

**Town of Chester
Board of Selectmen Meeting
Thursday, August 20th, 2015
Municipal Complex
Approved Minutes**

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I Preliminaries

1.1 Call to Order

Chairman Landau called this meeting of the Town of Chester Board of Selectmen (BOS) to order at 7:03pm.

1.2 Roll Call

Selectmen present:

- Stephen Landau - Chairman
- Jack Cannon
- Joseph Castricone
- Dick Trask

Selectmen absent:

- Joseph Hagan - Vice Chairman

Members of the Public present, at various times:

- Matt Abdallah
- Cass Buckley
- Andrew Hadik
- Chuck Myette
- Matt Rittenhouse, Tri-Town Times
- Leroy Scott
- Evan Sederquest
- Brian Sullivan
- Mike Weider
- And other members of the public unknown to the minute taker

1.3 Agenda

OLD BUSINESS:

- Approval of Minutes

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NEW BUSINESS:

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2.1 Brian Sullivan & Mike Weider - Proposed Non-Public, NH RSA 91-A:3,II(b) Hiring

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2.2 Planning Board Appointment - Cass Buckley

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2.3 Planning Board Appointment - Evan Sederquest

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2.4 Fire Chief Richard Antoine - Proposed Non-Public (Personnel)

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2.5 Thom Roy - Building Inspector / Code Enforcement Officer

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2.6 Miscellaneous Items: SHF Painting Contract Approval, Conservation Commission
Acceptance of an Open Space Subdivision

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58 3.0 Roundtable

60 4.0 Public Comment

62 5.0 Adjournment

64 *****

66 1.4 *Pledge of Allegiance*

68 Chairman Landau led the attendees in the Pledge of Allegiance.

70 1.5 *Additions and Deletions* - Chairman Landau stated that the BOS had a few
72 documents to review for approval / signature. Any decisions made in the Non-Public
sessions will be updated to the public at the beginning of the next meeting.

74 1.6 *Public Comment* - Leroy Scott stood and was recognized by the BOS; Mr. Scott
76 asked if the BOS was aware of the additional "transfer station location" on
Raymond Road near the skate park. Chairman Landau stated that the BOS is aware
78 of the illegal dumping and it will be discussed and a plan of action made as soon as
possible.

80 1.7 Member Comment - none.

82 **II New Business**

84 **7:08pm**

86 *2.2 & 2.3 Reappointment of Cass Buckley & Evan Sederquest to the Planning Board:*

88 Planning Board (PB) Chairman Sullivan stated that Mr. Buckley and Mr. Sederquest
90 were present before the BOS to seek reappointment to the PB. Mr. Sederquest has
92 been volunteering with the PB for more than 20 years and Mr. Buckley has been
94 volunteering with the PB for 5 years. Selectman Trask thanked both men for their
volunteer service. Chairman Landau knows both men and he feels they bring a lot of
experience and knowledge to the PB. PB Chairman Sullivan stated that it is good for
the Town to have volunteers like these so that the Town can keep running.

96 **7:09pm**

98 Chairman Landau made a motion to approve the reappointment of Evan Sederquest
100 to the Chester Planning Board. Selectman Castricone seconded; all the members of
the BOS were in favor; so moved.

102 Chairman Landau made a motion to approve the reappointment of Cass Buckley to
104 the Chester Planning Board. Selectman Cannon seconded; all the members of the
BOS were in favor; so moved.

106 **2.7** *Miscellaneous Items: SHF Painting Contract Approval, Conservation Commission
Acceptance of an Open Space Subdivision*

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Spring Hill Farm:

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112 Spring Hill Farm trustee Chuck Myette met with the BOS to discuss the proposal
for removing and replacing the siding on Spring Hill Farm (SHF). There was a
warrant article put together for the insulation and exterior painting of the
114 farmhouse at SHF; the insulation has been completed with the remaining funds
being carried over to 2015-16 however the estimated cost for this part of the
116 warrant article are much higher than initially thought. The main reason for the
increased cost is the presence of lead paint on the siding which requires proper
118 disposal and necessary precautions by a certified lead paint specialist - AseLINE
Corporation & Remodeling Service. The estimated cost is \$7600; the remaining
120 funds from the warrant article are \$4K so the Conservation Commission is busy
applying for grants to cover the shortfall and get the materials together. Any
122 additional funding will come from the SHF trust account. The new siding will be put
on already primed and painted. Selectman Castricone asked what the plan is for the
124 window frames; the loose pieces of lead paint will be removed and painted over by

126 the contractor. There was discussion regarding the ownership of the buildings at
SHF - they belong to the Town so it is the Town's responsibility to maintain them.
128 The land belongs to the SHF trust. The trust is working on becoming a charitable
trust so that donations can be accepted. The tenants in the farmhouse are relatives
130 of Ms. Church (the original donor of the buildings and land) and they are interested
in assisting with the property maintenance and they will be using the hay making
132 equipment this year. The Town has a list on file that details which equipment is
Town owned and which equipment is owned by the trust. If at any time the farm is
134 dissolved, any funds left from the operation of the farm will go to the Conservation
Commission.

136 Chairman Landau made a motion that based on the information provided by the
Spring Hill Farm Trust, the BOS recommends awarding Aseltine Corporation &
138 Remodeling Service the work order for the remediation of the lead paint, removal
of the siding, repairs to the exterior surface and replacement of the siding as
140 specified in their proposal to the Town. Selectman Cannon seconded the motion for
discussion. Selectman Cannon asked if Aseltine has the required insurance for
142 working with the Town - an updated certificate should be on file with the BOS
office. Mr. Myette stated that Aseltine has the required coverage. All the
144 members of the BOS were in favor; so moved.

146 Mr. Myette advised the BOS that the SHF trustees have contacted attorney Diane
Gorrow regarding changing the trust to a charitable trust and she is working with
148 the Attorney General's office to get the necessary changes.

150 *Acceptance of an Open Space Subdivision - Isaac Foss Road, Chester, NH.*

152 Conservation Commission Chairman Myette read out the following:

154 *Request for Acceptance of Real Property for an Open Space Subdivision, off of
Reed Road known as Isaac Foss Road, Chester, NH.*

156 *"That certain area of land (therein referred to as the "property") being unimproved
158 land consisting of approximately 16.66 acres situated in the Town of Chester,
County of Rockingham, State of New Hampshire, and being shown as Conservation
160 Area on a plan entitled Open Space Subdivision, "Isaac Foss Road", Tax Map 9, Lot
12 Reed Road, Chester, NH."*

162 The developer, Mr. Abdallah was recognized by the BOS and stated that if there is
164 a format issue with the document he will go back to the Land Trust. This land is
being donated so that it stays undeveloped however it allows the public access to
166 the land. There will be 9 single family homes in the subdivision.

168 Chairman Landau made a motion that he sign the proposal as is on behalf of the
entire BOS; Selectman Castricone seconded. All the members of the BOS were in
170 favor; so moved. The document will go to the registry of deeds and the Town Clerk
will receive a copy and pass it to the Planning Board Coordinator too.

172

174 *3.0 Roundtable Items:*

176 *Chairman Landau:* Chairman Landau stated that the Conservation Commission has
accepted a piece of property from Betty Sanborn and a boulder in memory of David
178 Sanborn will be dedicated on the land on October 12th at 1pm.

180 MPR Floor: The addendum to the original work on replacing the MPR floor has been
to the attorney, the architect and the supplier; once the architect signs off on the
182 addendum the BOS can go ahead and authorize the work. The contractor has
requested a \$35K bond for the project; the BOS will pay 50% of the removal fee
184 up front then once the removal of the old floor is complete, the architect will
inspect the work and pay the remaining balance then the rest of the funding from
186 the warrant article will be for the supplier. The new floor will have lines for
basketball and volleyball. The Recreation Commission needs to confirm the color of
188 the floor with the supplier.

190 Chairman Landau made a motion to sign the MPR floor addendum from the Town
attorney on behalf of the entire BOS; Selectman Trask seconded. All the members
192 of the BOS were in favor; so moved.

194 MS-1 Extension: Chairman Landau made a motion that the BOS sign the MS-1
extension document: Selectman Cannon seconded. The document requires 3
196 signatures; the finance department expects the MS-1 to be completed by 10.1.15 at
the latest. All members of the BOS were in favor; so moved.

198

200 The Town auditors - Melanson & Heath, sent a document to the Town attorney
stating their fees for the Town audit in 2016 to be \$17K. The BOS will have to
decide if they agree with these fees for the Town's 2016 internal control audit.

202

204 The Liberty Elm Tree Society is giving cities and towns around the country an elm
tree. Members of the public can buy a 10 - 12ft tree for approximately \$75
through the cemetery trustees.

206

208 The electrical work in the MPR is finished, there is a letter from the contractor
stating the updates.

210 WP Pond Athletic Fields: The maintenance manager Mr. D'Amato has advised the
212 BOS that there are a series of large divots / ruts on the field and as such it is hard
214 to mow these areas without damaging the mower or injuring the employee doing the
216 mowing. The Recreation Commission is holding a soccer jamboree (in conjunction
218 with the local soccer organization) on the fields on Monday August 30th. Mr.
220 D'Amato would like the BOS to authorize the rental of a roller to level out the ruts.
222 The Recreation Commission submitted a request for action that the fields be
224 mowed by August 28th in preparation for the event. Mr. D'Amato is currently out on
226 workers compensation for an injury related to mowing this field. The BOS discussed
228 whether a roller would solve these issues; the plan is to use the roller after it rains.
230 Chairman Landau has a roller that can be filled with water or sand or cement and
towed behind a mower and he is willing to loan it to the maintenance department.
Selectman Cannon asked to discuss the maintenance manager's work related injury
on the Non-Public session tonight. Chairman Landau will ask a local expert in Town to
walk over to the fields and inspect the ruts / divots and give his opinion. The BOS
would like the issues with the field to be fixed and the fields used as planned.
Selectman Cannon stated that if a piece of equipment cannot solve the rust / divots
on the field, then it seems unsafe to have kids running and playing soccer on the
field at this time. If the local expert feels it is unsafe then the field should be
closed until it is resolved. Mr. Weider stated that in his experience, the ruts need
filling, rolling and the area reseeding.

232 2.1 Brian Sullivan & Mike Weider - Proposed Non-Public, NH RSA 91-A:3,II(b) Hiring
234 Members of the Planning Board (Sullivan, Weider, Hadik, Sederquest & Buckley)
236 joined the BOS to discuss the appointment of Mr. Andrew Hadik to the open
238 position of Planning Board Coordinator. After discussion by the PB, it was decided
240 that the best candidate for the job is Mr. Hadik. Mr. Hadik will manage the task of
242 getting the PB up to speed with new technology in the field as well as maintaining
244 the current day to day processes and existing / new planning applications from the
246 public. Chairman Landau asked if Mr. Hadik would be a voting member of the PB as
248 well as the PB coordinator. Mr. Hadik asked the Town attorney - Dean Eggert
regarding this matter and the RSA states that it does not exempt him from being a
voting member of the PB however if Mr. Hadik becomes the full-time PB
coordinator then he will complete his term in the PB, he will abstain from voting if
there are enough attendees at each meeting. When his PB term lapses, he can
become an alternate member so he can make a quorum if there is a shortage of
attendees however he will abstain from any votes.

A lot of the information being presented to the PB at their meetings will be passed
through the coordinator. Mr. Hadik has a wealth of knowledge and advice on PB

252 related topics; Selectman Cannon expressed confidence in Mr. Hadik's abilities to
perform this job. Mr. Buckley had to leave the meeting at this time; he is
254 comfortable with the Non-Public discussion regarding compensation and agrees with
the details Mr. Weider will review with the BOS.

256 3.0 *Roundtable Items continued:*

258 *Selectman Trask:* Selectman Trask stated that in July he spoke with Attorney
Gorrow regarding the billing by the road agent and whether there was a conflict of
260 interest with the road agent hiring his own company and renting his own equipment
to the Town for contracts. RSA 95:1 bars public officials from certain privileges
262 and as such Selectman Trask would like to see these restrictions added to the
Town's purchase and bidding policy. Selectman Trask made a motion to change the
264 Town purchase and bidding policy to reflect the details of 95:1 (as shown below):

266 *"No person holding a public office, as such, in state or any political subdivision*
governmental service shall, by contract or otherwise, except by open competitive
268 *bidding, buy real estate, sell or buy goods, commodities, or other personal property*
of a value in excess of \$200 at any one sale to or from the state or political
270 *subdivision under which he holds his public office."*

272 Selectman Castricone seconded the motion for discussion. Selectman Cannon stated
that this subject has been addressed before however the Town attorneys have said
274 it is very hard to enforce this policy with an elected road agent. Chairman Landau
has reviewed the road agents bills for the rental of equipment and labor from MLM
276 Construction and in 2014 it totaled \$51K; from July 1st - 30th 2015 the bills were
\$9K and from August 1st - 16th 2015 they are \$5K. Chairman Landau understands
278 that when stuff needs to be done, you have to have the staff and equipment to do
it. The Town cannot lease a truck but they could rent one and cover the labor with
280 employees. The BOS decided it would be best to have the road agent - Mr. Oleson
come in and clarify some of the bills and items discussed. Selectman Trask feels it
282 is a conflict of interest; Selectman Cannon stated that Mr. Oleson is on call 24/7
and when a tree is down on the road, he is right there in the middle of the night to
284 take care of the problem using his equipment because he is not going to rent
something then. Chairman Landau stated that if there is a need for a third Highway
286 truck then put it in a warrant article and explain the need to the taxpayers.
Selectman Castricone asked if that means hiring another highway employee to drive
288 the third truck. Chairman Landau feels there could be a need for an additional
employee to cover sick leave, vacation time, injuries etc. Selectman Cannon stated
290 that it really comes down to whether the Town needs a Public Works Department
with an appointed director or an elected road agent with their own equipment as
292 backup.

294 Mr. Trask would like to see any jobs that will exceed \$200 be put out to bid. The
296 BOS will ask Mr. Oleson to come in next week. Selectman Castricone removed his
second to the motion; the motion will be tabled until the 8.27.2015 BOS Meeting.

298 4.0 *Public Comment: none.*

300 **The next meeting of the BOS will be Thursday August 27th at 7:00pm.**

302 2.1 *Non-Public Session*

304 **8:10pm**

306 Chairman Landau moved that the Board go into one non-public sessions under RSA
308 91A:3 II (a) The dismissal, promotion, or compensation of any public employee or
the disciplining of such employee, or the investigation of any charges against him or
310 her, unless the employee affected (b) The hiring of any person as a public employee.
& (c) Matters which, if discussed in public, would likely affect adversely the
312 reputation of any person, other than a member of the public body itself, unless such
person requests an open meeting. Selectman Castricone seconded the motion. The
vote was unanimous in the affirmative; so moved.

314
316 During the different non-public sessions, the following members of the public were
called in: Brian Sullivan, Mike Weider, Evan Sederquest & Andrew Hadik re: PB
Coordinator's position; Fire Chief Antoine & Building Inspector Thom Roy.

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320 **9:21pm**

322 Chairman Landau moved that the Board come out of non-public session; Cannon
seconded the motion. The vote was unanimous in the affirmative; so moved.

324 Selectman Cannon moved that the minutes from the non-public session with Chief
326 Antoine be sealed for one year; the meeting minutes from the other non-public
sessions will be sealed indefinitely. Selectman Castricone seconded the motion. The
vote was unanimous in the affirmative; so moved.

328
330 **IV Adjournment**

332 Selectman Cannon moved to adjourn the meeting; Selectman Trask seconded the
motion. The vote was unanimous in the affirmative; so moved.

334 The meeting was adjourned at 9:23pm.
Respectfully Submitted, Sarah E Scanlan