signs because there are regulations in the books that need to be upheld.

**Selectman Lacasse moved, Selectman Marcroft seconded to grant permission, for the remainder of the flower growing season, for the signs to remain at the front of the Town Office Building. Passed 4-0-0**

Mr. Malette told the Board that he brought the issue before them so that they can act fairly and in an equal manner. When the Selectmen promote a single business, then other businesses that donate gifts are not being treated fairly.

Vice Chairman Butt said that a request was never made; the signs in front of the Town Office Building showed up with the flowers when the donation was made and he did not realize that permission was not given. Vice Chairman Butt said that the Board still has not seen any written verification regarding signs. He commented on Mr. Malette wanting to put up a sign and suggested that Mr. Malette create a sign and show it to the Board so they can decide where to put it. Vice Chairman Butt does not think that every business will want to put up signs; some businesses donate out of generosity. He commented that the signs at the front of the Town Office Building were not intrusive. Mr. Malette said that his purpose for bringing this issue before the Board was so that whatever the town does, it should be equally fair to all businesses. Mr. Malette said that everything he has done for the town, he donated as a gift to the town with no expectation. He just wants things done fairly for all

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town businesses. Vice Chairman Butt said for Mr. Malette to create the sign and the Board will decide where to put it, although he is not even sure if the Board has the right to authorize a sign to be put on town property. Chairman Clow said that the only thing he has personal knowledge of was signs being placed at the gazebo area and that the Selectmen at that time made a ruling that there be no signs in the area of the gazebo. Chairman Clow does not want Mr. Malette's donations and dedication to the town to get lost in this banter and told Mr. Malette that his donations and the time he spends volunteering are appreciated.

Mr. Frank Campana told the Board that on August 20<sup>th</sup> on Channel 9 he saw a report regarding a rash of eighteen break-ins or attempts in the Town of Weare. The following Thursday there was another report of a break-in. He thinks the Police Department should make the residents in town aware of what is happening and asked Chief Begin to notify the public of the break-ins to promote community awareness. Mr. Campana thinks that this issue is important enough to notify residents in some manner. He asked the Board if they questioned the Police Chief on why the communication was not made. Chairman Clow stated that after being contacted by Mr. Campana he spoke with Chief Begin who thought something was put in the Union Leader.

### DEPARTMENT HEAD AND COMMITTEE ITEMS

**Library, Moose Grant Application** – Chris Hague reminded the Board that she came to them last year about the Library roof, but did not pursue it this year. She has a proposal from RFP Environmental for \$975 to take samples of the roof to test for asbestos and provide a report. RFP Environmental would take the samples but a contractor would be needed to take care of any holes or patching. Ms. Hague has a proposal from a contractor for \$550 to do the repair work. She also received a quote from Ron Meaden for \$192 to go in after the samples have been taken and make sure that everything was sealed tight. She would like to get approval for this portion of the project and then talk about scheduling the roof in 2012.

Selectman Lacasse commented on being required to test for asbestos. Ms. Hague said that the EPA told them they had to test. The issue came up last year while doing the windows and the floor. She said that they are required to do the testing and the burden of proof is on the town as owners of the building. Selectman Lacasse said that as far as he knows it is not illegal to cover over the asbestos, it is a choice, but he is not sure if they have to test. Ms. Hague will provide reference. The building is twenty years old, has never been re-roofed, and a lot of shingles were lost last year. The roofing was done on the Paige section in the early 1980s. Ms. Hague told the Board that a she was told by a roofer that there is not asbestos in the shingles, but there could be in the glue or the material under the flashing. A general contractor is not allowed to remove the asbestos. The newer part of the building only has one layer; it is unknown how many layers are on the Paige section. Vice Chairman Butt asked if there are any estimates to re-roof. Ms. Hague does have a two year old estimate, but it is not with her. Vice Chairman Butt asked Ms. Hague if she is anticipating using money from the Government Building and Maintenance Fund; he is concerned with having money available to do the job before paying for the testing.

**Vice Chairman Butt moved, Selectman Lacasse seconded to accept the bid from RFP Environmental Inc. for \$975 to test the Library roof for asbestos, with the money to come from the Government Building and Maintenance Fund. Passed 4-0-0**

**Vice Chairman Butt moved, Selectman Lacasse seconded to accept the proposal from Post and Beams Structures for \$192 to do any repair work as a result from the asbestos testing, with the money to come from the Government Building and Maintenance Fund. Passed 4-0-0**

Ms. Hague informed the Board that they have been granted a Conservation License Plate Grant in the amount of \$1,975 which will be used to replace the copper down spouts on the Library. The building belongs to the town and the Selectmen are agents to expend, so she assumes that the Selectmen the agents to accept the grant. One requirement specified in the paperwork is that she gives the grant coordinator a certificate of municipality, to verify who signs all the grant acceptances.

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If a grant or donation is under \$5,000, no public hearing is necessary.

**Vice Chairman Butt moved, Selectman Lacasse seconded to accept the Conservation License Plate Grant in the amount of \$1,975 for the Library down spots. Passed 4-0-0**

**DPW, Transfer Station Fees Update** – Tim Redmond, Public Works Director, provided the Board with the requested follow up information regarding comparative rates from other Transfer Stations in our immediate area. He checked with Dunbarton, New Boston, Goffstown, and Henniker to get comparative rates and Weare is considerably lower than all of these towns. Mr. Redmond would like to move forward with the reconsideration of adjusting the fees at the Transfer Station. He told the Board that they lost another \$475 on a trailer that recently left the facility. New Boston and Goffstown have scales. Goffstown takes contaminants somewhere else, they do not go through the NRRA. The fees in town have not been revisited since 2008. NRRA increased the cost to the town by \$6.00 a cubic yard in May. He is not trying to generate revenue, but is trying to offset the costs and reduce the town's losses. Mr. Redmond believes that the estimates are not far off. The residents are being charged \$18.00 a cubic yard, but the town is losing on every load. Chairman Clow suggests that they post the proposed fees and hold a public hearing. Mr. Redmond requested through the CIP process for a two year commitment to purchase scales for the Transfer Station for 2012. It would cost approximately \$60,000 to purchase the scales if they do the site work themselves. With the utilization of scale they could end up needing more people down the road. Scales do make it equal and fair for everyone disposing. Selectman Marcroft said that it does not make sense to him to spend \$60,000 on the scales. Mr. Redmond said that the loss is becoming a trend. He feels it would be fair and equitable to the residents to increase rates so that they break even and not use other tax money to subsidize.

**Chairman Clow moved, Selectman Lacasse seconded to schedule a public hearing for October 17, 2011 for the change of fees for the Transfer Station. Passed 4-0-0**

Mr. Redmond asked for permission to attempt to establish a Volunteer Recycling Committee at the Transfer Station. He would like to advertise to see if there is interest from residents in town to form a Volunteer Recycling Committee. The volunteers would assist at the Transfer Station with man power needs as well as promote recycling town wide. Mr. Redmond said that to increase recycling they need to get the public behind them. Chairman Clow asked Mr. Redmond to provide specific information to Naomi Bolton, Town Administrator, to run by the town's insurance company. Selectman Lacasse said that making it easier at the Transfer Station to recycle will help promote recycling. Mr. Redmond said that he would like to see recycling numbers increase and getting people involved may be the solution.

Mr. Redmond informed the Board that a resident fell in the hopper on Saturday, September 17<sup>th</sup> and after being informed of this incident he asked the DPW Mechanic to install basic safety measures to attempt to prevent another incident. Mr. Redmond said that it was his decision to do something, instead of doing nothing, if the Board does not agree he will take the safety measure down. He feels that if he did nothing, he would be liable if something was to happen in the future.

**Colby Road Discussion** – Art Siciliano said that the last time he was here to discuss Roger Hardy LLC and Colby Road Dump they agreed to locate the dump and fill out the landfill registration form. Mr. Siciliano told the Board that Roger Hardy does not want to fill out the form and send it into the state. There are two lots owned by the LLC. They do have an idea of where the dump is and test pits where done. They determined that the dump was not located on Lot 170.2 and was only on Lot 170. Mr. Siciliano said that they went to the ZBA with a plan, but the ZBA was not comfortable that the dump site has not been determined. Mr. Siciliano said in order to move forward they need to find out where the dump is. Roger Hardy LLC does not want to fill out the form and send it to the state, so if the town is willing to accept a non-buildable lot they could deed it to the town and the town could fill out the form and submit it to the state. It would require a lot line adjustment to annex 17.2 acres to Lot 170.2. The 2.9 acres would be separated out and everything else would become one lot. Vice Chairman Butt asked where they go to determine where the dump is. Mr. Siciliano said that they will propose to

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do test pits to the outer limits. The test pits will be done by a soil engineer. They will move forward to locate the dump and then come back before the Board to accept the proposal. The ZBA has requested to know where the dump is located, and where the building is going before giving approval.

The value of the parcel will be more than \$5,000 so a public hearing will have to be held.

**MANIFESTS**

**Chairman Clow moved, Selectman Marcroft seconded, to authorize the Board of Selectmen to sign Manifest and order the Treasurer to sign checks dated October 6, 2011. Passed 3-1-0; Selectman Lacasse was opposed.**

Accounts payable	\$360,729.06	(John Stark \$250,000)
Gross Payrolls	<u>\$55,630.54</u>	(Includes Taxes, Credit Union, Police Detail, Ins buyouts)
Total	\$416,359.60	

**MEETING MINUTES**

**Chairman Clow moved, Selectman Marcroft seconded to approve the minutes of September 19, 2011 as amended. Passed 3-0-1; Selectman Lacasse abstained.**

**Chairman Clow moved, Selectman Marcroft seconded to approve the minutes of September 26, 2011 as amended. Passed 4-0-0**

**ADMINISTRATIVE REPORT**

Naomi Bolton, Town Administrator, informed the Board that she sent the MS1 to them today to review. She spoke with Lauren Martin and was informed that there will be a decrease of \$800,000 in Granite State's assessed value.

It was discussed that the two things that might create changes to the town's assessed value will be the tax on poles and the fact that there is still a days worth of appointments for those that did not make their initial appointments with Avitar. Naomi Bolton, Town Administrator, told the Board that Lauren Martin asked if the Board will sign the MS1 as printed, knowing that there will be an amended MS1.

Vice Chairman Butt said that if those poles belong to PSNH rather than Granite State, it should not alter the bottom line. Naomi Bolton, Town Administrator, told the Board that she was led to believe that there would be an \$800,000 decrease. It was discussed that taxing poles went through the Legislation. Selectman Lacasse said that this is assuming that they are going to tax the telephone poles. Vice Chairman Butt said it is Avitar's responsibility; the Board did not tell them to tax the poles. Chairman Clow mentioned that when they had a presentation from the Department of Revenue, they pretty much took the option away from the Board on taxing campgrounds and their point was, if it was there the town should tax it.

The town's valuation is \$799,999,847.00, which already includes all the poles that were assessed. If they take out the value of those poles that don't belong to Granite State it will decrease the value by \$800,000. Telecommunications have been exempt since 1998, but were repealed in 2010 and are now taxable.

Lauren Martin wants the Board to sign the MS1 knowing that there will be an amended form. She will have the amended MSI before setting the tax rate.

Vice Chairman Butt said that they will be losing \$13,000 and DRA recommends that they put \$50,000 in the overlay, so when they set the tax rate they may need to amend the overlay.

The Board signed the MS1.

Naomi Bolton, Town Administrator, distributed copies of the lawn care contract which includes changes from the departments. It was discussed that a change was made by a department stating that if the grass reaches fives inches a penalty could be assessed. She would like the Board to review the contract and bring any changes forth to the Manifest meeting next Monday to discuss. Chairman Clow said that breaking the contract down into three separate contracts is a good idea. Naomi Bolton, Town Administrator, will put together a RFP.

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Naomi Bolton, Town Administrator, told the Board that she will open the bids for the Stone Building and present them to the Board on October 17<sup>th</sup>.

The lease for Sugar and Spice has been typed up for another three years.

A meeting was held with Avitar, the Assessing Department, the Tax Collector and Cold Springs Campground. At the meeting the method of taxation, issues the Town has been having with campers moving out with taxes being outstanding, and ways of improving communication lines were discussed. Overall the meeting went well. The owners of the campground were able to give the Town some information on some of the outstanding taxes or taxpayers. A list of all of the outstanding taxes was to be generated so the Town can then decide what to do with them.

Vice Chairman Butt would like to know how much of the outstanding \$78,000 is under a payment arrangement. From 2006 there is \$21,000 outstanding and he would like to know how much of that amount due to the town is being collected through a payment plan and how much of that money have they not heard from. He would also like to know what is being done to collect the money. Vice Chairman Butt said that there is \$1,259,214.04 due to the town in back taxes and fees and he would like to know how of that is under a payment plan.

The fund balance includes money owed to the town in back taxes, so the Board needs to be careful when setting the tax rate that they actually have the funds. Chairman Clow said that when they set the tax rate, they are looking at the undesignated fund balance according to the audit through December 2010.

Naomi Bolton, Town Administrator, informed the Board that the deadline to hold a public hearing on the budget is January 17, 2012 and January 10, 2012 is the last day to give notice of public hearing and the last day for collective bargaining. She will be meeting with all departments from October 14<sup>th</sup>-21<sup>st</sup> and will provide the Board the third quarter 2011 report on October 17<sup>th</sup>. She will have a fairly good idea on what all departments are requesting by October 17<sup>th</sup>. After providing the information to the Board, she will request that the three largest departments come before the Board. Chairman Clow asked for the Fire Department to come before the Board on October 17<sup>th</sup>. It was discussed that if the Board only meets to discuss the budget on the first and third Mondays of the month it will push things way out. Other departments will be put on the agenda for budget discussions on Manifest nights.

The CIP Subcommittee will meet on October 11<sup>th</sup>. Naomi Bolton, Town Administrator, will provide a summary of all CIP requests to the Board for their next meeting. Vice Chairman Butt would like to know what the requests are before they go to the CIP Subcommittee.

Chairman Clow said that there was a problem in getting one member of the Planning Board to take responsibility to be on the CIP Subcommittee.

Naomi Bolton, Town Administrator, informed the Board that she received notice that Bob Silva will be retiring as Highway Truck Driver. Mr. Silva's last day will be October 31<sup>st</sup>.

### OTHER BUSINESS

Selectman Lacasse commented on the Transfer Station unloading issue and does not think that they should prevent people from backing in and unloading their trash from the back of their truck.

Chairman Clow said that they should have a rule regarding the compact mechanism running when people are throwing things into the hopper.

The Board decided that Primex should visit the Transfer Station to review the issue and Primex should be consulted regarding volunteers at the Transfer Station.

**Chairman Clow moved, Selectman Marcroft seconded to enter into non public session @ 9:30 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 Marcroft – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 4-0-0**

The Board discussed positions for the Public Works Department.

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**Chairman Clow moved, Selectman Lacasse seconded to come out of non public session @ 10:08 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Marcroft – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 4-0-0**

**Chairman Clow moved, Selectman Marcroft seconded to adjourn at 10:09 p.m. Passed 4-0-0**

A True Record.

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Cherry Palmisano, Recording Secretary