

Final



WEARE BOARD OF SELECTMEN
MEETING MINUTES
August 2, 2021

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

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Police Chief Chris Moore, Tom Clow, Frank Campana, Richard Butt, Travis Corcoran

Chairman Hippler called the meeting to order at 6:34 pm.

NONPUBLIC SESSION: Chairman Hippler moved, Selectman Van seconded to enter into nonpublic session @ 6:35 p.m. pursuant to the authority granted in RSA 91-A: 3II (c). A roll call vote was taken, Selectman Osborne – yes; Selectman Van – yes; Chairman Hippler – yes; Vice Chairman Meaney – yes; Selectman Burdick – yes. Passed 5-0-0

Chairman Hippler moved, Vice Chairman Meaney seconded to exit this nonpublic session @ 6:43 p.m. A roll call vote was taken, Selectman Osborne – yes; Selectman Van – yes; Chairman Hippler – yes; Vice Chairman Meaney – yes; Selectman Burdick – yes. Passed 5-0-0

The Board met with a resident to review an issue.

NONPUBLIC SESSION: Chairman Hippler moved, Vice Chairman Meaney seconded to enter into nonpublic session @ 6:44 p.m. pursuant to the authority granted in RSA 91-A: 3II (a&c). A roll call vote was taken, Selectman Osborne – yes; Selectman Van – yes; Chairman Hippler – yes; Vice Chairman Meaney – yes; Selectman Burdick – yes. Passed 5-0-0

Chairman Hippler moved, Vice Chairman Meaney seconded to exit this nonpublic session @ 7:02 p.m. A roll call vote was taken, Selectman Osborne – yes; Selectman Van – yes; Chairman Hippler – yes; Vice Chairman Meaney – yes; Selectman Burdick – yes. Passed 5-0-0

The Board met with Police Chief Chris Moore to discuss a personnel matter.

Chairman Hippler opened the meeting at 7:03 pm., welcomed those present to the August 2, 2021 meeting of the Weare Board of Selectmen and proceeded with the pledge of allegiance.

PUBLIC COMMENT:

Travis Corcoran, 275 Quaker Street, asked the following document be admitted in this meeting:
Document control ID: TJIC-TOW-2021-08-02

2 August 2021

On the Eve of the Variance Hearing

For almost three years now a zoning matter has dragged on, involving hundreds if not thousands of person-hours, and tens of thousands of taxpayer dollars.

The reason that this issue has dragged on is simple: ZBA chair Jack Dearborn has repeatedly broken the law.

This is not news. I have sent the Board of Selectmen a dozen or more letters over the past few years, documenting Mr. Dearborn's behavior, but the BoS has not responded to these letters and refused to act to reign in Mr. Dearborn's abuse of power.

To recap quickly, I have previously presented the BoS with evidence that Mr. Dearborn has violated

- RSA 641:7 - tampering with public records
- RSA 91-A - open records
- RSA 643:1 - official oppression
- RSA 673:14 - disqualification of board member
- The permanent injunction of *Weare Powerful vs the Town of Weare*.

and requested that the BoS hold a public hearing on Mr. Dearborn's inefficiency, neglect of duty, malfeasance, and multiple misdemeanors in office, in accordance with the procedures outlined in RSA 673:13.

The BoS has not done so.

Recently yet more evidence has come to light documenting Mr. Dearborn's contempt for the laws, and for my due process rights.

A few weeks ago, I instructed my attorney to sue the town to force it to produce public documents that it had been illegally withholding. When my attorney contacted the town's attorney about the lawsuit, she asked for a week to shake loose the documents, we agreed.

The documents she handed over a week later were shocking, even though it had already been clear that Mr. Dearborn was routinely violating the law.

1. The documents include evidence that Mr. Dearborn had arranged a secret site visit to 271 Quaker street for multiple members of the ZBA, and presumably coordinating with the property owner, but very pointedly not notifying the public, **in violation of RSA 91-A**.
2. The documents released included evidence that - as I have previously asserted - Mr. Dearborn falsified the minutes of the 8 December 2020 site visit, falsely stating that there was ice on the ground that prevented the ZBA and abutters from visiting the east side of the property. In Mr. Dearborn's secret site visit of 11 December 2020 he visited the east side of the property - a bit of fact finding that is absolutely key for the variance process and took pictures, documenting that there was no ice on the ground. It has been my assertion, repeatedly, and in writing since 8 December that the original public site visit was a sham, and that the minutes were falsified, and now we have proof, from his own email and his own photos, he **violated RSA 641:7**.

3. The documents recently released include evidence that Mr. Dearborn, as part of an orchestrated campaign to help the variance petitioner, asked a member of the Planning Department to prepare a plannable lot, something that the member of the planning had previously denied in writing. This collusion between Mr. Dearborn and the member of the planning board, extending further to the member of the planning board introducing a special purpose warrant article for the benefit of the variance petitioner (a warrant article that went down in flames once the voters were made aware of the corruption behind it), constitutes, I suggest, official oppression **in violation of RSA 643:1**.
4. The documents released by the town include discussion between Mr. Dearborn and the member of the planning board over invoicing for the plan - despite the fact that I had previously asked the town for any invoices, and was told categorically, that no such invoices exist.
5. The documents expose the fact that Mr. Dearborn engaged in a full blown coverup. We have evidence that he had documents responsive to my earlier Right to Know law requests, and that he intentionally hid these documents by claiming that they were "attorney client privileged" and "need to know," when they were neither. This is clear evidence of intentionally and willfully hiding public records because they would embarrass Mr. Dearborn and hurt the variance petitioner that Mr. Dearborn is working overtime to illegally help.

It is always dangerous to use the word "criminal" loosely. If one used the term in bad faith, and falsely, with the intent of harming another person's reputation, one would open one's self up for damages in a defamation lawsuit. So I want to be clear: I am very crisply and consciously saying that Mr. Dearborn has broken multiple laws while serving as the chairman of the ZBA, and his behavior is criminal.

Tomorrow, the ZBA meets, yet again, on the issue that has dragged on for three years, a process that has been extended time and again by Mr. Dearborn's sham site visits, hiding of records, and various bad faith delaying maneuvers.

Tomorrow, if the ZBA illegally grants the variance, I will sue, and the ZBA's actions will cost the Weare taxpayers more money.

If the ZBA votes to delay tomorrow, for the fourth or fifth time, I will sue, and the ZBA's actions will cost the Weare taxpayers more money.

If the ZBA decides tomorrow- at this very late date - that the variance petitioner's application is incomplete (as they have known since December last year, when I told them in writing and via certified mail) and gives the variance petitioner a chance to re-file without prejudice, I will sue, and the ZBA's actions will have cost the Weare taxpayers more money.

For the sake of the Weare taxpayers, I beg the BoS do two things:

1. do the right thing and find Mr. Dearborn Guilty of inefficiency, neglect of duty, and malfeasance in office, and eject him from the ZBA, and
2. instruct the ZBA to obey the law tomorrow.

Thank you.

Travis Corcoran
275 Quaker St

Richard Butt, 90 Old Town Road, asked what is the meaning of the quote that was placed on the Town Hall sign. Town Administrator Bolton replied instead of leaving the sign empty she had a quote placed on the sign. It is pretty simple. What is the harm in it? Mr. Butt answered he has never seen anything like that. Town Administrator Bolton enlightened there had been no request made to use the sign, it is better than looking at a blank sign. Mr. Butt responded it is odd. He wondered if there was meaning behind it.

Mr. Butt thanked the Fire Chief for the work he has done over the years professionalizing his department. Recently, the Fire Rescue Squad used the stretcher to help a woman struggling with cancer to visit her horse for the last time. This reflects the fabric of our community stated Mr. Butt.

Frank Campana, 322 Quaker Street, commented after the Historical Society occupied the Town Hall sign for a week advertising for their yard sale, the next use of the sign was for thanking Tom Clow for his help creating the new sign. Frank stated thanking Tom Clow was not as important as the yard sale it could have waited. The advertisement for the yard sale should have been up longer. The Historical Society stated they had no idea why their sign was taken down, other than that was the time they had requested stated Frank. He selfishly wished the Town had placed a message about the yard sale on one side of the sign instead of the quote as he participates in the yard sale.

Chairman Hippler asked the Board for comments. There was none.

Chairman Hippler stated allowing use of the sign for more time than requested would construe favoritism by the Town. Every organization who requests use of the sign would expect longer use moving forward. For the Town to decide to extend time for one organization over another would set a bad precedence. Chairman Hippler had no problem with Town Administrator Bolton utilizing a blank sign with the quote. Furthermore, it drew rave reactions on social media.

DEPARTMENT HEAD/COMMITTEE ITEMS:

1. Police Chief Chris Moore presented the Board with handouts depicting new Detail structures:

A. Police Detail Payroll Procedures

- an hourly rate is established and then any taxes, administrative fees or retirement benefits are added and paid by the vendor. Pay rate is cost neutral to the Town.
- vendors currently pay \$60.99/hour, July 1, 2021 NHRS increase would cause a \$2.50/hour deficit to the Town with four vested employees: Hebert, Montplaisir, Muise and Purslow. They have not yet worked a detail since the increase.
- Finance Administrator Rouse suggested a vendor rate increase of \$63.50 to compensate. Chief Moore agreed.
- non-vested retirement employee benefits are put in the Police Special Detail Revolving Fund account. The vested retirement benefit is \$15.71/hour.
- Chief Moore proposes non-vested employees receive the additional money to do with as they choose instead of placing it in a fund.

Chairman Hippler suggested Legal Counsel review. He needs clarification non-vested retirement benefit pay would be legal.

Officer Barry Charest, Police Union President, offered his experience coming from Manchester PD. They paid their non-vested officer a higher detail rate to account for the money not vested into their retirement.

Chairman Hippler reiterated he is favor of the change he just wants to make sure the route they use is legal.

B. Police Detail Vehicle Vendor Fee

Currently the rate is \$10.00/hour. Chief Moore figured the cost is \$2.51/hour. Based on projected service life of the vehicles, he recommended raising the rate to \$20.00/hour.

Vice Chairman Meaney points out at \$2.51 hourly cost a fee rate of \$10.00/hour is not a bad deal. Chief Moore concedes to \$15.00/hour as the ten dollar an hour is below average and does not include fuel/maintenance. Selectman Van and Chairman Hippler stated they are comfortable with \$20.00/hour.

Town Administrator Bolton asked if this was part of the CBA and if not how was this documented. Chief Moore replied no, it is not part of the CBA, no documentation.

Town Administrator Bolton reiterates Police Details are not supposed to cost the taxpayers. When the fund was created there had to be language as to how the account would be created/funded. The NHRS rate change of as July 1, 2021 has brought forth this discussion.

Chairman Hippler stated the vendor cost is two parts: the employee rate and the vehicle rate. **Chairman Hippler moved, Selectman Burdick seconded to make the Detail Vehicle Vendor Fee to \$20.00/hour. Selectman Osborne - yes, Selectman Burdick - yes, Vice Chairman Meaney - yes.** Discussion: Selectman Van would like to see the documentation first on the detail vehicle fee and suggested this be tabled to their next meeting. Town Administrator Bolton agreed asserting where was this language established. **Chairman Hippler moved, Selectman Burdick seconded to rescind his motion for further information. Passed 5-0-0**

2. Tom Clow updated the Board on the landscaping for the Town Hall sign area. Three big blocks were planned originally, but citizen input wanted something more decorative. After meeting with Landscape Designer Peter Stockhaus, Stockhaus Enterprises, LLC. he suggested using the same patio stone like what is around the flagpole. Front area needs to be increased about 18” to be able to have a platform to access the letters on the sign. Once Peter brings forth the pricing, it will be presented to the Trustees. The second quote Tom is waiting on is pricing for granite, ~ \$1500.00 per block and he would need three. Similar to the Legion’s block wall.

MANIFEST:

To order the Treasurer to sign the payroll and accounts payables checks dated August 5, 2021 as included in the following manifests:

<i>Payroll Manifest</i>	\$	70,339.57 (Weekly & fire monthly payroll)
<i>Accounts Payable Manifest</i>	\$	537,700.36
<i>John Stark Accounts Payable Manifest</i>	\$	400,000.00
<i>Weare School Accounts Payable Manifest</i>	\$	1,000,000.00
<i>Total</i>	\$	2,008,039.93

The following manifests were previously ordered to sign at the July 19, 2021 Board of Selectmen meeting:

Payroll Manifest	\$	66,775.68 (Weekly payroll checks dated 07/29/21)
Accounts Payable Manifest	\$	77,588.37 (Checks dated 07/29/21)

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As there is no Selectmen meeting scheduled for Monday, August 9, 2021

Please vote:

To order the Treasurer to sign payroll checks dated August 12, 2021 estimated to be about \$75,000.00. Furthermore, to order the Treasurer to sign up to the amount of \$80,000.00 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, Vice Chairman Meaney seconded to accept the manifest as follows, which passed. Passed 5-0-0

MINUTES:

July 19, 2021 Minutes: Chairman Hippler moved, Selectman Van seconded to accept the minutes of July 19th as written, 4-0-1 Vice Chairman Meaney abstained

ADMINISTRATOR'S REPORT:

General Items:

1. Quote on the Town Hall sign: "If it doesn't challenge you, it doesn't change you!" the Board of Selectmen reiterated how much they liked the quote and how well respective townspeople have been to it.
2. Radio Communication – still open, Fire Chief Vezina to let us know when the Homeland Security Grants come out this fall and working to see about fitting this project into the ARPA funds.
3. Forestry Contract- Town Counsel has reviewed the final copy from the Conservation Commission.
4. Tennis Court - waiting to be notified for repair schedule, August/September
5. ARPA Funds - Weare received \$475,866.80 on Monday, July 26, 2021. The plan is to have a public hearing on Monday, August 16th @ 7:00pm to accept the funds as well as have the department heads present to discuss suggested projects and possibly prioritizing them.
6. BOS schedule: August: 5 Mondays & September: has Monday, Labor Day. Meet August 2, 16 & 30. September 20.

Building & Maintenance Projects:

1. East Road Barn roof - Selectman Burdick is having no luck securing a contractor, all are too busy. Town Administrator Bolton to try and have Sentry Roofing check it out.
2. East Weare Fire Station - insurance certificate has arrived, to move forward.
3. Riverdale Road/River Road work - DPW Director Knapp and Town Administrator Bolton to secure a surveyor.

CORRESPONDENCE

- 1.) Letter from a resident regarding water rights at Chase Park/Horace Lake. The Town does not own the water, therefore, they cannot post signs, public waterway. Requests that were made are not in the purview of the BOS or Chase Park.
- 2.) BOS to be aware of the NHDES Dam Bureau letter ensuring the safety of dam, inspection conducted on October 15, 2020. Continue to review, record, monitor and evaluate. Recommendations set forth.
- 3.) Letter from NHDES, Land Resource Management File, 62 Forest Road, private property.
- 4.) Chase Park Boat Ramp - Town Administrator Bolton to send \$25.00 to NH Heritage Bureau to continue towards approval.

NONPUBLIC SESSION: Chairman Hippler moved, Vice Chairman Meaney seconded to enter into nonpublic session @ 8:16 p.m. pursuant to the authority granted in RSA 91-A: 3II (c). A roll call vote was taken, Selectman Osborne – yes; Selectman Van – yes; Chairman Hippler – yes; Vice Chairman Meaney – yes; Selectman Burdick – yes. Passed 5-0-0

Chairman Hippler moved, Vice Chairman Meaney seconded to exit this nonpublic session @ 8:44 p.m. A roll call vote was taken, Selectman Osborne – yes; Selectman Van – yes; Chairman Hippler – yes; Vice Chairman Meaney – yes; Selectman Burdick – yes. Passed 5-0-0

Selectman Van moved, Vice Chairman Meaney seconded to seal and restrict these nonpublic session minutes. Passed 5-0-0

Being there was no further business to come before the Board, Vice Chairman Meaney made a motion, Chairman Hippler seconded to adjourn at 8:45 pm. Passed 5-0-0

ADJOURNMENT

A True Record.

Karen Nelson

Karen Nelson transcribed from

TA Bolton notes & You Tube recording