

**FINAL**



**WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
March 10, 2008**

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

**TOWN ADMINISTRATOR:** Fred Ventresco

**RECORDING SECRETARY:** Cherry Palmisano

**GUESTS:** Tina Pelletier, Frank Campana, Carl Knapp, Steve Najjar, Jon Osborne, Robert Richard, Neal Kurk, Will Ottery, Ginger Esenwine, Frank Esenwine, Don Burke, George Mallette, Gregory Begin, Christine Hague, Judy Rogers, Paul Morin, Ian McSweeney

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

**MANIFESTS**

**Chairman Clow moved, Selectman Kurk seconded, to authorize the Board of Selectmen to sign Manifest and order the Deputy Treasurer to sign checks dated March 13, 2008. Passed 4-0-0.**

<b>Accounts payable</b>	<b>\$418,757.15</b>	<b>(Weare School \$350,000.00)</b>
<b>Monthly Fire Payroll</b>	<b>\$6,307.85</b>	
<b>Gross Payrolls</b>	<b><u>\$45, 540.31</u></b>	<b>(includes Credit Union, Taxes)</b>
<b>Total</b>	<b>\$470,605.31</b>	

Chairman Clow announced they would be holding a call-in program for citizens to ask questions about the upcoming Town Warrant or any questions on the budget. Chairman Clow said Department Heads are also present to answer questions that pertain to their department's budget.

*Question* – Ms. Christine Hague wonders in light of the information in the last minutes regarding the letter from the Fire Marshall if the article passes will anything be done?

*Response* – Selectman Fiala said clearly a portion of those funds will be used to take care of some of the issues in the building. They have authorized money to hire a Professional Fire Protection Engineer. Some of the issues are small; i.e., smoke detectors being moved, new doors in the building, providing egress in the building, sprinklers throughout the building. Funds will be used to correct the minor problems immediately in the article passes. Chairman Clow said this is article 13 which calls for funds for maintenance and repair of town buildings involving many projects. Some money in the article is not specifically allocated toward any certain problem. The Board is behind this article. Selectman Fiala spoke with the town custodian who has been picking up shingles off the ground from the roof of the Town Hall.

Mr. George Mallette, Town Building Committee, hopefully with the help of the Fire Protection Engineer, they can find out not all these items need to be taken care of this year, but can be worked on over the years. Mr. Mallette said there is \$20,000 for emergency repair for the whole town and \$25,000 for yearly maintenance which are not specific to any item.

## FINAL

*Question* – Why wasn't the new highway garage put into CIP before it became critical this year?

*Response* – Mr. Carl Knapp said a lot of things happened last year that made it critical. The roof is so bad water is pouring out of the electrical outlets and lighting has done a lot of damage. Mr. Knapp said this garage is needed to protect the employees and the town's equipment; safety is a large concern for the employees who work there.

Selectman Fiala said there is question if this went through the CIP process, he said it absolutely did. The Board determined it should be put out to bond, but certainly was discussed at several meetings.

Selectman Kurk said also the fact that the needs of the trucks are different then in the past. Mr. Knapp said the laws change and you need to be compliant. Mr. Knapp said the new truck is 2008 emission compliant and what happens with these vehicles is they need to regenerate and any idle time clogs them up in a hurry. There is no exhaust coming out of the truck just heat. The truck tells you that you need to regenerate because it gets very hot. Currently the trucks are outside and the only way to warm up the hydraulics is to let them idle, these new trucks cannot be left idling. This needs to be paid close attention to and having this facility to house these trucks will prevent them from having to idle.

*Question* – Why are the Selectman not supporting more police and fire personnel?

*Response* – Selectman Kurk said they need more information and she is not convinced they have to go to those measures and feels there are things that need to be done at the fire station before taking the next step.

Selectman Fiala said he did support the article because life safety issues are very personal and said he feels the Board had an undo influence in not supporting this last year.

Chairman Clow said it is difficult to say "no" when it comes to safety but they are trying to balance what they can and cannot afford this year. When it comes to police and fire and when they say "no" it is an emotional issue. The majority of the Board felt they just cannot afford them at this time. Some felt if Weare is the only town with full time day people we would be supporting other towns. Chairman Clow feels this is coming in the near future.

Selectman Clark said having the New Boston Fire Chief coming in before the Board helped put things in perspective, but some where the line has to be drawn. It was a tough decision to make.

Vice Chairman Osborne would like to see more information and would be willing to work with the Fire Department to put this on the warrant in the future.

Mr. Don Burke, member of Building Committee, discussed the Highway Garage and CIP. Mr. Burke feels that the members of the Building Committee don't all have the expertise needed to identify some of the issues. Mr. Burke said they have major problems with the Town Hall and other town buildings that they really need people with building expertise to help identify.

Mr. Paul Morin said it is part of the confusion that will always go along with Capital Improvement; article 12 involves items that have already been voted on by the town and are part of the CIP plan. Mr. Morin said the fact that the article for the highway garage is a stand along article, does not mean it is not a CIP item; it was discussed with the CIP subcommittee. Mr. Morin said the CIP subcommittee made their determination on record.

Chairman Clow said there are several projects in the CIP spread out on the spread sheet. Highway trucks and equipment on spreadsheet and the cycle. Chairman Clow feels this building will help with the life cycle of these vehicles. Chairman Clow recommends after the approval of this bond, that the Highway Department sit down with CIP and determine the life expectancy of the equipment now being housed in the new facility.

Selectman Kurk said they will not see the savings in the vehicles life cycle immediately. Mr. Knapp hopes the article passes and then he will go to the CIP Subcommittee and recommend the life cycle of the 2008 truck they just got be a 13 year cycle, 2007 truck will have a 12 year cycle, 2006 truck will have a 11 year cycle, and so

## FINAL

on. Mr. Knapp said they will see the savings and will gain enough years for the life cycle of a truck. Selectman Kurk supports this article because of the safety of the employees working in the facility.

Selectman Fiala said one aspect is the recycling, working well now, but will be streamlined even better, and will help residents recycle much easier. Selectman Fiala said if it was not for the recycling revenue the town would have been in a deficit this year. Selectman Kurk said some people said they have not asked for enough money to complete this project. Selectman Kurk said the leach field is in place, toilets are there, salt shed is already in place. Mr. Knapp commented that they already have the spot, no trees need to be cut, utilizing the same land, septic in place, fueling system already in place (fueling for all departments), 3 phased power is already there (no extra cost from PSNH) and fire pond is already there. Mr. Knapp said he is extremely pleased with recycling and residents have been doing a great job. Mr. Knapp said the easier recycling is for people to do, the more they will do it and the more recycling there will be. Mr. Knapp said the new open top trailer for the paper has given them a greater return in paper recycling. Aluminum cans just brought them in \$13,000 for one container.

*Question* – Why are the Selectman not recommending additional Police Officers?

*Response* – Chairman Clow said it is a balancing act, because of financial issues. Issues involving people safety, and saying no, puts them on the spot.

*Question* – If we can make so much money recycling then why aren't the schools recycling?

*Response* – Chairman Clow said Mr. Knapp went to the School Board. Mr. Knapp said he has been working with someone at CWES and thinks they will be getting going on the recycling soon and hope to put a program together. John Stark High School is currently the only school in town which uses the town's facility and their recycling has dropped off.

Selectman Fiala said he works at Concord High School and there was a teacher who started the recycling going by placing bins around the building.

*Question* – How much money is derived from recycling annually and where does it go to reduce expenses?

*Response* – Ms. Tina Pelletier said in 2007 the recycling revenue was \$111,050.77 - only the non fee based recycling. Chairman Clow said this money goes into the General Fund as revenue and sits there until the Board uses it to offset taxes if the fund balance is high enough. Sometimes that is not always possible because of cash flow issues. Chairman Clow commented on the revolving fund.

Mr. Knapp said the revenue is anticipated revenue and they may take in more than they anticipated, in September they anticipate the revenue and it does go against the tax rate. Mr. Knapp said it doesn't necessarily just sit in the General Fund, does offset taxes. Mr. Knapp commented on demolition going towards energy, pressure treated is different, they charge a fee because they have to pay to dispose of those items and at the end of the year they were within a few dollars of what they took in and what they were charged to dispose of. Mr. Knapp said they fund is working the way it was intended to work.

*Question* – Mr. Frank Campana referred back to Deliberative Session and asked what items the Board considered to be obligation (fuel and energy); he said the comment from the Board was they are in the operating budget and he questioned them being in the default. The Board said at that time they were included in the default budget. The backup information mentions the items of fuel, electricity and heating fuel and the new assessing contract. He questions were the article mentions a dollar amount, does the Board feel they missed a step in the back up information by not including those items. Mr. Campana reminded the Board he had asked them to give equal weight in each article.

## FINAL

*Response* – Chairman Clow said it was clearly in all their meetings that they needed to put these items in the default budget. Chairman Clow said he has no doubt they will spend this amount. Chairman Clow said if someone perceives that something was being deceptive he cannot argue with that, they were very upfront at Deliberative Session with these increases being included in the Default Budget. Chairman Clow said as of tonight's Manifest they have spent \$133,381 on road salt the default budget has \$157,000 in it. Mr. Knapp said add another \$10,000 to that \$133,381. There is \$40,000 in overtime, already spent \$42,724 in overtime for highway if proposed passes there will be \$46,000. Police overtime line there is \$55,000 in the default budget and they are at almost \$25,000 spent thus far, proposed budget is \$75,000. Chairman Clow does not feel the Board was deceptive in leaving anything out. Selectman Kurk said when they put the fuel in the default budget they used the number of gallons used in 2007 and then multiplied that by the increased fuel cost, more of an increase in the proposed budget.

*Question* – What happens if the owners sell the land that holds the easement?

*Response* – Mr. Steve Najjar said if the project is successful PWA will hold an easement and the town can hold the easement forever regardless of any sale. Realistically people who purchase land of that size would know there was an easement on it.

*Question* – Mr. Campana commented on article 24 for the land purchase and said as a resident he has never been presented with purchase of an easement. Mr. Campana questions if the town can set up trails or put a park on the property like other town property or can they not because it is an easement. Mr. Campana said if this passes with a conservation easement the town cannot do that, is the town bond with what they can do by what the landowner says they can do. Understands benefit for taking this land for development easement, but the missing piece is can the town do what they want if the owner says no.

*Response* – Selectman Kurk said it goes by what is agreed to in the easement. Mr. Najjar said the town is only purchasing the right, agreeing with the land owner, mining will be prohibited, allowed recreation and forest management, level of control for land owner all goes into the easement. The town only owns the development right. It is quite a bit different than land and fee, the land will be protected, and it is a lower cost for the town to have the easement to protect instead of purchasing.

*Question* – Mr. Campana asked if any of the preliminary easement discussion has been done?

*Response* – Mr. Najjar said it is too early, PWA and the Town have different processes.

*Question* – If we don't own the land if we purchase the easement, what does this purchase buy?

*Response* – Mr. Najjar said buying this Conservation Easement will restrict the development rights; no one will ever develop on that land. Forestry and passive recreation will be allowed. The land owner could never change the land into a developed use; it will be a public process and will be negotiated. It all depends on the land owners, the public, PWA and the Town.

*Question* – When property has an easement what does that do for our taxes? Do we lose money?

*Response* – Chairman Clow said it is land that will never be developed which will help by saving on school services and town services. Chairman Clow said most of the land would be in current use anyway and would not generate lots of money, easement will not change tax base. Mr. Najjar said the land is forested, in the long run the elimination of community service helps stabilize the tax base.

Mr. Morin said the economics of this was put forth that the project helps stabilize growth. Mr. Morin said if this was developed into houses, there would be an \$800,000 difference; you would have to go very far into the future to recoup the money.

## FINAL

*Question* – How much is being spent through taxation of this easement purchase?

*Response* – Mr. Najjar said \$200,000 would be raised through taxation with the balance coming out of the Conservation Fund leaving it very low and they do have other commitments. \$350,000 out of this fund and any donations would go into this as well.

*Question* – Mr. Knapp asked about easements, he believes in protecting properties, but hopes the future people who take over do as great a job as the current volunteers. Mr. Knapp commented on being on the Planning Board and seeing the different easements that come forward and he hopes there will be records to keep track and police all these easements.

*Response* – Mr. Ian McSweeney, said all easements are recorded at the Registry of Deeds and can be researched there and would include details of purchase rights, easement details and rights gained. The access rights are all part of the document recorded. Mr. McSweeney said a conservation organization like PWA will be held responsible yearly to walk the land and look at the easement to ensure there are no refractions and take on a stewardship fee to do so. There will be several layers of enforcement. Conservation easement is a different approach.

Selectman Kurk asked how they keep track of all these easements. Selectman Kurk asked what kind of list the Conservation Commission keeps if someone else was to take over. Mr. McSweeney said the easements are recorded at the Registry of Deeds; Granite Database maintained by the state and can be seen through satellite mapping. Mr. McSweeney said there are land trusts as well, stewardship management to keep track over time. This arrangement would be with PWA and the town. Mr. Najjar said the Conservation Commission has a map that is html format. The town is working on natural resources inventory – live access to a database. This is also available, through online, Granite maintained by the state because easements are recorded to them – mapping tool and will give information on who the easement holder is. Mr. Najjar said in terms of keeping track as a town, there is a file for each property.

*Question* – There is \$600,000 in the Conservation Fund, why not use that money instead of looking towards taxpayers to donate?

*Response* – Mr. Andy Fulton said there are a number of other commitments on the Conservation Commission front. They don't want to drain the entire Conservation Fund and want flexibility to move quickly on what can be a fluent real estate market. They are trying to maintain the balance in the fund to cover the current commitments, maintain flexibility and give voters the decision.

*Question* – Who carries the liability on these easements, the landowner or the town?

*Response* – Mr. Najjar said general liability is to the land owner; PWA has legal liability for enforcement. In the case of this purchase the land still belongs to the landowner and homeowners would cover.

Mr. Najjar said the balance that will be left after this project will be less than \$100,000. They will be utilizing \$350,000 for this project, \$100,000 for the Brown property easement, funds for the Abijah bridge project, computer equipment for the GSI and they have a list of commitments.

Mr. Forrest Esenwine said that under state law any land left open for open use purposes, no losses may be brought against the landowner if someone is injured and if the incident involves anything in its natural state, if object has been placed there by the landowner then the landowner would be responsible. The land is not to be developed and should be left in its natural state.

Mr. Mallete said as long as no money is being charged for people to go onto the open land there is no liability on the town.

*Question* – Regarding the \$30,000 for accrued employee sick time. What could be paid out at this time?

## FINAL

*Response* – Chairman Clow said the fund is empty at this time. Ms. Pelletier said this is to cushion the town's liability, employees can continue to accrue time for as long as they are employed. Ms. Pelletier said if someone was to leave employment this fund is in place to not burden the Operating Budget. Mr. Ventresco said there are employees approaching retirement age. Ms. Pelletier said sick time for the 2 individuals eligible to leave is \$19,000, but does not consider vacation or bonus time which is another \$19,000. This is a precautionary measure. This is a liability for the town to not have the funds available. Ms. Hague said they have a retirement coming up, they do not pay unpaid sick time, but they do pay unused vacation time which at this time is due \$117,000. This fund would be a way to make it possible to staff the position.

*Question* – Why does the Conservation Commission want to raise the current use tax to 100%? What is the impact of the tax rate? Article 37

*Response* – Chairman Clow said right now if land comes out of current use the penalty fee is split with 25% going to town General Fund and 75% going to Conservation Commission. Chairman Clow said someone asked to have it go to 50% and 50% at Deliberative Session and it was amended to ask for 100% of the current use tax go into the Conservation Commission. Mr. Najjar said the Conservation Commission never took a vote. Mr. Najjar said the Conservation Commission feels like they are doing a good job, but the Conservation Commission did not amend this, it was a citizen.

Chairman Clow said because it has become a tax issue, they did not recommend the article because if the article fails it would remain at 25% and 75% by majority vote. The Current Use land tax is estimated at approximately \$35,000 for this year.

*Question* – Mr. Forrest Esenwine commented on article 38, petitioned article to give assessment reduction to solar power, feels this is totally inappropriate. He realizes the impact to individual tax payers is minimal; the issue is these homeowners who install this system, do so on their own. He has spoke with people who have installed these systems and they did so to get away from the high cost of energy. Mr. Esenwine does not feel it is right to offer these people 100% reduction in assessment value of the system. Mr. Esenwine commented on the view tax being assessed to some homes. Mr. Esenwine feels this article will be rejected from the taxpayers.

*Response* – Selectman Fiala said the article was brought to the Selectman to put on the article.

*Question* – Are 2 new police officers really enough? Explain calculation.

*Response* – Chief Begin said the formula used was the Bartell Formula, takes a snapshot of the town, how many roads, how many stops, looks at the town as a whole and when calculated out equals 14 patrol officers – (2 officers per 1,000 residents). This does not include the Chief just patrol officers. There are currently 9 officers on patrol and the formula said the town should have 14 officers. Chief Begin said he has recalculated the formula based on traffic stops and still comes up to 14 officers.

*Question* – Is it true the Police Chief will be going part time if his raised is not approved?

*Response* – Chief Begin said he is here 40 plus hours a week.

***Phone lines closed at 8:30 p.m.***

Vice Chairman Osborne thanked the public for voting her into office 3 years ago. She thanked all employees for their support. Vice Chairman Osborne encouraged the taxpayers to consider voting for the employee pay scale and said employees of the Town of Weare deserve these raises.

Chairman Clow thanked Vice Chairman Osborne and Selectman Fiala for their efforts.

## FINAL

Selectman Fiala said it has been an honor to work with everyone and thanked Leon Methot for doing the impossible which was to do this job with a smile. Selectman Fiala said it was worth it to sit next to Heleen Kurk for 3 years. Selectman Fiala said they worked together as a team for 3 years and it has been a pleasure.

Selectman Kurk said the Board has worked well together because they are independent workers and good listeners. She will miss Selectman Fiala and Vice Chairman Osborne as friends and colleagues.

Selectman Clark said it has been quite a year and she thanked Selectman Fiala and Vice Chairman Osborne for all their time and effort.

Chairman Clow commented on the town living through so many default budgets and things being put off. Chairman Clow asked the public to help them pass the Operating Budget. The salt line is currently used up and they have to take from other lines to cover this.

Chairman Clow informed homeowners that if their property is assessed at \$100,000 it will cost \$14.00 for the year in taxes to vote for the proposed operating budget and a property assessed at \$300,000 will cost \$42.00 for the year to support the proposed operating budget.

Selectman Kurk thanked all Department Heads.

The Board discussed the cable franchise agreement has already been approved and signatures are needed.

Mr. Will Ottery thanked the Board of Selectman for all their effort.

**Chairman Clow moved, Selectman Kurk seconded to enter into non public session at 8:45 p.m. under RSA 91A:3 II (a&c). A roll call vote was taken, Selectman Clark – yes, Vice Chairman Osborne – yes, Selectman Fiala – yes, Selectman Kurk – yes Chairman Clow – yes. Passed 5-0-0.**

## ADJOURNMENT

A True Record.

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Cherry Palmisano, Recording Secretary