

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
October 30, 2023

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

TOWN ADMINISTRATOR: Naomi L. Bolton

EXCUSED: FREDERICK W. HIPPLER

GUESTS: Jason Fiske- DPW Director, Jan Osborne, Mark Roarick- Acting Fire Chief, George Merrill, Tom Flaherty, Philip Cody, Suzanna Taytslin, and Jon Morton

These minutes were transcribed from the following link:
<https://www.youtube.com/watch?v=JeHmdhDKdHw&t=3s>

Vice Chairman Knapp called the meeting to order at 6:34 PM and asked those present to join in the pledge of allegiance.

NONPUBLIC SESSION:

Vice Chairman Knapp moved; Selectman Blume seconded to enter into nonpublic session @ 6:34 p.m. pursuant to the authority granted in RSA 91-A: 3II (b). A roll call vote was taken, Selectman Mathews – yes; Vice Chairman Knapp – yes; Selectman Blume – yes; Selectman Burdick – yes. Passed 4-0-0

The Board interviewed a candidate for a part-time on call truck driver for the Highway Department. The candidate has 30+ years' experience, was a former employee before retiring and a former Selectman. DPW Director Fiske felt the candidate would be valuable for the winter. The candidate has a CDL and would like to help the Town out. Selectman Blume asked if there would be a problem, as some employees at the department were upset with this candidate while he was a selectman and went down to speak to the employees during the transition of directors that took place last fall. DPW Director Fiske replied that those that had the issue have left and he doesn't see any problem. Vice Chairman Knapp stated that he knows the candidate can do the job. As a retired employee the candidate will only be allowed to work a total of 1,332 hours per the NH State Retirement. DPW Director Fiske stated that staff wise this will put him with 4 empty positions left.

Vice Chairman Knapp moved; Selectman Blume seconded to exit this nonpublic session @ 6:40 PM. A roll call vote was taken, Selectman Mathews – yes; Vice Chairman Knapp – yes; Selectman Blume – yes; Selectman Burdick – yes. Passed 4-0-0

Appointment to the Conservation Commission: Vice Chair Knapp asked what interested Suzanna Taytslin in the Conservation Commission. Ms. Taytslin said that she was looking for ways to get involved

in the town and live close to Toby Hill Conservation land and love to use the land. Ms. Taytslin said her background is in Civil Engineering and has a little bit of exposure to municipal permitting and environmental permitting. Selectman Blume asked when she met with the Conservation Commission. Ms. Taytslin said she met with them in April and then again, this past meeting. Selectman Blume asked if the term was a three-year term. TA Bolton said yes it would be a term ending in 2026. Vice Chair Knapp asked that Ms. Taytslin come in a few minutes early before the Conservation Commission Meeting to be sworn in.

Selectman Blume motioned to appoint Suzanna Taytslin as a full member of the Conservation Commission for a three-year term ending in March 2026. Seconded by Selectman Burdick. Motion passed 4-0-0.

Vice Chair Knapp asked Philip Cody what interested him in joining the Conservation Commission as an alternate member. Mr. Cody said that he originally wanted to help volunteer to help build trails on some of the town's land, so he had attended a CC meeting. There was no way to coordinate trail work to that so he thought if he joins the commission, he may be able to work on some sort of way to make trails happen. Selectman Mathews asked if that would include putting out maps of where the trails are. Mr. Cody said that would be great and is something that Suzanna is good at. Selectman Blume wanted to clarify it would not be an issue with the two candidates being connected. Selectman Burdick said she did not see it being an issue and they could recuse themselves from topics.

Selectman Blume motioned to appoint Philip Cody as an alternate member of the Conservation Commission with a term ending in March of 2026. Seconded by Selectman Burdick. Motion passed 4-0-0.

Access to River Road: Vice Chair Knapp said that George Merrill came to the BOS about a month or so ago and there was miscommunication at one meeting. Mr. Merrill was invited to come back to last week's meeting but with the forecasted long meeting the BOS asked if he would mind being moved to this week's meeting and he agreed. Vice Chair Knapp asked Mr. Merrill to give some background on the topic. Mr. Merrill said that it started years ago with a house lot on River Road and Mr. Merrill acquired one of the lots. Mr. Merrill said before he did, he went to the Fire Department to make sure he was able to put in a driveway. The first concern was with a cistern that children had vandalized and was in operatable. Mr. Merrill said the Fire Department wanted Mr. Merrill to repair the cistern before he could get a permit. Later on, the driveway was too steep, and the grade down to less than 19%. The Fire Department looked at it and he received a letter from the Fire Department. The previous Town Attorney had looked at the history of the lot came up with a plan for the BOS and approved the ruling that is the town's ruling. Mr. Merrill read the ruling from the old town attorney stating the following: The existence of the dedicated way onto the two old plans is problematic since it appears that the proposed joint driveway would be built at least in part over the bed of the dedicated way. The simplest solution from the old attorney is to have the Selectman exercise their authority under RSA 231-51 and extinguish the public servitude since the street lane or ally has not been open, built, or used for public travel within 20 years from the dedication. Mr. Merrill said the second issue is a proper agreement between the owners of lots 406-51-2 and 406-51-3 to establish joint maintenance and corresponding easement concerns that are not related to the unapproved documents on record. This is important that it is clear by allowing two common driveway agreements. The town is not sanctioning or otherwise legitimizing the unapproved private road arrangement. This should include language making it clear that the easement approved by the Planning Board between the two lot owners is limited to them and may not be utilized as access to the other lots south and a maintenance agreement that agrees to maintain the common driveway in such condition that permits year-round emergency vehicles to access the two lots. Mr. Merrill said that he is here tonight to ask the BOS to waive that, and he can continue. Selectman Blume said that the BOS did talk about it at the time and had no issues and did want to run it by the current town counsel because the packet presented to the BOS included a very thorough analysis by the previous town counsel and wanted to confirm with the current. Selectman Blume said the current town

counsel reviewed it and it still holds. He said he does not have any problems with that, and he thinks they should do it because that would be the first part of effectively dissolving the road which was never built correctly and then leaving the second part to Mr. Merrill as private citizens. Vice Chair Knapp asked if there was currently a private residence on the driveway being used that is not Mr. Merrill's. Mr. Merrill said Menard is the property owner of that residence. Vice Chair Knapp said it has been being used so would there be a servitude on it? Selectman Blume said the driveway was there and then the lots were sold and subdivided and the road was designated for it and then never built off the driveway. TA Bolton said that the road came in off 1015 and there was a fire pond or dry hydrant, and the road went up by 1015 and looped up and that was never built. Then it came back to the planning board and the road was erased and the frontage was presented on River Road, and it takes an astronomical amount of fill to come in off River Road, so that dedicated way was replaced in a new plan which is why there is two different plan number. The lots now have frontage off River Road and she does not know if the dedicated way was ever removed. TA Bolton said there is a process for removing the dedicated way and Town Counsel gave them the process. Vice Chair Knapp asked Mr. Merrill if the entrance of the abutter's property goes past Mr. Merrill's. Mr. Merrill said that the abutters entrance is off to the right and his branches off to the left. Selectman Mathews asked if there was any information stating that the town accepted that like clearing the road or doing any type of maintenance. TA Bolton said she does not think so. Mr. Merrill presented the approved plan. Vice Chair Knapp said there is a process they need to follow to release the public servitude. They need to follow RSA 231:9-12, notice needs to be given to anyone who owns property over which the dedicated road passes and anyone who holds a mortgage on the property. Notice is sent via certified mail or left at the person's house if they live in New Hampshire if they live out of state, they can send registered mail. After 30 days of notice, the Selectmen need to hold a public hearing on the request to release the dedication. As part of the public hearing process, the Selectmen are supposed to go back and look at the dedicated road to be released and then return to the town hall to hold the hearing and hear from the public and then the Selectmen can vote to release the dedication. Mr. Merrill said he does go south for the winter months and will not be back until the 4th of May. Vice Chair Knapp asked Mr. Merrill if he wanted to wait until he came back for the spring. Mr. Merrill said that would work for him. Selectman Blume said he is fine with having the Town's Counsel do the research and does not think it should take more than an hour's worth of work. Selectman Mathews said that they are not waiving RSA231:51 they would be invoking it so would the request need to be updated? Selectman Blume said that he would make a motion to at least acknowledge their intentions to continue with the process and invoke RSA 231:51.

Selectman Blume motioned that the BOS acknowledges the intention to continue with the process of invoking RSA 231:51 as necessary to hold the public to dissolve as mentioned above. Seconded by Vice Chair Knapp.

Selectman Mathews said her concern is that his letter states he wants to waive RSA 231:51 and that is not what they are doing. Vice Chair Knapp said there will be another motion made at the public hearing when the BOS decides.

Motion passes 4-0-0.

Approval of duct cleaning at the Safety Complex: Acting Chief Mark Roarick said he spoke with the Finance Director; the duct cleaning can be covered through ARPA funds. The total cost for the duct cleaning is \$3,750.

Selectman Mathews motioned to approve air duct cleaning at the safety complex awarding the contract to Armstrong in the amount of \$3,750.00 to be expended through ARPA Funds. Seconded by Selectman Burdick. Motion passed 4-0-0.

Fire Department Other Business: Acting Chief Roarick said the check came in from JSJ Auctions which is the White Farm after they took their percentage. The check is in the amount of \$634.50.

DPW Update: DPW Director Fiske said that they are looking to hire Jon Osborne as a part-time on-call plow driver this winter. His hourly rate would be \$35 per hour, and it is an on-call position there will be an eight-hour per week minimum.

Selectman Burdick motioned to hire Jon Osborne as a part-time on-call plow truck driver for DPW at \$35 per hour and paid eight hours per week as a minimum. Seconded by Selectman Mathews. Motion passed 4-0-0.

DPW Director Fiske presented a sign-on bonus to the BOS to help fill the full-time positions and some of the part-time positions. It would be for full-time and part-time seasonal drivers and the funds would come from all the vacancies they have within the department. It would be a sum of money upfront and then be a monthly stipend. If approved by the BOS it would negate the on-call bonus they normally get at the end of the winter season. Vice Chair Knapp asked if the current employees would get this as well. DPW Director Fiske said yes, they are vetted. Selectman Blume asked where the language came from. DPW Director Fiske said that he worked on it with the Finance Director and found a copy of another town. Selectman Blume asked what the current bonus was. DPW Director Fiske said it was \$300 then last year it was moved to \$750 but they ended with a default budget so it stayed at \$300. DPW Director Fiske said the State is doing the same with their employees. Vice Chair Knapp said something of this fashion is needed and other places are doing it, he does have different feelings about giving the part-timers the same as the guys doing 40 hours and then working more. DPW Director Fiske said he understands where he is coming from and there were members of the public that came to the meeting and spoke about putting more money up to attract people to apply. Selectman Mathews asked how many spots needed to be filled. DPW Director said two full-time and four part-time. Selectman Blume asked if the mechanic role was an operator role. DPW Director Fiske said yes. Selectman Blume said that there is money in the DPW budget now and there were voters who said they are willing to have DPW pay more for plow drivers to make sure the roads are taken care of. What happens next year if they cannot pay the same? DPW Director Fiske said he is hoping to pay for positions now and this would just be for this year. Ms. Mathews asked if this was part of a larger incentive package. DPW Director Fiske said he is honestly waiting until the vote for this is going to be too late and it will be after the season so they must do something now for the people that they have as well as hopefully get new hires. Vice Chair Knapp said he thinks it is a good idea, but it is a lot to swallow all at once and would recommend giving the full-timers a little more than the part-timers. Selectman Blume asked what percentage of the highway budget was 1.1 million. DPW Director Fiske said he thinks it's a quarter to a third. Selectman Blume asked if the DPW Director was included in the bonus. DPW Director Fiske said that would be up to the BOS. Selectman Blume said he is fine with doing something, but he is concerned that they make sure they are not setting a precedent. Vice Chair Knapp said they could curb that by putting in a \$1,000 bonus for next year in the budget. Selectman Burdick asked if encumbering salaries was allowed. TA Bolton said they would need to find that out. DPW Director Fiske said the spreadsheet did come from the Finance Director so he would hope that she would have said something if they were not allowed to encumber the salary funds for that. Selectman Blume said to be eligible the employee must complete the entire seasonal term in good standing, but they would be paying them monthly so that would be a conflict. Selectman Blume suggested paying at the end of the month if the full month is worked. The BOS will talk about it at the next meeting and have an answer by December 4th.

Selectman Blume said that people have been asking him about what to expect this winter. He suggested mailing out letters and are they legally allowed to do that. TA Bolton said that they can do every door delivery and it costs about \$900 it would probably be higher because they typically exclude businesses. TA Bolton would have to ask if it is legal to do that.

MANIFEST: Vice Chair Knapp moved; Selectman Blume seconded:

To order the Treasurer to sign the payroll and accounts payables checks dated November 2, 2023, as included in the following manifests:

Checks Dated November 2, 2023

Payroll Manifest	\$ 72,671.21 (Weekly payroll checks)
Accounts Payable Manifest	\$ 50,966.10
John Stark Payable Manifest	\$ 250,000.00
Weare School Payable Manifest	\$ 250,000.00

TOTAL:	\$ 623,637.31
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Passed: 4-0-0.

Other Business: Vice Chair Knapp asked if they have invited the DPW employee for an exit interview. TA Bolton will reach out.

Selectman Blume mentioned that Selectman Cahill had a couple of things that the BOS should not lose sight of such as putting out RFPs for contracts and annual reviews of department heads.

Selectman Burdick said that she had reached out to a couple of places to fix headstones such as Perry Brothers, Manchester Memorial, and Peterborough Marble and Granite and the only one that got back to her was Perry Brothers. They said they could come out on Wednesday and give an estimate. She said she would meet them at the grave sites.

Selectman Blume said the BOS received an email from a resident in town and it reads as follows.

“Good afternoon,

I am writing to inform you of yet another illegality in the actions of the Weare BOS. Although you chose to appoint Janice Matthews to the BOS, your decision to seat her violates state law. Please see NH statute 669:7 as well as NH RSA § 32 V.

Ms. Matthews made public comment signaling her intention to step down as her choice. This was deliberately misleading. It is not her choice, it is state law.

Additionally, although she stated her “intention” to step down, her current status as the Vice-Chair of the FC (a position she accepted knowing she was a candidate for a disqualifying position which she failed to inform her FC colleagues of) remains in place until such time as she formally submits her resignation and that resignation is accepted by the committee chair. Until then she cannot serve on the BOS and any and all votes cast by her are illegitimate as was her swearing in.

Seriously guys, can you just not? Can you cut it out? Can you NOT repeatedly break the law and act against the best interests of us townsfolk? I watched your physical reaction to my husband Chris Mann’s public comments. I’ve never actually seen a public official squirm in their seat before until then. Selectman Hippler and Select-person Burdick were literally squirming in their seats. Selectmen Blume refused to make eye contact for most of my husband’s comment.

During the vote for Ms. Matthews, Selectman Blume visibly hesitated for quite a bit before voting for Ms Mathews. He did this because Ms. Mathews admitted to being his campaign advisor. He was well aware that he should have recused himself from the vote. If he was on the other side of the public comment he would have demanded a recusal as my husband did. Instead he chose to serve his own interests instead of preserving what little confidence the public has in their elected and appointed officials.

Selectman Blume, you have earned every sleepless night you have had since former Selectman Cahill resigned. And I hope they continue until you stop violating the public's trust.

Please add this correspondence to the minutes of your next BOS meeting.

Emphatically,

Tara Mann”

Being there was no further business to come before the Board, Selectman Blume made a motion, and Selectman Burdick seconded to adjourn at 8:10 p.m. Passed 4-0-0

ADJOURNMENT

A True Record.

Kearsten O'Brien

Kearsten O'Brien, Minute Taker