



WEARE BOARD OF SELECTMEN
MEETING MINUTES
AUGUST 14, 2023

PRESENT: KEVIN J. CAHILL, SELECTMAN; FREDERICK W. HIPPLER, CHAIRMAN; SALIM BLUME, SELECTMAN; SHERRY M. BURDICK, SELECTMAN.

ABSENT: BENJAMIN D. KNAPP, VICE CHAIRMAN

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Jason Fiske- Interim DPW Director, Frank Campana, Tom Clow, Mike Camacho- Conservation Commission, Ray Lemay- Conservation Commission, Marc Phillips- Conservation Commission, Andy Fulton- Conservation Commission, Jeremy Turner- Forester

Chairman Hippler called the meeting to order at 6:34 PM.

Joint Conservation Commission Meeting: Chairman Andy Fulton of the Conservation Commission opened the Conservation Commission meeting at 6:35 pm. Chairman Fulton asked if the Selectmen could review the Town Forester Contract first. Chairman Hippler said he did not get the chance to review it and would like to table it to a date certain. Chairman Fulton asked Forester Jeremy Turner to speak about the timber bid. Mr. Turner recommended rebidding the project after gathering information from the Conservation Commission meeting. The reasoning for rebidding would be the integrity for clarity. Chair Hippler asked about the turnaround time because of the workload and the seed dropping for the comb crop. Mr. Turner said the turnaround can be swift given the time of year. Selectman Cahill said he is concerned that the bidders' hands were played and it could be troublesome because the numbers were already presented and if this was an ethical practice. Chairman Fulton said Mr. Turner spoke with the bidders and they are willing to rebid. Chair Hippler asked about the new RFP and if there was a monetary difference. Mr. Turner said he anticipates it to be clearer. Selectman Blume said going into the meeting this evening his gut was saying leave it alone. Selectman Blume said they have now acknowledged the mistake and can learn from it and he does not know that was a fair way out of the situation. Selectman Blume said that now hearing that the previous bidders are okay with a rebid it does change his mind and would find a rebid acceptable. Chairman Hippler said there is a learning point and a risk of a financial hit. Selectman Blume said if they do lose money, it is a mistake they will not make again. Selectman Burdick agreed with Selectman Blume. Selectman Cahill said one other thing would be the informal awarding through email which was not contractual and it takes that element off the table if they are going to rebid. Selectman Blume asked what Hardwick's response was. Mr. Turner said Hardwick said they would rebid and were okay with the rebidding process. Selectman Burdick said with the rebidding process, is that all the bids should be opened at the Town office with the Conservation Commission. Chairman Fulton said what the Commission proposed is to have the opening at the September 13th meeting at 7 pm and the bids will be due the same day by 2 pm. Chairman Hippler asked who had the responsibility to award the bid. Selectman Cahill read RSA 36:A which reads subject to the approval of the local governing body. Selectman Cahill said it does state that such gifts are to be managed and controlled by the commission for this section. Selectman Blume

47 said he interpreted it as the Board of Selectman must accept the bid and then the Conservation Commission
48 would be responsible for managing it. Selectman Cahill said basically what is opened for bids that night
49 would then need to come before the Selectmen before the bid can be awarded. It is a gray area because it
50 is up for interpretation to some degree. Chairman Fulton asked that a clarification of the RSA be made by
51 Town Counsel. Town Administrator Bolton said that Town Counsel is on vacation until September 5th. TA
52 Bolton said that Selectman Blume's interpretation is correct. Chairman Fulton asked if the approval of the
53 Town Forester contract would cover the approval. TA Bolton said it depends on the contract. Chairman
54 Fulton said that is why he would like to get the Town Counsels' opinion. TA Bolton said they will have to
55 wait until September 5th when they return. Chairman Hippler said he reads it as the Conservation
56 Commission is the acting authority and would agree with having Town Counsel look and give their opinion
57 on the RSA. Selectman Burdick asked if Mr. Turner could have the spec sheet to the Selectmen by next
58 Monday. Mr. Turner said yes. DPW Director Fiske said they open bids at the Town Hall with contractors
59 and would suggest that maybe the Town Forester opens the bids with the Conservation Commission at
60 their next meeting and then a representative from the Commission presents it to the Board of Selectmen.
61 Selectman Blume said he has a concern with the timeline brought up. The Commission will be asking for
62 bids to be resubmitted by September 13th and want the work to start in September. Selectman Blume would
63 suggest having a short bid as feasible and having another joint meeting to allow the people the opportunity
64 if they did not win the bid to find other work in a reasonable time frame. Chairman Fulton said they want
65 to move on the bid as soon as possible. He said the Conservation Commission and the Board of Selectman
66 will get the bid specs from Mr. Turner to review this week and the Commission and Board will meet at
67 another joint meeting.

68
69 **Commissioner Marc Phillips motioned to rebid the Felch Field Timber Sale no later than August**
70 **23rd. Seconded by Commissioner Mike Camacho. The vote passes 5-0-0.**
71

72 Chairman Fulton said the Conservation Commission is called a commission because they receive their
73 marching orders from the state RSA and that is expressed by the Town Adopting a Conservation
74 Commission per the RSA. The distinction is valuable and they are not a department, committee, or formed
75 by another body in town. About what DPW Director Fiske shared there is probably a place to maneuver
76 differently. The RSA is how they proceed on things involving the commission. Selectman Cahill said he
77 understands and the Board of Selectmen are not interested in treading on the turf of the commission, it is
78 just their job to make sure people working for the Town are working under a contract. Selectman Cahill
79 asked Mr. Turner about the million-dollar liability and if the loggers and any of the companies themselves
80 subcontract any of the work. Would the general liability cover subcontract work? Mr. Turner said no and
81 if any subcontracted work is presented, they will need to supply additional insurance. Selectman Cahill
82 asked if it was clear in the contract. Mr. Turner said yes.

83
84 **Commissioner Phillips motioned to adjourn the Conservation Commission meeting at 7:19 pm.**
85 **Seconded by Commissioner Camacho. The vote passes 5-0-0.**
86

87 **Award Paving Bids:** DPW Director Fiske made a recommendation to award R & D Paving to begin the
88 paving projects in town. DPW Director Fiske said the top priorities this year would be to reclaim and pave
89 Bartlett Drive, and put top coats on High Rock Road and River Road. If there was money left over to spend,
90 he would then focus on reclaiming and paving Abbie Drive, Balch Hill, and Lorden Lane. Chair Hippler
91 asked DPW Director Fiske if reclaiming meant ripping up all the pavement and bed. DPW Director Fiske
92 said yes. Chairman Hippler asked how much effort is the DPW going to be contributing. DPW Director
93 Fiske said they will be involved in traffic control to be more effective cost-wise. Chairman Hippler asked
94 where the River Road top coat was going to be to and from. DPW Director Fiske said it was going to be
95 from Clough Park to Barnard Hill. Selectman Burdick asked if after the paving is completed will they be
96 side-dressing the road. DPW Director Fiske said yes. Chairman Hippler said there have been points
97 brought up about raising the road is that still the intention or with the reclaim process will it be the same
98 grade? DPW Director Fiske said there are two inches of base and an inch of top coat but will be a gradual

transition. Selectman Blume asked what the time frame was. DPW Director Fiske said October 1st was the bid date unless approved otherwise by DPW Director.

Selectman Cahill motioned to accept the 2023 paving bids and award the bid to R&D Paving Inc. as presented on August 14, 2023, by DPW Director Fiske estimate number 1427, and the funds to come from Road Maintenance and Reconstruction Capital Reserve Fund in the amount of \$452,217. Seconded by Selectman Burdick. The vote passes 4-0-0.

Thorndike Road Discussion: DPW Director Fiske said they got a 40-foot stick of 10-inch water plastic water pipe and then put a cone on the end of it and wired it together DPW Director Fiske said they sild that into the damaged pipe. They were able to raise the water a little bit and put header blocks and a beaver grate DPW Director Fiske spoke with the resident and his wife by email and phone. He thought they had a great conversation and she just wanted to be informed. They put some rip rap on the slope with gravel with some loam and grass seed. Chairman Hippler said with the unprecedented amount of rain that it will be high anyways. He did see some dead vegetation around the outsides but he thinks that is apart from the course with the rain they had. Selectman Blume said it seems it is at the proper level. DPW Director Fiske said they did not put a new pipe in they just fixed and repaired the existing pipe. He said the biggest complaint was that there was stuff left on the side of the road meaning sticks and mud but they went back and cleaned it up.

Duck Pond: Selectman Blume asked DPW Director Fiske if they were still on track with remediation. DPW Director Fiske said yes but is having a problem getting the pipe he needs for the leveler.

Building Inspector Position: Selectman Cahill said that the Board had agreed that none of the candidates were suitable and were going to go back to advertising for the position. Selectman Cahill said Selectman Burdick suggested several recommendations for calling towns and we have exhausted those. Selectman Blume suggested going back to New Boston and seeing if it was an option. TA Bolton said the Town Administrator passed his decision off to staff and they felt because their building inspector was new, they did not want to overload him. Chairman Hippler asked if they could repost the ad. TA Bolton said they could try and send it to the building officials association. Selectman Cahill said moving forward they should look at combining zoning and building into one position.

Sexton Position Discussion: TA Bolton said she spoke with the gentlemen and give a quote for mapping out the cemetery. It is going to be an inventory of the lots. She said the pine grove was laid out nicely and it is easier to select lots. TA Bolton said he is going to look at the lots and give an estimate on the amount of time it will take him to look at the headstones and figure out where they are and try to reconfigure them. He has a background in engineering. The Sexton position would be for someone who the funeral home reached out to when they had a death who will in return give a date and time for the funeral along with a lot number. TA Bolton said for example there is a funeral this weekend and she had to make arrangements to see if someone can probe the lot and make sure there is nothing down there when you stake down the two to three feet and put a flag if it is okay. Then she must let Dignified know. TA Bolton said the Sexton position is not a paid position and is on call from May 1st to November 30th. Selectman Cahill asked how many have been done this year. TA Bolton said about a dozen. Selectman Blume said there was a discussion that the Board would like someone else to do the role. The person seemed eager about doing the position and Selectman Blume said he would have tacked on the end of the discussion about mapping it out. Selectman Blume said he is a little disappointed the reverse was discussed, primarily because the Board discussed that when they spoke with him. Selectman Blume said he was not aware that it was not a paid position and he said he is not opposed to the mapping. Chairman Hippler said they did talk to him about it and it wasn't the primary topic. TA Bolton said that he did not know it was not a paid position either and that she thinks it is not going to shy him away because it sounded like he was still interested. Chairman Hippler said there are heavy state regulations in the RSA that goes back and forth about if the Board or the Sexton marks the area and disturbs another one there are some serious legal ramifications. Chairman

Hippler said that he was under the impression that because of his background, they were going to utilize him for both services. Selectman Cahill said there is no job description of the Sexton and they can not hire someone until they know what their scope of work is going to be and if they can pay the person to perform the work. TA Bolton will ask Finance Director Rouse about the ability to pay and afford the position of a Sexton.

MANIFEST: Chairman Hippler moved; Selectman Blume seconded:

To order the Treasurer to sign the payroll and accounts payables checks dated August 17, 2023, as included in the following manifests:

Checks Dated August 17, 2023

Payroll Manifest	\$ 70,703.41 <i>(Weekly payroll checks)</i>
-------------------------	----------------------------------------------------

Accounts Payable Manifest	\$ 243,751.03
----------------------------------	----------------------

Weare School District	\$ 500,000
------------------------------	-------------------

John Stark School District	\$ 400,000
-----------------------------------	-------------------

TOTAL:	\$ 1,214,454.44
---------------	------------------------

Passed: 4-0-0

Policy for unsealing nonpublic minutes: TA Bolton said the nonpublic meeting minutes will all be given to the Town Clerks' office this week. There is a spreadsheet set up with the year, date, time, release date, and RSA. Selectman Blume said then what would be left to do is finish completing logging the nonpublic minutes that have not been logged and posting the nonpublic minutes within 72 hours. Selectman Blume asked if the Town Clerk would also need to have the list of nonpublic minutes. TA Bolton said her guess would be yes. Selectman Blume said his next question would be how they go about approving the nonpublic minutes. Chairman Hippler asked what the formality looks like because they seal and restrict. He said they would probably have to unseal them and open them to review, update and amend and then approve, and then reseat the minutes. Selectman Blume said that sounded accurate to him. Chairman Hippler asked Selectman Blume if he would like to make modifications to the draft policy now that they have had some discussion on it. Selectman Blume said that would work and can bring it to the next work session. He said in the interim the Town Administrator will write the nonpublic minutes, the unsealed minutes must go out within three days and will be drafted, and approve the nonpublic minutes at the next meeting. The sealed minutes will have to be reviewed in a nonpublic and then amended and resealed. TA Bolton said she will add the policy to the August 28th work session.

Right, to Know policy: TA Bolton got feedback on the Right to Know policy which can be reviewed at the August 28th work session.

Policy for contacting Town Counsel: Selectman Blume said that Pratt's came before the Board to ask about Town Counsel. He did not feel their comments were unreasonable and understood their frustration. There was a meeting in April where residents were asking the same thing that the Pratts did but more specifically how the Board was communicating with Town Counsel to express wishes. Selectman Blume said the other layer is residents telling the Board not to spend endless amounts of money on lawyers. Chairman Hippler said that he doesn't disagree with that and there are situations in which they can pace themselves. Chairman Hippler asked how they slow down the process and decide on what can wait for Board digression and what needs a lawyer's answer within the next hour. TA Bolton said it's hard to when you get served papers from the Sherriff's department the papers will need to go to the lawyers. Selectman Blume suggested in the TA update that the lawyer reached out or we reached out. Selectman Cahill said it

is a fine line because of confidentiality. Selectman Blume said it would be nice to carve out a way for asking questions to Counsel. TA Bolton said the Departments heads do come to her before they speak to counsel and ask permission and she works with them. TA Bolton said if she gets stumped on something and is not sure if it should go to counsel or not, she does speak with the Chair. Selectman Cahill said that he does not feel it would hurt to have a policy. Chairman Hippler suggested putting a log together of when they reach out. Selectman Blume said the list of topics that the Pratts presented is a different topic and would rather stick with the discussion on creating the broader policy. Chairman Hippler asked what should be in the log. Selectman Blume suggested just doing a monthly review of the bill. Chairman Hippler said what about commissions, committees, and boards about asking to speak with counsel. Selectman Blume said they should be treated like departments and go and speak with TA Bolton before they go to counsel. Selectman Cahill said he is in favor of a summary. TA Bolton said she can put one together for the Board to review.

Other Business: Selectman Cahill said he had a couple of reminders the first being the transfer station sticker sign on the door and Facebook. Second is the fall review and having a goal to complete the reviews by November. TA Bolton said she did her staff already. Selectman Cahill said that the Board will complete their reviews for department heads and Town administrators. Third they need to complete the unfinished business on job descriptions. Selectman Cahill said he did receive a text message from the logger during this meeting and told him to write an email to the Board because he is only a single member. He said they were never contacted by the forester. Selectman Blume said we should not conclude a text message. Selectman Cahill said the text message said no one in the office was contacted and he is just being transparent with the Board. Lastly, Selectman Cahill said he is uncomfortable entering into a five-year contract. Selectman Burdick asked if it was because of the time frame. Chairman Hippler said some somethings need to be clarified in the contract.

Selectman Burdick brought up the collective bargaining meetings and would like to sit in on them so she does not miss anything. TA Bolton said if there are three of them there, she would have to post it as a meeting. Selectman Blume said there was a PARC meeting last week and they would like to do a joint walk-through of East Road. Lastly, the PARC committee would like to piggyback off our minute taker and have a separate line in their budget for one. Selectman Cahill asked if the PARC was able to find out about the phone call and the gate being opened. Selectman Blume said he has not heard much on the topic. Selectman Cahill said he likes that Selectman Blume has been giving updates on the committees he is Ex-Officio for. This is what they should be doing to keep the other Board of Selectmen in the loop of what is going on with the committees, commissions, and boards.

Selectman Blume said he can bring it to the DPW Directors' attention but with the new Eagle Scout project with the skateboard ramp, there are some issues with flooding. There is a catch basin on the side of the road. TA Bolton said that may be sitting on school property. Chairman Hippler said the sign has been located and can be put back up there. Selectman Cahill asked if the insurance issues were worked out because he is not a vendor. Selectman Blume will find out and bring it back to the Board.

Being there was no further business to come before the Board, Selectman Blume made a motion, and Selectman Cahill seconded to adjourn at 9:09 pm. Passed 4-0-0

ADJOURNMENT

A True Record.

Kearsten O'Brien

Kearsten O'Brien, Minute Taker