

Final



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
February 8, 2021**

PRESENT VIA ZOOM: JOHN (JACK) MEANEY, CHAIRMAN; FREDERICK W. HIPPLER, VICE CHAIRMAN; JONATHAN H. OSBORNE, SELECTMAN; SHERRY M. BURDICK, SELECTMAN; JOHN VAN LOENDERSLOOT, SELECTMAN

TOWN ADMINISTRATOR/ZOOM HOST: Naomi L. Bolton

GUESTS VIA ZOOM: Kathy Smith, Tom Silva, Cindy Marshall, Town Moderator Eileen Meaney, Frank Campana, Joyce Bosse, Police Chief Chris Moore

Chairman Meaney called the meeting to order at 6:32pm., welcomed those via zoom to the February 8, 2021 Weare Board of Selectmen Meeting. Chairman Meaney roll called the Board members, all present.

PUBLIC COMMENT: none

DEPARTMENT HEAD/COMMITTEE ITEMS: none

Discussion with All Seasons Board of Directors

Tom Silva, All Seasons Condo Campground Association President, began by asking if this meeting would clarify what help they could expect from the Town and what they are allowed to do.

Chairman Meaney referenced Mr. Silva's email stating he had sought legal advice from his Association's attorney. The Town/Police Department, having spoken to Mr. Silva, will help where they can. Civil Complaints, the Association will have to file injunctions, based on their By-laws they need to involve the Sheriff's Department.

Mr. Silva stated he is not getting responses from Town Personnel. He questioned the status on car registrations/licenses the Police Department was supposed to take care of.

Chairman Meaney apologized as logistics with preparations for the Town Deliberative Session and Town Vote, setting Covid policy/mandates in motion, have left little time for other demands. It is his understanding, the Police Department has cleared all registrations and licensing, they have changed.

Town Administrator Bolton asked if the letter Mr. Silva drafted was sent to all Condo Campground owners. Mr. Silva replied yes.

Town Administrator Bolton stated in support of the Association a letter would be drafted, reviewed by Town Counsel and sent to the Condo Campground owners as well.

The Town sending a letter pleased Mr. Silva, but he is still confused as to whether he calls the Police or the Sheriff if an owner trespasses the property. For March, he is chaining two side roads. If snowing, the chain removed. There will be a keyed lockbox with an access code made available to the Town Fire and Police. The common area left open. How should he respond if someone were to enter after 5:00pm?

Chairman Meaney stated entering a posted area after 5:00pm is trespassing, a criminal offense. He suggested seeking his attorney's approval/statutory requirements for exact wording on posted signage. Town Administrator Bolton to contact Town Counsel on clarification as to the exact grounds when Weare Police are to be involved.

Kathy Smith, All Seasons Condo Campground Association Treasurer, stated signage would need to be professionally prepared, ordered and delivered before the end of the month.

Mr. Silva answered he can have them ready in a couple days, once the wording is established. Also, he is in the process of determining if they are a campground or condo with their attorney.

Chairman Meaney stated that determination is between the Association and their attorney.

Mr. Silva responded the last meeting with the Association's attorney and the Town's attorney and the Board of Selectmen was supposed to help in that classification. He continued, at this time there is someone staying on the property. According to the Association Bylaws, their water can be turned off, yet, Police Chief Moore said the water could not be turned off. Mr. Silva is in limbo.

Chairman Meaney stated that is an issue for the Association's attorney. The Association's rules meeting the law is not up to the Board of Selectmen.

Cindy Marshall, All Seasons Condo Campground Association Vice President, stated some bylaws under the NH Condo Association apply, but others fall under campground guidelines. The issue is a condominium by definition is where residents reside. They are both a campground and a condo. She continued, the Police Chief said they fall under Condominium Bylaws. If that is true, then enforcing a policy where people reside is useless.

Chairman Meaney stated the NH Condo Association is not a government agency. The Association needs to refer to their attorney for their bylaws for their specific site, All Seasons. This is not the responsibility of the town.

Cindy Marshall understands, but this is the problem.

Going forward this needs to be worked out before the Town Attorney can decide what the town can or cannot do.

Kathy Smith stated the Association attorney informed her the bylaws need to be changed.

Tom Silva asked once they legally establish whether they are a condo or campground, will Town Counsel then advise.

Chairman Meaney stated the new bylaws have to be delineated exacting with legal statutory guidelines that detail when actions become criminal, in which the police can then be called. Or civil injunction, when the sheriff would then be involved. With proper signage, local police could take action against trespassers.

Mr. Silva restates the water turnoff discrepancy between their bylaws and Chief Moore. The Sheriff said they can turn water off, Chief Moore said you cannot go on their property. He will seek his attorney's advice. He also asked Chairman Meaney for feedback on the keyed lockbox idea.

Chairman Meaney responded it would be best to address the lockbox with the Fire Chief, Police Chief and the Road Agent.

Town Administrator Bolton reasserted when it snows the chains are to be removed. Mr. Silva concurred.

Selectman Burdick suggested All Seasons should research Cold Springs Bylaws. Mr. Silva replied they have, the difference is when Cold Springs shuts down, everyone is out, closed period.

Chairman Meaney mentioned All Season is different than a campground, seasonal sites with owned, permanent structures on lots.

Cindy Marshall explained property is owned and they pay taxes.

Mr. Silva replied that is how they are stuck, property owned by the site holder, but All Seasons own common areas and roads. To shut off water means entering their property, but All Seasons owns the water system paid for by site owner dues. If a property owner refuses to pay the water system fees, Chief Moore said there is nothing the Association can do. He continued there is no repercussion. Electric and Propane left unpaid can be shut off, but not the water. This is his dilemma.

Shutting off water requires a court order, stated Chairman Meaney.

Kathy Smith verified this means taking each individual to court every time. Chairman Meaney replied yes, unless you/your attorney change your bylaws to include certain protections similar to the ones specific utility companies have.

Cindy Marshall confirmed Town Administrator Bolton to send a letter to site owners showing the Town supports the effort of the Association.

Town Administrator Bolton stated the letter will align with the initial Association's letter. It will include the RSA for trespassing and who to call for civil/criminal complaints. A copy of the letter will be sent to the Association.

Chairman Meaney asked the Board if they had any comments.

Selectman Osborne stated he agrees with Chairman Meaney. It is time the Association rewrite their Bylaws.

Finalize wording for 2021 Town Mailer

Town Administrator Bolton explained each Selectman is responsible for the Article(s) they were assigned/spoke in reference to at the Deliberative Session. A justification comes right after the Warrant Article.

Vice Chairman Hippler and Selectman Van read their rough draft justifications to the Board. They will email them to Town Administrator Bolton. Other Board members to send along theirs by Wednesday, February 10th, reviewed/returned by Thursday, February 11th, adding Finance Committee comments. Town Mailer to be ready for Friday, February 12th.

Frank Campana spoke next as he missed public comment. He wanted to know, specifically, like last year's mailer mentioned a 4x4 Tahoe PPV, what kind of police cruiser is going to be purchased and will it be mentioned in the mailer as he requested.

Town Administrator Bolton explained his plan is to purchase a Chevy Tahoe 4x4 PPV, but the Chief could change his mind.

State Bid can include numerous makes. Chairman Meaney stated the specific vehicle is not known because there are variables, price and availability.

Mr. Campana reiterated last year the specific vehicle, Chevy Tahoe, was proposed and this year Chief Moore stated at CIP specifically, a Chevy Tahoe.

Town Administrator Bolton expressed today's plan is to purchase a Chevy Tahoe 4x4 PPV. It can be prefaced in the mailer as the Chief's plan, not locked into the Warrant Article.

Selectman Van suggested wording it as *anticipated to be used for a Chevy Tahoe 4x4*.

Mr. Campana agreed, but what if a different vehicle is more than the amount requested. The Article as written locks in a dollar amount.

Selectman Van stated the dollar amount to purchase a vehicle could not exceed the voter-approved figure. To revise his justification for the mailer with Mr. Campana's request.

Vice Chairman Hippler asked Chairman Meaney if the Selectmen Report was ready. Chairman Meaney responded it is ready, Town Administrator Bolton has it.

MANIFEST:

To order the Treasurer to sign the payroll and accounts payables checks dated February 11, 2021 as included in the following manifests:

<i>Payroll Manifest</i>	\$	69,351.70 (Weekly payroll)
<i>Accounts Payable Manifest</i>	\$	86,241.76
<i>Weare District Accounts Payable Manifest</i>	\$	300,000.00
<i>John Stark Accounts Payable Manifest</i>	\$	250,000.00

Total \$ 705,593.46

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As there is no Selectmen meeting scheduled for Monday, February 15, 2021

Please vote:

To order the Treasurer to sign payroll checks dated February 28, 2021 estimated to be about \$70,000.00. Furthermore, to order the Treasurer to sign up to the amount of \$75,000.00 for accounts payables that cannot wait until the next scheduled meeting. Reports and actual check amounts will be reported to the Board of Selectmen by inclusion on the Manifest Memo at the next scheduled meeting.

Chairman Meaney moved, Selectman Burdick seconded to accept the manifest as follows, which passed. Passed 5-0-0

MINUTES:

January 25, 2021 Minutes: Chairman Meaney moved, Selectman Van seconded to accept the minutes of January 25th as written, passed 5-0-0.

February 1, 2021 Minutes: tabled

ADMINISTRATOR'S REPORT:

General Items:

- In order for the Printer to return the Town Mailer by March 1st everything has to be submitted by February 15th. SAU is requesting the Printer hold off. Not possible as information would not be accurate. Selectman Burdick agrees, the Mailer should not include information that was not finalized. Vice Chairman Hippler concurs. Chairman Meaney stated the SAU has been given opportunities they declined.
- Town Candidates Night, March 3rd/4th 7:00pm via Zoom
- Separate night for the School Board Candidates
- Town Mailer to include town information
- Town Report to get to the printer

CORRESPONDENCE & OTHER BUSINESS

The Board received an email complaint from someone choosing not to wear a mask at the Deliberative Session. They did not want to be separated from the citizens who attended wearing a mask. The email stated the unmasked were refused access to bathroom facilities. This comment is completely false as on two separate occasions, two separate unmasked citizens donned masks and proceeded to the DPW office area to use the bathroom. At one point, one of the people engaged in conversation with the Fire Chief and took pictures of the Board. The Town could have insisted all attendees wear a mask, but they decided to offer them an opportunity to participate.

Town Administrator Bolton will take the email as feedback though it had misinformation.

Chairman Meaney stated other Town buildings have mask required and the Board has an obligation to keep everyone safe. The best accommodations were made as much as possible, as it had been done at the last vote at the polls.

Town Administrator Bolton to draft an email, acknowledging the information, to be reviewed by the Board.

Selectman Osborne added the Town did what they could and hopefully next year it will take place back in the school.

Vice Chairman Hippler assured it is a learning curve, the first time the Town had to do this.

Chairman Meaney would like accommodations made to Matt McLain. His attentiveness and quick thinking to shut down the trash compactor Saturday when a woman fell in the hopper and dial 911. Also for Bill Straw, who jumped in the hopper to assist the woman as much as possible before the ambulance arrived. This speaks to the outstanding employees the Town has, how quickly the Transfer Station men reacted. The Fire Rescue personnel did a great job using techniques with ropes and a basket in retrieving her. Police Corporal Mike Muise also jumped in the hopper to lend a hand. Well commended for their efforts.

Selectman Burdick suggested a Letter of Accommodation for each.

Chairman Meaney responded definitely, especially, Matt McLain and Bill Straw. It could have been a lot worse if not for their attentiveness.

Town Administrator Bolton to draft Accommodation Letters, signed by the Board.

Selectman Van noted a hearing for a redesign from NHDOT for Clinton Street Exit 2.

Town Moderator Meaney stated it is public knowledge and available to Zoom the meeting. Link to be added to the website.

Being there was no further business to come before the Board, Chairman Meaney made a motion, Selectman Burdick seconded to adjourn at 7:45pm. Passed 5-0-0

ADJOURNMENT

A True Record.

Karen Nelson

Karen Nelson transcribed from

TA Bolton notes & You Tube recording