

**FINAL**



**WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
July 17, 2006**

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

**TOWN ADMINISTRATOR:** Fred Ventresco  
**RECORDING SECRETARY:** Cherry Palmisano

**GUESTS:** George Malette, Marge Burke, Paul Levandowski, Matt Thomas, Frank Campana, Ruth Jones, Chip Meany, Richard Butt, Elizabeth Straw, Neal Kurk, Rob Woodland, Paul Marsh, Paul Doscher, Judy Rogers, Judi Herman, Albert Herman, Susan Morin, Chris Hague, Loren Martin, Jon Duhamel

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

**1. MEETING MINUTES**

**Selectman Fiala moved, Selectman Clow seconded to accept the minutes of July 10, 2006 as amended. Passed 3-0-1. Selectman Osborne abstained.**

**2. LIABILITY DISCUSSION** – Vice Chairman Kurk spoke about the liability form which needs to be filled out for using town facilities/property and said Mr. Ventresco should sign off on the individual forms when they are filled out by the renters. Vice Chairman Kurk said Selectman Clow recommended category 3 renters are required to have insurance. Mr. Ventresco said individuals can cause just as much damage and wonders if they need to have insurance as well. Vice Chairman Kurk said they want to be careful not to prevent any of the activities in town. The form is for community use of facilities only and states facilities shall not be used for commercial purposes. Vice Chairman Kurk feels at this point they just need to say which renters need insurance. The Primex definition covers their concerns. Selectman Fiala said he was trying to think of other activities they might consider hazardous that are not listed on the category 3 list from Primex and commented Primex says the Select board has the ability to make the judgment call on what activities require insurance. Selectman Fiala wants to make sure they have the right to require insurance if the activity is not listed under the category 3 and would like to add the wording “any other activity not listed will be reviewed by the Board.” Selectman Clow said we might consider moving some of the activities from category 2 and add them to category 3. Vice Chairman Kurk mentioned festivals and fairs should also be added to category 3 and parade will also be added to category 3. Selectman Fiala said he would like to stick to hazard 3 events and add the events from category 2 they discussed.

Selectman Clow suggested they give all the wording to Mr. Ventresco and let him put together a package and bring it forth to the Board for approval. Vice Chairman Kurk really wants this done before the end of July. Selectman Fiala feels Selectman Clow suggestion is a good idea. Mr. Ventresco will put together a draft for the Board’s approval.

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**3. MANIFESTS**

**Vice Chairman Kurk moved, Selectman Osborne seconded, to authorize the Board of Selectmen to sign Manifest and order the Treasurer to sign checks dated July 13, 2006. Passed 4-0-0.**

Accounts payable	\$1,538,678.31
Gross Payrolls	<u>\$ 38,825.22</u>
Total	\$1,577,503.53

**4. RTE. 114 AND EAST STREET ITERSECTION DISCUSSION** – Vice Chairman Kurk said they invited Mr. Rob Woodland to come before the Board because they have issues regarding this intersection. Mr. Woodland said they have been working very hard to come up with a plan that meets their standards. Mr. Woodland commented there were issues that the Board had after the last meeting concerning East Road. Mr. Woodland added a left hand lane, created 2 lanes heading into 114 and removed the center island. The idea behind this design looks into the needs of the future. Mr. Woodland said there are currently 600 students and it will take some time to reach the max of 900 so they are looking for an interim improvement plan. DOT would like plans for the intersection to be on the shelf for the future.

Mr. Woodland said they could develop an interim plan that will not include a widening of NH Rt. 114 to submit to DOT. DOT's primary issue is who is going to fund the interim plan. The interim plan will upgrade signs, flashing school signs, remove existing island and add separate turn lane onto RT. 114. The interim plan and signage will need to be approved by DOT. Mr. Woodland said if they can find someone to pay for the interim plan, and if and when, DOT decides additional designs will be needed to improve the intersection, this allows the Board to have significant involvement in the design plan. DOT is confident the plan brought forth would be the best design but they are willing to consider the Board's suggestions. Vice Chairman Kurk asked Mr. Woodland to discuss the widening, after talking with other town officials she said if they remove the island does that give them enough space so not to touch the gazebo piece or the Stone Building green. Selectman Clow said if he remembers, providing the extra lane did not involve removing the island but actually gave more green space. Mr. Woodland showed the Board how the green space at the entrance of East Road will be widening but further up on East Street there is a telephone pole so in order to get the widening that will go into the grass to correct a past error.

Selectman Osborne asked if they were removing the granite posts on East Road. Mr. Woodland said there will be some of the granite poles that will need to be moved. Selectman Clow asked if the widening only affected town property not residential. Mr. Woodland said correct. Vice Chairman Kurk told Mr. Woodland they are trying to keep as much of the town center and the ability to have it as a town center is what is very important to them. Selectman Fiala said his main concern is there will be traffic going through the center of town that will not have to stop at all except for 10 minutes in the a.m. and 10 minutes in the p.m. we will have cars zipping by them. Mr. Woodland said there is a tree that is very close to the road that may be affected by the widening the one that is set back from the road will not be affected. As part of the DOT improvement for the drainage they will be creating a new runoff which will improve the concerns to the roots of the tree. Vice Chairman Kurk said when they spoke with Richard, from DOT; a round-about was mentioned and asked Mr. Woodland if they considered a round-about. He said they work best when the volumes entering the round-about have balanced flows. Mr. Woodland said the space may be tight and is concerned it would affect the residential driveways on East Street. Mr. Woodland said the Board might not like the option because it would use up more of the green space by the Stone Building and gazebo.

Mr. Woodland said the quickest program would be removing the island, widening East Street, adding a sign package and feels DOT will approve. Vice Chairman Kurk asked about the blinking light and crosswalk. Mr.

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Woodland said it would have to be discussed with DOT, he has no issues with it. He said DOT sent out 4 people to check the intersection and did history on how the blinking light first got there – it was determined it was there before the standards set forth by DOT. Mr. Woodland said DOT may allow the blinking light for the interim. Selectman Osborne asked about the crosswalk and Mr. Woodland said they would like to sign the crosswalk as a town crosswalk not school crosswalk. Mr. Woodland said to change the crosswalk on the school side would have to go back for approval.

Mr. Woodland said the interim plan could replace this plan if they feel it meets all the necessary requirements for the town. DOT will still have to review and approve any interim plan brought forth from the town. DOT will monitor what the results are throughout the interim plan to see if it will become a permanent plan and if it does not satisfy their concerns then the town will be held responsible for the updating of the intersection. Selectman Clow said they need the signage to be appropriate, flashing school lights at an appropriate distance, remove the island, and an appropriate right lane onto East Street. Selectman Clow said because they already have the drawing of the intersection in place how expensive could it be to add the appropriate signage to the intersection. Mr. Woodland said it is relatively cost effective to take the town through the process of approval. Selectman Clow feels using the plan they already have would make the cost low for the signage they want to add. Mr. Woodland said the signage proposed has to deal with the widening. Mr. Woodland said he is not trying to make it a long difficult process to change the signs but they will have to go through the process for approval again. Mr. Woodland said they might have to take another look at the drainage. Vice Chairman Kurk asked if DOT accepts the alternate plan from the town would this be cheaper for the town and school. Mr. Woodland said the cost would affect them in 2 stages, because the design process for the interim plan could take 8 or 9 months and could affect the construction because the paving contractors would no longer be on site. Mr. Woodland said if they go through and use the interim plan and in 5 years DOT decides the intersection does not work then the town would be responsible for the redesign and construction. Initially the school would save some money said Vice Chairman Kurk.

Mr. Matt Thomas said if they cancel part of the original contract then they will lose the prices of the contract and have to go out to bid on today's prices and all material prices have increased. Mr. Thomas said there will have to be some excavation done on East Road that will cost them money. Mr. Thomas said the excavation will be taking place in August and the contractor has given them to July 30 for the final decision. Mr. Thomas said they will do whatever the town wants. Mr. Thomas said the process does not require the town's approval but the School Board would like to work with the Board. If DOT approves the intersection then they do not need the town's approval. Mr. Thomas said if he has the town's word that if something happens in the future then the town will have to pay for it because once the construction of the new school is completed any leftover funds have to go back to the taxpayers.

Mr. Woodland said one of the concerns from DOT was if the Board cannot guarantee future costs for the redesign and they need a guarantee from the town to pay for the future improvements. Mr. Woodland said at this time the school has to pay for this and if DOT says it has to be done then no interim will be allowed. Vice Chairman Kurk said that places them in a no win situation. Vice Chairman Kurk said she is passionate about keeping the town center the way it is. Mr. Woodland said he understands the town's point but they need to move forward for DOT approval to obtain the permits and continue. Mr. Woodland said DOT needs to have someone say they will pay for the intersection to be done the way DOT says.

Mr. Thomas said from a petitioners stand point the property is not theirs but they are required to make the changes on the road and if it comes from the school budget or the town budget it affects all taxpayers. Vice Chairman Kurk said what if the changes don't need to be made is DOT still going to require the changes to be

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made now instead of 15 years from now. Mr. Woodland said DOT doesn't have to worry about paying for the intersection in the future, if it is done now, because it will be done now at a cost to the school not the state.

Mr. Paul Marsh asked the designers about the sliver of road on the Library side of East Road and is concerned with the 30 or 40 kids that go through the Library yard everyday to go north. Mr. Marsh asked with an extra right turn lane where are those kids going to walk and how do you protect the lawns of the Library and Stone Building. Mr. Woodland said the design calls for about 60 feet long and about 2-3 feet wide, a very small area. Relative to the lack of sidewalks in town, Mr. Woodland does not have an answer. Selectman Clow said some of the foot traffic you see now is because of the construction site and not being able to park there right now so parents are picking up over at the Legion parking lot.

Mr. Paul Doscher, Town Center Advisory Committee Co-Chair with Selectman Clow, said it seems to him one way or another the taxpayers will be paying for the intersection and he wants to make sure we get what we want for the money. Mr. Doscher said lets take some time after the school is completed to see how we really need the center of town to work for foot traffic and vehicle. This way the community has a say in what the right plan is not what DOT says has to be done. Selectman Fiala said he is concerned with paying for the intersection to be done twice. Selectman Fiala said the fact that people have to stop now to let someone take a turn is the reason why we have no accidents at these intersections and is concerned with the extra lanes making the road much less safe and concerned with foot traffic as well.

Mr. George Malette agrees with Mr. Doscher and feels the minimum should be done now and takes time to redesign. Mr. Malette said he is the Secretary of the Planning Board and feels this design, the one presented by the School Board, would not meet the wishes of the residents and the Master Plan.

Mr. Neal Kurk, speaking for himself and the Historical Society, is very concerned with the impact of the widening of the intersection, the removal of the island and the effects this will have on the Stone Building. He commented to the Board that no one can read those plans except an engineer and hopes the Board gets a simplified drawing of widths and locations of the road and is concerned with the trees that surround the gazebo. He understands the interim plan will change East Street but not affect Rte. 114. So any changes to be made on East Street the school will pay for and the town will save money because they will save on Rte. 114 improvements. Mr. Kurk said he doesn't understand it to be a law that the state can take town property or widen a road for the condition of obtaining a permit. He said if East Street is to be widened than this is in the charge of the Town not the school.

Vice Chairman Kurk asked Mrs. Betty Straw her opinion on the island. Mrs. Straw said she has lived here for 81 years and the triangle has always been there. The stone work is a relatively new thing not historical, does not remember a watering trough being in the island. Mrs. Straw has not taken a position on the removal of the island and wants what is safest for the town.

Mr. Frank Campana said they have a dilemma and does not want to pay for the design, plan, or construction twice, and feels it is such a small area so whatever will be done in the future will be dictated by traffic and out of the Boards control. He thinks the Board should consider the money is available now and if this is a satisfactory design then allow the School Board to pay for it now. Mr. Campana said in the future when it needs to be redesigned then people will be saying why you didn't do this back in 2006. Selectman Fiala said if he thought this needed to be widened in the next 5, 10, 15 years, he would say do it. But he feels the widening is not the solution. Mr. Campana said the intersection needs to be descent and does not want to pay for it twice.

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Mr. Malette said at one point he approached the School Board about a bike and pedestrian plan, which is in the Master Plan. The bike and pedestrian path committee was voted in at the same time as the new WMS and are part of the regional plan. Mr. Thomas said he does not remember any plans for a bike path. Mr. Thomas said they do have plans for sidewalks in front of the school. Mr. Malette recommends no curbing and leaving 5 feet from sidewalk to the edge of the road. Mr. Woodland said the balance of the comments they received were to minimize the widening. Mr. Woodland said they went back to DOT and they approved the narrower widening. Mr. Malette said there needs to be a balance and remember the bike path is on the regional plan. Mr. Woodland said they were unable to fit everything wanted into the plan because of the tight space. Mr. Woodland said if they don't do the widening then there might be room for the bike path. Vice Chairman Kurk asked what they are talking about regarding money to redesign. Mr. Woodland said in the ballpark \$3,000-\$4,000 to take the design through 2 rounds of DOT. If Woodland Design was involved in the process then they will provide a written proposal. Mr. Woodland said it will take months to go through this process. Mr. Woodland said he will be contacting Richard from DOT to inform him of the happenings at this meeting. Vice Chairman Kurk asked if the plans they have now, and the Board decides to go through with an alternate plan, then the permit would go through to the school with the plan they already have with wordage the Town is working on changes to the plan. Mr. Woodland said how the exact wording will read he will have to discuss this with DOT.

Mr. Thomas said it is obvious the cost of this will have to be determined. He is obligated not to contribute funds to the town for redesign. He needs a commitment from the Board tonight because he can not delay it any further. He does not have any time to wait because it will throw off their schedule and bid process. He wants to make sure everyone understands the school is only doing what they are required to do by DOT they are not trying to take any land or property. Vice Chairman Kurk said but she was told the tree was a card that they hold. Mr. Thomas understands there is a lot of conflicting communications. They need to be on schedule. Mr. Thomas asked if the Board is behind the substitute plan. Vice Chairman Kurk said it is not just this issue that can hold them up there are other permits. Mr. Chip Meany said the fire permit has gone to a third party review. Mr. Meany said the Selectman need to sign off so he can issue the permit. Mr. Meany feels if the Board wants changes they need to do this tonight because a plan needs to be on file in order to accomplish something. If they file any plan that is acceptable to the state so the state can fall back on that plan in the future then the state will be happy and then you can amend the plan. Mr. Meany said the question is safety and if you have a safe intersection plan then it will never have to be changed. Mr. Meany said if the Board wants a separate plan then they need to do it immediately. Vice Chairman Kurk said they need to have time to decide. Selectman Clow said at some time during this meeting he would be willing to make a motion that reflects their desire to move to have an alternate plan, which will include the drawings that are already on the plan. Mr. Thomas said if the delay lies on East Street they can still continue on schedule. Selectman Clow said no one on the Board wants to slow down the completion of the school but just wants to preserve the center of town and design an intersection that matches the needs of the town.

Mr. Meany said another major decision in finalizing the plan is that the utilities need to be relocated soon and the pole in the center of the island is crucial.

Vice Chairman Kurk said the School Board will be contacted soon with a decision.

**5. AVITAR DISCUSSION** – Ms. Loren Martin provided the Selectman with a booklet of values and a sample letter of a form letter they send out to taxpayers explaining values and hearings. Ms. Martin told the Board the booklet gives the values of all the properties in town and is preliminary not finalized, but she hopes to have everything finalized by the end of the week. They have entered 50% of the properties in town. Ms. Martin said during the hearing process they will have appraisers available to go to the residences at that time to enter inside. The base values for all the land and properties in town are included in the booklet. The base value of buildings

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was \$94 a square foot when they started the process now the market has changed and the base rate is at \$82 a square foot with the land being the biggest hit in the increase was \$29,000 for the 1.93 acres required by zoning and is now \$106,200. Ms. Martin informed the Board they are trying to assess at a softer rate to keep the market changes in mind. They are basing the values at 98% of market value for this year to try and leave some breathing room on assessments.

Ms. Martin said a previous decision of the Board was not to assess sheds below 60 square feet or above ground pools and wants to make the Board aware of this in case they want to change this process. Ms. Martin said the state recommends everything on the property be included in the assessment. Vice Chairman Kurk said they need to find out the process. Ms. Judy Rogers said they do require a permit for all sheds and above ground pools.

Ms. Martin said they plan on having hearings the week of August 14, 2006. All residents will receive a letter regarding their assessment and they will receive a booklet as well to compare values with other properties. Taxpayers can go online with the code provided on their booklet to compare values for a period of 30 days and then the website will shut down. The website is only available to taxpayers of Weare and will help taxpayers determine their value was treated fairly and gives them an avenue to research before they come into a hearing. Ms. Martin has scheduled 4 weeks for hearings just in case so they will have enough time to finalize for the MS-1 to get the tax rate set. Ms. Martin said residents need to be prepared things that were voted in at town meeting will be reflected on this tax bill.

Mr. Campana asked Ms. Martin if the Selectman set an overlay amount and what information she supplies to them to help determine the overlay. Ms. Martin said typically an overlay should be based on the percentage of the town. Mr. Butt said is this done before the tax rate was set. Ms. Martin said the overlay is the money the town has to set aside for abatements. Mr. Butt said typically the overlay is set before the tax rate is set instead of after. Ms. Martin informed the Board she is willing to come back to discuss concerns with the Board.

**6. ADMINISTRATIVE REPORT** – Ms. Ventresco informed the Board of a requested from Chief Richards to expend \$2,000 for case holders for 42 radios he received from a grant. Mr. Ventresco informed the Board they have not accepted the radios yet. Vice Chairman Kurk said this is exactly what some people are concerned about, that after receiving a grant additional funds are requested. Selectman Fiala wants to know if there is a comparable holder for the radios instead of purchasing these at \$55.00 each. Selectman Clow asked where Chief Richards thinks the money will come from. Mr. Ventresco said he thinks they said the Capital Reserve.

Vice Chairman Kurk said there have been some questions about the CERT Director and how the position was filled. Vice Chairman Kurk feels there should be a formal appointment but information from the State does not require the appointment of this position. Mr. Ventresco said they should appoint the council as well. Selectman Fiala feels they should appoint the council and then the council can recommend the Director for appointment to the Board. Vice Chairman Kurk said the Director has been the Director for 4-5 months and said they should have a formal appointment process. Vice Chairman Kurk said they need to follow the process and have a formal record for appointments. Mr. Ventresco said he can find documentation about discussion on the CERT Director but no formal appointment has been recorded. Selectman Fiala said they need to think of a term. Vice Chairman Kurk said she would make it a one year term. This works like this only on grants and some on the concern was there was a stipend on this position. Selectman Clow said in order to be consistent they should make the appointment retroactive.

**Selectman Fiala moved, Selectman Osborne seconded to appoint Peter Buono as CERT Director for a one year term beginning January 2006. Passed 4-0-0.**

Mr. Ventresco will contact Peter Buono to notify him of the appointment and get the council member names.

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Selectman Fiala said the sign coming in from Concord is in need of major repair and said Chairman Methot mentioned there was a fund this money could come from. Mr. Ventresco will look into this.

Selectman Clow mentioned the sign next to the Town Offices also needs repair.

Selectman Fiala informed the Board that PARC approved the wording of the PARC Director description and wants to make the stipend \$7,200. Selectman Fiala said there is a bill for piping and stone for Bolton Field and PARC wanted to pay for it out of the Capital Recreational and Field Development Fund. The Board wants to make sure the CIP Committee is aware of this. Selectman Fiala informed the Board there was a waterway which the Highway Department dug out for PARC and added perforated pipe and now Chuck Metcalf is concerned with the pipe they added not working the way they hoped. PARC decided to cancel the barbecue for the next concert because Jim Blouin would be unable to have the cookout. Vice Chairman Kurk said now that we have a Town Administrator Mr. Blouin's timecard needs to be signed by him. The Board discussed the stipend would be started in January. Selectman Fiala informed the Board Mr. Blouin takes care of things they would otherwise have to pay for and things that are not in the Directors job description. Selectman Fiala said if they stipend the Director he may not perform some of the jobs he currently does. Vice Chairman Kurk said she would like to see departments contact the Town Administrator if they need to have work done by the Highway Department. Selectman Fiala said clearly Mr. Blouin is performing tasks at an hourly wage that are not included in the PARC Director job description.

**7. RTE. 114 AND EAST STREET ITERSECTION DISCUSSION (Continuation)** – Vice Chairman Kurk said she senses the Board feels the Rte. 114 and East Street intersection is important enough to spend more time discussing. Vice Chairman Kurk told the Board, in the earlier discussion she was trying to find out how much money would be saved by not altering Rte. 114 and then could suggest the School Board pay for the redesign. Selectman Fiala said he has heard Mr. Thomas say “the School Board does not care how the intersection is designed” and it sounds like they would have accepted any plan brought forth to them. Selectman Fiala said he wishes the School Board took this as their responsibility and feels this is DOT driven. Vice Chairman Kurk is concerned with spending funds on a new design and then having DOT not approve the new plan. Selectman Clow said he is disappointed when he hears he School Board has no position on the intersection and feels they should be concerned because they are residents as well.

Vice Chairman Kurk said if DOT puts the plan on the shelf and the Board puts forth another plan then she is concerned they will not still have things changed. Selectman Fiala said the state, in certain cases, goes in favor of local control and will listen if they heard from other residents. Selectman Fiala said he is concerned with the possibly of DOT coming to them in the future for a redesign if it is not done now and then the cost will be very high. Vice Chairman Kurk is wondering if there will be a back up because of the buses. Selectman Clow said he feels the buses load and unload so quickly that they really do not impact things. Selectman Clow said the plan is there and is already before the state and they are in some way going to act on it and our focus has to be on what exactly are they asking us to do so our views are heard. One of the questions brought forth from Selectman Clow is where will the \$4,000 come from to redesign the intersection. Vice Chairman Kurk said the one thing they all agree on is that they want the alternate plan and is wondering if it would make sense to quickly gather the Town Center Advisory Committee now to further decide on the center of the town. Vice Chairman Kurk said somehow they will get the money for the redesign. Vice Chairman Kurk said she is unsure if they can just go through Woodland for the redesign or follow process for bid. Vice Chairman Kurk wants to make sure if they decide to go with Woodland Design she wants it clearly documented that they did so because of all the knowledge and time that has already been done by Woodland Design. Mr. Ventresco said if they go out to bid then it would be way past their timeframe.

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Vice Chairman Kurk asked what they do if in the future they say things need to be changed and wonders how they will pay for it. Vice Chairman Kurk said she spoke with Chairman Methot and he referred her to check with the legal council of Mitchell & Bates.

Selectman Clow thinks that DOT wants a commitment from the town to pay for any future redesign.

Mr. Dick Butt thinks the problem lies with DOT and asked how could they accept it and implement it knowing it isn't safe and then come back to the town and tell them they have to redesign. Mr. Butt feels the town needs to get commitment from DOT that they will seriously consider the redesign and make sure if it is accepted that it is accepted with no strings attached. Vice Chairman Kurk said the Board is not only considered with the aesthetics but the design is not safe.

Selectman Clow said the meeting they had with DOT was out of the hearing process of the design. Selectman Clow said DOT is not projecting that the intersection is not safe but that the money is available now through the school.

Mr. Malette said DOT did not follow the correct process because they should have got all the input from all those concerned and considered all suggestions before approving. Mr. Butt said if you leave it up to the engineers nothing will change but if you go above them then your suggestions will be heard.

Vice Chairman Kurk said they have to act affirmatively and quickly to find the funds for the redesign. Selectman Clow feels they should discuss the budget with Carl Knapp and see if there are any funds available in the Highway budget to cover the \$4,000 for the redesign. Mr. Ventresco will speak with Mr. Knapp.

**Selectman Clow moved, Selectman Fiala seconded to inform the SAU and the Chair of the School Board they are going to pursue an alternative plan for the redesign of the intersection of Rte 114 and East Street and they will be contacting Woodland Design for a written cost of the redesign. Passed 4-0-0.**

Vice Chairman Kurk said in addition she would like Mr. Ventresco to contact Woodland Design on the cost of an alternate design. Vice Chairman Kurk said she has contacted one of our State Representatives and she will contact the others to see if she could get their support.

Bottom line is the Board wants to maintain the town center and ensure the safety of the intersection.

**Vice Chairman Kurk move to adjourned at 9:11 p.m.**

## 8. ADJOURNMENT

A True Record.

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Cherry Palmisano, Recording Secretary