

Final



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
February 22, 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: Police Chief Chris Moore, Police Lieutenant Frank Hebert, Goffstown Attorney Daniel Conley

Chairman Meaney called the meeting to order at 6:30 pm., welcomed those via zoom to the February 22, 2021 Weare Board of Selectmen Meeting. Chairman Meaney roll called the Board members, all present.

Chairman Meaney expressed his condolences on behalf of the Board to Frank Campana, his mother, Louise T. Campana passed away on Friday, January 29, 2021 at Hillsborough County Nursing Home. Chairman Meaney asked for a moment of silence.

PUBLIC COMMENT: none

Discuss Town Office status regarding COVID-19

Chairman Meaney asked the Board for their input as to keeping the Town Office building open by appointment only. Vice Chairman Hippler stated he is in favor of continuing for another month. Selectman Van concurred and suggested revisiting at the end of March, as his goal is to open in April. Selectman Osborne and Selectman Burdick agreed. Chairman Meaney mentioned all government offices are still closed, taking their lead, to revisit at the end of the month.

DEPARTMENT HEAD/COMMITTEE ITEMS:

Chairman Meaney asked Police Chief Chris Moore for his opinion regarding Town Counsel's remarks in reference to All Seasons Condo Campground Association. Town Counsel determined the residents are fully aware they are denied access for the months of March and November. Chairman Meaney asked for clarification from Chief Moore on why Criminal Trespassing does not apply to a Criminal Complaint and the idea of the Fourth Amendment, Search and Seizure.

Chief Moore equated a Criminal Trespass charge to seizing owners out of their own home, he redirected to Attorney Conley, a Police Prosecutor.

Chairman Meaney stated Attorney Conley does not have the complete file and recent court decision for removal.

Atty. Conley affirmed he has the recent court documents that state there is a Civil Penalty with a Civil Forfeiture Fine for each day they are there when they are not supposed to be. A unique situation, in that the residents own their trailer on their property, but contractually, between All Seasons Condominium and the residents who sign, they do not have the right to be there during the months designated. If a crime is committed or it becomes dangerous, the Police should come in. He stated that at this point it is a simple violation of contract.

Chairman Meaney stated it is more than a contract; it is in their deed with the Town registering back to 1985.

Atty. Conley stated he is only concerned with the recent situation. The contract they signed has a remedy, Civil Process.

Town Counsel established it falls under the guise of NH RSA 635:2, Criminal Trespassing, also a remedy. Chairman Meaney replied the deed is specific, they are not allowed on property in March and November. They have to drive into the All Season's property to arrive at their campsite.

The Board's conclusion is to table the discussion, seeking a meeting with Attorneys, Selectmen, Chief Moore and All Seasons.

Town Administrator Bolton intercedes; March 1st is Monday, having been involved with this dilemma for 26 years, many Boards and still no rectification. She described the unruly, demanding behavior of certain owners from All Seasons that occurred recently while in her office. Their intentions are to do more than just live at the Condo/Campground all year. They have stated emphatically they don't care, they are staying, will register their children in school, register to vote, attempt to register their car, etc. Chief Moore stated he has not fixed the car registration aspect, yet, State Police are involved.

Town Administrator Bolton is exasperated. Buyer beware. Owners knowingly purchased under these deed restrictions for March and November and yet challenge the system, wasting so much time and effort. Out of 130 owners at All Seasons, it is just a select few who have created this burden. When does commonsense prevail?

Atty. Conley, having read part of the agreement, asked if All Seasons Association is assuring the owners have a primary residence, not just the campsite. Fining owners civilly, \$100.00/day for everyday they are there when they are not supposed to be.

Town Administrator Bolton explained the Association is trying. It is a new Board getting constant push back. They have been working with their lawyer, but courts cost money. On their website, they have asked property owners to fill out a current residency form, to establish their primary residency file information. A select few are using their campsite address on State registration forms, car registrations, etc. These non-abiding property owners are making the property owners who do follow the rules feel they are being penalized.

Police Chief Moore stated he read/reviewed the All Season's By-laws with the Association. He reiterated their By-Laws suggest hiring a Management Company; they declined based on the cost. Chief Moore stated it is the duty of the Association to handle their responsibility, fines, courts, placing liens and seizing property. He is not comfortable enforcing Criminal Trespass without legal opinion.

Atty. Conley concurred; the Police Department is not to manage All Season's property. It will cost the Town of Weare to prosecute. A Civil Eviction process needs to be followed correctly.

Chief Moore interjected according to an RSA he does have the power to assign a detail to manage trespassing. Cost prohibitive, the Association should handle it internally with Civil Processes.

Chairman Meaney stated they have been to court; owners are trespassing off their sites onto the Association's property.

Chief Moore reassured the Police could enforce trespassing on common area, owned by the Association. However, not if they are in their own trailer.

Town Administrator Bolton addressed Atty. Conley, asking if every owner signed a contract with All Seasons.

Atty. Conley replied he is not sure, referenced in court orders, assuming legal contracts/bylaws between the Association and the property owners are signed.

Town Administrator Bolton points out the forty-nine pages registered in Hillsborough County stipulate when property is purchased the owner is to abide by the condominium documents, explicitly stating not to be considered a residence as detailed in their deed.

Atty. Conley stated it falls under contract law, an agreement between two sides. Obligation on the part of the Association is to certify that the owners have proof of a primary residence.

The Police Department can field the calls. Town Administrator Bolton suggested meeting Monday, March 1st for Attorneys, the Board and Police Department as some All Season's owners have stated they are going to stay.

Chief Moore stated that will not allow enough time for the Attorney General and Hillsborough County Attorney to be involved. Utilize the Civil Process for Criminal Trespassing until there is better guidance.

Town Administrator Bolton referenced the letter sent to All Season's owners composed by Town Counsel. The Town to seek court action against violating property owners, at the property owners' expense.

Chief Moore responded that is not his letter. Town Administrator Bolton understands she is just trying to follow policy. Reiterating Monday's deadline, calls will be coming in to Chief Moore.

Chairman Meaney replied the Association and the violation of our Planning Board Town Policy could bring forth Civil Action.

Town Administrator Bolton stated beyond March 1st the Attorney General can be involved, but who is to be notified when the calls come in.

Chairman Meaney answered the Code Enforcement Officer, violations for Town Counsel to process.

Selectman Van asked Chief Moore if anyone from All Seasons has requested police enforcement.

Chief Moore replied it is coming. He has had conversations; the Association is looking for clarification. Pointing out the information he provided is different from Town Counsel.

Selectman Van restated the question no one has asked you to take action.

Chief Moore replied no, the Association wanted to know what kind of assistance they could expect March 1st.

Town Administrator Bolton asked Chief Moore to call the Attorney General. In the meantime, the plan is for All Seasons Park Manager to call the Police Chief. Then Kyle Parker, Code Enforcement Officer, could look into it and then processing by Town Counsel.

Chief Moore agreed to contact the Attorney General.

Town Administrator Bolton asked the Board for comments with respect to the plan.

Chairman Meaney responded it is reasonable to him. Vice Chairman Hippler and Selectman Burdick were in favor. Selectman Osborne is in agreement with the plan, but stated from the beginning, with respect to this new Association Board, it appears All Seasons is expecting the Town to enforce their By-laws, not possible. Selectman Van agreed with Selectman Osborne.

Chief Moore restated he has had a discussion with All Seasons Association about the actions they can take.

MANIFEST:

To order the Treasurer to sign the payroll and accounts payables checks dated February 25, 2021 as included in the following manifests:

<i>Payroll Manifest</i>	\$ 70,629.98 (Weekly & monthly payroll)
<i>Accounts Payable Manifest</i>	\$ 79,011.61
<i>John Stark Accounts Payable Manifest</i>	\$ 250,000.00
<i>Weare School Accounts Payable Manifest</i>	\$ 300,000.00
<i>Total</i>	\$ 699,641.59

The following manifests were previously ordered to sign at the February 8, 2021 Board of Selectmen meeting:

Payroll Manifest	\$ 67,528.44 (Payroll checks dated 02/18/21)
Accounts Payable Manifest	\$ 38,974.05 (Checks dated 02/18/21)

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

MINUTES:

February 1, 2021 Minutes: Chairman Meaney moved, Vice Chairman Hippler seconded to accept the minutes of February 1st as written, passed 5-0-0.

February 8, 2021 Minutes: Chairman Meaney moved, Selectman Burdick seconded to accept the minutes of February 8th as amended, passed 5-0-0.

ADMINISTRATOR'S REPORT:

General Items:

- E-Subscribe to be updated by April 1st
- Radio Communications, pricing from Scott Cruikshank, Motorola, forwarded to the Board, to revisit after Town Meeting
- Forestry Contract, sampled from another town, to be reviewed by Town Counsel, CC and BOS
- Zoom, Monday, BOS 2/22 @ 6:30 pm and Thursday, PB 2/25 @ 7:00 pm
- Meet the Candidates:
 - Town, Wednesday, March 3rd @ 7:00 pm via Zoom
 - Weare School Board, Thursday, March 4th @ 7:00 pm via Zoom
- Two hours, subscribe by emailing Town Administrator Bolton
- 2020 Town Report at printer, copy on website
- 2020 Town Mailer at printer, to be dropped at PO
- Elections, March 9th, Board's attendance
- Town Forest, land purchased through Conservation Fund, close on Wednesday at 2:30 pm, Board approval

Chairman Meaney moved, Selectman Van seconded to have a check cut for the purchase and sale of \$149,690.93 to authorize Town Administrator Bolton to sign the closing papers. Passed 5-0-0

Building & Maintenance Projects:

- Gazebo and Shmid/Banks signs to be picked up Thursday, DPW to install
- Stone Memorial Building, schedule changed for ESP, Inc. to install Fire/Freeze Alarm because Selectman Burdick changed the locks, new keys needed.

Selectman Osborne questioned the Board as to why the locks were changed in the Stone Memorial Building without prior approval.

Selectman Burdick answered this is usually done every 8 to 10 years as several keys are handed out and not returned. She was given a brand new lockset.

Chairman Meaney clarified the expenditure is to come out of the Historical Society's budget as this was not approved by the Board of Selectmen.

Selectman Burdick responded yes, keys will be given to Town Administrator Bolton.

CORRESPONDENCE & OTHER BUSINESS

Vice Chairman Hippler wanted to give a “tip of the hat” to our DPW as with all the snowstorms the roads look great.

Chairman Meaney concurred; they are doing a great job, for sure.

Being there was no further business to come before the Board, Chairman Meaney made a motion, Vice Chairman Hippler seconded to adjourn at 7:22 pm. Passed 5-0-0

ADJOURNMENT

A True Record.

Karen Nelson

Karen Nelson transcribed from

TA Bolton notes & You Tube recording