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WEARE BOARD OF SELECTMEN
MEETING MINUTES
June 5, 2006

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

TOWN ADMINISTRATOR:

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Frank Bolton, Chip Meany, Wendy Rice, Ruth Jones, Patricia Bass, Frank Campana, Richard Butt, Charles Metcalf, Dave Hewey

5:02 p.m. Vice Chairman Kurk called the meeting to order.

1. DEPARTMENT HEADS – Mr. Chip Meany introduced Mrs. Wendy Rice to the Board and said she will be starting on Friday. Vice Chairman Kurk welcomed Mrs. Rice to the town office. Selectman Fiala commented Mr. Meany was excited to have Mrs. Rice on board.

2. PUBLIC PARTICIPATION – Mr. Frank Bolton explained to the Board he was here to discuss the possibility of joining the Central New Hampshire Planning Commission. Mr. Bolton said he has discussed this issue with Terry Knowles, who is a former representative of the town at the Southern New Hampshire Planning Commission. Mr. Bolton suggested a committee be established to decide which Planning Commission would best suit the town. He feels the committee should be made up of 5 members including Steve Najjar, 3 volunteers with an interest in the planning of the town, and himself.

Weare is currently part of Southern New Hampshire Planning and because of some concern as to where the town fits in the region Mr. Najjar feels Weare should become involved with Central New Hampshire Planning Commission. Mr. Najjar said he was unhappy with the Master Plan process and is concerned with how the SNHP interacts with the town. Mr. Najjar feels Weare fits in with Central New Hampshire Planning Commission because our needs better suit these surrounding towns.

It was discussed they would have to petition the Office of Energy and Planning if they wish to discontinue service from SNHP. Vice Chairman Kurk said Paul Morin and Tim Galvin represent our town at the SNHP Commission and she feels they need to be involved in this discussion. Vice Chairman Kurk commented to Mr. Najjar that New Boston belongs to the SNHP and she feels we have a lot in common with them. Mr. Najjar said Henniker belongs to CNHP and feels we have a lot in common with them as well. Mr. Najjar would like to explore the options each Commission has to offer. Vice Chairman Kurk asked if anyone else was involved with SNHP. Mr. Bolton said he doesn't think there is a long list, he already spoke with Terry Knowles and Paul Morin. Mr. Bolton said he feels he would really like to look into CNHP Commission. Selectman Clow said he has no problem with exploring the options as long as everyone is informed. Mr. Najjar said in putting this committee together you need to find people who are involved in the planning process. It was discussed the

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committee should have 5 active members. Mr. Bolton said some of the contacts he has he received from Mr. Morin and he is aware of what they are trying to accomplish.

Vice Chairman Kurk asked if the voucher for the Ferrante property was in the box. The voucher needs to be given to Bill Beaupre, Chairman of the Trustees of the Trustfund. It was discussed the funds from the Charles and Ethel Eastman Fund from the will go into the Conservation Fund; as reflected in Article #24 at the last town meeting. The bond is due July 12, 2006 and at the appropriate time the funds will be transferred into the General Fund to cover the purchase of the land. Vice Chairman Kurk said there will be a meeting on Tuesday, June 13, 2006 at 6:30 p.m. to sign the bond for the Ferrante Property.

Vice Chairman Kurk commented Leon Methot will intermittingly be absent from his position on the Planning Board. It was discussed Selectman Tom Clow will serve on the Planning Board in Mr. Methot's absence.

Vice Chairman Kurk moved, Selectman Fiala seconded to nominate Tom Clow as a substitute when Leon Methot is unable to attend the Planning Board Meetings. Passed 4-0-0.

Vice Chairman Kurk drafted a letter to the Rocket Club congratulating them on their outstanding work and success during their National Competition.

Vice Chairman Kurk moved, Selectman Fiala seconded to approve the minutes of March 24, 2006 as written. Passed 4-0-0.

Selectman Clow spoke on the distribution of the Comcast funds. Selectman Clow said after expending the funds to repair Highway Department vehicles the breakdown of the remaining \$9,391 will remain in the fuel lines of the following departments. It was discussed the following could only be used for fuel and not transferred to any other line in a departments budget and if not used go into the General Fund.

Police	23%	\$2,160.00	Highway	68%	\$6,386.00
Fire	5.4%	\$50.00	Transfer Station	2.4%	\$225.000
Code Enforcement	1.0%	\$94.00	Animal Control	0.2%	\$19.00

Selectman Clow said he met with Chief Begin regarding the police coverage for the Patriotic Celebration and said the Patriotic Celebration Committee is funding an officer until 6:00 p.m. on Saturday and anything other than that for coverage will come out of the police budget. Chief Begin feels it would be appropriate to have the same coverage as last year which was: Friday noon - 3:00 1 officer, 1 bike and 2 officers from 3:00 until the end of the evening, Saturday all officers were on for the parade because of traffic and then 2 thereafter with a couple officers on bikes and Sunday 1 officer in the area. Selectman Clow said he feels Chief Begin knows what kind of coverage is needed for the celebration. Selectman Osborne said when this was discussed with the committee they felt they should not have to pay for 2 officers on bikes. The Patriotic Celebration Committee will be meeting Tuesday night. It was discussed they will ask Chief Begin to attend the meeting to discuss what is needed. Selectman Fiala commented he feels the coverage last year was because the Police Department really wanted to gain exposure in town and would like to talk to Chief Begin to see if it is really needed this year. They will invite Chief Begin to the next BOS meeting to discuss coverage.

Concerning the skateboard park, Selectman Fiala went over to the Safety Complex to check out the spot Chief Begin was speaking about but was unsure of the correct location. Vice Chairman Kurk said she would like to speak to Mr. Knapp as to where people would be parking. Vice Chairman Kurk feels it is a nice size area with a lot of flexibility and feels it could be a great location to build relations between the Fire, Police and skateboarders and could serve as another mode of communication. Vice Chairman Kurk said Chief Begin did not seem to be concerned with the location. Vice Chairman Kurk asked Selectman Fiala to contact Mr. Knapp regarding the location. Selectman Fiala said he is concerned with parking spaces over at the Safety Complex. Vice Chairman Kurk said she spoke with Matt Thomas and he said the space is available at the new location at

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WMS and is the same size as the old. Selectman Fiala asked if the Safety Complex location was a permanent location. Vice Chairman Kurk said if it is down at the Safety Complex they would be using the old equipment and with money raised by fundraisers build a new skateboard park at WMS. Vice Chairman Kurk said WMS has money allocated to pour the cement pad but not purchase new equipment. Selectman Clow spoke about Bolton Field being an option. It was discussed skateboards are not allowed on the bus. Selectman Fiala is unsure if there is really enough space at Bolton because they are already having parking issues. Vice Chairman Kurk said at this time she is not in favor of putting the skateboard park at Bolton field because she is really trying to push PARC to come fourth with a design plan for Bolton Field. She is not opposed to the whole idea but feels the timing is not right. Vice Chairman Kurk asked Selectman Clow to speak with PARC to see if a skateboard park would fit into the plans at Bolton field. Selectman Clow feels it is a good location because we have a spread out community and this would help. Selectman Clow said Mr. Knapp had spoken about a private citizen being willing to donate a cement pad for the skateboard park down at Bolton field. Selectman Fiala said his plan would be to have the old equipment located near CWES for the younger children and in the future build a larger park for the Middle School and High School kids.

3. OXBOX INITIATIVE – Ms. Patricia Bass informed the Board she is here to talk about the landfill which Weare, Concord and several other towns have proposed for the Merrimack River in Canterbury. Ms. Bass said she is part of the Oxbox Initiative and they feel this is a bad location for the landfill. Ms. Bass feels the bank of the river where the landfill is proposed to be located is a very unstable area. During the floods last month some of this area's river bank eroded into the river. Ms. Bass is concerned with the landfills location changing the course of the Merrimack River. Weare is one of 27 towns which belong to Concord Regional Co-op and the Select Boards and City Council appoint a representative to the Co-op to represent their town and those representatives make up the board members of the Co-op. Ms. Bass said all 27 towns involved have closed all their landfills and now operate transfer stations. At this time Ms. Bass said all of Weare's solid waste goes to the incinerator and feels reverting back to landfills is a backwards step. Ms. Bass said she is really concerned with the location on the river. Ms. Bass feels the landfill would be right in the middle of 2 very expensive pieces of conservation property. The land is home to a very nice public beach. Ms. Bass says when the landfill is filled it will be over 150 feet tall over the river and the noise from the trucks disposing the trash and the machinery needed will be a huge disruption to the section of the river which they have invested \$193 million into to clean up the river.

Ms. Bass said a study of the proposed site shows extreme and active erosion. There is a lot of dispute about the technical information and a new engineering company has just been hired for a third study on the effect of the river and the banks surrounding 3 sides of the proposed landfill location. After the third study DES will probably decide whether to permit the landfill or not, the decision will come out in mid July.

The Canterbury Conservation Commission feels some information is missing and other things still need to be addressed. Ms. Bass feels the best outcome would be if the Co-op abandoned this location and converted the land into conservation land, using funds from a conservation buy-out on the property. Ms. Bass said they need to consider filtrations for the stacks at the incinerators to help with the environment to help with the issue instead of using landfills. Ms. Bass said there are 95 other pieces of property proposed for the site of the landfill and would like other sites considered. This site was chosen because at the time it was for sale and at the right place. Ms. Bass said they have spoke to 27 towns involved and half of them are opposed to this location. Ms. Bass would like the Board to consider objecting to this location. Selectman Clow asked who pays for the third study. Ms. Bass said the Co-op will pay. Selectman Clow asked where the ash is now disposed. Ms. Bass said near Franklin and near a river. Ms. Bass said there is s study in process to convert the ash into asphalt paving. Selectman Fiala said he has read all the newspaper articles about the location. Ms. Bass said they say it is the best location because it is near a railroad, incinerator, and sandy location easy to dig and it was for sale at a

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reasonable price. Selectman Fiala asked where the other considered locations are. It was discussed it could be researched at the Canterbury Town Office. Ms. Bass wants the Board to understand this is not a location issue it is a regional issue and stated the river is definitely not a local issue it is an issue for all. Ms. Bass said at this time they own no other proposed locations. Vice Chairman Kurk said it seems to her it is a dollar and cents issue and said their contract with Whelibrator will be coming to an end in 2019 the kwh usage rate will expire. Ms. Bass said the liners used for the landfills are not guaranteed not to leak. Ms. Bass said they chose to return to the landfill option instead of incinerating because they feel it is less expensive. But she feels all the costs are not in the estimate yet. Ms. Bass showed the Board pictures of erosion of the river bank that took place during the floods.

Vice Chairman Kurk said there is a lot of information to digest and said they will be having the Co-op in to discuss the issue with them. Vice Chairman Kurk asked Ms. Bass if she discussed the location with the Co-op. Vice Chairman Kurk asked Ms. Bass to speak with the Conservation Commission. Ms. Ruth Jones said she was told the Conservation Commission spoke with the Board. Ms. Bass suggested speaking with the town's representative to the Co-op.

Ms. Bass said in summary the stability of the site is very questionable and really threatens the surrounding conservation areas. They purchased 295 acres and will be using 69 acres for the landfill with the rest being access road and buffer. Vice Chairman Kurk asked if they will be putting some of that land aside for conservation. Ms. Bass said yes they said the Co-op does plan on putting some aside for conservation. Ms. Bass said there are a lot of problems with the site, a lot of wetlands, not as stable as originally thought. Ms. Bass suggested the Board read the Canterbury Conservation Commission Comments in detail.

4. MANIFESTS

Vice Chairman Kurk moved, Selectman Osborne seconded, to authorize the Board of Selectman to sign Manifest and order the Treasurer to sign checks dated June 8, 2006. Passed 4-0-0.

Accounts payable	\$444,980.07
Gross Payrolls	<u>\$43,324.18</u>
Total	\$488,304.25

Vice Chairman Kurk said Deputy Treasurer, Jan Synder will be taking over for the Treasurer, Donald Thomson because of medical reasons.

Vice Chairman Kurk informed the Board she received breakdowns on the insurance from Primex. Vice Chairman Kurk said the larger non profits have insurance and the town just needs a copy of those insurance policies. In talking about the little non profit groups, Primex does have them divided according to hazards. Vice Chairman Kurk said for these less hazardous activities they will not require insurance. If something happens as far as the maintenance of the facility then the town is responsible. Vice Chairman Kurk said groups or organizations can obtain insurance through them with Primex. Selectman Fiala said hazard 1 (safe activities) – the town will not require any additional coverage but at a certain level of risk the town would require insurance. Selectman Fiala spoke about the yoga class. Vice Chairman Kurk said we need to be consistent and make a policy that is enforceable. Selectman Clow asked if Primex had sample town policies. Selectman Clow asked if it would be possible to have people renting the town hall sign a waiver. Vice Chairman Kurk wants to make sure we don't make in impossible and limit the number of activities they do have. Primex says it is up to the town to make the decision on which groups/activities need to obtain insurance. Vice Chairman Kurk said she will make copies of the recommendations from Primex and then everyone can review and make recommendations. Mr. Metcalf said for the past 2 years it was up to him to sign off on all the renters of the Town Hall and up to him to decide on who may require insurance. Mr. Metcalf said there are a lot of residents who use the Town Hall for birthdays, anniversaries, and what not. Vice Chairman Kurk says what it comes

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down to is the town is liable. Selectman Clow said from what he understood of the presentation is the town is covered and where the complications arise is when the town hall is rented out. The Board would like to see what the revenue is for the town hall. Vice Chairman Kurk would like to make a decision on the insurance at the next meeting.

Vice Chairman Kurk opened the public hearing at 7:00 p.m.

5. PUBLIC HEARING – To hear public testimony and comment on an employment agreement for the position of Town Administrator

Vice Chairman Kurk said this is the second public hearing. The salary for the Town Administrator will be \$69,000 a year, \$1,500 moving expense, ISMA, membership to LGC professional organizations, single person insurance plan. The severance proposal is if the TA is asked to leave in the first 6 months the person they would be given 2 months pay, beyond that it will be 4 months pay. Mr. Metcalf asked if the \$69,000 was for year 1, year 2, and year 3. Selectman Fiala said the increase will be based on employment performance. Mr. Metcalf asked if this position will be lumped in with all the town employees so if the merit system is not done the position will receive increase like all other employees. Mr. Metcalf asked about insurance, and said the single person plan will be paid for, but what if the individual requires the family plan. Selectman Clow said if they need family plan it will bump up just like stated in the policy. Mr. Metcalf asked about the probation period, if the individual left on his own no severance will be paid, if he left for any of the 8 reasons he will not get severance. Mr. Metcalf has a real hard time about the severance part of the contract. Selectman Fiala said they were not really happy with it either, but to stay up with other towns it was the way it had to be. Selectman Clow said it was part of the negotiations, when looking at all the finalists they were expecting more than the town could offer, because the job was underpriced, so they had to offer other bonuses to make up the position attractive.

Mr. Frank Campana spoke about transportation of the Town Administrator and asked the Board how it is handled. Selectman Clow said the town agrees when the employee uses his own vehicle he will be compensated for mileage. Mr. Campana asked about the inevitable question about when the Town Administrator obtains a town vehicle is he allowed to take the vehicle home. Selectman Fiala said the individual was told if a vehicle becomes available then the Town Administrator would not be allowed to take the vehicle home and can only be driven during business hours.

Vice Chairman Kurk closed the public hearing at 7:13 p.m.

Vice Chairman Kurk mentioned the East Street and Rt. 114 intersection. Vice Chairman Kurk said in speaking with Matt Thomas there was truth that the state was accepting the Woodland Design recommendation to obtain the permits. Without those permits the school would be held up. Vice Chairman Kurk said they could get a waiver from DOT. The plan that was submitted does have the crosswalk and the blinking light. Vice Chairman Kurk said in speaking with Mr. Thomas he suggested they need to seek the experience of Woodland Design to change the plans of the intersection but the town would have to pay for it. Selectman Clow said he was not happy with the presentation because the person who represented Woodland Design before the Board made it seem as though he was going to take the Boards considerations to hand and therefore revise the plan but instead he submitted the plan as is. Selectman Osborne commented the school says the town has to pay for the redesign and she wants to remind the school their money comes from the town's tax payers. Selectman Clow asked if there was public input on the School's side prior to the plan being completed and shared with the Board.

Selectman Osborne mentioned she would like to see a breakdown of how the taxpayer's money is being spent on the new school. Selectman Osborne will contact the SAU.

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Vice Chairman Kurk commented on some emails they have received and said the statements were not true. Selectman Clow would like to set up a meeting with the engineer from DOT.

Vice Chairman Kurk informed the Board Mr. Phil St. Cyr from Primex will be coming to town, with the checklist, on Wednesday, June 7, 2006. Vice Chairman Kurk and Selectman Clow will be meeting with him in front of the Town Hall at 10:00 a.m. to look at town property.

Vice Chairman Kurk said they need to set up a meeting with the Cable Committee to discuss the Comcast contract. Vice Chairman Kurk said she spoke with other cities about their contracts and one city gave her a copy of their contract to review. Some other towns have a clause in their contract regarding emergencies; if there were to be an emergency then an emergency audio alert system banner runs along the bottom of the screen. Vice Chairman Kurk said she feels the Board needs to review the contract to see if it suits the town's needs. Vice Chairman Kurk will contact the Chairman of the Cable Committee to see when they could hold a joint meeting to discuss the Comcast contract. Vice Chairman Kurk said they need to get an understanding of what the communities cable needs are. Vice Chairman Kurk will make copies of the contract for the Board members.

Vice Chairman Kurk opened the Public Hearing at 7:30 p.m.

6. PUBLIC HEARING – To hear public testimony and comment in regards to changing the ambulance billing contract

Mr. Newell Bailey reminded the Board about a previous meeting in which they discussed changing the ambulance billing contract from Comstar to Interclaim. The interest is the same as the current billing service. Interclaim will pull information right from the computer to submit instead of the current service Comstar who will not do this. There will be a discount on ambulatory services to all Weare residents, the discounts vary. Mr. Bailey said there would be substantial deductions for residents. Mr. Scott Moore, Vice President of Business Development at Interclaim, said if there was a Weare resident who required service was on Medicare and could not pay their copay then the copay could be waived.

Vice Chairman Kurk said for example, if a resident has insurance then their insurance company will be billed \$400 because she is a resident instead of \$500 for non residents. Mr. Moore said correct, the data is pulled by zip code; any bill having the 03281 zip code will receive the discount. Vice Chairman Kurk asked if there will be a fee for backing out of the contract with Comstar. Mr. Bailey said there would not be a fee. It was discussed the Board needs to close the contract. Vice Chairman Kurk said she is trying to make sure there is no gap in coverage and no recourse with Comstar. The Comstar contract states the contract can be terminated at any time. The contract was renewed in October 2005.

Vice Chairman Kurk closed the public hearing at 7:44 p.m.

Selectman Fiala moved, Selectman Osborne seconded to sign with Interclaim for Ambulance Billing Services as discussed for the Town of Weare. Passed 4-0-0.

Vice Chairman Kurk asked Mr. Bailey to submit a letter to the Board for the June 19, 2006 meeting, pick up the signed letter and mail it certified mail. It was discussed the contract with Comstar will terminate on July 30, 2006 and Interclaim will take effect on August 1, 2006. Mr. Newell Bailey said Interclaim employees are still active in the field and that is what separates them from the large companies. Vice Chairman Kurk asked what the delay time is for billing. Mr. Moore said typically they bill within 24 hours after being imputed into their system, from Medicare they generally receive payment within 19 days and larger insurance companies usually receive payment within 30 days. The town will receive invoices usually within 5 days of the closing of the month. The Fire Department as well as the Finance Department needs to receive the invoice.

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Vice Chairman Kurk asked the Board if they had thought about the center of town sign ordinance. Selectman Fiala said he feels other than the town hall sign there should be no other signs and no signs on town green space. Selectman Clow said it is a fine line situation as to where there is to put a sign. When someone running for office put their signs in front of the town hall the signs were removed. It was discussed there is a piece in front of the town hall that belongs to Mr. Metcalf. Selectman Clow said when the school is complete they should have plenty of space for their advertising needs. Selectman Fiala said it was started by the farmer's market sign. Vice Chairman Kurk said what they are trying to do is keep an attractive center without clutter but at the same time they want to allow information to be posted. Selectman Fiala said he feels there needs to be designated areas where signs can be located. The idea he has been thinking of is a Kiosk in the center of town where information can be posted. Selectman Clow says the sign should belong to a community group, up for now longer than a week, and a certain determined size. Vice Chairman Kurk would like to do something more formal than have a discussion, a decision needs to be made. Selectman Fiala would like to make the final decision on the sign ordinance at the next meeting. The Board discussed using the tramp house as an information booth. Vice Chairman Kurk asked if it would be appropriate to ask SWIS not to use their banner to advertise their function. The Board agreed they need to make a final decision on the sign ordinance first.

Vice Chairman Kurk moved, Selectman Fiala seconded to enter into nonpublic session @ 8:18 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; Selectman Fiala - yes; Vice Chairman Kurk - yes. Passed 4-0-0.

Vice Chairman Kurk moved, Selectman Fiala seconded to come out of nonpublic session @ 9:09 p.m. A roll call vote was taken. Selectman Clow - yes; Selectman Osborne - yes; Selectman Fiala - yes; Vice Chairman Kurk - yes. Passed 4-0-0.

Vice Chairman Kurk moved, Selectman Fiala seconded to seal and restrict the nonpublic session. A roll call vote was taken. Selectman Clow - yes; Selectman Osborne - yes; Selectman Fiala - yes; Vice Chairman Kurk - yes. Passed 4-0-0.

7. ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary