

FINAL



WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
July 27, 2020

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

**TOWN ADMINISTRATOR:** Naomi L Bolton

**GUESTS:** PARC Chairman JaNeen Lentsch, PARC Supervisor Christine Lundeen, Suzanne Couhie, Tom Clow, Frank Campana, Richard Butt, Town Moderator Eileen Meaney

Chairman Meaney opened the meeting at 6:30pm.

**NONPUBLIC SESSION:**

**Chairman Meaney moved, Vice Chairman Hippler seconded to enter into nonpublic session @ 6:30 p.m. pursuant to the authority granted in RSA 91-A: 3II (a&c). A roll call vote was taken, Selectman Van – yes; Selectman Osborne - yes; Chairman Meaney – yes; Vice Chairman Hippler – yes; Selectman Burdick – yes. Passed 5-0-0**

**Vice Chairman Hippler moved, Chairman Meaney seconded to exit this nonpublic session @ 6:48 p.m. A roll call vote was taken, Selectman Van – yes; Selectman Osborne – yes; Chairman Meaney – yes; Vice Chairman Hippler – yes; Selectman Burdick – yes. Passed 5-0-0**

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

The Board had a discussion with DPW Director Knapp.

Chairman Meaney opened the meeting at 6:49 pm., welcomed those present to the July 27, 2020 meeting of the Weare Board of Selectmen and proceeded with the pledge of allegiance. Selectman Osborne and Selectman Burdick were seated in the audience.

Chairman Meaney then opened the Public Hearing at 6:49 pm for testimony and comment regarding increasing the non-resident parking fees from \$20 to \$40 per day and increasing the non-resident boat fees from \$45 to \$50 at Chase Park.

## **FIRST PUBLIC HEARING: PART ONE-PARC INCREASES TO CHASE PARK**

PARC Chairman JaNeen Lentsch presented handouts to the Board with current and proposed fee increases for nonresidents to Chase Park. She started by explaining residents supports Chase Park with their tax dollars and by paying a parking fee. However, they are often turned away from entering the park because it quickly fills to capacity with nonresidents. For example, this past Sunday morning, she continues, "When staff arrived thirty minutes prior to opening, there was 15 cars in line already, 10 of which were nonresidents." She feels raising their fee to \$40.00; the park will no longer be the least expensive option with more than four people to a car. At this price point, Chase Park will be more expensive compared to all the surrounding state parks. Their hope is this would encourage the use of state parks with... "5900 miles of shoreline and river front." Chairman Lentsch states Clough State Park has 900' of shoreline and it is "right down the street" with Chase Park only having roughly 100' of shoreline.

Chairman Meaney asked PARC Chairman Lentsch if the history of nonresidents have been increasing more and more this year or is it the same over the past few years.

Chairman Lentsch responded, "It does tend to increase a little bit more every year... especially when Glen Lake closed to nonresidents a couple of years ago."

Chairman Meaney opens the floor to the public.

Suzanne Couhie, Upper Craney Hill Rd., has been a Weare resident since 1981. Mrs. Couhie explains how she uses the park very frequently. Her concern is for the "extreme rate increase, particularly, for week day use of the park."

Chairman Meaney qualified if she is referring to nonresidents or residents.

Mrs. Couhie explains the residents in Weare do not use the park as much during the weekday to cause a "backup of concern, except for maybe a hot day like today." She feels weekdays are not a major problem, the weekends are. She stated as a resident of the town she has no qualms about the increase in the rate for nonresident's daily use at \$40.00, however, "weekday, nonresident, I think it's very extreme given the economic climate of today. The fact that it is not a major issue at the park with residents and nonresidents during the weekdays."

Richard Butt, Old Town Road, spoke next stating he is concerned about the process not the purpose. He continued the purpose seems to be to discourage nonresidents from coming into Chase Park. He expressed raising the fee is not the way to do that, "The fee really should reflect the cost of the service that is being provided." The cost proportioned to the cost of service. He elaborated, roughly, based on the cost of staffing gatekeepers to be \$24,000.00. The revenue generated from the park, including boat fees, is in range of \$20,000.00, so we are close, though, there are other costs associated with the park. The fee structure should be reviewed yearly by the Board to ensure it covers the services being provided stated Mr. Butt. In order to be valid, the fee amount should bear a reasonable relationship to the cost of providing the service. Mr. Butt read a document from the legal government center. Residents and nonresidents cost the same. This is a surcharge.

The Deed: Mr. Butt progressed with the interpretation of the deed to Chase Park. Was the property deeded for just resident use? The Public of Weare, meaning anybody driving through and stops can go into Chase Park. He stated he has a problem with that because Horace Chase, who donated the land back in 1938, was not a transient. He lived here; therefore, Mr. Butt believes his intent was to leave it for the residence of

Weare. His hope is for the Board to consider going to Probate Court and request the deed be changed to the residents of the town of Weare as opposed to the Public of Weare. Interpretation of language of the thirties vs. language of today creates problems. We have too many lawyers that can make it more difficult to get commonsense interpretations. With regards to that, the deed, on June 29, 2020 the Board banned nonresidents from going into the park.

Chairman Meaney responded I do not believe we did. I think that is getting a little “far off field as far as the deed and banning people. We didn’t ban people, we banned Walk-Ins.”

Mr. Butt asserted, “Only nonresident Walk-Ins.”

Chairman Meaney stipulated they were not banned from the park. They were banned from being Walk-Ins.

Mr. Butt asked how do they get into the park.

Chairman Meaney explained they would have to drive in and come to the gate. They were parking out on the road, causing a traffic issue and coming in after the park was closed.

Mr. Butt stated the deed does not allow you to prevent nonresidents from walking in. If it did allow you to, why not ban nonresidents from going into the park.

Chairman Meaney answered that is always a possibility; however, the deed has already been addressed with legal counsel.

Mr. Butt stated you would have to go to Probate Court.

Chairman Meaney stated that is why we have the lawyers to advise us on that and they have to keep researching.

Mr. Butt asked when was the last time the lawyer did the review on the deed.

Town Administrator Bolton replied she is still waiting on an answered from the last package that was sent.

Chairman Meaney further explained we just had a discussion not that long ago.

Mr. Butt then asked, “So there is a question regarding this?”

Town Administrator Bolton explained the question always comes up about the agreement and the lease being nearing its end. The discussion has been to try to get that motivated; a lot of research has been done. The lawyer was given the research in order to get an opinion on how we proceed. Is it Probate Court or do we go to the family?

Mr. Butt recommends tabling the nonresident fee increase until more information is gathered. For example, how many nonresidents go into the park? Is it documented somewhere?

Chairman Meaney asked PARC Chairman Lentsch if she had that information.

PARC Chairman Lentsch answered, "It is documented. I have last year's tallies."

Chairman Meaney asked if she had any for this year.

Chairman Lentsch explained she did not.

Mr. Butt then asked what the revenue impact would be, if there is any. He continued if you increase the fees to this level then nonresidents are not going to use the park. "Though, you have accomplished your goal. I don't agree with the way you've done it. I think it should be... a surcharge. It's not a fee."

Chairman Meaney stated this is the hearing PARC has brought forward.

Next, Frank Campana, Quaker Street, stated this isn't the first time nonresident fees have been discussed over the last X number of years. He encourages the Board and PARC to having residents only for Chase Park. Regardless of the fee that you might impose, irrespective of the virus going around, there is only a limited space for cars. He questions PARC and the Board, what is a resident. Is a person who rents at Cold Springs Campground considered a resident?

Chairman Meaney explained to Mr. Campana they have already had that discussion. If they have a seasonal site, if their camper is parked there year round, they are taxed on that. Their tax bill provides proof they are a resident, even if they live in another state.

Mr. Campana responded. "Okay, that clarifies it for me." He was just wondering who they considered a resident. He encourages the Board to "vet out, residents only, strictly residents only."

Mr. Butt made his way back to the podium. He suggested PARC and the Board give consideration to nonresidents that are here visiting family that may want to use the park.

Mr. Campana relayed a personal scenario. His grandchildren from NY wanted to visit the park. He called Lisa Purington-Grolljahn, PARC Director. She stated it would be better to arrive in cars with NH plates. He stated they used two registered Weare vehicles, plus he and his wife are elderly and he is a veteran. They covered all bases, but what if the grandparents did not want to go.

Chairman Meaney responded this is an issue. People do come to the gate stating they are visiting town relatives; it gets convoluted without proper proof. It can become a difficult situation when the responsibility relies on young, teen gatekeepers. The best answer is, what Mr. Campana described, the nonresident family rides in the car with the town resident.

PARC Chairman Lentsch also agreed with Mr. Campana. It is easiest when guests ride with town residents in stickered cars. She then reiterated what Chairman Meaney stipulated, tax bills are needed for seasonal campers from Cold Springs. As far as Chase Park becoming residents only, she and the commission are working diligently to bring that through the proper channels. Nonresident cars for 2019 season was 411 and 50 nonresident boats, roughly, the park was open 111 days this year and last. Chairman Lentsch addressed the comment that nonresidents and residents incur the same amount of cost. She explains this is not true, nonresidents have to be processed and given stickers, every single time they enter the park. A resident is stickered once for the season, requires no additional processing.

Chairman Meaney closed this portion of the Public Hearing at 7:14 pm.

Vice Chairman Hippler stated his gut feeling is he would like to keep Chase Park for Weare residents only. Unfortunately, the verbiage from the 1940s is a little different than today, though, he believes the intent was for Weare residents only. He also does not think the rate increase is too high. Now, however, Vice Chairman Hippler stated the Board should not have disallowed nonresident's Walk-In status in retrospect.

Selectman Van stated he agrees the intent of the language back in the 40s appears to be for Weare residents only, but you cannot prove it. We need to get in touch with the legal representative of the family who deeded Chase Park to the town for clarification. He also is in favor of the rate increase.

Selectman Burdick stated she is in favor of the increase as well. We could allow Walk-Ins for nonresidents, but where will they park, as there is no parking on the road.

Chairman Meaney stated there would have to be another Public Hearing to reverse the no Walk-Ins allowed for nonresidents.

Selectman Osborne is on the fence, he feels it is "hitting the nonresidents above and beyond."

Chairman Meaney sees various parking and boating fees on the Seacoast, "They are all over the map." One day it is \$20.00 the next day it is \$40.00, depends on the amount of traffic. He understands how we get inundated, especially, when Glen Lake closed to nonresidents and Daniels Lake closed their open beach. He is on the fence, too.

Vice Chairman Hippler agrees with the purpose of the rate increase, but he hadn't thought about weekday usage. He stated if anyone could have valid input, it would be Mrs. Couhie. She was his swim instructor back when he was "just a tyke." He stated she has been around that lake for many years. It would be beneficial to find out how many people are going during the week that are nonresidents. Statistical data is needed before the rate increase.

Chairman Meaney stated the greatest responsibility lies with the town residents.

**Vice Chairman Hippler made a motion, Chairman Meaney seconded to table the decision on a rate increase for nonresidents entering into Chase Park.**

Selectman Van asked the Board for a discussion: How long will this decision be tabled and exactly what information will be researched?

Vice Chairman Hippler answered he is looking for... Chairman Meaney stated "weekday tally for nonresidents." "Correct" responded Vice Chairman Hippler.

Selectman Van then asked "For what period... a week... this past year?"

Vice Chairman Hippler stated, "As much is reasonably accessible." "Whatever they've collected this year," added Selectman Burdick.

Selectman Van again asked for clarification on "What we're postponing and for... until next year... a month?"

Vice Chairman Hippler answered we need to know the process it would take to put clarifications on the books for that specific line. Get a hold of the family. It is a deed and a lease.

Chairman Meaney asked PARC Chairman Lentsch if she had some tally information now. All information is turned into Finance Administrator Beth Rouse.

**Vice Chairman Hippler amended his motion, Selectman Osborne seconded to table the rate increase for nonresident entrance into Chase Park until October 1, 2020, discussion to follow. Passed 5-0-0**

Chairman Meaney opened the second portion of the Public Hearing at 7:26 pm for reducing the speed limit on Rockland Road from 35 to 30 MPH.

**PUBLIC HEARING: PART TWO REDUCING THE SPEED LIMIT ON ROCKLAND ROAD**

Frank Campana, Quaker Street, feels there are two issues, speed and the amount of traffic. He asked if the new speed trailer records a speed.

Selectman Van stated he believes it is just information display only.

Mr. Campana added the right piece of equipment is needed to acquire the information you are looking for.

Chairman Meaney closed the hearing at 7:28 pm.

Selectman Van stated he agrees with Mr. Campana we need more information.

Chairman Meaney also agrees. He wants to table this discussion, as there is not enough information concerning speed for that road.

Town Administrator Bolton asked the Board “Why would you table it?”

The Board was in the middle of making a motion when Mr. Campana wanted to make a comment even though the hearing was closed. Chairman Meaney allowed him to speak.

Mr. Campana stated place the speed trailer on the uphill side and the downhill side for several days.

Chairman Meaney stated we can bring it to the attention of the Police Chief.

**Selectman Van made a motion, Vice Chairman Hippler seconded to not reduce the speed limit from 35 to 30 MPH on Rockland Road, due to lack of information. Passed 5-0-0**

Chairman Meaney opened the Public Hearing at 7:32 pm for testimony and comment regarding amending the Building Permit Ordinance in regard to the permit fee schedule to define and distinguish the cost difference of the finished gross floor area from the unfinished area.

**SECOND PUBLIC HEARING: BUILDING PERMIT ORDINANCE**

Selectman Van is looking for documentation. Town Administrator Bolton read the current fee structure for various building permits. Vice Chairman Hippler asked what drove this to manifest. Town Administrator Bolton explained the challenge is finished vs. unfinished, how things are calculated.

Selectman Van mentioned does insulated now equate to finished.

A discussion ensued referencing determination as to pricing allocated to different aspects of construction in various stages.

Selectman Osborne stated he is in favor of one flat fee. Chairman Meaney agreed.

Chairman Meaney opened the floor up for public comment.

JaNeen Lentsch, Flanders Memorial Rd, entered into a discussion about heated space vs. insulated space.

Chairman Meaney stated it could open things up to a bigger interpretation.

Town Administrator Bolton asked Ms. Lentsch, since she just finished building her new house, did you pay .50 cents/foot for your building permit?

Ms. Lentsch stated she filled out the form based on each floors square footage, anticipated cost. She was not asked to breakdown finish vs. unfinished space, just total square footage.

Town Administrator Bolton then asked if she paid for mechanical, electrical and plumbing permits.

Ms. Lentsch answered I only had to pay for a mechanical permit for propane work. Plumbing and electrical were in the large scale of the building permit.

Tom Clow, Concord Stage Road, stated he is in favor of keeping building permits uncomplicated. Avoid finished vs. unfinished, insulated, heated, whatever.

Town Administrator Bolton mentioned estimated values run askew when homes sell for a lot more money than their initial stated building cost. For example, when a builder comes in with a valuation of his house to be \$250K, then he turns around and sells it for \$550K or \$625K, this is how the square footage vs. somebody's valuation comes into play.

Selectman Burdick added the cost of your home valuation is always going to be going up.

Chairman Meaney stated he does not feel we should be going after people to be exorbitant; it will be picked up when their house is evaluated for taxes.

Mr. Clow agreed, keep it simple.

Chairman Meaney closed the hearing at 7:40 pm.

Chairman Meaney asked for the Board's feeling on it.

Selectman Burdick stated she thinks that is really hard to follow.

Vice Chairman Hippler stated he is very confused so he can't vote either way.



Selectman Burdick continued she thinks it should be simple, “If it’s \$250 dollars or \$300 or whatever for a permit and then you’ve got additional for electrical...that’s the way it’s been forever... you come up with a number that is fair.”

The Board comments on the Planning Board’s recommendation.

Chairman Meaney stated he recommended a flat fee of .35 cents/foot.

Vice Chairman Hippler stated he would be more in favor of a flat fee.

Selectman Van asks can we get the Planning Board chairman to come in and explain his request, for a better explanation.

Chairman Meaney stated according to our building department the fees were all over the place. Contention over the difference of opinions on finished vs. unfinished charges.

Insulated vs. uninsulated has gained no ground for a resolution.

**Selectman Van made a motion, Chairman Meaney seconded to send this building permit ordinance back to the Planning Board. Passed 5-0-0**

Chairman Meaney opened the Public Hearing at 7:43 pm for testimony and comment regarding the placement of “No Parking – Towing Enforced” signs on Reservoir Drive on both sides of Chase Park.

### **THIRD PUBLIC HEARING: NO PARKING SIGNS FOR CHASE PARK**

Frank Campana stated he does not have a problem with *No Parking* signs, as it is a narrow road. However, he feels this is a moneymaking opportunity for the Police Department. He contends this could provoke the police to spend extra time patrolling the area.

Tom Clow stated he is not against the *No Parking* signs. He wonders about the parameters, how many, how far apart. Too many signs he feels could look ridiculous. Are there standards?

Chairman Meaney answered yes; they are statutorily required to put the signs in so many spaces. They cannot put them on top of each other. They have to be spread out to be able to be enforced properly.

To address the previous comment on Police making money-issuing tickets, the Police do not want to spend time down there writing tickets declared Chairman Meaney. There is a real issue of people parking on both sides of the road leaving no room for emergency vehicles to pass thorough. The original signs are dilapidated and missing.

Mr. Campana made his way to the podium again. He asked the Board if it would be feasible to have the *No Parking* signs in place for a specific time of year, for example, when the lake is open. His concern is for the swimmers who want to swim in October or September, where can they park. He has seen people fishing with their kids at the foot of the dam on the lakeside.

Town Administrator Bolton points out Fish and Game law, “It’s illegal.”

Mr. Campana answered, “I will run the risk if Fish and Game will see me” to fish with his grandkids.



Town Administrator Bolton also points out the Chase Park gates are open for winter ice fishing.

Mr. Campana reiterates taking the signs down to allow for swimming and fishing in the off-season.

Chairman Meaney explains to park on that roadway you are partially in the road, creating a hazard. It is a narrow stretch of road and drivers fly through there.

Chairman Meaney closed the hearing at 7:50 pm. and asked the Board to comment.

Vice Chairman Hippler would like it mentioned in the motion as to where the signs are going to start, on the north side of the park and terminate on the south side of the park.

Selectman Van asked how many signs were ordered.

Chairman Meaney stated twenty-five.

Vice Chairman Hippler questioned are the signs to be placed every seventy-five feet.

They must comply with the National Traffic Standard stated Chairman Meaney.

**Vice Chairman Hippler moved, Selectman Van seconded to install the 25 “No Parking-Towing Enforced” signs on Reservoir Drive, approximately, from Waterman Road south towards the dam until we run out of signs, spaced by the statutory National Traffic Code, effective immediately.  
Passed 5-0-0**

**MANIFEST:**

*To order the Treasurer to sign the payroll and accounts payables checks dated July 23, 2020 as included in the following manifests:*

<i>Payroll Manifest</i>	\$	<b>59,989.73</b> (Weekly payroll)
<i>Supplemental Payroll Manifest</i>	\$	<b>1,499.75</b> (Parks payroll checks dated 07/09/20)
<i>Accounts Payable Manifest</i>	\$	<b>445,385.97</b>
<i>Weare School District Payable Manifest</i>	\$	<b>400,000.00</b>
<i>John Stark Regional Payable Manifest</i>	\$	<b>1,000,000.00</b>
<b>Total</b>	<b>\$</b>	<b>1,906,875.45</b>

*The following manifests were previously ordered to sign at the July 6, 2020 Board of Selectmen meeting:*

<i>Payroll Manifest</i>	\$	65,295.93 (Weekly payroll checks dated 07/16/2020)
<i>Accounts Payable Manifest</i>	\$	37,700.09 (Checks dated 07/16/2020)

**Chairman Meaney moved, Selectman Van seconded to accept the manifest as follows,  
which passed. Passed 5-0-0**

**NONPUBLIC SESSION:**

**Chairman Meaney moved, Selectman Van seconded to enter into nonpublic session @ 7:57 p.m. pursuant to the authority granted in RSA 91-A: 3II (a&c). A roll call vote was taken, Selectman Van – yes; Selectman Osborne - yes; Chairman Meaney – yes; Vice Chairman Hippler – yes; Selectman Burdick – yes. Passed 5-0-0**

**Vice Chairman Hippler moved, Chairman Meaney seconded to exit this nonpublic session @ 8:22 p.m. A roll call vote was taken, Selectman Van – yes; Selectman Osborne – yes; Chairman Meaney – yes; Vice Chairman Hippler – yes; Selectman Burdick – yes. Passed 5-0-0**

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

The Board was shared an email from Town Counsel, attorney client privilege.

Selectman Osborne left the meeting at 8:29 pm.

**NONPUBLIC SESSION:**

**Selectman Van moved, Vice Chairman Hippler seconded to enter into nonpublic session @ 8:30 p.m. pursuant to the authority granted in RSA 91-A: 3II (a&c). A roll call vote was taken, Selectman Van – yes; Chairman Meaney – yes; Vice Chairman Hippler – yes; Selectman Burdick – yes. Passed 4-0-0**

**Selectman Van moved, Vice Chairman Hippler seconded to exit this nonpublic session @ 8:37 p.m. A roll call vote was taken, Selectman Van – yes; Chairman Meaney – yes; Vice Chairman Hippler – yes; Selectman Burdick – yes. Passed 4-0-0**

**Being there was no further business to come before the Board, Selectman Van made a motion, Vice Chairman Hippler seconded to adjourn at 8:38pm. Passed 4-0-0**

**ADJOURNMENT**

A True Record.

*Karen Nelson*

Karen Nelson transcribed from  
TA Bolton notes & YouTube recording