

**-FINAL-**

**WEARE BOARD OF SELECTMEN  
MEETING MINUTES**

August 6, 2007

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

**TOWN ADMINISTRATOR:** Fred Ventresco  
**RECORDING SECRETARY:** Jennifer Dutch

**GUESTS:** Richard Butt, Chief Greg Begin, John Osborne, Christine Hague, Carl Knapp,  
Naomi Bolton, Tina Pelletier

**OPENING – PLEDGE OF ALLEGIANCE**

Chairman Tom Clow opened the meeting at 6:05 PM and led the Pledge of Allegiance.

**PUBLIC COMMENT**

Richard Butt said that he had questions regarding meeting minutes. He noted that in 2003 a nonbinding article was placed on the warrant that said the Board should urge Committees to use their best efforts to broadcast or record for later broadcast all meetings. Mr. Butt noted that in the July 18 minutes of the Weare Center Advisory Committee, which is a sub-committee of the Planning Board, Heleen Kurk brought up the issue of televising meetings and the Committee voted not to broadcast the meetings because it would take away from the roundtable discussion format of the committee. Mr. Butt said that he did not realize that it was an option for Committees to vote not to televise and he feels that meetings should be televised and that the process is not intrusive into the discussion.

Mr. Butt said that he also noted in the minutes of the Economic Development Committee that it is investigating whether or not town owned signs should look alike. In the minutes of the Weare Center Advisory Committee, Heleen Kurk mentioned that she is also looking into the cost of making sure that signs are uniform in the center of town. Mr. Butt said that it seemed as if the two committees are working on duplicative projects and the Board of Selectmen should make a decision as to which Board should have the responsibility for making the decision on signs in town. Mr. Butt suggested that the responsibility should fall to the Weare Center Advisory Committee.

Mr. Butt also noted that the Weare town website is inconsistent on updating the meeting minutes for various committees. While the Board of Selectmen's meeting minutes are posted through July 16, 2007, other Committees are far behind. The Planning Board's last meeting minutes are from October 2006. There are no minutes posted for the Benefit Review Committee and the Building Committee is not even mentioned on the website. Mr. Butt said that he feels that it is very important to update the website. He noted that the Board of Selectmen has discussed placing the responsibility for updating the website with the Selectmen's secretary. Mr. Butt asked if she will have the responsibility to make sure that all of the meeting minutes are posted on the website on time for all Boards, Committees, and Commissions.

Chairman Tom Clow replied that the plan is to have the secretary responsible for updating all meeting minutes and that Merry Rice is very excited to learn the process and make sure that it gets done. He said that he recently had an informal discussion with her and she was very enthusiastic about the responsibility. He said that he was not sure if it would be the complete solution to the problem, but it something to try first.

Richard Butt said that it is important to make sure that minutes are submitted on time and that they are available in the Town Clerk's Office. Chairman Tom Clow asked if there were a checklist for meetings. Town Administrator Fred Ventresco said that there was no one designated to fill that role and that he has been trying to monitor the situation. Chairman Tom Clow suggested using the monthly meeting calendar as a starting point to create a checklist for when meeting minutes should be submitted. Selectman Wendy Clark noted that she had asked a similar question at the last Board of Selectmen meeting and that the consensus was that it was the responsibility of the Board to request that Committees submit their minutes on time. Town Administrator Fred Ventresco noted that the Board of Selectmen's minutes are up to date on the website. He said that some of the Committees have had difficulty getting the minutes in on time and he sent a reminder last week to all Committee that they need to submit an updated Committee list and make sure that minutes are submitted within five working days per the RSA. The Conservation Committee has asked for the Board's guidance since they have not been able to hire anyone to take minutes and no one on the Committee has volunteered to fill that role.

Richard Butt said that the process needs to be tightened up. He said that he is not complaining that minutes are a few days or weeks late, but some of them are months out of date. He said that there is a responsibility by law to have minutes available and that responsibility needs to be enforced. Mr. Butt said that he has searched for minutes and been surprise by how much is missing. For example, Parks and Recreation is spending taxpayer money and the taxpayers should have access to the record of their meetings. Since the availability of minutes is mandated by law, the Board should be proactive in making sure that the minutes are available in the Town Clerk's office. Mr. Butt said that he has visited the Town Clerk's office and asked to view minutes and then had to look around for them since they were not on file.

Chairman Tom Clow said that the Board would discuss this issue under New Business.

## **DEPARTMENT HEADS**

### ***Police Chief Greg Begin***

Chief Begin said that he has been working hard on the new Weare Police website ([www.wearepolice.com](http://www.wearepolice.com)). It is also accessible through a link on the town's website. He said that he has posted that last five weeks of Police Logs on the website and will keep it updated every Monday. He said that anyone with suggestions to improve the website could call him. Chairman Tom Clow asked if Chief Begin had been inputting the information himself. Chief Begin said that he has been doing a lot of the work himself because they have been short-handed due to an extended leave, illnesses, and vacation time. He said that he is looking forward to making it the best police website in the country.

Chief Begin noted that he has requested a part-time Prosecutor position in the past. This would help to alleviate the work currently done by the Lieutenant. However, he has been unable to locate a part-time Prosecutor. Therefore, he has adjusted the weekly schedule to allow the Lieutenant to work on prosecution full-time. The schedule now shows the Lieutenant as the second car on the day shift for emergencies. Chief Begin also noted that they are in the process of promoting another Sergeant.

Selectman Joe Fiala asked why Chief Begin has been unable to locate a part-time Prosecutor. Chief Begin replied that there are no applicants available and that the budget has been tough. He noted that a full-time Prosecutor could be shared between multiple towns with part-time vacancies, but that has not worked out either. Selectman Joe Fiala asked if Chief Begin would be putting forward a warrant article. Chief Begin said that he planned to ask for another Officer to help alleviate overtime and provide road coverage.

Selectman Wendy Clark asked if the Department needs a full-time Prosecutor. Chief Begin replied that it does not need a full-time Prosecutor, but combining the prosecution duties with the Lieutenant's police duties makes a full time commitment. Changing the schedule allows the Lieutenant more time to work on discovery and arguing motions. Chief Begin said that he felt the new schedule allows the Department to be more effective and efficient in court.

Chief Begin reported that, according to state law, 20 MPH signs are illegal. He said that state law allows for a minimum of posting 30 MPH, though the Board of Selectmen can drop the posted speed limit 5 MPH with a Public Hearing. Chief Begin said that the Police Department cannot enforce the areas that are posted at 20 MPH. Selectman Donna Osborne asked if that law applies to school zones. Chief Begin said that the posted speed limit in school zones can be dropped 10 MPH during the time period of 45 minutes before the start of school and 45 minutes after the end of the school day as long as there is a blinking yellow light. Chief Begin said that areas that have an unenforceable 20 MPH sign include East Road and Woodbury Road. He said that these areas are technically enforceable only at 30 MPH and that it could be dropped to 25 MPH with a public hearing. Chief Begin suggested posting the one lane bridge on Woodbury Road with a yellow 20 MPH recommended speed limit. Chairman Tom Clow asked if the Board needed to take action on the posted speed limit on East Road. Chief Begin said that he wanted the Board to know that the speed limits needed to be posted correctly. In order to reduce the speed limits to 25 MPH, the Board would need to hold a public hearing. Selectman Joe Fiala asked about Route 114. Chief Begin said that Route 114 is a State road.

Selectman Joe Fiala asked about Woodbury Road. Chief Begin said that the problem was that the posted speed limit is not enforceable. A judge looks for about 15 miles over the speed limit that means the department cannot enforce until 15 above the correct 30 MPH that would mean 45 MPH. If the Board chose to hold a public hearing and reduce the speed limit to 25 MPH the department could enforce at around 40 MPH. Selectman Wendy Clark asked about the bridge on Woodbury Road. Chief Begin said that he felt it would work to post a yellow recommended speed limit sign of 20 MPH for the one-lane bridge.

Selectman Joe Fiala suggested adding the speed limit discussion to the next posted Public Hearing since it costs money to post Public Hearings. Town Administrator Fred Ventresco said that he would follow-up on that suggestion.

## **OLD BUSINESS**

Chairman Tom Clow revised the agenda to move the Benefit Review Committee progress report next.

Naomi Bolton gave the update on the Benefit Review Committee. She distributed a spreadsheet describing the new 12-step program for wage increases along with the revised Employee Evaluation Form.

Naomi Bolton described the process for developing the new 12-step program. She said that the Benefit Review Committee looked at towns of comparable size and reviewed their wages for each position. The towns were Barrington, Franklin, Hampstead, and Newmarket. While Conway was of a similar size, the Committee chose not to use their information because it was so different. The Committee compared the pay scales in the LGC wage and salary booklet. This helped the Committee determine the average high and average low for each position. From there, each step is 3% higher than the step before, so Step 2 is 3% higher than Step 1. The group initially created a 9-step grid. However, one employee who has been with the town for over thirty years, would have earned less at Step 9 than the current wage rate. Therefore, the grid was expanded to 12 Steps. The second page of the handout shows the library positions.

Naomi Bolton noted that there were some interesting discoveries made during the research. For example, other towns classify employees differently in order to pay more for the same work. In New Boston, Equipment Operators do the same work that Truck Drivers do in Weare, but earn a little more due to the difference in classification. Selectman Donna Osborne noted that it might be time to change that in Weare. Naomi Bolton noted that the difference in starting pay between a Truck Driver and an Equipment Operator is \$0.90.

Chairman Tom Clow clarified that the reason the towns of Barrington, Franklin, Hampstead, and Newmarket were chosen was due to similar populations. The reason that Conway was not chosen was the fact that their tax base was different even though the population was similar.

Naomi Bolton said that the Employee Evaluation Form was also edited. They added an unsatisfactory column and in order to get a step increase staff must be competent. The average should be an overall rating of 3 or above to get the next step. If the employee does not rate at 3 or above the employee stays at the current step.

Naomi Bolton said that the next step is to complete the Personnel Policy. She noted that another part of the discussion is to review the overall benefit package as a whole. She said that the Committee will need to look at what other towns are doing for benefits and compare that to what Weare offers. For example, other towns offer short-term disability benefits, which is something for Weare to consider. Also, Weare allows employees to accrue sick time up to 720 hours. Other towns only allow 90 days. Allowing that much sick time is equivalent to an unfunded liability. Naomi Bolton said

that examining the benefit package is an important part of the Personnel Policy. Chairman Tom Clow said that it makes sense to take that step.

Naomi Bolton said that she had extra copies of the handouts to share with Department Heads and anyone else that might need one. Selectman Donna Osborne suggested giving a copy to Mary Rice and one copy to Heleen Kurk.

Selectman Joe Fiala noted that one area that needs to be determined is who evaluates who within the town. Naomi Bolton agreed. She said that some positions are very clear, but others are not. For example, she had three evaluations last year, one from Town Administrator Fred Ventresco, one from the Planning Board, and one from the ZBA. They averaged the three together for the final score.

Selectman Joe Fiala said that he would like to see attendance at trainings factored into the formula in some way. He said that it is a goal for the future to encourage trainings. Naomi Bolton said that it was something that the Committee had talked about. Selectman Donna Osborne said that it seemed like funds for training were put in the budget every year and then taken out later in the budget process. Selectman Joe Fiala said that raining is something that he would like to encourage.

Naomi Bolton said that another item that the Committee discussed was what happens when an employee reaches step 12. She said that the solution is yearly \$500 bonus until they reach the next milestone for employment. Another question is what to do about cost of living increases. She said that it is important to stay current. Chairman Tom Clow said that the Board has the discretion to grant cost of living increases. He noted that it is important for those increases to become part of the scale, otherwise it would revert back to where it had been. He said that it is important to keep the salaries up with the times. Naomi Bolton said that the pay scale is based on a formula so that an increase to Step 1 bumps up all the steps. Chairman Tom Clow said that he would want to make sure that the levels did not fall back down the next year. Naomi Bolton said that it would be part of the discussion for developing the Personnel Policy.

Selectman Wendy Clark asked when the policy would be completed in order to factor it into the budget discussion. Chairman Tom Clow said that the Board could use the pay scales as a starting point for discussion already and then wait to see what the Committee decides to recommend for items such as benefits. Naomi Bolton said that the Committee is already beginning to have discussions. For example, there has been some discussion of swapping some of the 720 hours of sick time for vacation time with something like 30 hours of sick to earn 8 hours of vacation. Naomi Bolton noted that employees can earn the 720 hours of sick time within six years of employment. After that, employees who do not take sick time no longer accrue sick time. She noted that she has worked for Weare for thirteen years meaning that she has given back approximately 120 hours of sick time that she did not accrue after reaching the 720 hours. Selectman Donna Osborne asked about giving the hours back as a bonus. Naomi Bolton explained that the difficulty with giving the sick time as pay is that it would need to be budgeted for. If the employee took it as vacation time, the employee would be paid for the same eight hours he or she would have worked anyway, only the employee would be on vacation instead of being at work. Selectman Wendy Clark said that she would like to move toward offering short time disability and away from the 720 hours of sick time saved just in case. Naomi Bolton said that the next step in the discussion is to tie in the benefits package to the overall Personnel Policy.

Selectman Wendy Clark said that the optional benefits package looked good. Town Administrator Fred Ventresco said that he shared the information and there were pamphlets on the table for staff to look at. Selectman Wendy Clark suggested that the Benefits Review Committee look at them as well. Naomi Bolton said that they would be included in the next steps.

Chairman Tom Clow thanked Naomi Bolton and the members of the Benefit Review Committee for the work that they did.

Sugar & Spice Repair of Day Care Cost & Lease

Chairman Tom Clow noted that there was a question regarding the ability to move to a long-term lease agreement rather than one year at a time with Sugar and Spice. He said that it is important to follow the legal procedures for the property. He said that during the town meeting that decided the transfer of property the language included a statement about the lease term. He said that they need legal advice on how to proceed.

**Selectman Clark moved and Selectman Osborne seconded to contact legal counsel regarding the 3-year or 1-year Sugar and Spice contract. The motion passed 4-0-0.**

Approval of Meeting Minutes 7-16,7-23 & 7-30-07

Chairman Tom Clow noted that the minutes for July 16, 2007 had been approved at a previous meeting.

**Selectman Donna Osborne moved and Selectman Joe Fiala seconded the acceptance of the July 23, 2007 meeting minutes. The motion passed 4-0-0.**

Chairman Clow tabled the approval of the minutes of the July 30, 2007 Board meeting so that the minute taker from the meeting could be present for the approval.

Manifests

**Chairman Tom Clow moved and Selectman Donna Osborne seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer (Deputy) to sign checks dated August 9, 2007.**

Accounts Payable \$678,697.90 (Chairman Clow \$500,000 is for John Stark)

Gross Payrolls \$ 42,106.06 (includes Credit Union and Taxes)

\$ 7,079.05 (Fire Monthly)

Total \$727,883.01

**Motion passed 4-0-0**

Library Trustees Questions

Christine Hague shared information from the Library Trustees. She said that the concrete is down for the new drainage system. They are waiting for it to set before putting down flooring.

Christine Hague said that during the last meeting of the Library Trustees, the group created a list of questions for the Board of Selectmen. She said that the questions do not need immediate answers, but the Library Trustees would like to know soon.

First, the library issued an RFP for installation of the new door. There were no proposals submitted. The Library Trustees would like to know what happens in this type of situation. They would like to know if it is permissible to just hire someone. Selectman Joe Fiala asked about the cost and the need for an RFP. Christine Hague said that the cost is around \$2000 that is below the town limit of \$5000 for issuing an RFP. Selectman Joe Fiala noted that he had shared the name of a contractor who may have been interested in the project. Christine Hague replied that they contacted the contractor and he was not interested in the project at this time. Selectman Joe Fiala said that it would be appropriate to hire someone, but they might have better luck in January when other work is slow.

Christine Hague said that the Library Trustees also had a question about the fund for window replacement. She said that the window replacement project was placed as a lapsing article on the warrant. The money is in the bank account, but the Board of Trustees would like to know what happens if it is not spent. They asked if it would need to be put on the warrant again. Town Administrator Fred Ventresco said that once the fund lapses it can't be spent, but it could be put on the warrant again. Selectman Joe Fiala noted that the money does not need to be spent, but it does need to be under contract by the deadline. Christine Hague noted that there were two sets of money for the windows. One was a \$4000 surplus that could be applied to the window replacement. Then, during the Capital Reserve Phase, additional dollars were put in for the windows to make a more reasonable amount for the project. While both went through, nothing has been done with either one. Chairman Tom Clow said that it would be appropriate to make a decision on the window replacement and have the money under contract by the December 31, 2007 deadline.

Christine Hague said that the Library Trustees would also like guidance on the most appropriate way to handle two future items. First, the engineers report after the flood noted that the 1992 section of the library does not have gutters. It would cost \$5000-\$6000 to install the gutters with additional money for pipes to drain the water away from the building. Second, the Joint Loss Management Committee noted that life safety issues should be taken care of which means the library needs to install smoke detectors and heat detectors. Christine Hague said that the Library Trustees would like to know the most appropriate process for requesting these items whether it is through the Capital Improvement Project or a warrant article. Town Administrator Fred Ventresco asked about the cost of the smoke detectors. Christine Hague replied that it would be \$2,200 with two needed by the front desk, two needed in the page room, a heat detector for the basement kitchen, two horn lights, and 2 strobe lights in the downstairs bathrooms. The addition of a central station dialer would be \$700 more. However, a central station dialer would mean that a fire would not get out of control on days when the library is closed – Fridays, Sundays, and Saturdays in the summer. Chairman Tom Clow said that it would be appropriate to follow the CIP process. Christine Hague said that the Library Trustees would like to follow the correct process so that there is no trouble with the money.

***Carl Knapp, Public Works Director***

Carl Knapp said that he had an electrician come to the garage for an evaluation and the electrician said that in order to do a proper evaluation on what would need to be done to bring the building up to code and make it safe he would need to bring in a team for 2-3 days to go through the wiring and see how it all fits. Chairman Tom Clow asked if this was related to the lightening strike. Carl Knapp said that the lightening strike did cause damage, but the electrician was called in because the Safety Committee determined that the wiring in the building is not safe. Carl Knapp said that he is making a request through CIP for a new building. Selectman Wendy Clark said that she would not want to spend money on the old building when a new building is needed. Carl Knapp noted that the building also needs a new roof because the water runs into the building during storms. He said that in order to bring the building up to code the right way it would be very expensive. He said that the building started as a pole barn and was patched here and there over the years. In the electrical room, there are wires everywhere.

Wendy Clark asked if the building is conducive to the needs of the department. Carl Knapp said that it was not and it was sometimes discouraging. For example, the trucks cost over \$150,000, but sit outside in the winter because there is nowhere to store them. That means that several million dollars worth of equipment experience unnecessary wear and tear from cold starts and an inability to wash the vehicles properly in the winter. It takes a lot of life out of a sand truck if there is no way to wash it in the winter. Selectman Donna Osborne asked what the vision for the future is. Carl Knapp said that he sees a new building in the same location, although it may be possible to build elsewhere and the current facility could be used as part of the recycling program at the transfer station. The large bays could be set aside as a place to deposit recyclable items and the rest of the building that is not safe could be closed down. Selectman Donna Osborne asked if inmates could assist with the work. Selectman Joe Fiala said that he did not think that inmates would be allowed to do that type of work. For example, they are only allowed to climb short ladders so they could not help with the roof.

Carl Knapp said that he priced a new building with concrete and steel and the cost would be \$750,000 for a building 80 x 260 feet with 21 overhead doors. This would allow access for all the trucks, including those from the transfer station. Selectman Wendy Clark asked when this was started. Carl Knapp said that Workers Compensation, Primex, and the Safety Committee examined the building and said that it was not safe. He noted that it was built in the 1970s as a pole barn that was expanded into other purposes.

Chairman Tom Clow called for a break at 7:35 PM

The meeting resumed at 7:40 PM.

***Tina Pelletier, Finance Clerk***

Chairman Tom Clow asked Tina Pelletier to give an update on the 2005 audit. Tina Pelletier said that she emailed suggested responses to the narrative to the Board for comment. Chairman Tom Clow asked if Board approval was needed. Tina Pelletier replied that the Board should approve the response. She said that there were no surprises in the audit and that the response outlines how the town will address changes.

Chairman Tom Clow asked that the information about the cash reconciliations be more specific than regular basis. Tina Pelletier said that it is now monthly. Chairman Tom Clow asked about the land use tax changes liability. Tina Pelletier said that in the past it was done in December, but it will now be done on a quarterly basis. Chairman Tom Clow pointed out a typo in the Capital Assets Maintenance section. Selectman Wendy Clark asked if there were anything being done about the \$287.05 that was off in the cash reconciliation. Tina Pelletier said that the audit was for 2005 so it cannot be changed. She said that the auditors described the problems in the narrative and the goal is to change and improve the processes for the next year. She said that the auditors have been very good about sharing detailed notes and examples that have been very helpful in making improvements. Chairman Tom Clow agreed that the recommendations were very clearly worded and could be used as a blueprint for changes. Tina Pelletier said that they have been very point blank about what needs to be done. Chairman Tom Clow said that it is appropriate to send the response. Selectman Wendy Clark agreed and said that the auditors would send back anything they did not like. Tina Pelletier said that she thought the response shows that the town is making progress to change.

Tina Pelletier shared the monthly report. Selectman Joe Fiala asked about the insurance line. Tina Pelletier said that it is over due to worker compensation. She said that they may need to build a cushion into the budget next year. Chairman Tom Clow asked about the percentage of the budget left for the year. Tina Pelletier said that some lines are pro-rated over the year. Selectman Wendy Clark noted that as of 7/31 the percent for the tax collector is 36.58% while it should be 41.67%. Tina Pelletier said that the busy tax season just went by and that should even out in the slower time coming up. Selectman Wendy Clark said that she looked at the percents in terms of the 3.5% raise and called the DRA. She said that it is important to be watching the situation and the Board should consider hiring freezes and limiting overtime since the budget is tight. Selectman Joe Fiala said that he does not think that the Highway Department can freeze positions because of their work. Town Administrator Fred Ventresco noted that Carl Knapp is close to hiring for one of the positions. Selectman Wendy Clark suggested that the new hires come before the Board.

Town Administrator Fred Ventresco said that the Department Heads feel that they have a tight hold on their budgets. Many of the Department heads have been in their positions for years. He said that he has emphasized that they should be watching salaries and other items. Tina Pelletier noted that each Department head gets a summary as well as one month updates. Selectman Wendy Clark said that she felt it would not be the little things that would hurt the budget, but the big things like hiring and overtime. Tina Pelletier said that the Departments that use overtime are Highway, Transfer, and Police.

Selectman Joe Fiala said that hiring freezes can be taken hard and personally by the staff. They may feel that the Board does not trust them to watch the bottom line. He said that August seems early to discuss a freeze and he would be more comfortable with the discussion in late October or early November. Selectman Wendy Clark said that she would hate to be put in the position of having to lay off someone that was just hired.

Selectman Joe Fiala said that the Highway Department needs its employees because there are a certain number of people needed for snow plowing during the winter and if they don't have that number of people they would use overtime. Chairman Tom Clow said that the Board would come back to this discussion.

Tina Pelletier distributed vouchers for signature. Selectman Donna Osborne asked about the manifests. Tina Pelletier said that they are entered and expensed in the report and may show up on the manifest 2-3 weeks later. Chairman Tom Clow noted that the information is now on an accrual basis so that they can know cash obligations as they come in. Tina Pelletier noted that some items are not listed as General Fund because they go into special funds. For example, the transfer station has special revenue with some going to the town General Fund. When residents pay a fee for some items, like tires, that goes into the special fund because the town pays out to dispose of them. However, revenue from aluminum cans goes into the general fund. Tina Pelletier said that 2 of the vouchers clean up the Police Special Duties revolving fund through the end of 2006 and 2 vouchers clean up the Fire Department Vehicle Replacement Fund. She said that there are a few more capital reserve funds and an 80,000 engineering escrow. After that, everything will be cleaned up and brought forward.

Selectman Wendy Clark asked why the road construction was over budget. Tina Pelletier replied that they were waiting for the final FEMA check.

Tina Pelletier said that if any members of the Board of Selectmen need a report or have any questions they can call her anytime.

#### **ADMINISTRATIVE REPORT**

Town Administrator Fred Ventresco shared the Attorney engagement letter for the review of the cable contract. He said that he questioned the idea of "special counsel" and called the attorney for clarification, but had not yet heard back. Town Administrator Fred Ventresco said that it might come from the fact that the letter from the Board of Selectmen was so specific on what the task would be and the limited character of the relationship. He said that he could call the Local Government Center for guidance.

Selectman Wendy Clark said that she would want more information on the section where it mentions working on other cases involving the town. Town Administrator Fred Ventresco said that he read that section as the firm saying that it would be able to take on cases involving the town, though it did not have any now. Chairman Tom Clow agreed. He said that he read it as saying that the firm was being hired for a specific function and would not turn down other work involving the town. Selectman Donna Osborne suggested running it by the Local Government Center. Selectman Wendy Clark said that the letter states the firm "is involved" in other cases. She said that she reads that as the firm being involved with other cases against the town at this time and could do more in the future. She said that she is not comfortable with the idea of the firm being involved with cases against the town. She said that she would like Town Administrator Fred Ventresco to verify that the firm is not currently involved in cases against the town. Town Administrator Fred Ventresco said that he would ask the attorney and also call the Local Government Center.

Selectman Donna Osborne asked if Chairman Tom Clow should sign the document now or wait until after Town Administrator Fred Ventresco gets the information. Town Administrator Fred Ventresco noted that the agreement needs to be in place for the next meeting so that it can be available for public comment. Selectman Joe Fiala suggested that Chairman Tom Clow sign the document, but it should only be sent if the information turns out to be adequate.

Chairman Tom Clow said that he did not read as much into that paragraph. He felt that it was more about the limited relationship of reviewing a contract. Town Administrator Fred Ventresco noted that the Board of Selectmen had been very specific in limiting the scope of the attorney. The Board of Selectman was clear at the last meeting that the attorney would only review the contract, there would be no negotiations. Chairman Tom Clow said that Town Administrator Fred Ventresco should seek clarification on the Special Counsel and whether or not the firm is participating in any other cases involving the town.

Town Administrator Fred Ventresco asked what he should do if the Special Counsel clause is something the Board of Selectmen does not want. Chairman Tom Clow said that there is a very short amount of time. Selectman Joe Fiala said that he did not expect to hear anything surprising from the LGC. He said that it looks like a standard agreement. He said that he would agree with having Chairman Tom Clow sign and then send it out. Selectman Wendy Clark said that she wants the answer to whether or not the firm is participating in any cases against the town. She said that she would have a problem with the idea of the firm representing someone else in a suit against the town. Selectman Joe Fiala said that if the firm is representing someone who is suing the town it would be improper to hire them. He said that he is not thrilled to hire a lawyer since a lot of the work has already been done, but he recognizes that the town needs to be covered. Selectman Wendy Clark asked where the money was coming from to cover the cost. Town Administrator Fred Ventresco replied that the Board of Selectmen had decided on using either funds from the cable budget or the legal fund.

**Joe Fiala moved and Donna Osborne seconded to authorize the Chairman to sign into contract with Donahue, Tucker, and Ciandella for guidance on the Cable Franchise Contract conditional on the firm not being engaged in any action against the town.**

Discussion: Chairman Tom Clow asked what the next step would be if the firm were engaged in action against the town. Town Administrator Fred Ventresco replied that the town would need to get a new attorney even if someone else in the firm were working on a totally unrelated case. Selectman Wendy Clark said that she would not want to pay a firm for work while it was engaged in other action against the town. Chairman Tom Clow said that he was not sure how to vote on the motion because if it passes and the firm was involved in action against the town the Board of Selectmen would be back to the beginning. Selectman Joe Fiala noted that law firms often represent opposing sides. He noted that the firm would just be reviewing a contract and would not be going to court on the town's behalf. He said that the Cable Committee is behind this attorney and that other towns that were contacted said the attorney was a good choice. Selectman Donna Osborne asked about the section on Conflict of Interest. Town Administrator Fred Ventresco said that it seemed to be standard language. Selectman Joe Fiala suggested that the vote go forward on the motion and, should there be an issue, the Board of Selectmen could hold an emergency meeting.

**The motion passed 3-1-0. Selectman Wendy Clark voted no.**

Selectman Joe Fiala asked about where the money was coming from. Town Administrator Fred Ventresco noted that the Board of Selectmen discussed it during a

special meeting and said that it would come from the legal expenses line. He said that he thought the cost would be about \$2000, although the lowest figure quoted was \$5000.

Town Administrator Fred Ventresco said that he emailed Steve Najjar about the land around water determination.

Town Administrator Fred Ventresco said that they received notification from the DRA that it did not approve of taking the \$39,000 out of the budget. He noted that the item was run past the attorneys three times and they did not catch that item. Selectman Wendy Clark suggested bringing that to the attorney's attention. Chairman Tom Clow clarified that the issue was that an article was passed to create a revolving fund for the Transfer Station that, if passed, would also mean \$39,000 would be taken out of the Transfer Station budget. The DRA said that the town needed to put the \$39,000 back in the budget. Chairman Tom Clow noted that there were ways for the same end. For example, the town could apply an equal amount to reduce the tax rate.

Town Administrator Fred Ventresco shared a request from the Treasurer to purchase software. Chairman Tom Clow said that the item would be discussed under New Business.

Town Administrator Fred Ventresco shared a request from the Jim Blouin of the Boy Scouts to hold meetings at a Weare Town facility. They are looking for a room to use that does not cost money. Selectman Donna Osborne noted that they had used the Town Hall in the past and asked if they had returned their key. She asked that Town Administrator check to make sure the key had been returned. She said that she would not approve of the group using the Weare Town facilities. Town Administrator Fred Ventresco said that the group has checked with churches and the library, but the library needs repairs. He said they are looking for somewhere to hold meetings on Sundays from 6 PM – 9 PM. Selectman Joe Fiala suggested asking Center Woods Elementary School. Chairman Tom Clow said that the town offices did not have appropriate space for that type of meeting. He said that a school seemed like a natural fit and other towns have that type of meeting at their schools. Town Administrator Fred Ventresco noted that it is a meeting of troop leaders, so it would be all adults. Selectman Wendy Clark said that she thought it would still be appropriate for a school.

The next issue is repairs to the Horse Shed. Selectman Joe Fiala said that the Building Committee discussed the issue and would like to use the government building maintenance fund to pay for the repairs. There will be about 40-50 gallons of paint needed, plus boards to repair some areas. With lunch for the workers each day for 4-5 days, it would cost about \$1200. Selectman Wendy Clark asked if any other projects were planning to use that fund. Town Administrator Fred Ventresco said that there are some library repairs and emergency items that would use that fund. Selectman Donna Osborne asked if they could be restored instead of painting the whole thing. Selectman Joe Fiala said that they look really bad, especially in the back. He said that one of the hopes is that painting them and making them look better would make it a less tempting target for vandalism. He noted that Carl Knapp said that he could provide lumber for the

board repairs and that the labor is free. Selectman Wendy Clark asked what the building is used for. Selectman Joe Fiala replied that it is used for storage. Chairman Tom Clow said that they are historical buildings. They were falling down at one point, but the Historical Society paid to restore them. Selectman Donna Osborne asked if the Historical Society could help with the cost. Selectman Joe Fiala said that they might be willing to but it is not guaranteed. Chairman Tom Clow said that it really is a town building.

**Selectman Joe Fiala moved and Selectman Wendy Clark seconded to authorize the Building Committee to expend up to \$1200 from the Government Building Maintenance Fund to repair and paint the horse sheds. The motion passed 4-0-0.**

Selectman Joe Fiala noted that Sherry Burdick asked to be appointed to the Building Committee. He said that the Building Committee is currently at three members and had discussed increasing to five members. However, the trouble with five members is that the quorum would be three and they have already had trouble with fulfilling the quorum of two. He asked that Sherry Burdick be appointed as a alternate.

**Selectman Joe Fiala moved and Chairman Tom Clow seconded to appoint Sherry Burdick as an alternate member of the Building Committee for a three-year term. The motion passed 4-0-0.**

Selectman Joe Fiala noted that Sherry Burdick is an engineer and will bring a lot of knowledge and expertise to the Building Committee. He asked that Town Administrator Fred Ventresco email Sherry Burdick to let her know of the appointment.

Town Administrator Fred Ventresco noted that he had emailed the cash receipt policy. Chairman Tom Clow said that they would discuss it at a working session.

## **NEW BUSINESS**

Selectman Wendy Clark said that she thought that the Weare Center Advisory Committee meetings should be televised since it is a sub-committee of the Planning Board. She said that she feels all meetings should be televised if they have access to the room. She said that communication is important for the entire community and as many meetings as possible should be televised.

Chairman Tom Clow said that the decision was made at that meeting and the rationale was not to avoid public knowledge, but that they had been functioning as a roundtable discussion group. He said that, while it is a sub-group of the Planning Board, not all second-tier groups are televised. He said that, while he is no longer a co-chair, he is still on the Committee and can bring up the issue at the next meeting. Town Administrator Fred Ventresco noted that it only just became a Committee and it was a group. Chairman Tom Clow confirmed that it was only just accepted as a sub-committee of the Planning Board. He said that they plan to compile the minutes of the previous meetings and put them on the website so that the background of the group is not lost. The will provide the packet to the Planning Board and the Town Clerk as well.

Selectman Wendy Clark said that the Board of Selectman would need to look at Payroll Accruals at some point during the budget. She also asked about the elderly and disability abatements. She said that \$30,000 was set aside for 2007, but \$31,400 has already been used by July 12. She said that it was her understanding that the Board of Selectmen were to decide on a case-by-case basis depending on circumstances for hardship. Chairman Tom Clow explained that the 2007 abatements were adjusted at the March Meeting. He noted that the property values doubled, but the exemptions did not change in 2006. He said that everyone who is eligible for the elderly and disabled abatement would see the benefit on his or her final tax bill.

Selectman Donna Osborne said that the Town Clerk's Office would be closed on August 8-9, 2007 for training. The other offices will be open. Selectman Joe Fiala asked if signs had been posted with the information. Town Administrator Fred Ventresco said that they had been posted at the Town Hall and a notice was running on the cable access channel. Selectman Donna Osborne suggested posting a notice on the sign outside the Town Hall.

Chairman Tom Clow said that the Treasurer submitted a request to purchase Microsoft Office 2007 to be compatible with the Finance Department, a signature stamp, and \$35 to attend a Budget Finance Workshop at the Local Government Center. Selectman Donna Osborne noted that she has always paid out of pocket for trainings at the Local Government Center because she feels that it is her choice to attend. Chairman Tom Clow noted that the Treasurer had requested the software before. He said that it creates more of a problem since he needs it to fulfill his function as Treasurer. He noted that there is a line for Computer Supplies that has \$1000 in it that has not been touched and there is a miscellaneous line that has \$200 that has not been touched either.

**Chairman Tom Clow moved and Selectman Joe Fiala seconded to approve up to \$325 to purchase Microsoft Office 2007 and a new signature stamp for the Treasurer.** Discussion: Selectman Wendy Clark said that she had no problem with purchasing the signature stamp, but the license for the Microsoft Office 2007 should be the property of the town, not the Treasurer. Selectman Joe Fiala said that he agreed. Chairman Tom Clow asked if that arrangement would be practical when the Treasurer leaves the position. Selectman Joe Fiala said that he would just need to register it as belonging to the Town of Weare and then give the disk back.

Town Administrator Fred Ventresco noted that he expects at least one item to come out of the computer fund – an upgrade to Mary Rice's computer. He suggested that the cost come from the capital reserve fund. Chairman Tom Clow said that he would rather expedite the process.

**Chairman Tom Clow amended his motion to remove the new signature stamp and authorize up to \$325 for Microsoft Office 2007 including shipping if purchased in a way requiring shipping with the software license the property of the town of Weare. The amended motion passed 4-0-0.**

**Chairman Tom Clow moved and Selectman Joe Fiala seconded to authorize the expenditure of \$35 for the Treasurer to attend the Local Government Center Budget Finance Training on September 25 and the expenditure of up to \$50 for a new signature stamp to be taken out of the miscellaneous line in the town officers**

**portion of the budget. The motion passed 3-0-1. Selectman Donna Osborne abstained.**

Chairman Tom Clow noted that the issue of turning in minutes came up during Public Comment. He said that the calendar of meetings could be used to track who has turned in minutes by the 5 working day deadline. He suggested that the Town Clerk initial the calendar with the date that the minutes for each meeting were received. He asked who the appropriate person to check that record would be. Selectman Wendy Clark said that the Town Administrator should have that responsibility. Town Administrator Fred Ventresco asked what should be done if the minutes are not turned in. Selectman Joe Fiala suggested a phone call to the Committee. Town Administrator Fred Ventresco noted that it was the Board of Selectmen's responsibility to oversee the Committees. Chairman Tom Clow suggested creating a short form letter that could be sent that would list the date of the meeting and let the Committee know that the minutes were not received and should be sent in as soon as possible. Selectman Joe Fiala suggested that Mary Rice check to make sure minutes were received since she will be putting them on the website. Town Administrator Fred Ventresco asked if the minutes should be submitted to Mary Rice or directly to the Town Clerk. Chairman Tom Clow said that they should go directly to the Town Clerk, except the Board of Selectmen that should go to Mary Rice. Town Administrator Fred Ventresco said that, in order to avoid confusion, he would develop a policy and share it with the Board of Selectmen for review. Chairman Tom Clow suggested using the calendar as the framework and include the five business day due date. Selectman Wendy Clark said she thought that there should be a requirement to have minutes posted on the website. Selectman Joe Fiala said that it would not be Mary Rice's first priority. There should be an IT person. Town Administrator Fred Ventresco noted that the requirement by law it to have them at the Town Clerk's office, not necessarily on the website. Chairman Tom Clow said that, if any minutes are posted, then it should be kept up to date. Selectman Wendy Clark said that if it is going to be done at all it should be done right.

Chairman Tom Clow shared a letter from the 4<sup>th</sup> of July Committee thanking the Board of Selectmen for supporting the Patriotic Celebration.

Chairman Tom Clow said that the Municipal Volunteer Award nomination forms are available.

Selectman Wendy Clark asked about the best way to go over nonpublic packet items. Selectman Joe Fiala suggested holding a separate meeting. Selectman Wendy Clark asked about a checklist. Selectman Joe Fiala said that the Board of Selectman should all open them at the same time. Chairman Clow agreed.

**Chairman Tom Clow moved and Selectman Joe Fiala seconded to go into non-public session under RSA 91A:3 II (c) at 9:30 PM. A roll call vote was taken. Selectman Joe Fiala, yes; Selectman Wendy Clark, yes; Selectman Donna Osborne, yes; Selectman Tom Clow, yes.**

Jennifer Dutch, Recording Secretary