

FINAL



WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
February 6, 2023

**PRESENT:** FREDERICK W. HIPPLER, CHAIRMAN; JONATHAN H. OSBORNE, VICE CHAIRMAN; KEVIN J. CAHILL, SELECTMAN; JOHN VAN LOENDERSLOOT, SELECTMAN (VIA CELL PHONE).

**ABSENT:** SELECTMAN SHERRY BURDICK

**TOWN ADMINISTRATOR:** Naomi L. Bolton

**GUESTS:** Salim Blume; Frank Campana; Tom Flaherty; Jason Fiske, Interim DPW Director; Police Chief Chris Moore; David & Jackie Pratte.

Chairman Hippler called the meeting to order at 6:30 PM and lead those present in the pledge of allegiance.

**PUBLIC COMMENT:** None

**DEPARTMENT HEAD/COMMITTEE ITEMS:**

Transfer Station Compactor: Interim DPW Director Jason Fiske stated that he has Recycling Mechanical out of Allenstown coming out on Wednesday to look at the trash compactor to provide another price for repairs and/or replacement. He is going to get them to look at the balers at the same time. If he has to get Atlantic Recycling back to look at the balers, he will. Interim Fiske stated that these two companies are pretty much the only two companies left in the state for trash compactors.

Snow Broom Removal for Trailers: Interim DPW Director Fiske stated that he did look into the blower as was mentioned last week. The blower is going to be double the price at least compared to the broom. They could put it on the loader. The broom has replaceable brushes. The broom satisfies the need and the risk factor. **Vice Chairman Osborne moved to let the DPW purchase a broom and additional mounting adapter for up to \$3,600, with money to come from the Transfer Station Equipment Capital Reserve Fund to clean off the top of the trailers, Selectman Cahill seconded the motion. Passed 4-0-0**

River Road Bridge Repairs: Interim DPW Director Fiske let the Board know that he has secured the lift to do the work to repair the River Road Bridge

Roadside Mower: Interim DPW Director Fiske stated that springs coming up fast and he would like the Board to make a decision on what option the Town should do. He has an idea of what is going to happen but we will have to get ourselves on somebody's schedule or get it lined up. Selectman Cahill asked if the Board could have until the first week of March to bring it back to the agenda to make a decision.

Radio Infrastructure Update: Police Chief Moore provided an overview that included a timeline of the radio project and four coverage maps. In 2022 four (4) tower sites were identified which would provide radio coverage for emergency services; Mine Hill (Crown Castle), Norris Road (Pyramid Network Services), Tobey Hill (Pyramid Network Services), and Concord Stage (American Tower). December 2, 2022 confirmed zero reoccurring fees on Pyramid Network Service Towers (Norris Road/Tobey Hill). December 7, 2022 American Tower (Concord Stage) reviewing town zoning ordinance to determine if ordinance provides town with collocation rights. January 18, 2023 American Tower (Concord Road) disputes town's position for collocation rights. A lease agreement proposition of \$1,900 per month (\$22,800 annual) for a 14-year lease. We have requested further clarification from American Tower legal. January 31, 2023 American Tower (Concord Stage) response was that they could lower the lease to \$950 per month (\$11,400 annually). No collocation rights. Response was as follows:

- Ground Lease: The ground lease indicates that Emergency 911 equipment can be placed on the tower "without the payment of additional rent". They take this to mean without payment of additional ground rent not without payment of tenant rent (generator, equipment shed).
- Zoning: The town references this section of the ordinance; however, the tower approval (2002) predates its addition to the ordinance (2008).

January 31, 2023 the Interim DPW Director projects being able to perform tower sites groundwork toward the end of March/beginning of April and confirmed they do have the capabilities to complete this work. Current work: Work to raise Mine Hill (Crown Castle) tower, scheduled for completion mid-February. Once completed, line of sight testing will be performed by 2-Way Communications to verify the project communication feasibility. New emergency services equipment is being proposed to be placed on the raised tower. We do have to apply for tower space since we are putting new equipment on the tower. Fees associated in this application process were projected by 2-Way and were included in the initial quote. Crown Castle was not charging us reoccurring fees for space on their previous tower. With the application process, they do have the opportunity to change that. Confirmation cannot be obtained until we are at the stage of the process, but indications are being given that we will not be charged since we will be at the same height on the new tower.

Chairman Hippler stated that the Town owns the land but felt that some type of survey or evaluation might have to be done. The Town has the ability to flex the setback rules a little bit. He wants some security that we have, land wise, enough to mount what we have and do what we need to do. Chief Moore stated that he can get a copy of the tax map and get it over to 2-Way for them to review. Chairman Hippler's second question, is it feasible for 2-Way to put the equipment inside the station in a cabinet inside. Would that save us any money, versus pouring a pad outside, running power to it and keep it climate controlled. There is already heat in the station and in the summer, it is a brick building it stays very comfortable. The truck does not roll that often so we are not constantly keeping the door open. The last recollection was that outside cabinet was about \$25,000 and putting it inside might be a savings. 2-Way got back to Chief Moore and stated that it could go inside and yes it would be cheaper. Chairman Hippler asked for the footprint of the tower. It will be a 15' x 15' underground concrete pad. It is an unguided freestanding tower. Selectman Cahill asked if there maybe any push back from the neighbors for the visual aspect. Selectman Van agreed and felt that we should be good neighbors and talk to them, let them know what we are looking at, kind of some community outreach. The tower is to be 130' tall and will be 5'-6' off the building. Selectman Van asked if there is an option to make the tower not so "ugly" and make it look like a tree and what is that cost. The Board felt that the legal option of pursuing this further is not an option, so we can move forward and ignore the Concord Stage Road collocation. Litigation could put this project off for another year. Chief Moore will come back to the next meeting with a further update.

Merit and COLA Discussion from 1/24 Board Meeting: Chief Moore stated that he has a response on what has been said about the whole merit increase stuff. He stated that when he was hired and there seems to be a lot of confusion as to whether he is under a contract or agreement. He was hired under an agreement and he indicated that after he was hired that kind of expired and at that time there was a town philosophy to treat all employees fairly and all non-union employees are placed in a pool for annual COLA raises. It is

only a raise if it exceeds COLA. It is not really a raise if you are only keeping up with inflation. The January 24 meeting, it has been brought to the Board's attention multiple years and that the percentage increases looks different to those at the bottom of the tiers from those at the top. In 2019, Article 6 there was an hourly wage increase of the DPW workers by \$1 per hour, which passed overwhelmingly. In 2019, Article to increase the standby pay for fire department personnel, which passed by almost a two to one ratio. In 2021, Article 12; increase the wages of Chase Park employees, again almost a two to one passage. No warrant article was initiated this year even though there was a consistent history of getting support from the voters for this type of issue. Now, how the Board of Selectmen propose to address the problem, there certain positions that have reached the top pay, which he agrees with if there's a pay scale, obviously you only get so many raises. Chief Moore wanted to point out that he is below the cost of living increases since he has been here, so the claim is he has actually lost money since he got here in the last 4 years. Chairman Hippler indicated that the move toward merit-based pay adjustments, however the intent was to provide a funding pool to bring up the lower paid employees to make it worthwhile to work in Weare. We were going to use the NH Municipal Association wage study as a reference. At the deliberative session of February 4, the Finance Committee indicated that they are in favor of moving away from across the board pay raise. The Board of Selectmen also want to move to a merit-based wage approach. Therefore, what is being proposed as a merit system is a new system to penalize, penalize upper management employees to provide wage adjustments for newer employees. As a new employee the methodology that the Board is talking about is very confusing for the following reasons: 1) the potential pay adjustment this year is a 5%, which inflation has far exceeded, so this would be a cost of living not even keeping up with inflation; and 2) the Board of Selectmen just provided, a month prior, a 20% raise to an employee which had the valuation of \$20,000. Since Chairman Hippler acknowledged conversations regarding the impact of percentage raises have been going on for years, why was this not a consideration in that raise? Why would it be consideration, which targets other upper management employees? If a comparison of 14 towns were used to establish a baseline for this raise, why can those 14 towns not be used for the remainder of the employees. If the Board were speaking of implementing evaluations and correlating merit increases, which have been developed with the assistance of HR to eliminate bias, he would fully support that. After all, Chief Moore read about his predecessors and knows where he currently stands, however it appears the merit increases, which are being proposed, are biased and there is an implication there. How is the Department of Labor going to interpret that? Since your upper management tend to be older, it is age discrimination. As mentioned with the positions plateauing, he did a quick social security COLA and since he's been here, that is a 17.5% and he is currently at 9% and if the 5% passes he will be at 14%, so he's lost 3.5% of his earning income since he started here. Chief Moore continued and pointed out that if you implement that kind of pay system, you have compression issues, which they have resolved with the police department since he has been here. They do an informal pay study that the chief of Greenland puts together. It is voluntary and communities respond if they want. The Police Chief in Goffstown in 2021 (now Chief Moore stated that at that time he had 25 years of experience) that Chief with 15 years' experience was making \$110,000 while Chief Moore was at \$98,000; Hooksett a Chief with 15 years' experience - \$115,000; the Captain in Goffstown was making the same as Chief Moore at that time. Chief Moore stated that not that he is looking for a substantial increase or a contract, he is just pointing out that there are many issues when you go down the merit pay system. Chief Moore stated that he is not opposed to merit pay, but when you are talking about deliberating withholding one employee's pay for the benefit of other employees, that eliminates part of the Town philosophy, which brought him to this town of treating all employees fairly.

Chairman Hippler stated that he thinks that was some misinterpretation of what his thought process was. Chief Moore pointed out that he was going off quotes. Chairman Hippler replied, that is fine but he thinks it is misinterpretation. Selectman Cahill added that people are getting way ahead of where we are with this and they are taking just a piece or a word of a statement and running with it, in a direction that is not the Board's intent at all. The Board has created an evaluation system and are actually going to perform an evaluation with the Chief next Monday the 13<sup>th</sup>, which is the first evaluation he has had since he has been here. Chief Moore stated that he did have an oral one. Selectman Cahill stated this would be a formal

evaluation; it will be documented and will be part of a process they are going to proceed with in the future. As they are all steps for the Board to put a system in that is consistent and treats everyone fairly, we currently do not have that system, so everyone has to take a deep breath and step back. We are going to have a conversation with Chief Moore on the 13<sup>th</sup> and the Board can discuss the personal position at that time in detail. Selectman Cahill pointed out that the Chief is not lumped into this statement of merit based which everybody seems to want to run with. Chief Moore replied that he is okay with merit-based as long as the procedure that probably needs to be reviewed by an HR specialist to make sure there is no bias. Chairman Hippler added that this is in the very, very infancy and he may have said a couple of things that he did not mean. Nothing is in stone yet and we are about a year away from all of this to be quite honest. The Board feels that a straight across the board increase is something that needs to be fine-tuned and will take time.

Tree Removal abutting 80 East Shore Drive: Town Administrator Bolton stated that 80 East Shore Drive keeps calling about two pine trees on the 10' Town owned right of way that supposedly need to be removed per the phone message. The owners of 80 East Shore Drive will be having a tree company thee to remove trees and asked if the Town would pay \$3,000 to have these two pine trees in question removed. East Shore Drive is a Class VI road. Chairman Hippler stated that his thoughts are that we do not maintain a class VI road, end of discussion. The point is that if these two trees are in danger of damaging others property. Once we have been made aware of it, we potentially could be liable. Interim DPW Director Jason Fiske stated that the homeowner already has a crane coming in to remove trees on their property so they can renovate. It will require a crane to remove them, as they are 3-4' diameter and over 150' tall. A determination needs to be made from the Town as if they are unsafe and are a danger or are they healthy trees that abutters would like to see removed. Selectman Cahill and Interim DPW Director Fiske will go down to the site, look at the tree, take a few pictures and try to get more information. The Board will felt that if there is no risk and they are healthy trees then the removal would be at the abutters cost, but until the assessment of the trees are done, no decision will be made tonight. This can be taken up next Monday night after evaluations.

**REVIEW AND APPROVE 2023 TOWN BALLOT:** Town Administrator Bolton emailed the Board the 2023 earlier today after Town Clerk and Town Administrator reviewed it. The list of candidates have been added to the first page and the rest of the ballot was copied from Saturday's warrant. Everything remains the same except for Article 20 regarding the amendment to the Board of Firewards article. The tax impacts were and the "yes" and "no" are added. We both have reviewed it and it appears ready to go to print. Selectman Cahill stated that we got it in an email earlier today and it appears fine. The Board consensus was that it was fine to send to printer.

**706 RESERVOIR DRIVE DISCUSSION:** Selectman Cahill stated that the Building Inspector came by his home with paperwork regarding 706 Reservoir Drive. He has copied the information and felt the Board as a whole needs to review it. Chairman Hippler stated that he would like to have the Building Inspector to a meeting to discuss this.

**MANIFEST:**

Chairman Hippler moved, Vice Chairman Osborne seconded **to order the Treasurer to sign the payroll and accounts payables checks dated February 9, 2023 as included in the following manifests:**

<b>Payroll Manifest</b>	\$	<b>67,795.35</b> ( <i>Weekly payroll</i> )
<b>Accounts Payable Manifest</b>	\$	<b>160,523.29</b>
<b>John Stark Accounts Payable Manifest</b>	\$	<b>250,000.00</b>
<b>Weare School Accounts Payable Manifest</b>	\$	<b>400,000.00</b>
<b>TOTAL:</b>	\$	<b>878,318.64</b>

**As there is no Selectmen meetings scheduled for Monday, February 13<sup>th</sup> and February 20<sup>th</sup>, 2023**

Please vote:

**To order the Treasurer to sign payrolls checks dated February 16 and February 23, 2023 estimated to be about \$160,000.00. Furthermore, to order the Treasurer to sign up to the amount of \$180,000.00 for accounts payables that cannot wait until the next scheduled meeting. Reports and actual check amounts will be reported to the Board of Selectmen by inclusion on the Manifest Memo at the next scheduled meeting. Vote: 4-0-0**

**Administrator's Report:**

**General Items:**

1. Joint Loss Management Committee – On hold until the DPW & Fire Chief positions are filled
2. Radio Communication – work in progress – Chief Moore has sent a memo and will be updating the Board tonight
3. Asbestos Testing on 487 North Stark Highway (Barden) & Buzzell Hill Road property – Buzzell Hill roof shingles – positive for asbestos; Barden property – several materials within the structure tested positive for asbestos (window glazing, interior & exterior caulking, some cementitious paneling around the chimney/fireplace) - next step possibly in spring of 2023?
4. Driveway Bond Policy – work in progress (original deadline was 1/31/22)
5. River Road Bridge – Update given to Board by Jason predicted to have a March start date for start of repairs. Lining up lift and ordering supplies were to be done in between winter activities
6. Rental/Hospitality Ordinance – tabled for now, will be reevaluated and resubmitted in the future
7. Cemeteries – work to be done on updating the rules and regulations; plus discussing surveying/laying our cemeteries
8. Restructure discussion for DPW vacancies – work session date needs to be picked
9. Additional GOFFER Grant Funds for possible Boat Ramp repairs – Application due 6/1/23 – these funds are first come first serve basis – up to \$100K with 25% municipal match - \$25K (email from Rep. Erf – 1/14/23)
10. Additional ARPA Funds – County is making \$6-8.5M available to support community needs, consistent with its adopted Recovery Plan. The RFP guidelines, sample RFP form and link posted on the County's website. Proposal are due March 2, 2023 by midnight (email from Rep. Erf – 1/31)
11. Solid Waste Ordinance – In 1992 (almost 31 years ago) the Town of Weare approved a Solid Waste Ordinance. The Board should review this closely and some suggested changes could be:
  - Inspection will be done by Foreman or designee before any dumping
  - Come up with a percentage (like 30%-40%) of each load needs to be recycling (EPA indicates that 70% should be recycled – probably a bit too high)
  - Once inspected the recyclables will be disposed of properly in the recyclables
  - Haulers have been waiting to see what the BOS is doing. A public hearing or work session?

***BOS would like to have a work session on Monday, February 13.***

13. BOS Meetings – NO meeting 2/20 – President's Day – Town Offices Closed

**Building & Maintenance Projects:**

1. Town Hall List of Projects – open – Casey Rodd from Rodd Roofing Company, St. Johnsbury, VT – have not had a chance to reach out yet for the Stone Building and Town Hall
2. Town Hall Bathroom Renovations – Site walk 2/2 @ 9:30 AM had 3 people attend; bids due 2/16 @ close of day – possible BOS meeting 2/17 (Friday) to award??
3. Library Chimney – 1/30 meeting award was made – contract language to be put together next
4. Riverdale Road/River Road – town has final plan, will work on moving forward to planning board and zoning board
5. Solar Project – sent email to original contact to check in and see if they would like to set up a meeting with the BOS for status update for the community

**CORRESPONDENCE/OTHER BUSINESS:**

Boiler Repairs at Town Office: Selectman Cahill stated that the Town Office boiler repair is going to take place sometime after this heating season. He will coordinate that with the contractor.

MOU for Police Union: Town Administrator Bolton explained that she forwarded the MOU with both black and red print to Attorney Broth for his input.

**Being there was no further business to come before the Board, Vice Chairman Osborne made a motion, Chairman Hippler seconded to adjourn at 8:21 pm. Passed 3-0-0**

**ADJOURNMENT**

A True Record.

*Naomi L. Bolton*

Naomi L. Bolton, Town Administrator