

Final



WEARE BOARD OF SELECTMEN
MEETING MINUTES
November 1, 2021

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

ABSENT: FREDERICK W. HIPPLER, CHAIRMAN

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Police Chief Chris Moore, Finance Administrator Beth Rouse, Conservation Chairman Andy Fulton, Conservation Vice Chairman Steve Najjar, CIP Chairman Jack Dearborn, Bill Bolton, Tom Clow, Frank Campana, Nick Fox, Richard Butt, Richard Brown, David Pratte, Gina Green, Doreen Ferguson, Eldon Townes, Jr., Linda Townes

Vice Chairman Meaney opened the meeting at 6:30 pm., welcomed those present to the November 1, 2021 meeting of the Weare Board of Selectmen and proceeded with the pledge of allegiance.

PUBLIC COMMENT:

1.) Eldon Townes, 111 Huntington Hill Road, presented the Board an abutters list for the property on 487 N. Stark Highway:



0 foot Abutters List Report

Weare, NH

November 02, 2021

Subject Property:

Parcel Number: 000401000096000000

CAMA Number: 000401000096000000

Property Address: 487 NORTH STARK HIGHWAY

Mailing Address: BARDEN, NELSON

14 AMORY RD UNIT 3

WALTHAM, MA 02453

Abutters:

Parcel Number: 000201000001000000

CAMA Number: 000201000001000000

Property Address: 32 PAIGE HILL ROAD

Mailing Address: WIGSTEN, MURRAY/CAROLE REV FML

WIGSTEN, MURRAY/CAROLE TRUSTEE

32 PAIGE HILL ROAD

WEARE, NH 03281

Parcel Number:	000201000014000000	Mailing Address: RAYMOND, CLAUDE J
CAMA Number:	000201000014000000	RAYMOND, DEBORAH S
Property Address:	405 NORTH STARK HIGHWAY	405 NORTH STARK HIGHWAY WEARE, NH 03281
Parcel Number:	000201000017000000	Mailing Address: WATTS, JAMES H WATTS, GAIL A
CAMA Number:	000201000017000000	441 NORTH STARK HIGHWAY WEARE, NH 03281
Property Address:	441 NORTH STARK HIGHWAY	
Parcel Number:	000401000092000000	Mailing Address: WEARE, TOWN OF
CAMA Number:	000401000092000000	CONSERVATION COMMISSION
Property Address:	CRANEY HILL ROAD	15 FLANDERS MEMORIAL ROAD WEARE, NH
		03281
Parcel Number:	000401000094000000	Mailing Address: DUVAL, DIANA C REVOCABLE
CAMA Number:	000401000094000000	TRUST DUVAL, DIANA C & HELBICK, KARE C/O
Property Address:	CRANEY HILL ROAD	
		KAREN HELBICK 55 1/2 W BROADWAY
Parcel Number:	000401000097000000	DERRY, NH 03038
CAMA Number:	000401000097000000	
Property Address:	547 NORTH STARK HIGHWAY	Mailing Address: LABOUNTY, CAROL
		547 NORTH STARK HIGHWAY WEARE, NH 03281
Parcel Number:	000401000104000000	
CAMA Number:	000401000104000000	Mailing Address: FULTON, WENDY S FULTON,
Property Address:	37 HEMLOCK DRIVE	ANDREW C 37 HEMLOCK DRIVE WEARE, NH 03281
Parcel Number:	000401000106000000	
CAMA Number:	000401000106000000	Mailing Address: CLEMENT, AMY LYNN HOLMES, DAVID
Property Address:	HEMLOCK DRIVE	SCOTT 252 DEPOT HILL ROAD HENNIKER, NH 0324



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11/2/2021

Page 1 of 1

Abutters List Report - Weare, NH

Eldon Townes also asked the Board to consider the following questions and have them placed into the record as quoted below:

“Missing agenda and minutes for October 13th Conservation meeting. Nothing on town website. Only YouTube recording exists (not legal minute)

Who approached who about the purchase of the property?

How did the \$300,000.00 price tag be determined? Was there a negotiation?

Who presented this property to purchase to the board of selectmen?

Who presented comparable land values in effort to waive a proper 3rd party non bias appraisal?

Who presented surrounding property surveys to help depict boundaries?

Is title company satisfied without requested survey?

Poor Farm rd and conservation land had a boundary dispute this year. Why is BOS waiving a survey????

Who signed the contingency put in place by selectman Jack Meaney to secure a yes vote?

Was any BOS member aware of the abutters list and conflict of interest?

What are the benefits to the abutters if land is placed into conservation? Is it considered favorable in a real estate market for abutters?

NH Code of Ethics state any elected official or member of a board or committee must disqualify them self from any discussion, hearing, and voting on the matter of conflict. Does this mean any and all information talked and voted on to this day be disqualified? What standards and examples is the board ready to set?

The contingency set in place by Selectman Meaney, particularly #3 The town has the right to any and all resources on the land including timber. Violates State statute RSA 36-A:2 which states 'A city or town which accepts the provisions of this chapter may establish a conservation commission, hereinafter called the commission, for the proper utilization and protection for the natural resources and for the protection of watershed resources of said city or town.' Basically conservation money can't be spent to buy a property for the use and permitting of Alteration of terrain (gravel pit). Chairman Fulton also stated this on Oct 27th. Once property is purchased with conservation money and placed in conservation by state statute rsa 36-A:2 the state will not give the town an Alteration of terrain permit that will be needed to mine gravel.

Selectman Meaney it would be impossible to give a Yes vote given this clear conflict and violation of the RSA. The November 3rd public hearing on this purchase should be tabled for obvious conflicting matters with the RSA 36-A:2 and obtaining an Alteration of terrain Permit from State of NH.

Concerned Taxpayer
Eldon Townes”

2.) Gina Green, 137 Concord Stage Road, a 23 year Town resident, read her email to the Board of Selectmen referencing a variance that was granted three years ago for 139 Concord Stage Road. She stated there is a junkyard with a mobile home and old barbeque behind her property with someone living in it. Several vehicles come and go at all hours of the day and night. Not a legal residence, how are they heating and where is their waste going. She is very frustrated and concerned. Her son works from home and is alone during the day while all this activity is taking place, could be drug dealers. Having called the Weare PD she was told it is a Town issue. The owner of record is not around and she has tried to get in touch with them on FB, to no avail. She stated she has been emailing the Town since June with no response. Vice Chairman Meaney responded the Board will look into it.

3.) Rick Brown, 37 Moody Pond Road, spoke against the Town purchasing the 487 N. Stark Highway property without a survey. A small committee should not spend \$300,000 on a piece of land. It should go before the voters.

Vice Chairman Meaney clarified there is a Hillsborough County Registry of Deeds survey on file.

4.) Tom Clow, 125 Concord Stage Road, firstly, confirmed Gina Green's comments regarding 139 Concord Stage Road. The land is full of junk and has an ORV racetrack used frequently. A definite abuse of the granted provisions. Secondly, he reiterated the educational cost he spoke of at earlier meetings, \$200,000.00/year cost to the Town if 487 N. Stark Highway land is developed. Thirdly, he reiterated the Concord Monitor article that outlined by 2060 New England to lose 1.2 million acres of forest as reported by experts. Two sides, financial burden to the Town for educational cost and detrimental environmental aspect.

5.) Frank Campana, 322 Quaker Street, commented the Bridge Reconstruction Fund has held onto his portion of that money for 5 years, slated for 2016, not to be spent until 2026. An error in the plan to tie up his money, committed that far away. He could use the money or pass it to his children.

6.) Richard Butt, 90 Old Town Road, clarified in the affirmative the Board of Selectmen have to approve the 487 N. Stark Highway purchase. He also thanked Vice Chairman Meaney for raising the issues relative to the Conservation Commission, i.e. trails/signs issues. He would like to see another group, other than Conservation,

follow through with the responsibility of trails and putting up signs. For example, the Wood's Family Forest has Town owned trails though not marked in order for hikers to utilize.

7.) Nick Fox, 51 East Shore, commented though not all land is equal; he found same acreage next door for \$35,000. Also, he does not consider it a business when property owners rent their properties as short term rentals. He can do whatever he wants out of a single family home. He has done business with businesses in Town run in or around their homes such as selling/buying wood, eggs, vegetables, books, accounting etc. He suggested instead of a warrant article on short-term rentals, Police should handle neighbor disputes.

DEPARTMENT HEAD/COMMITTEE ITEMS:

1. Conservation Commission Chairman Andy Fulton, 37 Hemlock Drive, stated he recused himself, did not pursue this project, abstained from the P & S, done at the Conservation Commission to avoid the conflict of interest.

Selectman Van stated he wished Andy would have mentioned this to the Board of Selectmen earlier. He should have disclosed that he was an abutter and why was he involved at the presentation to the Board of Selectmen.

Chairman Fulton stated it was the will of the Commission. Selectman Van responded he is disappointed in Andy and shame on the Board of Selectmen for not researching it.

Chairman Fulton asked if the Board thought he could receive private benefit. Selectman Van answered anything is possible.

Vice Chairman Meaney addressed Chairman Fulton. First, the Title Company wanting a survey was acknowledged by someone else. Then there was a scramble to search for a legal survey. Secondly, it was slightly unethical being a property abutter and not disclosing that to the Board. Thirdly, at the Conservation meeting, though Andy voted no, he should not have voted at all. According to statutes, recusing means you leave the room, not involved in the discussion. The Board of Selectmen have to make decisions based on what information is brought forth. This project in particular was started last summer and yet a presentation was hard-lined at the last minute.

Chairman Fulton apologized for the oversight. He stated he came before the Board, voted at their meeting, and signed the agreement by the will of the Commission. Not as an individual, but as the Commission to provide answers to questions when they are asked. A lot of meetings and legwork creates fatigue. There is room for improvement, but the fundamentals of the project stand on their own.

Vice Chairman Steve Najjar reminded the Board he presented the project first, did all the negotiations with the landowner and solely worked with the Town Attorney to develop the P & S. He apologized that he did not disclose that Andy's home abutted the property in question. Andy's ethics have been to the highest level for years. Never any misjudgment in working on the Town's behalf.

Vice Chairman Meaney appreciated Steve's devotion. Ultimately, Chairman Fulton was responsible ethically, but because of Andy's candidness, it is time to move on. It was an oversight.

2.) Town Moderator Eileen Meaney encouraged the Board to consider a seated Ethics Committee during the budget season, developing warrants. In years past, this committee reviewed issues, strongly recommend reseating it to do this kind of work.

2022 Police Department Budget

Police Chief Chris Moore presented his Proposed Operating Budget, highlighting some changes. It can be found in detail on the Weare Police Facebook page.

DPW - Town of Weare Glass Crushing

Finance Administrator Beth Rouse presented the Board the only bid, Ivar Martin.

Selectman Osborne moved, Selectman Van seconded to award oil and propane to Irving and authorize Vice Chairman Meaney to sign #2 oil - 2800 gallons @ \$2.841/gallon, Propane - 9500 gallons @ \$1.897/gallon. Passed 4-0-0.

2. Radio Communication - moving forward, decisions need to be made.
3. Contracts - bids out, lawn care, IT, etc.
4. Building Inspector Vehicle, needs replacing, to re-discuss in two weeks when Board is full.
5. CIP Schedule: 11/1 BOS; 11/17 Finance Committee
6. ARPA Expenditures - quotes forth coming
7. Collins Cemetery - open - abandonment action to be taken per RSA
8. Cemetery Trustees, Sexton resignation, to work towards a smooth transition.
9. Administrative Assistant Land Use, received many applications, special meeting to review three
10. 2022 Budget Presentations - 11/1 PD; 11/15 FD; LIB & PARC; 12/6 DPW; 12/20 the rest

Building & Maintenance Projects:

1. Town Administration Office and Upstairs ceiling/walls - open, ceiling shedding
2. East Street Barn & East Weare Fire Station - Sentry Roofing, still waiting on East Weare Fire Station.

CORRESPONDENCE

- Vice Chairman Meaney stated the Board received the 137 Concord Stage Road resident letter pertaining to 139 Concord Stage Road. The Board to research and look into the property find out who is living there.
- 487 N. Stark Highway Purchase - documents came back for Vice Chairman Meaney to decide, P & S signed, Attorney's response if default can be sued. Selectman Van suggested a revote and called Chairman Hippler via phone. Chairman Hippler responded and agreed to the revote.

Selectman Burdick moved, Chairman Hippler (via cell phone) seconded to go forward and purchase the 85-acre Barden Property and to waive the appraisal. Roll call vote, Chairman Hippler - yes; Selectman Burdick - yes; Selectman Van - no; Selectman Osborne - no; Vice Chairman Meaney - contingencies in effect with any of the properties for a trail plan within two years, the Town has the right to any resources on the land, exempt of wood that goes to Conservation Commission and all buildings removed within 90 days of the closing of that property. In doing his research, going back to Town Counsel, the Conservation Commission came forth signed an agreement to that, minus the mining of resources. That will go to a warrant for the Town because of the way the money was spent. The rest has been agreed to and in voting yes this breaks the deadlock, 3 - yes, 2 - no. A lot of talk, especially with former Selectman John Lawton, about getting trails. Something to move forward through with many moving parts. Now is the time, with volunteers, the Snowmobile Club, Boy Scouts and other organizations to push forward in helping the Town. This will help the Conservation Commission to keep up their Mission Statement. Passed 3-2-0

OTHER BUSINESS

- 1.) Rental Ordinance: with Town Administrator Bolton's permission, PB Chairman Francisco and Vice Chairman Fillmore met with Town Counsel to discuss a Town Rental Ordinance. To be shared with the Board.
- 2.) Sylvia Beaupre sent an email to Selectman Burdick - timeframe for opening the Town Hall. To look into cleaning, sanitizing prices and plumbing issues.

NONPUBLIC SESSION: Vice Chairman Meaney moved, Selectman Van seconded to enter into nonpublic session @ 8:37 p.m. pursuant to the authority granted in RSA 91-A: 3II (c). A roll call vote was taken, Vice Chairman Meaney – yes; Selectman Burdick - yes; Selectman Osborne – yes; Selectman Van - yes. Passed 4-0-0

Vice Chairman Meaney moved, Selectman Van seconded to exit this nonpublic session @ 8:50 p.m. A roll call vote was taken, Vice Chairman Meaney – yes; Selectman Osborne – yes; Selectman Burdick - yes; Selectman Van - yes. Passed 4-0-0

The Board had a discussion in reference to staffing and possible reorganization to fill vacancies.

Being there was no further business to come before the Board, Selectman Van made a motion, Vice Chairman Meaney seconded to adjourn at 8:51 pm. Passed 4-0-0

ADJOURNMENT

A True Record.

Karen Nelson

Karen Nelson transcribed from

TA Bolton notes & You Tube recording