

Final



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
May 17, 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: Police Chief Chris Moore, Eileen Meaney, Frank & Mary Jo Campana, Brian Dunbar, David Smith, Eldon Townes, Will Lambert, Linda Beliveau, Travis Corcoran

Chairman Hippler called the meeting to order at 6:35 pm., welcomed those via zoom to the May 17, 2021 Weare Board of Selectmen Meeting. Chairman Hippler roll called the Board members, all present.

Chairman Hippler stated new information was brought forward that prompted postponement of the public hearing scheduled for 7:00pm. Anyone wishing to speak to this may do so in public comment.

PUBLIC COMMENT:

Travis Corcoran, 275 Quaker Street, addressed his letter sent 7 May 2021 to the Board of Selectmen pertaining to the mishandling of the recent ZBA meeting 4 May 2021. Specifically, under RSA 673:13 Removal of Members, the BOS is to hold a public hearing for the inefficiency, neglect of duty, and malfeasance in office for any member of the ZBA. Travis suggested the BOS observe the ZBA meeting video. In it, stated Travis, Chairman Dearborn did not proceed the way NH Zoning Hearings dictates how a variance hearing should be processed.

The issues:

- conflict of interest, Chairman Dearborn should have recused himself
- Chairman Dearborn tried to leave documents out of evidence, stating he didn't have access to them
- variance application was incomplete, must be rejected
- application was missing engineering stamp showing the property, should have been rejected
- Chairman Dearborn stated the Cease & Desist Order was hearsay, no proof, no evidence
- burden of persuasion, wins on all five points, making their case, variance should not have been granted
- voting procedure, according to NH Zoning, exact wording not to use was how Chairman Dearborn ran the meeting
- Chairman Dearborn stated the precedents cited were no longer controlling, untrue
- a ZBA member went on record stating variance hearings are not about precedents, not bound by NH Supreme Court laws, untrue
- miss handling of evidence, ZBA did not have copies of documents Travis submitted

- personal circumstance is different than characteristics of the parcel, in depth in the ZBA manual

Travis has appealed the variance hearing and is looking to have it reheard. He does not want to waste money on both sides in court. All three provisions under RSA 673:13 apply asserted Travis.

Chairman Hippler stated Travis's letter, sent to Town Administrator Bolton, will be forwarded to the Board for review.

Linda Beliveau, 365 & 367 Riverdale Road, questioned why the ZBA does not have an Ex-Officio from the BOS. Chairman Hippler stated he could not answer that and asked Vice Chairman Meaney or Town Administrator Bolton to respond.

Vice Chairman Meaney stated it is not required by RSA. Town Administrator Bolton explained the ZBA is a quasi-judicial board, more information forth coming.

Linda clarified her question, the ZBA is not required by law to have one while other boards are. Vice Chairman Meaney responded correct.

Chairman Hippler stated they populate scarce boards. Vice Chairman Meaney stated not correct, if an Ex-Officio is absent, an alternate cannot replace them on the board. The Zoning Board is like a hearing. An appeal for zoning goes before the BOS. Chairman Hippler added the Board of Selectmen would peruse Travis's request for provisions for RSA 673:13 and if it pertains to the ZBA. Town Administrator Bolton added the Conservation Commission also does not have an Ex-Officio.

DEPARTMENT HEAD/COMMITTEE ITEMS:

FirstNet Gateway Discussion - Police Chief Chris Moore stated he is available to discuss the FirstNet, Inc. gateway purchase. Chairman Hippler explained the gateway allows a cell phone to interface with the radio system. He and Selectman Van have talked extensively on this. Chief Moore added the officers have given positive feedback on the push-to-talk feature. Used at an accident scene, in a location where radios do not always work, this added feature made the radios very effective. The vehicle hot spot was returned, poor connectivity. Looking into more options to improve car reception. Tying into the radio system, the FirstNet Ready Light device, a two-channel system, is quoted at \$6195.00. Add ins bring the total to \$6895.00.

Chief Moore continued, his 685 line item communications budget has \$5945.00. One portable radio, that is obsolete, cost \$3850.00 which leaves ~ \$2000.00 left in his budget. The radio gateway system is an end of year purchase request, but he prefers the purchase take place immediately. One reason Officer Ouellette left the Weare Police department for Bow's Police department was Weare's radio infrastructure.

Selectman Van asked if the roughly \$6000.00 gateway purchase price included installation/cabling, etc. Chief Moore replied it does not include cables.

Selectman Van asked would your monthly expenditures allow for the added push-to-talk fees. Chief Moore responded yes, already rolled into the telephone line.

Selectman Van asked how long would it take from the go ahead until you are live. Chief Moore stated he is not sure.

Chairman Hippler declared he sees no reason why this purchase should not be made. He asked the Board for comments.

Vice Chairman Meaney questioned where would the money come from. The Police communication line balance does not have enough to cover the cost. It is not to come from salary or other encumbered contract expenses.

Chief Moore responded he will have plenty in his end of year budget from salary because of a vacancy.

Vice Chairman Meaney reiterated salaried money cannot be used now; need to wait to see if there is money at the end of the year. An encumbered expense, salary or contract, cannot be used for something else. Still have more than 6 months left on a default budget.

Chief Moore replied, ok, it is not in his budget.

Chairman Hippler stated with one unfilled position and vacancy, there may be money at the end of the year. With Officer Ouellette's statement and the terrible radios, we could be putting ourselves in trouble.

Vice Chairman Meaney agrees, but there may be \$950,000.00 coming from the government that could be used towards the radio system.

Chairman Hippler stated something needs to be done now.

Vice Chairman Meaney stated money should not be sacrificed before the end of the year; it could relinquish an incoming officer. For years, we have been mandated by the Town to provide 24-hour Police coverage, a public safety issue as well.

Selectman Burdick stated she thought last December this was already put in the budget. Chairman Hippler explained yes, they already have the phones. This purchase is for the gateway to activate push-to-talk through the radio. We are working within the confines of a failed budget.

Selectman Burdick stated Vice Chairman Meaney makes a good point, but you cannot put people in harm's way.

Selectman Osborne stated it is a Catch-22. He understands both sides, but he agrees with Vice Chairman Meaney. It is a default budget, expenses paid first, use end of year money for the purchase.

Selectman Van stated he agrees with the bottom-line, but this is a life safety issue. If the \$7000.00 provides 3 - 10% increase in coverage, a tragedy avoided, we could take the money from our General Fund. The Chief has stated he will have the money available end of year. Our staff need the tools to do their job safely.

Chairman Hippler asked Town Administrator Bolton if the Town's Purchase Policy comes into play. To be purchased with AT&T. The Chief will over spend his communications line.

Town Administrator Bolton asked if there is another place, not salary, to find the \$5000.00, perhaps leftover cruiser money. Chief Moore explained not with the failed budget, he is already trying to find money for the cruiser. He needs ~ \$1000.00 for the MDT transition. The federal money will cover the vehicle connectivity, mobile hot spot at \$1500.00/car, under improving broadband infrastructure.

Town Administrator Bolton reiterated leaving salaried money where it is, confident there will be end of year funds. Chief Moore stated there is the Accreditation line money available at \$8500.00. He will have the money at the end of the year. He recommends the purchase now as it is a safety issue.

Chairman Hippler stated it is a department expense. He agrees with the Chief and Selectman Van, it is a safety issue. Chairman Hippler asked for more comments from the Board. There was none.

PUBLIC HEARING: (Postponed)

For the purpose of hearing public testimony and comment on the gravel removal in the Duck Pond subdivision for the further development of the lots. The plan is for proposed grading and removal (cuts and fills) for lots, 405-62.21; 405-62.22; and 405-62.23, which equated to a net quantity of 17,087 CY (cubic yards) to be removed.

Chairman Hippler explained to Eldon Townes the public hearing is to be continued.

Gravel Permit Renewal – Clough Park Road – Thibeault Corp. of NE., 603 Mammoth Rd., Londonderry, NH
Town Administrator Bolton explained a one-year permit, expiration date of May 21, 2021, was issued on Clough Park Road, Map 409, Lot 107. Because of the pandemic, it was sight unseen. With the renewal application, Interim Code Enforcement Officer Chip Meany viewed the property. The notice of intent to excavate for 2021 & 2022 is 10,000 yds. total, bond in place. Currently three grandfathered permits, Brownies, Townes and Mt. William, they keep their Reclamation Bond up to date.

Thibeault Corp. received a letter dated April 26, 2018 from NHDES referencing the permit for gravel extraction. The letter stipulates the permittee provide documentation on the status of the project, a Progress Plan, by July 31, 2018 and every 5 years thereafter. Town Administrator Bolton recommends the Town of Weare coincide with the State, tying the permit & progress plan due dates together, in keeping record of the excavation. If approved, she suggested a new expiration date of July 31, 2023.

Chairman Hippler asked the Board for comment. Vice Chairman Meaney responded he agrees with Town Administrator Bolton. Chairman Hippler shared he does as well. Selectman Burdick stated she agreed renewal for July 2023. Selectman Van stated he has no issues with the suggestion.

Selectman Osborne stated he agrees with the July 2023 expiration date. However, referring to the Town of Weare's excavation permit, section E, *To assure performance of its obligations for reclamation under the terms and conditions of the Weare Earth Products Ordinance, the Owner(s) have posted a bond in the amount of \$33,000.00 which will be renewed each year by the Owner(s).* Further, their Berkley Insurance company has a bond value of \$11,000.00 dated 9/1/2020 to 9/1/2021. Where is the other \$22,000.00?

Town Administrator Bolton explained there is a \$33,000.00 one in the gravel book. Thibeault Corp always carried two, one for Map 409 Lot 104 and Map 409 Lot 107. Map 409 Lot 104 is no longer, the \$11,000.00 bond should be dropped. The Board can make their motion to include subject to the receipt of the updated \$33,000.00 bond. Chairman Hippler and Selectman Osborne agreed.

Selectman Osborne moved, Vice Chairman Meaney seconded to renew Thibeault Corp. of NE's gravel hauling permit on Clough Park Road, Tax Map 409 Lot 107 from 5/17/2021 to July 31, 2023, upon receipt of the new bond in the amount of \$33,000.00. Passed 5-0-0

MANIFEST:

To order the Treasurer to sign the payroll and accounts payables checks dated May 20, 2021 as included in the following manifests:

<i>Payroll Manifest</i>	\$	60,435.65 (Weekly payroll)
<i>Accounts Payable Manifest</i>	\$	43,302.33
<i>Supplemental Accounts Payable Manifest</i>	\$	660,000.00 (March vote appropriations to Capital Reserve Funds)

<i>John Stark Accounts Payable Manifest</i>	\$	<i>250,000.00</i>
<i>Weare School Accounts Payable Manifest</i>	\$	<i>300,000.00</i>
<i>Total</i>	\$	<i>1,313,737.98</i>

The following manifests were previously ordered to sign at the May 3, 2021 Board of Selectmen meeting:

Payroll Manifest	\$	59,139.07 (Weekly payroll checks dated 05/13/21)
Accounts Payable Manifest	\$	28,167.10 (Checks dated 05/13/21)

As there is no Selectmen meeting scheduled for Monday, May 24 as well as May 31, 2021

Please vote:

To order the Treasurer to sign payroll checks dated May 27 and June 3, 2021 estimated to be about \$150,000.00. Furthermore, to order the Treasurer to sign up to the amount of \$150,000.00 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 Hippler moved, Selectman Burdick seconded to accept the manifest as follows, which passed. Passed 4-1-0 Selectman Van voted no

MINUTES:

May 3, 2021 Minutes: Selectman Van moved, Vice Chairman Meaney seconded to accept the minutes of May 3rd as written, passed 5-0-0.

ADMINISTRATOR'S REPORT:

General Items:

1. Tax Warrant – BOS to sign
2. Building Inspector started today. Thankful to Chip Meany for filling in as Interim Building Inspector. Romeo Dubreuil will work Monday – Thursday, 8:00 am to 2:00 pm., two days with a 7:30 am start.
3. Walker Roofing, Tom Miller, finished the Town Hall returns and the decorative cap placed back on the Stone Memorial building roof. Selectman Van to review the work with a drone.
4. Town Hall sign – holes to be dug prior to Memorial Day weekend, to discuss landscaping in June.
5. Reservoir Drive *No Parking Signs* - Park opens May 29th, Chief Moore to coordinate with DPW.
6. Primex claim for Gordon Brown barn roof, rates affected, Selectman Burdick asked for permission to write a Moose Grant for a new roof and have the Weare Historical Society pay the difference. Chairman Hippler stated he is fine with the grant, no taxpayer impact, and with the Historical Society offsetting the difference.
7. June meetings – zoom or in person, Chairman Hippler entertained any Board member that would like to speak.

Town Administrator Bolton shared WMUR Channel 9 reported Weare had six Covid cases, this number is behind. Fire Chief Vezina received an email, as of May 13th, there are 27 cases in Weare. CDC has not relaxed the six ft. distancing, no masks if vaccinated. With HIPPA, you cannot ask someone if they have been vaccinated. The BOS conference room allows for an audience of six. She suggested the BOS meet in person, but keep the other Boards remote. This is a tiered approach to coming back in house for meetings in the Town Office building.

Chairman Hippler responded if the BOS goes back to public sessions, the new projector could be utilized for zoom.

Town Administrator Bolton stated she is not sure if the projector could be used for zoom. Camera and speakers may be needed for others to participate. She will inquire with our IT.

Chairman Hippler stated the zoom image is mirrored onto the projector. Separate speaker system is needed.

Selectman Burdick added windows in the BOS conference room could be opened.

Vice Chairman Meaney supports Town Administrator Bolton's tiered approach, even though only six attendees allowed.

Selectman Van declared he wants to get back to normal. Some advantages to in person meetings are you can have non-public discussions. At 27 cases, that is only ½ a percent of the town's population.

Town Administrator Bolton agrees with going back to normal, but the BOS should try it first.

Selectman Van stated the BOS can go first for June, if nobody dies the rest of the committees can resume their meetings as well. Selectman Burdick stated if anyone dies everyone will go to the funeral.

Selectman Burdick added perhaps all the Covid numbers depicted on TV are low.

Selectman Osborne agrees with Town Administrator Bolton's tiered approach as well.

Selectman Van asked about the Town Hall opening. Should it be closed for the summer?

Chairman Hippler stated the Board's consensus is in person BOS meetings for June.

Chairman Hippler moved, Selectman Van seconded to have BOS begin their June meetings in person, but other committees and commissions to stay zoom. To be revisited at the end of June. Passed 5-0-0

In response to Selectman Van's question about opening the Town Hall, Chairman Hippler stated it would be hard to police with social distancing and masks.

Selectman Van agrees, and suggested to revisit in August.

Chairman Hippler and Selectman Burdick stated the BOS can revisit at the end of June.

Town Administrator Bolton added there could also be other variants that come through as well. With the holidays coming, Memorial Day and Fourth of July, no telling how the numbers will change. Taking it one-step at a time, tiered approach, BOS first to return to in person. Old adage, "you wouldn't ask anyone to do what you wouldn't do."

8. ARP – American Rescue Plan, Town of Weare to receive \$901,000.00. Divided out, in May, \$450,000.00 and another \$450,000.00 in May of 2022. The schools to get a separate allotment.

Broadband is for schools and states. The Town to use the terms, technology & infrastructure. Motorola stated this money could be used towards an upgrade.

Another piece to consider is air quality. Some people are apprehensive about returning inside because of the stale air in conference rooms. All the old air conditioning units could be replaced in the Town Office building with new units designed with HEPA filters. These units remove 99.97% of particles in the air coming into the room through the air conditioner. There is another unit at \$200.00 that purifies the air that is in the rooms. This would be especially helpful with rooms filled with people.

Selectman Burdick asked if they are air exchangers that clean the air every hour on the hour.

Town Administrator Bolton responded yes, two separate units as part of the tiered approach. Getting the bids out now with the money forth coming. DPW Director Knapp to gather information with the non-potable water, undrinkable water in our buildings; this money could help fix that issue. Thirdly, another avenue could be for recovering lost revenue for the Town Hall. Push-to-talk radio upgrade could also be a part of the conversation, but there is work to be done before we go for a tower.

However, this money is not allowed to be used to offset taxes.

Chief Moore stated he read the restrictions; it is limited as to what you can purchase. His focus is on broadband access, improving connectivity. A hot spot in their vehicles, linking their phones could provide a range of up to 1000 ft. from the vehicle. Wi-Fi access of 300 ft. from their phone would contribute significantly to connectivity. Officer Brandon Montplaisir will prepare numbers for the Board to peruse.

Selectman Burdick asked about solar. Town Administrator Bolton explained that is not an option, but departments need to work together. DPW Director Knapp is working on the non-potable water aspect, not sure what Chief Vezina is working on. Everyone needs to come together to communicate their thoughts on how they would like to see the money spent.

Town Administrator Bolton to forward the Board the shorter fact sheet of 8 pages of the 151-page ARP documentation.

Selectman Van suggested contacting all department heads, following the guidelines, to put together a top 10 wish list.

Chief Moore added fixing the non-potable water at the Police Station would save \$80.00 per month as that is what they currently spend buying water.

Town Administrator Bolton stated yes, DPW Director Knapp is gathering information on upgrading the water systems to eliminate the Monadnock Water bills.

CORRESPONDENCE & OTHER BUSINESS

- 1.) Selectman Burdick commented she viewed Pine Grove Cemetery, Johnson Cemetery, East Weare and Center Square Cemetery. They have all been cleaned up. They look really good.

Being there was no further business to come before the Board, Chairman Hippler made a motion, Vice Chairman Meaney seconded to adjourn at 7:55 pm. Passed 5-0-0

ADJOURNMENT

A True Record.

Karen Nelson

Karen Nelson transcribed from

TA Bolton notes & You Tube recording