

Final



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
March 29, 2021**

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

TOWN ADMINISTRATOR/ZOOM HOST: Naomi L. Bolton

GUESTS VIA ZOOM: DPW Director Benjamin Knapp, Police Chief Chris Moore, Town Moderator Eileen Meaney; Frank & Mary Jo Campana, Vanessa Hippler, Lori Davis, Travis Corcoran

Chairman Hippler called the meeting to order at 6:34 pm., welcomed those via zoom to the March 29, 2021 Weare Board of Selectmen Meeting. Chairman Hippler roll called the Board members, all present.

PUBLIC COMMENT:

Travis Corcoran, 275 Quaker Street, read his prepared statement addressing Lori Davis's non re-appointment to the Conservation Commission. Chairman Hippler requested Travis Corcoran email a copy of his speech to the Board as it was read quickly and was a lot of information, see below:

Last year Ms. Davis was a member of Town Finance committee, and also, in her personal capacity, a member of a political group, the Weare Taxpayer's Coalition.

The members of the Weare Taxpayer's Coalition, exercising their first amendment right to speak to other citizens, issued a voter guide which recommended against certain warrant articles.

One of the warrant articles, #10, was criticized in the following terms:

Non-union town employee pay raises. It is a 3% increase, with just three of the highly paid employees receiving over \$6,800 of this sum. This raise is much higher than the 1.3% increase in the cost-of-living rate in 2020. While we need to pay town employees fairly, the proposed raise is more than twice what would be appropriate.

Shortly after the WTC issued this voting guide, a Weare Town employee, using town resources and a town email address, sent the following

email to Ms Davis:

I was just shared this from a resident and find it unbelievably disgraceful.

It's pretty obvious with your name attached that you don't truly appreciate anything I or others that work here do.

First, I've got a two-part question for the Board of Selectmen, and I'd ask them to answer it:

** is it part of the job duties of town employees to criticize the politics and spending priorities of town residents?*

** does the fact that this email comes from an official weare.nh.gov email address mean that this statement - that being against tax increases is "unbelievably disgraceful" - mean that this is an official pronouncement of the Town of Weare government?*

Certainly being told by a government employee using official government channels that one's opinions are "unbelievably disgraceful" creates what the Supreme Court has called a "chilling effect": the idea that one's exercise of free speech are being monitored, judged and found wanting by a government employee may create an environment where citizens become afraid to exercise their rights.

I have a second question for the Board of Selectmen:

** have they asked legal counsel about the town's legal exposure created by town employees berating citizens for their political opinions?*

The chilling effect caused by the impression that certain political opinions are unacceptable to our government betters is bad enough, but perhaps Ms Davis misconstrued them - perhaps being told that one's spending priorities were "unbelievably disgraceful" - that is, shameful, disreputable, and creating scandal - was not an actual threat that there would be repercussions.

Maybe Ms Davis misread the tone of email, and the phrase "unbelievably disgraceful" was meant neutrally, or even positively.

...but then, a week after the town told Ms Davis that her opinions were disgraceful, the town government chose to remove Ms Davis from her seat on the Conservation Commission, where has has served for years.

This suggests, to a disinterested observer, that the chilling effect

of being denounced by the town government for exercising one's first amendment rights was not merely incidental, or accidental, but was calculated and intentional.

But, again, perhaps this is a misreading of the situation. Perhaps being reprimanded by a government employee for disagreeing with that government employee's raise, and also being thrown off of a board is just a coincidence. The BoS does not have the ability to throw a member off of a board before their term expires, as I understand it tried to, but it certainly has the right to not re-appoint someone.

I have a third question for the Board of Selectmen:

** in the history of Weare, has any other member of a board who has wanted to be re-appointed, not been reappointed?*

I believe the answer is no; thus strongly suggesting that what we see is nothing but intentional punishment for free speech.

I understand that this has been framed as an ethics issue. I've asked around and I've been unable find any list of rules that define what sorts of speech are acceptable and what sorts are unacceptable to the BoS.

I have a fourth question:

** can the BoS either point us to an existing set of speech regulations, or clarify in the near future what types of opinions board members are allowed to have?*

And one final question:

** if the BoS is now taking up the matter of policing the ethics of the members of various boards, will this policy apply to members of all boards, and to whom should citizens report violations of various state laws by sitting board members?*

Lori Davis, 118 Buxton School Road, stated there is misinformation going around. Some sitting Board of Selectmen have done nothing. She has enjoyed, learned a lot and is an asset to the Conservation Committee.

Her concern is not being re-appointed. She asked the Board to disregard their irritation with people who are not impressed with how they do things.

DEPARTMENT HEAD/COMMITTEE ITEMS:

1. Chief Moore made two points:

A. Use of Force policy is available starting tomorrow for any citizen to review posted on Police website

under Chief tab.

- B. Police Patrol PC, 5-year lifecycle vehicle computer, cost of new, roughly \$6000.00, vs. the cost of \$697.04 to transfer one with two years life cycle left from vehicle #6 to the new Tahoe. How should he proceed? The budget failed, the cost for the new computer was in his budget, may have room at end of year.

Chairman Hippler asked if the MDT docking device from vehicle #6 would fit the new cruiser.

Chief Moore replied going from a Ford to a Chevy; he is unsure if they are compatible, may vary slightly.

Selectman Van asked if the Chief finds the \$6000.00 in his budget for a new computer what happens to the one with two life years left.

Chief Moore responded he uses vehicle #6, Officers use it to go to court and document runs to Manchester, frequently taken for trainings, etc. If a new computer is not purchased this year, two would need to be purchased in two years.

Selectman Van suggested to transfer vehicle #6's computer to the new cruiser, \$697.04 vs \$6000.00, huge difference, tight spending. Chairman Hippler, Selectman Burdick, Vice Chairman Meaney agreed.

2. DPW Director Knapp addressed Chase Park's boat ramp. The paved asphalt upper part of the boat ramp has few cracks, in great shape. Jet wash has created a big hole at the base of the ramp due to boaters gunning their engine to boost boat onto trailer. The repair would consist of cutting the pavement across the width of the ramp at top of hole. He would fix the hole with stone/rip rap. The patch would be 18' wide x 10' long, quoted \$1000.00 for pavement/asphalt repair. This is his preference vs. a complete overhaul, very expensive.

Selectman Van questioned how long does asphalt last in that type of environment. DPW Director Knapp replied as well as all of the Town's roads as they are asphalt as well.

Vice Chairman Meaney stated he recently stood in the water looking back at the ramp. The asphalt is sitting on concrete. There is a chunk of concrete displaced and gravel piled from jet wash that needs to be pulled back into the hole. A straight asphalt repair has too much flex in water it will break again.

DPW Director Knapp commented, originally, it may have been concrete and asphalt was used to repair it.

Vice Chairman Meaney added, to repair by paving, beyond the hole will need to be more than just gravel.

DPW Director Knapp stated rock could be used.

Vice Chairman Meaney suggested a concrete base would bind better to asphalt. Rain has brought the water level back up at the moment.

Chairman Hippler recapitulated DPW Director Knapp's idea of patching as it aligns with our strict budget for this year.

DPW Director Knapp stated the quote for \$1000.00 includes about 3 yards of 3 – 4" pavement.

Selectman Van asked could this be done before the water level is raised.

DPW Director Knapp answered yes before May 12th.

Selectman Van asked what is the budget allowance for Chase Park division of PARC.

Town Administrator Bolton responded JaNeen Lentsch noted \$3000.00 balance left in Chase Park. The NHDES permit cost \$400 and it is good for five years.

DPW Director Knapp stated the hole at the end of the boat ramp/dock area is bad he has pictures. A large boat trailer would lose an axle in there, does need fixing. Water would need to be low for access to the construction area.

Selectman Osborne stated he has seen marinas at Lake Winnepesaukee that have signs that state to load your boat motors have to be turned off, winch boats on trailers. Staff at Chase Park could notify boaters as they arrive to do the same.

Vice Chairman Meaney explained our Chase Park attendees are too young to monitor thirty somethings. Boaters should be responsible.

Selectman Van suggested starting the permitting process with NHDES and proceed with DPW Director Knapp's recommended temporary fix with our strict budget. Perhaps CIP funding or warrant article for a complete repair in the future.

Chairman Hippler concurs, start permit, but unsure if Chase Park's budget should be used.

Selectman Van understands, but time is running short for decisions, water level will need to be up soon. Does it take two weeks to get a permit?

Town Administrator Bolton explains currently NHDES, Permit by Notification, boat launch repair could be authorized to sign by the Chair or herself on the Board's behalf, send check, 10-day return. A complete redo is more money.

Vice Chairman Meaney moved, Selectman Burdick seconded to allow Town Administrator Bolton to sign the NHDES application for the boat ramp repair. Passed 5-0-0

Selectman Van would like to invite JaNeen Lentsch and Lisa Purington-Grolljahn from PARC to the next BOS meeting to discuss the finances of the repair. Chairman Hippler suggested meeting with PARC sooner, discussion to offset the cost. Town Administrator Bolton explained the next BOS meeting April 5th is sufficient based on the NHDES turnaround time. Chairman Hippler agreed.

3. DPW Director Knapp reminded everyone it is Mud Season. His crew has been out taking care of trees. Also, Class VI Roads are not the responsibility of the Town of Weare.

Chairman Hippler gave a shout out to the DPW crew who were out on the weekends working on their time.

4. Selectman Burdick asked DPW Director Knapp if he has plenty of blue bags to pass out for the Historical Society's sponsorship of trash cleanup day this spring. DPW Director Knapp responded he is not sure he

will look, has not received any from the State in a long time. He requested a list of what roads will have people picking up trash as this is the only time it is allowed.

MANIFEST:

To order the Treasurer to sign the payroll and accounts payables checks dated April 1, 2021 as included in the following manifests:

<i>Payroll Manifest</i>	\$ 61,228.52 (Weekly & fire monthly payroll)
<i>Accounts Payable Manifest</i>	\$ 48,978.01
<i>Total</i>	\$ 110,206.53

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

MINUTES:

March 22, 2021 Minutes: Vice Chairman Meaney moved, Selectman Van seconded to accept the minutes of March 22nd as written, passed 5-0-0.

ADMINISTRATOR'S REPORT:

General Items:

1. MOA for Police Department. **Selectman Van moved, Selectman Burdick seconded to allow Chairman Hippler to sign on behalf of the Board of Selectmen the MOA for the Police Department. Passed 5-0-0**

2. Walker Roofing, email sent to schedule, mentioned by Tom Miller to be done by April. No response received to confirm scheduling.

3. Town Hall Sign, Clark Roberge's time frame mid-May completion. Decision needed on how to landscape to safely change letters. DPW to install.

4. Forestry Contract, general service, 5-year contract, to send to Town Attorney and Conservation Commission.

5A. Building Inspector/Code Enforcement job description, Ad shared with the Board last week, ok to advertise. Interim Inspector fill-in, former Code Enforcement Officer is interested in 20hrs/week.

B. Kelly Dearborn-Luce resigned 4:57 pm on March 29th via email.

Vice Chairman Meaney moved, Selectman Burdick seconded to accept the resignations of Kyle Parker and Kelly Dearborn-Luce. Passed 5-0-0

Chairman Hippler and Town Administrator Bolton thanks them both for their service to the Town.

6. Eversource Arbor Day, community planting of 1 or 2 trees with Asplundh Tree Service and the Town. Discussion with PARC for acceptance and proper placement.

CORRESPONDENCE & OTHER BUSINESS

- Selectman Osborne mentioned Kevin Townes logging his Grandmother's property had requested to widen his gape way and replace the rocks. Job is done, equipment gone, rocks have not been put back. Town Administrator Bolton to reach out for reminder to replace rocks as vowed.
- Selectman Van asked about RFPs for cemetery landscaping. Town Administrator Bolton replied calls have been fielded, no bids received. Ads placed. Deadline is April 12th.
- Selectman Burdick asked about a back-up plan if no bids are received. Town Administrator Bolton responded rented goats we own no equipment.
- Town Administrator Bolton shared a thank you card from Melanie Knox for the In Memoriam of her sister Margo in the Town Report.
- Town Administrator Bolton received notice from Ronald J. Grandmaison, PE, NHDOT for the State of NH's 2021 paving schedule on state roadways that will hamper Town traffic.
- Chairman Hippler stated the Board and the Conservation Commission received notice concerning the wells in South Weare at the South Weare Mobile Home Park and Hoyt Mill. The Board will continue to monitor the situation. Conservation Commission to address at their April 14th meeting, BOS to link in via Zoom.

Being there was no further business to come before the Board, Vice Chairman Meaney made a motion, Selectman Van seconded to adjourn at 7:37 pm. Passed 5-0-0

ADJOURNMENT

A True Record.

Karen Nelson

Karen Nelson transcribed from

TA Bolton notes & You Tube recording