

FINAL



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
October 23, 2006**

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

TOWN ADMINISTRATOR: Fred Ventresco
RECORDING SECRETARY: Cherry Palmisano

GUESTS: Matt Casey, Elizabeth Straw, Frank Campana, Evelyn Connor, Malcolm Wright, Richard Butt, Andy Fulton

6:00 p.m. Chairman Kurk called the meeting to order.

1. PUBLIC PARTICIPATION – Mr. Frank Campana commented on the development of the Town of Hopkinton tax rate issue, he would like the Selectmen to bear in mind that Weare is probably heading in the same way. Mr. Campana said one of the hardest job's of the Selectmen is the fine line of what the tax payer will support. Mr. Campana feels people will be in for a shock when they get their tax bills because of the tax obligations they voted in and asked the Selectmen to be sensitive on what they put before the voters. Chairman Kurk said what they set the tax rate at in November is already determined from what was voted upon and the expenditures have already been set. As far as the school, the majority of the taxpayers voted to have the expenditures on the new school.

Mr. Malcolm Wright spoke regarding Article 31 from the 1981 Town Report which was revisited in 1992 for certification. The article states the Historical Society was to take over the Stone Building in exchange for paying the utilities on the building. Mr. Wright said he is here as a concerned citizen, as ex facto maintenance director, and member of the Board of Directors of the Historical Society and informed the Board he does not want this to become a bad thing and would like it rectified. Mr. Wright has spoken with private groups in town and there is no one that has this type of arrangement. Mr. Wright said these figures all came from the Town Report and does not include maintenance just strictly utilities. Mr. Wright says from here forward the issue needs to be fixed. Chairman Kurk said the Stone Building does appear in the budget. Mr. Wright said it should not be in the Town's budget.

Ms. Elizabeth Straw informed the Board when the Historical Society first discussed this she went back through minutes to determine what discussions have taken place; back in April 1984 there was a discussion if there was a trust fund for the Stone Building. Ms. Straw said on September 20, 1988 there were fuel bills submitted to the Selectmen and she cannot find any evidence of any bills from the Town Office. Ms. Straw said the minutes state in January 1990 there was an inquiry, by John Chapman, if there was heat in the Stone Building and what the financial responsibilities were. John Chapman in February said he got no response from Selectmen. Mrs. Straw went through the Historical Society records and found that \$1093.66 for shingles and tarps on the horse sheds was paid to the town by the Historical Society, \$192.00 to have electrical fixed at the Stone Building, \$900 for

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removing a hazardous tree, \$300 at Clinton Grove to put up the sign, and for window painting and repair at Clinton Grove was \$3,268.43 which the Historical Society paid and \$3,500 for Town Hall restoration which the Historical Society donated. Ms. Straw stated that the Historical Society may not have paid the utilities for the Stone Building but they have made considerable donations to buildings around town. Chairman Kurk said she realizes the Selectmen cannot ask the Historical Society to come up with all the past utilities bills. Chairman Kurk said the Historical Society serves the town but so do other non profit organizations. Chairman Kurk said they will discuss this further as a Board and come up with a solution. Mr. Wright said he did not want to infer there was any wrong doing, just something that got away and feels it would not be a good relationship to leave it this way. He is interested in solving the issue. Ms. Straw said she feels other groups that use the area do plug into the electrical system from the Stone Building. Ms. Straw said it is bothersome, but they never did receive a bill. Chairman Kurk said they pool the fuel together from all town buildings. Ms. Straw went back to 1982 to find fuel costs in the past, but the Stone building was not separated until 1993.

2. SWEARING IN AN APPOINTED BOARD OF SELECTMAN

Ms. Evelyn Connor, Town Clerk, swore in Mr. Anthony Craig Slattum to the Board of Selectman. Selectman Slattum thanked the Board for allowing him to take the seat on the Board of Selectman.

3. DEPARTMENT HEADS – Ms. Connor reminded the public there is an election on November 7, 2006, which is expected to be a busy day, not a difficult ballot, but there are questions on the back side of the ballot. These questions are very important to the Town of Weare and refer to eminent domain and legislature representation for the Town of Weare. Ms. Connor said as they are approaching budget season her office is running short, there is a lot of training coming up and her office will be short. Ms. Connor said she is forewarning the Board that she is looking to get a part time helper in the office next year and when they get into budget season she would like to discuss this with the Board.

4. MANIFESTS

Chairman Kurk moved, Selectman Osborne seconded, to authorize the Board of Selectmen to sign Manifest and order the Treasurer to sign checks dated October 26, 2006. Passed 5-0-0.

Accounts payable	\$379,157.53
Gross Payrolls	<u>\$36,203.74</u>
Total	\$415,361.27

5. ADMINISTRATIVE REPORT

Mr. Fred Ventresco informed the Board the contract for the windows for the Town Office has not been moved on. The Board did agree to go on the lowest bidder provided double Low-E, frame insulation, and references about working specifically on windows were included by Danis in the contract. Mr. Ventresco said Danis listed 3 professional references and added another reference which is a Jewelry store in Nashua (old historical building) all 4 references gave him exceptional references only 2 gave references on windows. There was a large housing project that said Danis did install all the windows, Southern New Hampshire Services said Danis does residential windows for them all the time, and in a large apartment building Danis replaced the windows as well. Mr. Ventresco commented he was comfortable with Danis, and Danis commented to him that they will stand behind their work. Vice Chairman Fiala said he is comfortable. Selectman Clow asked about Danis offering a 2 year warranty and offering the double Low-E. Mr. Ventresco said Danis came back with the same prices for the double Low-E and frame insulation as the other bidder. The funds for the Town Office Building windows will come out of the Building Maintenance Reserve Fund. Selectman Clow and Selectman Osborne said they are comfortable with going with Danis. Chairman Kurk said they did vote to award the contract to Danis and Mr. Ventresco will contact Danis and inform him he has the contract.

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Mr. Ventresco said first drafts of budgets are due at the end of the week and asked the Board how they want to deal with the salaries. The Department Heads have done their reviews and some Department Heads have factored in the raises and some have not. Chairman Kurk said there should just be a column for the anticipated raises of the employees. Selectman Clow said the increases for the raises do need to be shown in the budget. The Board discussed having a separate budget for raises. Mr. Ventresco said benefits need to be reflected as well in the budget. Selectman Slattum asked if Department Heads were informed how much of a raise was allowed. Mr. Ventresco said everything is based on your review and a 3.6% increase is the cap on the merit increase.

Mr. Ventresco discussed the format of the agenda with the Board. Mr. Ventresco suggested going down the agenda in a linear format without scheduled times. Chairman Kurk said she feels to prepare the Selectman as well as the public the suggestion to remove the scheduled times from the agenda was to allow the meeting to flow better. Chairman Kurk said the format of the agenda as it stands now does not have any substance. Selectman Clow feels they only need a specific time on public hearings and they should always hold public hearings immediately following public participation and all non publics will be at the end of the meeting. Selectman Clow feels there needs to be flexibility in the schedule to help with the timing of the meeting. Chairman Kurk asked if the Board would consider having public participation at the start of the meeting and again at the end before non publics to accommodate the public that is unable to be present at the start of the meeting. The Board agreed.

6. DISCUSSION OF PROPOSAL SUBMITTED TO THE BOARD ON TOWN HALL AND TOWN HALL SIGN USAGE

Chairman Kurk informed the Board she discussed the proposal with Merry Rice, since she is responsible for the renting of the Town Hall and sign usage. The Board reviewed and discussed the Facilities Use Contract. Chairman Kurk said Ms. Rice needs the Board's support to enforce rules and regulations on reserving town facilities.

The Board discussed the 14 day advance in reserving town facilities, and feels maybe 7 days would be adequate time. Chairman Kurk said there is a lot of paperwork and scheduling involved and the 14 day timeframe to reserve works for Ms. Rice. Vice Chairman Fiala said he does not want to see anyone come in 10 days in advance and then be told they can not rent the town hall because it is not in the 14 day timeframe. Vice Chairman Fiala said he has had discussions with Ms. Rice in the past and however it works for her, he will be fine with. Chairman Kurk said she would like to see what Ms. Rice has to say about the 14 day advance notice. Vice Chairman Fiala, said it is paperwork, extra phone calls, getting the keys. Mr. Wright added that the procession of people coming and going he feels the 14 days gives them a better buffer zone. Mr. Wright said the people who use the hall are those who use it over and over and know the procedure.

Chairman Kurk mentioned that one time when the town needed the Town Hall for a shelter the quilter's guild was in the Town Hall. Selectman Clow said when that happened it was a good learning experience and said that CWES is a better shelter for bathroom and kitchen usage. Selectman Clow said if a community group and a private group wants the Town Hall at the same time it should be first come first served. Discussion on who has precedence on renting the Town Hall.

Selectman Clow mentioned when it refers to the Board of Selectman it should say or designee. Discussion on how some groups use the facility that do not have liability insurance. Does the South Weare Improvement Society have liability insurance?

Selectman Clow said this Facilities Use Contract coincides with the Facilities Use Policy. Some things require insurance and others do not. Vice Chairman Fiala said an outside group's liability depends on the group and level of activity.

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TOWN OF WEARE FACILITIES USE CONTRACT

COMMUNITY USE OF FACILITIES

When not used for regular purposes, buildings and grounds or portions thereof may be used for adult education, discussion, religious, civic, social, recreation, entertainment purposes, and such other purposes that promote the welfare of the community, including use as registration and polling places for voters.

No person, group, or organization has any vested right to use town, city or county property; but the right to use the property for any lawful purpose is subject to approval by the Board of Selectmen.

Accordingly, the Board of Selectmen will establish detailed regulations, including rental fees, pertaining to the public use of facilities.

1. The use of town buildings, grounds, equipment and facilities will be authorized by the Board of Selectmen in conformity with the following regulations governing their use as approved by the Board.
2. Requests for the use of facilities will be made at the Selectmen's Office, with the Town Administrator, or their designee, at least 14 days prior to the date of use.
3. Facilities may not be used for commercial purposes.
4. The use of town buildings for government purposes, community meetings, and local community group entertainment for the community, clubs, and other organizations affiliated with the town have precedence over all others.
5. All activities must be under constant, competent adult supervision approved by the Board of Selectmen and the facility manager of the building involved (if there is a designated manager). The group using the facilities will be responsible for any damage to the building or equipment.
6. Groups receiving permission are restricted to the dates and hours approved and to the building area and facilities specified, unless requested changes are approved by the Board of Selectmen.
7. Groups receiving permission are responsible for the observance of town and state fire and safety regulations at all times.
8. The use of alcoholic beverages, profane language, or gambling in any form is not permitted in municipal buildings. Smoking within the building is not permitted and no lighting of candles.
9. The Board will cooperate with recognized agencies, such as the Red Cross and Civil Defense, and will make suitable facilities available without charge during community emergency or to prepare for civil defense.
10. Liability insurance will be required for all outside groups given permission to use facilities. Organizers of any activity must provide a certificate of insurance endorsed to name the town as an additional insured.
11. The Board of Selectmen will approve and periodically review a fee schedule for use of facilities.
12. In situations where there is no cost to the member, or in situations where a mutual exchange of facilities is possible between the town and the event sponsor, rental fees may be modified or eliminated by the Board of Selectmen. In situations where extended use for a long period of time is required, rental fees may be set at a contract price.
13. The Board reserves the right to cancel any permission granted.

A. Indemnification

In consideration for allowing the rental of town facilities and in full recognition of the board fiduciary responsibility to protect owned property and assets, the Lessee hereby covenants and agrees at all times to indemnify and hold harmless the Lessor; its board officers and employees, to the fullest extent permitted by

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law, from any and all claims, damages, losses and expenses, including, but not limited to, reasonable attorneys' fees and legal costs, arising out of the use of these rental premises and all Lessor facilities, by the Lessee, its officers, employees, agents, representatives, contractors, customers, guests and invitees.

B. Insurance

As evidence of its financial ability to indemnify the Lessor, during the term of this agreement, the Lessee shall obtain and pay premiums for Commercial General Liability insurance protecting the parties hereto, their agents, officers, elected officials, representatives, or employees because of bodily injury, property damage, personal injury or products liability incurred by the parties in the performance of the terms of this lease, such policy to provide limits no less than \$1 million per occurrence. A Certificate of Insurance naming the Lessor as an Additional Insured shall be provided.

Such insurance contracts shall be with companies acceptable to the Lessor and they shall require ten (10) days prior written notice to both parties hereto of any cancellation.

C. Alcoholic Beverages & Controlled Drugs

In acknowledgment of the Lessor's strictly maintained policy against the sale, possession, use, abuse, or consumption of alcohol or of controlled drugs as defined in RSA 318-B:1, VI, or of a controlled drug analog as defined under RSA 318-B: 1, VI-a, Lessee covenants and agrees to vigorously enforce said policy during the use of the facilities and premises by the Lessee, its officers, employees, agents, representatives, contractors, customers, guest and invitees.

The Board discussed the deposit for the Town Hall key and letters. It was determined whether you are a town employee, private citizen, or non profit organization the deposit must be made. Mr. Wright said there is an ongoing problem with the deposit and the keys, one time there was a problem with the facility being damaged and there is no facility damage deposit. Selectman Osborne discussed non profit organizations not paying a fee for usage of the Town Hall.

Chairman Kurk asked the Board to review the remainder of the Facilities Use Contract Rules and Regulations and submit their comments to Mr. Ventresco. Chairman Kurk asked Mr. Ventresco to discuss the input with Ms. Rice and with her input revise the contract.

Chairman Kurk said they received a letter regarding Conservation Land which had trees cut on the land by an abutter. The letter says that the abutter needs to pay a fee to the Conservation Commission. Chairman Kurk said Andy Fulton will be in to sign the letter so it can be sent out immediately.

Chairman Kurk said on November 13 and 27 the Board will be holding worksessions. There will be budget information coming forth on November 6 and the Board will be meeting every Monday in November.

The Board discussed that they need to set a time to meet with the Cable Committee regarding the Comcast contract because the franchise expires in September 2007. Selectman Slattum will take the lead on the cable contract.

Chairman Kurk said she was asked by the public what the County Budget Payment of \$816,000 was. It's \$22,090 more than last year. Chairman Kurk said the county establishes a budget, and then DRA allocates what each town should pay, determined by the proportion of assessed valuation. Weare has risen because new houses and house sales.

Chairman Kurk said they received a notice from Judy Rogers stating Avitar would like to have a new contract signed. Chairman Kurk said there will be a Tri-Town Assessor meeting at the Local Government Center. Chairman Kurk said they have looked into this in the past but were in the middle of a reevaluation and did not make sense to change in the mid process. The Board discussed the view portion of the tax and the assessed

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value of the view. Selectman Clow said when people receive their tax bills there may be discussion on their view.

Chairman Kurk said the auditors are coming on Friday and will then be able to work on getting the paperwork ready in order to contact DRA so the Board can set the tax rate.

Chairman Kurk sent an email to Alice Morris regarding trimming the apple tree. Mr. Ventresco said the Legion will not assist with a new flagpole.

Chairman Kurk said some people are still saying they are not getting some information which they think they should have. One town said they have a newsletter hard copy as well as on the website. Chairman Kurk asked the Board to review the North Hampton website and think of other ways to reach the public with factual information.

Mr. Ventresco discussed the Benefit Review Committee with the Board of which Tom Clow, Jon Osborne, Joan Couhie, and Tina Pelletier are members. The breakdown should be 3 public citizens, 1 Selectman, 1 Finance Committee Member and 2 employees. Chairman Kurk told Mr. Ventresco to contact Laura Buono to discuss representation from the Finance Committee. The Benefit Review Committee is a creation of the town and appointed by the Board of Selectman.

Vice Chairman Fiala asked Mr. Ventresco about the drainage of the dog house door. Mr. Ventresco informed the Board there has been no water issues since Mr. Wright rearranged the landscaping outside the door.

Vice Chairman Fiala asked Mr. Fulton what the fine was for the 3 cords of wood that were cut on Conservation land. Mr. Fulton said the town gets \$7.00 per cord. The price is set by the forestry standards. Mr. Fulton said it does seem ridiculously low but that's what forestry standards are.

Chairman Kurk reminded the public Chase Park boat ramp is closed for the season.

The Board discussed there is no Director for PARC. Chairman Kurk asked who will drain the irrigation system at Bolton Field. It was discussed professionals will be draining the system. PARC is aware the nets at the tennis court need to come down before snow falls.

Selectman Osborne reminded the Board the Town Report bids will be due October 30, 2006 and should be discussed at the November 6, 2006 meeting.

Selectman Clow mentioned an email regarding skateboarders and informed the public Mr. Carl Knapp is aware the pieces of the skateboard park are down at Ineson but he has been busy working on the roads and will get to it as soon as he can.

Selectman Slattum asked about the procedure for Election Day November 7, 2006. It was discussed 3 Selectman need to be present at 7:00 p.m. until closing so they can sign off and there is not a requirement to have Selectman present but it is requested.

Chairman Kurk moved, Vice Chairman Fiala seconded to enter into non public session @ 8:30 p.m. pursuant to the authority granted in RSA 91-A:3II (a & c). A roll call vote was taken. Selectman Slattum – yes; Selectman Clow - yes; Selectman Osborne - yes; Vice Chairman Fiala – yes; Chairman Kurk - yes. Passed 5-0-0.

The Selectmen met with Town Administrator, Fred Ventresco, to go over his three month performance evaluation.

Chairman Kurk moved, Vice Chairman Fiala seconded to come out of nonpublic session @ 8:41 p.m. A roll call vote was taken. Selectman Slattum – yes; Selectman Clow - yes; Selectman Osborne - yes; Vice Chairman Fiala – yes; Chairman Kurk - yes. Passed 5-0-0.

7. ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary