



WEARE BOARD OF SELECTMEN
MEETING MINUTES
January 29, 2024

PRESENT: FREDERICK W. HIPPLER CHAIRMAN; BENJAMIN D. KNAPP VICE CHAIRMAN; SALIM BLUME, SELECTMAN; SHERRY M. BURDICK, SELECTMAN; JANICE MATHEWS, SELECTMAN.

TOWN ADMINISTRATOR: Naomi L. Bolton

GUESTS: Kyle Parker, Maria Fassiano, Mark Bailey, David Pratte, Jackie Pratte, Tom Flaherty, James Drury, Tom Clow, Andy Fulton, Denise Purington, Tony Hudon

These minutes were transcribed from the following link: https://www.youtube.com/watch?v=C948_SW6nkk

Chair Hippler called the meeting to order at 6:31 PM.

Towing Discussion: Chair Hippler said the discussion will not be taking place because both parties had a discussion at the station and were able to come to a resolution.

Building Protocol/ Winter Road: Mr. Bailey asked the BOS to table the discussion because he was informed that the Prattes would not be at the meeting this evening and his Attorney canceled. Mr. Bailey said it is unfair that they would move forward on that or at least consider taking the advice of the Town Attorney when she clearly states to the BOS that a building permit and variance are not required. Mr. Bailey said he never stopped his building the Town and State did and as soon as that was lifted, he moved forward trying to continue the build. Selectman Mathews said that she thought the discussion was on the questions asked by the Prattes. Chair Hippler said that was his feeling as well, then it was requested that the Bailey's requested to be here and it kind of took off from there. Selectman Blume said the BOS wanted to have representatives from committees and town employees here for the discussion and no one was in attendance. Chair Hippler said the Planning Board and Zoning Board declined. Selectman Blume said that is because they thought it had to do with a specific issue not process-related. Selectman Blume said broadly it's the people the BOS is appointing who understand their roles and the people they have hired understand what their roles are because the BOS is responsible for overseeing both. Selectman Mathews said also is the documentation that they have telling them what to do is adequate. Selectman Burdick said that maybe they need the Planning and Zoning Board to meet with them to discuss it with the BOS. Selectman Blume said that it is a request that they meet with the BOS. Selectman Mathews said that she would like to have the Code Enforcement and Building Inspector as well. Selectman Blume said to be clear this is not to hash out or adjudicate a particular issue, this is what happened in a particular case that the town could improve on in their process and no decisions will be made regarding a particular case. They will discuss it on February 12th. Selectman Mathews stated that there also needs to be an understanding that the BOS may not have everything all worked out in one meeting it could take a couple.

2024 Town Warrant: The following table indicates the speaking assignments of the different warrant articles.

ARTICLE #	ITEM	SELECTMAN
6	Operating Budget	Hippler
7	Police CBA	Burdick
8	Town Employee raises (non-union)	Blume
9	DPW Wage Adjustment	Knapp
10	Fire Department Wage Adjustment	Hippler
11	Full-Time Library Position	Mathews
12	Police Cruiser	Mathews
13	Police Revolving Fund Establishment	Blume
14	Cable Funds from Franchise Agreement	Mathews
15	Full-Time Building Inspector	Knapp
16	10-Wheeler	Hippler
17	Bridge Aid Funds per HB 2	Burdick
18	Road Reconstruction	Knapp
19	Roadside Mower	Burdick
20	Trailer Caddy	Blume
21	Landfill Cap Capital Reserve Fund	Knapp
22	Cy-Pres Cemetery	Burdick
23	Forester	Burdick
24	East Road Property- by Conservation	Blume
25	Petition for appointed positions	Hippler
26	Petition for East Road Property	Hippler
27	Petition for rescinding Land Use Change Tax	Hippler
28	Other Business	

Selectman Mathews asked about article 10 and whether it eliminated the group one step. Chair Hippler said it eliminated a position that was for the rescue technician spot but the current employees that are group one will receive the raise. Selectman Blume asked if they had to put recommend or not recommended. Chair Hippler said they must put one or the other.

Selectman Blume changed his vote for Article 10 to a no and Selectman Mathews changed her vote for the article to an abstention.

Chair Hippler read the following email from Town Counsel into the record:

“Assuming that the balance of the purchase price had no strings attached, here is what I believe to be the situation: Lot 408-123 consisting of 129.66 acres was conveyed to the Town of Weare, acting by and through its conservation commission on April 21, 2014. The deed references a plan, which shows the gravel area, but not any other set-aside area.

The conveyance was authorized by a 2013 warrant article, which referenced the purchase of 137 acres, raised and appropriated \$380,000 towards that purchase, and specifically said that 20 acres would be set aside for future recreational facilities and a gravel pit. AFTER that warrant article, on January 8, 2014, the conservation commission agreed to increase its contribution from \$50,000 to \$180,000. The minutes of the hearing on that contribution reflect that it was "with the condition that it be conservation land with a conservation easement on it to be held by SPNHF and the Weare Conservation Commission will be the manager of the property with the exception of the athletic fields area and gravel pit area. Also, after that warrant article, on November 13, 2013, the Mildred Hall Committee agreed to contribute an additional \$25,000 from the Charles and Ethel Eastman Fund toward the cost of purchasing the property. You have

73 been unable to locate those minutes, and I have no information about that fund or its purpose or why the
74 Mildred Hall Committee has any authority to expend from that fund. This additional contribution is noted
75 in the minutes of the December 2, 2013, BOS meeting, where there was also a comment that "Ball fields
76 may be challenging to be developed on that lot." Minutes of the Mildred Hall Committee meetings where
77 the original \$130,000 contribution was discussed have no information regarding whether athletic fields
78 were contemplated, though they all reference that the property would be used for recreation and town
79 events. Based on all I've seen, I believe that the Conservation Commission at all times knew and agreed
80 that there would be 20 acres that would not be subject to a conservation easement or their control and that
81 those 20 acres would consist of the gravel pit and "recreational facilities." There is nothing that says what
82 those facilities are, there is nothing that says the 20 acres have to be contiguous. The conservation
83 commission expenditure appears to have been done properly, with a public hearing and vote. I do not know
84 whether the November 13 vote of the Mildred Hall Committee actually took place (though I have no reason
85 to doubt that it did), or whether proper procedures for that expenditure were followed. I believe this
86 answers all of the outstanding questions, but please let me know if I can be of additional assistance.

87
88 Andy has sent me, in addition to the information I already had, 1) information regarding the variance that
89 was granted in 2011 to allow the boundary line adjustment whereby the 7.49 acres was added to the parcel,
90 including the minutes of the ZBA meeting and what appears to be the application that was submitted by
91 Mr. McSweeney; 2) excerpts from some 2013 BOS meetings (these appear to be included in an e-mail from
92 Mr. McSweeney-I have no reason to doubt that they are accurate, but have not reviewed the actual minutes
93 themselves); 3) the Option Agreement and 4) a chronological record of information. Andy says in his cover
94 e-mail to me that the seller lowered the selling price to have the hay field preserved for agriculture. I do
95 not see that in the Option Agreement, and have seen no other document that supports that conclusion;
96 though it may be true. If it is, could someone please provide me with a document that shows that, because
97 that would certainly be relevant to this analysis? The minutes from the BOS from 2013 do not add any new
98 relevant information that I can see. As for the ZBA materials, the minutes are not super informative except
99 that they suggest that the grant agreement under which the land was purchased required that the hay field
100 remain an active agricultural land. This is the type of restriction I was referring to in the first line of my
101 opening e-mail. Were grant funds actually used to purchase the property, and if so, has anyone looked at
102 the terms of that grant? This would certainly be relevant to this analysis. It's also clear from the variance
103 application, if not the ZBA minutes, that the entire asserted basis for requesting the variance was that this
104 would allow these 7.49 acres to become part of conservation land which could be used for passive
105 recreation. Generally speaking, representations made before boards become implied conditions of
106 approval; however, the variance here related to the remaining lot that houses the multi-family dwelling,
107 and therefore, it might be a bit of a stretch to say that the variance was dependent upon the 7.49 acres
108 remaining preserved.

109 As for the chronology Andy provided, there are certainly suggestions in the various documents by various
110 town officials that the recreation area would be best suited for the gravel pit area, or that individuals would
111 like to see the hay fields preserved, but those do not change my analysis of what property must be
112 conserved.

113
114 All in all, it is clear to me that everyone intended that there be recreational facilities, but no person, board,
115 or commission, either at the time of the warrant article or when the land was actually purchased, identified
116 where those facilities would be. Because the conservation easement was never placed on the property, we
117 are now trying to understand everyone's intention from 10 years ago. But from a legal point of view, it is
118 not the parties' intention that matters, it is what was actually in the documents; and I don't see anything in
119 the documents that convinces me that the hay fields have to be preserved as hay fields. That being said, it
120 does seem to me that it would be in the town's best interest if all of the parties with an interest in this
121 property could sit down and reach an agreement regarding where the facilities should be. It would be even
122 better if we did not have competing articles on the warrant (and since neither one was a petitioned article,
123 both could be removed any time before the warrant is posted). I'm happy to try to moderate such a
124 discussion if anyone is interested, but for that to be successful I think everyone needs to come to the table

not to advocate for their understanding of the town's intention 10 years ago, but instead come willing to put that all aside and reach an agreement on how best to use and preserve the property. Please let me know if and how I can be of further assistance."

Selectman Mathews stated that there was a follow-up that one of the articles was petitioned and the other article was not. Chair Hippler said the following email questions asked by Conservation Commission Chair Fulton today reads as follows:

"1. In your January 3, 2024 email to Naomi, you stated, "Because the property was conveyed to the town acting by and through its conservation commission, I'd say it is property which is managed by the conservation commission." To confirm, is the Conservation Commission the manager of the hayfield portion of the Banks/Shmid property?

2. Can the Weare Conservation Commission use the Conservation Fund to purchase land to be developed as a sports field complex for Weare Athletic Club folks, the John Stark Jr. Football Association group, and the John Stark United Soccer Association and to be managed by the Weare Parks and Recreation Commission.

3. What are the land usage limitations incumbent upon the Weare Conservation Commission for land bought with the Conservation Fund?

4. If different, what are the land usage limitations incumbent upon the Weare Conservation Commission for land bought with the Town Forest Account?

5. If land usage limitations apply when purchasing land with the Conservation Fund or Town Forest Account, can those limitations subsequently be overridden by Town Meeting/vote?

6. Would the proposed petition warrant article regarding ball fields/athletic complex development on Banks/Shmid conservation land compel any particular position or action of the Weare Conservation Commission?

Thank you for considering these questions and providing information that may be relevant to the Weare Conservation Commission's business, present and future."

Selectman Mathews said those questions have yet to be answered. Chair Hippler said that article 26 which is the petitioned article is to stay petitioned and article 24 is the one that the BOS has the authority to either push forward or remove by the petitioned article must stay. Vice Chair Knapp said his recommendation would be to leave the warrant article on there but have it not recommended by the BOS. CC Chair Andy Fulton said the questions he put forth today should have been vetted much earlier but the CC was not allowed to get these questions to the Town Attorney until late in the game. CC Chair Fulton said that he had follow-up questions it was impressed upon him by the Town Administrator to put the questions in writing rather than speaking over the phone and he respected what the TA was trying to advocate for and put them in writing. Selectman Mathews asked if he would recommend leaving it on the warrant as it was written. CC Chair Fulton said he can not speak for the commission but personally, he would have not written it this way it is adjusted from what he wrote but he thinks it allows the commission to gain some understanding of where the town voters are and might be valuable to them and if this article were not to on the warrant that opportunity is lost. Selectman Burdick said that it should be left. Selectman Blume agreed it should go on the warrant. Chair Hippler stated that he does not remember in the past when petitioned warrant articles closed and a counteractive article came forward behind it. He does not know if that sits well with him for the fact that if the public wants to put one on there that is who they all work for is the public and he is torn. Chair Hippler said it seems the consensus is to put it on the warrant which is fine but he does agree with Vice Chair Knapp that it is probably going to be chopped up and hacked at the

deliberative and hopefully they can get more answers before then. Selectman Mathews said that she has concerns that both of the articles are going to get them into more legal questions than they have already. **Chair Hippler asked if BOS would like to recommend and who would like not to recommend Article 24. Burdick- Recommend, Blume- Recommend, Hippler- Do not recommend, Knapp- Do not recommend, Mathews- Recommend.**

TA Bolton said Article 25 is illegal but you can opt to amend it at the deliberative session or let it go forth as written and not enforce it if it passes. It can not be removed from the warrant. Discussion ensued about potential amendments and the purpose of the final articles.

MANIFEST:

Chair Hippler moved; Selectman Mathews seconded:

To order the Treasurer to sign the payroll and accounts payables checks dated February 1, 2024, as included in the following manifests:

Checks Dated February 1, 2024,2023

Payroll Manifest

\$ 73,562.79 (*Weekly payroll checks*)

Accounts Payable Manifest

\$ 92,85.45

TOTAL:

\$166,415.24

MINUTES:

Motion made by Selectman Blume to accept the December 11, 2023 minutes as amended. Seconded by Selectman Mathews. Motion passed 4-0-1 abstention from Chair Hippler.

Motion made by Selectman Blume to accept the December 18, 2023 minutes as amended. Seconded by Selectman Mathews. Motion passed 3-0-2 abstention from Chair Hippler and Vice Chair Knapp.

Motion made by Chair Hippler to approve the December 27, 2023 minutes as amended. Seconded by Selectman Mathews. Motion passed 4-0-1 abstention from Selectman Burdick.

Motion made by Chair Hippler to approve the January 10, 2024 minutes as amended. Seconded Selectman Blume. Motion passed 3-0-2 abstentions from Selectman Mathews and Vice Chair Knapp.

Selectman Mathews said the minute taker spends a lot of time she has to imagine looking at the YouTube videos and typing up this much detail and the BOS spends a lot of time having to review it and then tweak the words to make sure if they are capturing them as transcripts that the total intention is right. Selectman Mathews said in her opinion they do not have to provide transcripts so why are we providing transcripts? They are spending a lot of time from the BOS and Minute Taker, that is time she is not doing other minutes. They have problems on other boards of not getting out minutes and at some point, she could say I'm spending a lot of time and it is going to end up being a money issue at some point. Selectman Mathews said the BOS is going above and beyond what they are required to do. TA Bolton said the video does not mean anything it is your written minutes. Some Towns take down their videos once they are approved minutes. Selectman Mathews said that they are public records. TA Bolton said they are not the written approved ones. Selectman Mathews said if you do not take them down, they become public records. TA Bolton said the written ones that are recorded and put in the vault with the Town are the legally binding ones, they may be public records but it's not kept on file in the municipality.

227 **Selectman Mathews motioned that the BOS stop providing typed transcripts on normal meetings**
228 **where they know they do not have technical difficulties going on and that the BOS returns to**
229 **standard published minutes. Seconded by Chair Hippler.**
230

231 Vice Chair Knapp said he does not feel strongly one way or the other but if was one of the BOS or Naomi
232 taking the minutes. The BOS does have someone and that is their job. Chair Hippler said if they bail then
233 where are we going be. Selectman Blume said that may be an appropriate time to make this decision. Vice
234 Chair Knapp said the last couple of months' meetings have been so lengthy it has been hard to approve
235 them. Discussion ensued regarding the minutes and level of description.
236

237 **Motion passed 5-0-0.**
238

239 **Legal & Engineering RFP's from MMANH List Serve:** TA Bolton provided copies she received from
240 other Town Administrators/Town Managers when asked for sample legal and engineering RFP's. This is
241 for future discussion and reference.
242

243 **Other Business:** Town Administrator Bolton shared 3 companies with quotes to perform the upcoming
244 2024 lien searches/mortgage searches. The company that has been used in the past was not able to perform
245 the liens timely in 2023, so Town Administrator Bolton thought it would be the opportunity to see what is
246 out there. The three companies were emailed prior to tonight's meeting in hopes of getting approval so the
247 Town could get on their list in line to have the work done. Discussion regarding the tax lien process will
248 be discussed at the next meeting.
249

250 **Chair Hippler motioned to end the public meeting and enter into a nonpublic meeting at 8:11 p.m.**
251 **to RSA 91: A-3 II (c). Selectman Blume seconded. Selectman Mathews – yes; Vice Chair Knapp –**
252 **yes; Chairman Hippler – yes; Selectman Blume – yes; Selectman Burdick – yes. Passed 5-0-0.**

253 The Board reviewed the information provided by nine (9) residents interested in serving on the RFQ
254 Subcommittee to narrow down the seven (7) companies that sent in bids for the River Road Bridge to three
255 (3) companies to be interviewed by the BOS. The Subcommittee will consist of DPW Jason Fiske, Vice
256 Chairman Benji Knapp, Charles Smith, Jennifer Pelletier and Marcus Gilbert. Town Administrator Bolton
257 will meet with the committee to observe. DPW Director Fiske will have final say.
258

259 **Chair Hippler motioned to exit this nonpublic meeting at 8:23 PM, Selectman Burdick seconded the**
260 **motion. Roll call vote: Selectman Mathews – yes; Vice Chair Knapp – yes; Chairman Hippler – yes;**
261 **Selectman Blume – yes; Selectman Burdick – yes. Passed 5-0-0.**
262

263 **Chair Hippler motioned to enter into a nonpublic meeting at 8:24 p.m. to RSA 91: A-3 II (c).**
264 **Selectman Burdick seconded. Selectman Mathews – yes; Vice Chair Knapp – yes; Chairman Hippler**
265 **– yes; Selectman Blume – yes; Selectman Burdick – yes. Passed 5-0-0.**
266

267 The Board of Selectmen discussed improving communications between the Town and its citizens.
268

269 **Chair Hippler motioned to exit this nonpublic meeting at 8:45 PM, Selectman Blume seconded the**
270 **motion. Roll call vote: Selectman Mathews – yes; Vice Chair Knapp – yes; Chairman Hippler – yes;**
271 **Selectman Blume – yes; Selectman Burdick – yes. Passed 5-0-0.**
272

273 **Chair Hippler motioned to enter into a nonpublic meeting at 8:24 p.m. to RSA 91: A-3 II (a & c).**
274 **Selectman Blume seconded. Selectman Mathews – yes; Vice Chair Knapp – yes; Chairman Hippler**
275 **– yes; Selectman Blume – yes; Selectman Burdick – yes. Passed 5-0-0.**
276

277 The Board of Selectmen discussed emails received and strategic planning.
278

279 **Chair Hippler motioned to exit this nonpublic meeting at 9:05 PM, Selectman Burdick seconded the**
280 **motion. Roll call vote: Selectman Mathews – yes; Vice Chair Knapp – yes; Chairman Hippler – yes;**
281 **Selectman Blume – yes; Selectman Burdick – yes. Passed 5-0-0**
282

283 The Board stayed in public session while Town Administrator Bolton went upstairs to make the final
284 changes to the 2024 Town Warrant so that it can be posted tonight. The Board then signed the 2024 Town
285 Warrant, Town Administrator Bolton made the appropriate number of copies and posted one set in the
286 Town Office Lobby and one set at the Weare Middle School.
287

288 **Being there was no further business to come before the Board, Selectman Mathews made a motion,**
289 **and Selectman Blume seconded to adjourn at 9:13 p.m. Passed 5-0-0**
290

291 **ADJOURNMENT**

292 A True Record.

293 *Kearsten O'Brien*

294 Kearsten O'Brien, Minute Taker