

**Final**



**WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
September 20, 2021**

**PRESENT:** JOHN (JACK) MEANEY, VICE CHAIRMAN; JONATHAN H. OSBORNE, SELECTMAN; JOHN VAN LOENDERSLOOT, SELECTMAN

**ABSENT:** FREDERICK W. HIPPLER, CHAIRMAN; SHERRY M. BURDICK, SELECTMAN

**TOWN ADMINISTRATOR:** Naomi L. Bolton

**GUESTS:** DPW Director Benjamin Knapp, Police Chief Chris Moore, Corporal Michael Muise, Sergeant Ryan Frisbie, Police Officer Chad Averill, Police Officer Barry Charest, Police Officer Paul Lewis, Andrew Vollaro, Police Administrative Assistant Emily Dauphinais, Mildred Hall Advisory Chairman Betty Straw, PARC Chairman JaNeen Lentsch, PARC Director Lisa Purington-Grolljahn, Tom Clow, John Nikias, Rosemary Conroy, Heleen Kurk, Neal Kurk, Leigh Bossee, Rhonda Gregg, John Santullo, Jacquelyne Santullo, Linda Santullo, Sarah Barbagallo, Teri Kucka, Evelyn and Scott Garnett, Richard Brown

Vice Chairman Meaney opened the meeting at 6:30 pm., welcomed those present to the September 20, 2021 meeting of the Weare Board of Selectmen and proceeded with the pledge of allegiance.

Vice Chairman Meaney asked those in attendance to please continue standing for a moment of silence for former Weare Police Officer Tom Ouellette's Family as he lost two sons in a motor vehicle accident.

**Swearing in New Police Officer**

Police Chief Chris Moore stated Andrew A. Vollaro, a 2016 Plymouth State graduate, spent four years as a New Boston Police Officer and currently resides in Manchester. Chief Moore recommends a starting rate of a PO III Step 6 Officer at \$27.59 per hour along with the bachelor degree incentive of \$0.48/hour. An April CBA pay increase, along with an Annual Leave Credit as of May 5, 2017 rounds out his hiring package with an Annual Leave of 120 hours vacation.

Vice Chairman Meaney asked the Board for a discussion. Being none, **Vice Chairman Meaney moved, Selectman Osborne seconded to hire Andrew Vollaro as a fulltime Police Officer for the Town of Weare effective immediately. Passed 3-0-0**

Vice Chairman Meaney proceeded with the Swear-In Ceremony appointing Andrew A. Vollaro as a Weare Police Officer, upon taking this oath of office shall have the powers, perform the duties and be subject to the liabilities and regulations. Congratulations Officer Vollaro. His fiancé, Jacquelyne Santullo, had the honors of placing on his chained badge.

**PUBLIC COMMENT:**

John Nikias, East Shore Drive, stated he is a 40 year resident. He has a problem with Short Term Rentals that are taking place all over Weare. He has personal experience with the inconsiderate renters as he lives next door to a residence that is functioning as a hotel. It is outrageous. He has done all the work, showed the documentation this neighbor has a two bedroom septic advertising an 8 person accommodation rental property. John has presented several times to the Planning Board who directed him to come before the Board of Selectmen as the Town has no Code Enforcement Officer and no Health Officer. John has provided written proof his neighbor is renting his home for more than the septic system will allow, but nothing is happening. Parked cars in the road, especially during the winter, blocks access. John stated the Planning Board does not care if the septic fails and black water runs into Lake Horace. No Town Officers to enforce anything. No letters being sent to the homeowner explaining their home cannot be rented for more than the designed septic system. This is a business, not the occasional renting of a home for a few weeks a year. This neighbor and others around Weare are buying homes for the sole purpose to rent them out. A commercial business in a residential area.

Vice Chairman Meaney caught the Board members up to date explaining John's neighbor has a two bedroom septic design and renting as an Airbnb with multiple lodgers. Parking all over the place. And, the other side of Lake Horace has a situation as well, residential property rented out illegally as a hotel. The Planning Board stated there is nothing they can do. It is a violation, commercial business in a residential area, but without a Code Enforcement Officer, it delegates to the Board of Selectmen. A member of the Select Board has to go out and deliver the paperwork to issue the fine. Without a Health Officer, a failed septic system delegates to NHDES.

John Nikias reiterated he provided the proof, advertisement showing his neighbor is renting his home for more than allowed on a two bedroom septic, a clear violation. He did not know the Town was so under staffed, but he has arrived home to find his neighbor's home with 15 people. Cars parked blocking access for a fire truck, barely fitting one car to pass. He was told the Police would show up, they do not, even though the Town owns the road, a Class VI. The Police are looking for a letter from the Board.

Selectman Van and Vice Chairman Meaney stated the Police should enforce parking violations on a Class VI road.

John Nikias expressed his concern as there are days he is afraid to be outside at his home for fear the next day he would not pass a drug test at his work for the choices of these renters. That is his reality. He is frustrated, how can someone buy a home in a residential area and rent it out, running a commercial business. The Town has nothing in the zoning to prevent this.

The Planning Board has stated they want to allow renting based on the septic design. John Nikias and Vice Chairman Meaney agree that would be tough.

John Nikias added a member of the Planning Board is against banning short-term rentals. He would like it banned, bring it to the voters. These are businesses; the owners are not living there.

Helen Kurk, Mount Dearborn Road, stated she noticed on the agenda it stated discuss instead of appointing to a committee. She wanted to know if the Board is not in favor of appointing her husband, Neal Kurk. Is it because he called out the Selectmen on the default budget, speaks his mind or is there a vendetta against him. The Board should appoint qualified people who serve the community. There was no courtesy call for the attorney's response. She explained how her husband has served the Town as moderator, representative and many committees. Not a way to treat anyone.

*To order the Treasurer to sign the payroll and accounts payables checks dated September 23, 2021 as included in the following manifests:*

**The following manifests were previously ordered to sign at the August 30, 2021 Board of Selectmen meeting:**

*As there is no Selectmen meeting scheduled for Monday, September 27, 2021*

**Vice Chairman Meaney moved, Selectman Van seconded to accept the manifest as follows, which passed. Passed 3-0-0**

Betty Straw, Flanders Memorial Road, added "Amen."

Richard Brown, George Moody Road, stated he is against the Town purchasing more land, as the barn his Uncle gave the Town has not been maintained; part of its roof is missing. If this owner wants to donate it to the Town he would be in favor of that, but the Town needs to take care of what they have first.

Selectman Van and Vice Chairman Meaney stated Sentry Roofing has been scheduled by Town Administrator Bolton to mend the roof. The Historical Society is responsible for it.

Richard Brown reiterated the property should be donated, no need to spend money as the Town will be losing taxable income.

Tom Clow, Concord Stage Road, stated he is in favor of the purchase because it is adjacent to Conservation land.

Rosemary Conroy stated money was given to the Conservation Commission in the last election. This land will never need Town services, fire, etc., not a tax burden.

Town Administrator Bolton clarified Rosemary's comment. Money for the purchase of this land is not coming from the Conservation Commission. She also clarified for Selectman Osborne; this property does not have a landowner dispute. That is an abutting property. Selectman Van had no comment on the purchase.

Vice Chairman Meaney closed the public hearing at 6:55pm.

**Selectman Osborne moved, Vice Chairman Meaney seconded to authorize the expenditure of \$40,000.00 from the Charles and Ethel Eastman Fund for the purpose of providing financial support to Weare Conservation Commission in purchasing 20 acres of land adjacent to the Poor Farm Town Forest, Tax Map 410-080.** Discussion: Selectman Van asked how much does the parcel cost in its entirety. Town Administrator Bolton answered \$80,000.00. **Passed 3-0-0**

#### **DEPARTMENT HEAD/COMMITTEE ITEMS:**

1. Police Chief Chris Moore stated with tonight's new hire is staff is full.

A.) Officer Paul Lewis retirement was approved for medical reasons. October 4, 2021 will be his retirement ceremony at the BOS meeting.

B.) Officer Chad Averill - it is within budget to adjust for pay compression, three year officer currently making PO III Step 2 \$24.39 increase \$2.39/hr to PO III Step 5 \$26.78 effective today.

Selectman Van asked would his payroll come in under his default budget for 2022. Chief Moore responded he would be under with this increase. The Board had no objections.

C). Detail Compensation for NHRS - Town Administrator Bolton pointed out it is not illegal for the CBA per Legal Counsel.

Vice Chairman Meaney asked how many details are the Police working. Chief Moore responded not a lot, one last month. He stated Finance Administrator Rouse explained the funds could be placed in a 457 Plan. Vice Chairman Meaney asked why not into Social Security. Selectman Van asked how should it be done. Vice Chairman Meaney wants to make sure the four vested Officers do not complain that in the new retirement system nonvested Officers are getting more money. He understands the vendor pays for it. He wants to avoid an issue at future CBA discussions. Selectman Van stated he is in favor of the 457 Plan, easiest and cleanest. To wait for a full Select Board before making a motion with the written 457 Plan.

D). Selectman Osborne asked Chief Moore how come the Police do not respond to calls on Class VI roads. Chief Moore asked for clarification. Vice Chairman Meaney stated it has been brought to the Planning Board and Select Board there are issues of no Police response on Class VI roads. For example,

on East Shore Drive cars are parked blocking the roadway and when Officers were called they were told the Police cannot do anything because it is a Class VI road. Chief Moore stated he would look into it. Vice Chairman Meaney stated Class VI roads are Town owned and a fire truck has to be able to pass.

## 2. DPW Director Benjamin Knapp

A.) **478 Old Francestown Road Discussion** - While he was away in Montana, his Assistant Joe Sarno received an email regarding drainage into a resident's property on Old Francestown Road. After meeting with the resident, DPW Director Knapp and the residents civilly agreed to disagree. DPW Director Knapp is not in favor of blocking off the culvert at the request of the residents. Updated in 2013, the culvert has not had a problem until July 2021 because of the increase in rainfall. It did rain before the applied cooking oil was swept up, but the catch basin is full of sediment and needs to be cleaned.

Selectman Van asked where is the catch basin as it relates to their property and if cleaned will it resolve the issue. DPW Director Knapp stated it is before their property on the right hand side. If cleaned it will still have water running on their property, the issue is the overabundance of rainfall we have had this year. He would like the Board to discuss whether or not to keep the culvert. There will be repercussions either way.

Scott and Evelyn Garnett, Old Francestown Road, he stated they have lived at their home for over 30 years with a garden in this area in question. In 2013, the road was torn up and a pipe was found under the road connecting to his neighbor across the street, ultimately, it was replaced with a culvert. He handed the Board a picture explaining it was an old septic line as mentioned in his deed. Google map from 2009 shows there was never a drainage line. During the road reconstruction on July 16, 2021, the new material built up around the hole to the catch basin has changed the pitch of the runoff. Prior to the road reconstruction, a quarter of the amount of water from the road came in there garden. Evelyn stated they were never informed when the new culvert went in bringing runoff onto their property. Scott stated there is no easement, except for the septic line, or right of way onto their property.

On July 18, 2021 after a rainstorm, about an inch and a half of rain, his garden and backyard turned into a flooded oily mess. Two weeks later, their garden was rotten. He stated they have lost \$1000.00 in garden produce this year. They have depended on this garden for 30 years and now their backyard is constantly wet. They are getting 1/10 of all of the rainwater diverted from the west side, under the road and onto their property. They presented the Board with pictures. Prior to the July 16th reclaiming, their garden was fine stated Evelyn.

Scott handed the Board a copy of the Fifth Amendment to the Constitution as he stated this has resulted in the illegal taking of his land, it is unusable. The water used to run down the road on the opposite side of the road before the new culvert was put in. He stated as soon as the road was resurfaced there was four times the amount of water that now flows into his property.

Selectman Van asked if they think capping off the culvert will resolve their drainage problems. The Garnetts exuberantly responded yes it will.

The Board and DPW Director Knapp discussed the diversions and drainage along Old Francestown Road.

Selectman Van suggested the discussion continue when there is a full Board. Vice Chairman Meaney stated each member should walk the property. The Garnetts explain they have been waiting; Town Administrator Bolton had emailed the Board previously. They would be very happy to show the Board the land and the garden area they had for thirty years. Vice Chairman Meaney stated they would have an answer in two weeks.

B.) In recognition of his crew, DPW Director Knapp thanked his team for the wonderful job they did while he was on vacation. He also was grateful for his assistant Joe Sarno for his manager leadership role, and thanked him for a great job.

C.) Roadside Lawn mower - still no word on repair parts, bearing and housing are gone. He took his mechanic to Vermont where he had found a three point mower with six hours on it, asking \$13,500.00. His roadside mowing budget has \$12,000.00. A new mower is \$100,000.00 and to rent is \$13,000.00 per month. The Board was in consensus as long as it is in his budget, sounds like a good deal, and now they can get back to mowing.

D.) Paving is done for the year.

E.) Transfer Foreman gave his notice, too bad he did a great job. The reason is he would like Saturdays to spend time with his children. The recent Transfer Attendant hire is going well, quick learner.

F.) New Steel Trailer - delivered last week

### 3. Parks & Recreation

JaNeen Lentsch, Chairman, stated the Committee has no minute's transcriber, line item \$720.00 annually. In the three years she has been involved with the Committee they have produced three or four months' worth of meeting minutes.

A.) Do the buildings at the parks depreciate for tax purposes? The answer is no.

B.) ARPA request (hospitality, tourism & outdoor space improvement) - \$120,000.00 to include \$100,000.00 for a new tennis court, \$17,000.00 for a new boat ramp, \$3000.00 for broadband for cameras to curb vandalism and improve communication.

C.) PARC Inventory Assessment - handout for the Board

D.) Chase Park bathrooms - maybe \$15,000.00 issues, ARPA request, to check last date of septic cleanout.

E.) Resurface of Tennis Court - no secure date from VT. Recreational to begin.

F.) \$1000.00 Donation - Sandbox shade at Bolton Field.

### Discuss volunteer to serve request - Conservation Committee

Vice Chairman Meaney stated Town Counsel's response is no conflict. Town Administrator Bolton explained when she and Chairman Hippler set the agenda they were waiting on the attorney's response which arrived today. The Board discussed the alternate position for Conservation and the term dates of the current Commission.

**Selectman Van moved to appoint Neal Kurk to the Conservation Commission as an alternate to expire in 2023.** Discussion: The consensus of the Board is to wait to have all members present.

**Selectman Van rescinded his motion tabled until October 4, 2021.**

### MINUTES:

August 30, 2021 Minutes: **Vice Chairman Meaney moved, Selectman Van seconded to accept the minutes of August 30th as amended, passed 3-0-0.**

### ADMINISTRATOR'S REPORT:

#### *General Items:*

1. Radio Communication - maps are completed per Motorola, to discuss on October 4th, CIP request
2. CIP Schedule - Wednesdays 8 AM, starting 9/29, 10/6 and 10/13 if needed
3. Forestry Contract to be reviewed at CC October meeting
4. ARPA Expenditures - category discussion, US Dept. of Treasury, priority public health, ventilation first, then RO water system second, Chase Park bathrooms issue third, etc.
5. BOS signed Cemetery Deed

#### *Building & Maintenance Projects:*

1. Town Office ceiling/walls shedding paint chips - to get three quotes
2. Sentry Roofing - East Street Barn Roof, East Weare Fire Station Roof scheduled

3. Rotary District Grant for Town Office planters and flowers - nine new barrels, install & maintain seasonal plantings.

### **CORRESPONDENCE**

1.) James R. St. Jean Auction Saturday, October 23, 2021, White Farm, 144 Clinton St. Concord  
Letter to be sent to all departments (speed trailer).

### **OTHER BUSINESS**

- 1.) Selectman Van thanked our Town Cemetery Landscaper, doing a great job.
- 2.) Selectman Osborne commented on the orange cones on the WMS sidewalk - cavern, sinkhole. DPW Director Knapp to call DOT Kevin King to determine whose issue.

**NONPUBLIC SESSION: Vice Chairman Meaney moved, Selectman Van seconded to enter into nonpublic session @ 8:57 p.m. pursuant to the authority granted in RSA 91-A: 3II (m). A roll call vote was taken, Selectman Osborne – yes; Selectman Van - yes; Vice Chairman Meaney – yes; Passed 3-0-0**

**Vice Chairman Meaney moved, Selectman Van seconded to exit this nonpublic session @ 9:17 p.m. A roll call vote was taken, Selectman Osborne – yes; Selectman Van - yes; Vice Chairman Meaney – yes. Passed 3-0-0**

**Vice Chairman Meaney moved, Selectman Van seconded to seal and restrict these nonpublic session minutes. Passed 3-0-0**

**NONPUBLIC SESSION: Vice Chairman Meaney moved, Selectman Van seconded to enter into nonpublic session @ 9:18 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; Vice Chairman Meaney – yes; Passed 3-0-0**

**Vice Chairman Meaney moved, Selectman Van seconded to exit this nonpublic session @ 9:36 p.m. A roll call vote was taken, Selectman Osborne – yes; Selectman Van - yes; Vice Chairman Meaney – yes. Passed 3-0-0**

The Board discussed filling open positions at the Town Office.

**Being there was no further business to come before the Board, Selectman Osborne made a motion, Selectman Van seconded to adjourn at 9:37 pm. Passed 3-0-0**

### **ADJOURNMENT**

A True Record.

*Karen Nelson*

Karen Nelson transcribed from  
TA Bolton notes & You Tube recording