

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
April 17, 2006

PRESENT: LEON METHOT, CHAIRMAN; HELEEN KURK, VICE CHAIRMAN; DONNA M. OSBORNE, SELECTMAN; JOSEPH M. FIALA, SELECTMAN; TOM CLOW, SELECTMAN

TOWN ADMINISTRATOR:

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Amy Osborne, Jon Osborne, Frank Campana, George Malette, Evelyn Connor, Carl Knapp, Chip Meany, Forrest Esenwine, Ginger Esenwine, Rob Woodland, Richard Brown, Burt Brown, Majorie Burke

6:30 Chairman Methot called the meeting to order.

1. PUBLIC PARTICIPATION – Ms. Evelyn Connor, speaking on behalf of the Weare 4th of July Committee informed the Board they will be meeting with the School Board regarding the Patriotic Celebration. Ms. Connor said the celebration will be in the Center of Town on School Grounds on July 14, 15, and 16. The parade will be on Saturday at 10:00 a.m. The fireworks will be shot from Brownies gravel pit which was approved by Atlas and will be tested for viewing sometime next month. Ms. Connor wanted to clear up a misconception that they Committee charged the Boy Scouts \$100 to set up, this is not true, they do not charge non profit organizations to set up. Ms. Connor has been in touch with Lisa Flyer to see what charges to expect, the police charges 4 hours in the evening for the fireworks, EMT's do not charge they volunteer, dump truck from the highway department and person to drive back to the transfer station. Ms. Connor informed the Board they have \$4,500 for the celebration which they usually use for the parade, but need to know if they have to pay the town or purchase a dumpster. It was discussed the Board can appoint someone to be on the committee. They have always had a Selectman on the Committee. They are volunteers and do what they can and would like to still have the privilege of the dump truck for the trash. Ms. Connor said they spoke with Chief Begin who is willing to help and received an amount for the payment of overtime for officers. Chairman Methot asked about liability insurance, as far as their own insurance they are checking into that. The fireworks are covered and the rides are covered. Chairman Methot asked Mr. Knapp if there is a charge for the dump, Mr. Knapp said just a fuel cost and the driver volunteers. Chairman Methot said whatever the cost the town incurs the celebration committee pays for it. Fire department gets paid through the budget, no charge during the day only the 4 hours during the fireworks time which is mandated by law. Selectman Fiala wondered if in sometime in the near future they should have a public hearing to discuss the miscellaneous costs incurred during the celebration. Chairman Methot said we do not need a public hearing but maybe have it listed separately on the agenda. Vice Chairman Kurk said they need to look into the liability insurance, she is checking with Primex. The fourth of July Committee has been in existence for over 25 years. Maybe they need to look into different needs since the town has grown. Vice Chairman Kurk mentioned non profits are not charged but what about groups that make a profit. Ms. Connor said they may be tight for space this year. There was a discussion about things being put over near the Stone Building and the Library; Mr. Knapp said it should be ready by then.

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Mr. Frank Campana asked the Board about the overlay, saying he heard a figure of around \$250,000. Mr. Campana said the overlay, which is used to help pay abatements on taxes, has always been abused. Mr. Campana told the Board in 1998 the overlay was set at \$254,000 the amount of the abatements were \$28,000; 1999 the overlay was set at \$251,000 the amount of the abatements were \$16,800 in those 2 years they raised \$505,000 expending only \$45,000 leaving a balance of \$460,000 in the general fund. Mr. Campana commented on the balance generally ending up in the General Fund and is at the disposal of the Selection to purchase vehicles, to spend as the chose, or for tax relief. Mr. Campana does not like the history of how the overlay is used. The Board said \$140,000 will go back to taxpayers. Mr. Campana said the voters have no say in what the Board puts aside for overlay but then look very good when they give the money back for tax relief. Vice Chairman Kurk said they have been very close. Mr. Campana said in 2005 \$30,000 was appropriated but spent \$3,800, leaving \$24,000 to go into the general fund and says it has been happening consistently over the years. Vice Chairman Kurk said she checked with other towns on what they needed the year of the reevaluation. Mr. Campana said they went through reevaluation in 1990 and is not sure where the abatements of that year show up. Chairman Methot said some in 1991 and some in 1992, but usually the following year. 1990 Revaluation \$66,400 spent in abatements, 1991 abatements were \$3,367 Selectman set aside \$123,400. Mr. Campana said the balance goes into the General Fund. Mr. Campana would like the Board to be aware of this situation.

Mr. Forrest Esenwine asked the Board how the funds are being collected and if there is a designated fund established to ensure the funds are not going into the General Fund. Chairman Methot said he has been working on setting up an account with Jane Synder. Mr. Esenwine wants to make sure the funds go into the right account. The Selectmen have received the title to the property. Mr. Esenwine would like to see the funds received soon to help offset the amount of the bond.

Mr. Esenwine commented on the meaning of the word surplus and knowingly excessive funding. Surplus is what is left after you paid all your bills, if money is left over because you asked for too much then that is excessive funding.

2. DEPARTMENT HEAD – Ms. Connor asked the Board which members were serving on what committee. Chairman Methot will remain on the Zoning and Planning Boards, Conservation Commission does not need a Board member, Selectman Fiala will be on PARC, Selectman Clow will be on Benefit Review, Selectman Osborne will be on Cable, and Vice Chairman Kurk will be on Economic Development. Ms. Connor informed the Board she will be attending a Town Clerk disaster workshop, the workshop is to keep town's informed of what to do if all the town records were destroyed. Ms. Connor reminded the public all dog licenses due May 1, 2006. They have already licensed 900 dogs licensed but still have 1100 to go. Chairman Methot said Ms. Connor is selling her home and wanted to let the Board know for a short time she will not be living in town.

3. NBAC CORPORATION EARTH PRODUCTS ORDINANCE DISCUSSION – Mr. Ernie Thibeault informed the Board a letter was sent to them on May 23, 2005 from NBAC Corp. regarding the building of a single family home on 2 ½ acres across Duck Pond Road. Mr. Thibeault informed the Board they approached Mr. Brown regarding purchasing the parcel and he was not interested. Mr. Thibeault said Mr. Holt did research at the local level and they were told to notify the town after they got the building permit. Mr. Thibeault said they were told they needed to go to ZBA for all the material which needs to be removed in order to build the single family home. Mr. Thibeault read aloud the exemptions in the permit and it says they have to notify the regulator which they have. Chairman Methot said they have not passed this through their counsel and he is under the assumption you cannot get the permit within 1 mile of the center of town which this would be. Mr. Thibeault said in the past Mr. Frank Bolton had been issued a permit within 1 mile of the center of town. Chairman Methot said he has not received a site plan for the project. Mr. Meany said he has a site plan but it shows no excavation. Chairman Methot said they are the regulators and they have to give approval to excavate

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more than 5,000 cubic yards. It was discussed they need to remove 50,000 - 60,000 yards. Chairman Methot said he knows in the past Mr. Holt was adamant about getting this project through. Chairman Methot said he will send this off to Bill Drescher and get him an answer on how they will proceed from here. Chairman Methot said it is not clear whether this falls under the ZBA or not. Chairman Methot said he does not want to do this wrong. This has been a 2 year project and they would like to use the property. Mr. Thibeault said there is 100,000 cubic yards to remove to bring the property to grade and he is only asking to remove 50,000 - 60,000 cubic yards. Selectman Clow asked what the material is worth. Mr. Thibeault said the material is worth \$1.00-\$1.50 a cubic yard so a total of \$60,000-\$100,000. Chairman Methot said they will contact counsel on what the wording really means. Mr. Thibeault would like to have his counsel discuss this with Bill Drescher as well.

Mr. Burt Brown has lived across from the project for 45 years, and is really opposed to putting anything on that lot. He did not take it because he did not want to destroy the look of the entrance into town and to remove the hump talked about would expose the gravel pit to be seen coming down Route 114 and he has worked very hard to keep the gravel pit out of public view. Mr. Brown said years ago the 5,000 cubic yards was set and anything above that needs to have a gravel permit. Mr. Brown would like the Board's consideration in this matter. Mr. Brown said Mr. Bolton's pit was established before the 1 mile center of town restriction was brought forth. Selectman Clow asked Mr. Brown if he agrees with the estimate of the value of the soil. Mr. Brown said he believes it to be around \$3.50 a yard.

Mr. Richard Brown lives on George Moody Road and wants to let it be known he is a disagreeing abutter and the removal of the land would also expose his home to Route 114 traffic noise.

4. STONE WALL REMOVAL FOR LOGGING OPERATION ON MT. DEARBORN – Mr. Sean Zito went to the Planning Board and discussed the removal process of the stone wall. The Planning Board sent a written consent to the BOS stating they support the temporary removal of the stonewall. Mr. Zito has a request for a driveway permit signed by the homeowner. Mr. Knapp said the stipulation says when the stonewall is put back then it will be restored to the best of his ability to how it was before. Mr. Zito wants to make sure the request was for at least 20 feet for large vehicles. It was discussed the right a way is met.

Chairman Methot moved, Vice Chairman Kurk seconded to grant the temporary removal of a stonewall owned by Verna Martin with access not to exceed 20 feet and to be restored as close as possible to original condition. Passed 5-0-0.

5. PARC TO DISCUSS THEIR BUDGET WITH THE BOS – Mr. Tom Reynolds presented a proposal to hire employees for Chase Park for the season and informed the Board there are 2 returning adult employees. Selectman Osborne asked how they came up with the pay increases. Mr. Reynolds said it was discussed by PARC. Mr. Reynolds said it is up the Board to approve so they can offer the individuals the position. Selectman Fiala asked how many people are on duty at once. Mr. Reynolds said usually at least 2 gatekeepers and 1 lifeguard at all times. Mr. Reynolds said typically they only have 1 adult and 1 kid. The head gatekeeper will be the one to make up the schedule. The BOS and PARC will be having a second joint meeting on Thursday night.

Chairman Methot moved, Vice Chairman Kurk seconded to authorize the hiring of the following seasonal personal for Chase Park, Kathy Robichaud, Robert Thomas, Pam Averill, Michael Sullivan, with salaries to be determined. Passed 5-0-0.

The Board discussed the disconnection of the phone at Chase Park and said there was some miscommunication and the phone details will be worked out. The Board discussed with Mr. Reynolds proposed improvements regarding Bolton Field. The Board of Selectmen will meet with PARC on Thursday, May 11, 2006 from 7:00-

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9:00 pm. Chairman Methot asked Mr. Reynolds where the money is coming from. Mr. Reynolds said it will come from the CIP. Meeting on May 30, will have a public hearing on input for Bolton Field.

6. MANIFESTS

Chairman Methot moved, Selectman Osborne seconded, to authorize the Board of Selectman to sign Manifest and order the Treasurer to sign checks dated April 20, 2006. Passed 5-0-0.

Accounts payable	\$186,871.55
Gross Payrolls	<u>\$36,003.65</u>
Total	\$228,875.20

7. WOODLAND DESIGN TO DISCUSS RTE. 114, EAST ROAD AND MEMORIAL ROAD INTERCHANGE

– Mr. Rob Woodland informed the Board he has been looking into traffic improvements regarding the Weare Middle School and the intersection of East Road. This concept was presented in the traffic input study. NHDOT has been trying to remove all islands. It was determined a left hand turning lane would be warranted to help improve the capacity and safety of the intersection. Chairman Methot asked if there was a count on Rte. 114. Mr. Woodland said the count was 8,500 on the roadway in one day, morning peak hour and afternoon peaks. Tried to do the minimum requirement possible to include the left hand turn lane. Chairman Methot asked if the change in the traffic pattern was being mandated by the state. Mr. Woodland says it is really based on the traffic demand. Mr. Woodland informed the Board they were very sensitive about affecting any other land. The rating of the intersection operating right now is C-D order, very tight timeframe of heavy traffic. With these improvements in place they can maintain safe traffic volumes. Mr. Woodland informed the Board this has been an evolving project over time with DoT. State roadways fall under state mandates.

It was discussed the parent pick-up/off will be separated from bus traffic. They will be placing signs of caution for schools and setting school speed limits. Establishes a school zone upon approaching the school at 20 mph. Chairman Methot said he was under the assumption the sign should be a school flashing sign paid for by the state because it is a state road. The traffic patterns of the buses were discussed. Vice Chairman Kurk discussed the island removal and why it needs to be removed. Mr. Woodland said the widening of the East side of the street needs to be done to support the left hand traffic lanes. Mr. Woodland said the traffic beacon can remain. Mr. Woodland commented there are no sidewalks of any kind in the center of town. Mr. Woodland said it will be properly signed but the traffic beacon is essential. Selectman Osborne would like to have someone speak to the bus terminals to see if it is possible to stack the buses side by side for safety regulations. Mr. Woodland said he discussed turning radiuses with the bus terminal. Chairman Methot said the issue of how they park the buses needs to be discussed with the School Board, the issue before the Board at this time is the proposed changes in the intersection.

Chairman Methot asked about the intersection widening and the concern of the removal of old oak trees. Chairman Methot asked about the East side widening of the intersection and the grade of the slope there. Mr. Woodland said they increased the safety and improved the south bound flow which improves the condition of the side street. Vice Chairman Kurk asked about the safety of people coming out of Memorial Road. Vice Chairman Kurk stated she is opposed to removing the cross walk. Mr. Woodland said studies show on roadways which have a greater volume than 10,000 and have crosswalks actually increase accidents because it sets up false securities for people to cross the roadway. Mr. Woodland said the beacon will need to be relocated. Mr. Woodland said DoT might mandate the need for curb age at both ends of the crosswalk. Mr. Woodland says the choice is in the Board's hands. Chairman Methot said the Board can make a recommendation but NHDOT will have the final say but take the Boards recommendation into account. Mr. Woodland says their studies show up

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until 2016 no traffic signal warrant analysis. Selectman Clow would like to comment and said the kids and adults are going to cross there whether there is a crosswalk or not so he is in favor of retaining the crosswalk. Selectman Fiala concerned with the intersection on Flanders Memorial - is much happier with cars being stopped in one lane instead of two or three lane intersections. Selectman Fiala would like to know how they plan on making the intersection safer than 1 accident in 3 years. Selectman Clow said separating the buses from the parent pick-up/off should be enough to help the intersection. It was discussed 8,500 cars was not a high volume of traffic on a state road. Selectman Clow stated he has experienced very little backup at the intersection at peak times and the only problem he sees is the problem of the island. It was discussed again the proposal does not remove any trees, or remove the steps leading to the gazebo. Selectman Clow asked if the loss includes the granite posts in front of the Stone Memorial Building. Mr. Woodland said there are minimum changes to the posts; handful of utility poles will need to be relocated. No landscaping changes will be made in front of the town hall. Vice Chairman Kurk asked about the removal of snow and how it will push salt further into the property.

Mr. Knapp questions whether the widening of Route 114 will make the road safer, he does agree with the widening at the end of East Road. Mr. Knapp said soon there will be a public hearing to ban parking on East Road and says more people will be parking over at the town office and wants to keep the crosswalk. Mr. Woodland said if you would like a traffic signal instead then the lanes can remain single flow. The Board discussed the signal being programmed for different signals. Mr. Knapp concerned with the embranchment on the front of the Stone Building. Chairman Methot asked if the widening of East Road could be staked out to show the changes. Mr. Woodland would like to suggest a couple of the ideas back to the district engineer but they are under a timeframe because the school needs to receive their driveway permit. Mr. Woodland said DoT could say the roadway belongs to them and it is their decision. Mr. Woodland would like to contact a member of the Board at a future time to discuss options. Vice Chairman Kurk would like different approaches to be taken in regards to the triangle.

Mr. George Malette said he attended a DoT seminar and informed Mr. Woodland of the fact a pedestrian and bike path has been approved by the voters.

8. MEETING MINUTES – Vice Chairman Kurk had changes to the minutes of April 3, 2006. On page 2, the discussion of the right to know, Vice Chairman Kurk would like to make sure it is very clear Mrs. Terry Knowles was invited here by the Board but not invited as her work capacity. The 2nd paragraph talking about the Stone Fund meeting, Mrs. Knowles was clarifying that if a Selectman attends a meeting they are not attending as a Selectman. Page 3 2nd from bottom paragraph when Sherry Butt Dunham asked Mrs. Knowles a question it was clarified the BOS can discuss more than non public and they are bound to that as a Selectman.

Mr. Knapp commented on the double stacking of buses and is not in favor of the idea.

The trailer bid went out and he sent it out for rebid because they only received one bid and it was not clear on what they bid for.

Spectra Manufacturing \$47,581 includes freight
Steco \$48,657 delivered

Mr. Knapp would like to recommend they purchase the trailer from Spectra.

Chairman Methot moved, Vice Chairman Kurk seconded to award the trash trailer to Spectra manufacturing for \$47,581. Passed 5-0-0.

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Mr. Knapp mentioned the CIP requested amount was \$45,000 because that was the anticipated amount. They have money available in the equipment fund to make up the difference.

Opened bids International \$
International – manual \$69,988
Volvo \$83,187
Volvo \$72,540 (and Volvo guarantees to buy it back in ten years)

Mr. Knapp said a manual is a lot easier on the axle, easier for plowing and saves in replacing clutches.

Chairman Methot moved, Selectman Fiala seconded to purchase the Volvo truck for \$83,187. Passed 5-0-0.

Chairman Methot asked Mr. Knapp which piece of equipment he needs repaired first. Chairman Methot said he could get \$5,000 from the Tax Collector's part time line. Vice Chairman Kurk said she feels they need to ask all departments to function on the default budget excluding raises. Vice Chairman Kurk said she did not feel very comfortable with asking the departments to be careful she feels this is the best way of doing this and then reevaluate the budget in July. Vice Chairman Kurk would like the Board's input. Selectman Clow asked how the request for repairs relates to the default budget. Vice Chairman Kurk said in working from the default budget they will be able to find the money for repairs. It was discussed Mr. Knapp needs to use the money in his budget line for the grader first and then any additional money will come from working on the default budget instead of the proposed. Vice Chairman Kurk is very reluctant in going to DRA unless absolutely necessary. Selectman Fiala said it is the best idea he has heard so far. Mr. Knapp said he wants to make sure they didn't miss anything contractual in the budget that won't be met. Selectman Clow agrees playing it by ear is not the way to go but would like the final decision to wait until the next meeting so he can review the budget closer so he can see where they lie.

Selectman Fiala said they need to have a meeting to catch up on some issues.

Chairman Methot would like Mr. Knapp, Fire Department, and Police Department to get together and open a fund for emergency vehicle maintenance.

Mr. Knapp said they are so tight on their budget there is no money repair money just maintenance money.

Chairman Methot moved, Vice Chairman Kurk seconded to appoint J. Richard Ludders and John Magee to the PWA Advisory Board. Passed 5-0-0.

Vice Chairman Kurk announced there will be a meeting regarding Bolton Field May 4, 2006 at 7 p.m. and she will have Naomi Bolton inform all involved.

Vice Chairman Kurk discussed with the Board the need to establish a system for the right to know requests. Vice Chairman Kurk feels it is inappropriate to ask Merry Rice to handle these requests. Chairman Methot said he could handle the requests for the right to know.

The Board agreed the budget will be taken up at the next meeting.

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Vice Chairman Kurk mentioned she received an email suggesting some people were reluctant to come to the Board. Vice Chairman Kurk extended an invitation to any concerned citizen with any question or concern.

Vice Chairman Kurk informed the Board there is a Senate hearing on Wednesday concerning the redistricting and she would like the Board's support to attend.

Vice Chairman Kurk reminded the Board they need to have a meeting with PARC regarding the skateboard park.

Chairman Methot informed the Board Ms. Tina Pelletier needs an approval for a conference in Conway. Vice Chairman Kurk asked if she could find the money within her default budget. Chairman Methot said the funds are available in the finance default budget. The Board agreed the funds could come out of the default finance budget.

The Board decided they will meet Thursday, April 20, 2006 at 5 pm before they met with PARC.

Chairman Methot moved, Vice Chairman Kurk seconded to reappoint the following to the Zoning Board; Tim Galvin as a full member (2006-2009), Jack Dearborn as a full member (2006-2009), June Purington as an alternate member (2006-2009). Passed 5-0-0.

Chairman Methot moved, Vice Chairman Kurk seconded to appoint David Ruoff from alternate to full member expiring in 2008 to fill June Purington's vacancy. Passed 5-0-0.

9. ADMINISTRATIVE REPORT

Chairman Methot moved, Vice Chairman Kurk seconded, to enter into nonpublic session @ 10:20 p.m. pursuant to the authority granted in RSA 91-A:3II(b). A roll call vote was taken. Selectman Clow - yes; Selectman Osborne - yes; Vice Chairman Kurk - yes; Selectman Fiala - yes; Chairman Methot - yes. Passed 5-0-0.

10. ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary