

**Town of Chester
Board of Selectmen Meeting
Thursday, January 17th, 2013
Municipal Complex
Approved Minutes**

I Preliminaries

1.1 Call to Order

Chairman Landau called this meeting of the Town of Chester Board of Selectmen to order at 7:12pm.

1.2 Roll Call

Selectmen present:

Joseph Hagan
Stephen Landau
Richard LeBlanc
Michael Weider

Selectmen absent:

Jack Cannon

Members of the Public present, at various times:

Janet Boyden - ZBA Administrative Assistant
Barbara Gagnon - Town Clerk / Tax Collector
Andrew Hadik
Bonnie Healy - Transfer Station
Matt Rittenhouse, Tri-Town Times
Leroy Scott
Valerie Weider
Chester Library Trustees and Staff (see appointment later in meeting)

1.3 Agenda

Appointments:

Department Budgets:

Town Clerk
Tax Collector
Transfer-Solid Waste & Landfill
Library
Budget Committee

46 Treasurer
Patriotic, Historical, PACT & Senior Citizens

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50 Approval of Minutes: 11/29/12, 12/6/12, 12/13/12, 12/27/12 and 1/10/13
52 Roundtable
Adjournment

54 *1.4 Pledge of Allegiance*

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

58 *1.5 Additions and Deletions*

60 Chairman Landau stated that Recreation would not be meeting with the BOS tonight.
62 Selectman LeBlanc will present the PACT budget details. Selectman Weider added one non-public session under compensation of employees as did Chairman Landau. Selectman LeBlanc added one non-public session under pending litigation.

64 *1.6 Public Comment - none.*

66 *1.7 Member Comment - Chairman Landau stated that he attended the January 15th meeting of
68 the ZBA regarding land being considered as a buildable lot. For the first 40 minutes he felt
70 the ZBA was incorrect with their information regarding the actions of the BOS and
72 particularly Chairman Landau. One member of the ZBA stated that Chairman Landau was
74 supposed to set up a meeting of the ZBA and the BOS and that he had not done so.
76 Chairman Landau stated that tonight's meeting was the first opportunity for the BOS to
meet with the ZBA and Chairman Landau wanted the ZBA to meet with the full membership
of the BOS which was not possible tonight. Chairman Landau stated that the ZBA was
incorrect in their comment that the BOS does not have any authority over the ZBA.
Chairman Landau then proceeded to read from the following documents / correspondence
listed in **appendix A**.*

- 78 • Statement
- 80 • Quorum email from Jack Cannon, Selectman, dated 1/17/2013
- 82 • Letter from ZBA dated 1/15/2013
- 84 • Attorneys' emails dated 12/21/2012
- 86 • Memo to ZBA from BOS dated 12/6/2012 requesting Legal Opinions received by ZBA
- NH LGC Legal Inquiries Email to ZBA dated 10/29/2012
- Attorney Dean Eggert's Email to Chester ZBA dated 11/8/2012
- BOS Non-Public Minutes dated 10/25/2012 opened 1/17/2013 by BOS *

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7:18pm

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*The BOS discussed opening the BOS Non-Public Meeting Minutes dated 10.25.12 which were related to this matter. Chairman Landau made a motion to open the Non-public BOS Meeting Minutes from 10.25.12; Vice-Chairman Hagan seconded. All were in favor, so moved.

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Chairman Landau stated that this entire matter should not have gone this far and been discussed in public; the BOS have a liaison to the ZBA and PB which is Selectman Weider. Selectman Weider's actions were questioned when he contacted the ZBA attorney regarding this matter; every member of the BOS has the authority to do this. Chairman Landau stated that his position is as an elected official for the Town and that in many ways the \$2500 stipend does not cover the time spent / input made to cover matters like this. He does not like being called a liar and having his ethics questioned when it has been of high importance throughout his career and life.

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Chairman Landau then read out the resignation letter from Mr. Don Brown, ZBA Chairman dated 1.17.13. The BOS decided to hold off on considering this resignation until the full BOS is present and the BOS will ask Mr. Brown to attend that meeting too.

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Selectman Weider addressed the accusations made against him. He stated that he takes his role as a member of the BOS very seriously, the BOS is the executive branch of the Town, five members strong, the BOS manages the Town and ensures fiscal responsibility and as such the BOS has the authority to request information as needed to perform their duties. Selectman Weider listed some of the duties that the BOS is prescribed by law to do such as regulation of the Municipal Highways, ordering the repair / demolition of buildings in Town, Health Regulations, Junkyard licensing, Abatement Requests, Appointments for vacant positions on Town Boards and Committees, Welfare oversight, financial accounting, election duties, property appraisal / taxation, litigation to name but a few. Selectman Weider stated that he was asked at the 10.25.12 meeting to contact the ZBA attorney regarding the re-appointment of the ZBA member. The discussion regarding the re-appointment was performed in a non-public session to protect the reputation of the ZBA member. Selectman Weider stated that he never asked for the information contained in the letter from the ZBA attorney to the ZBA Chairman, (and the ZBA attorney will be able to confirm this), the breakout of the ZBA attorney bill shows Selectman Weider's 8 minute phone call to the attorney on this matter. Individual Selectmen do not speak for the BOS and Selectman Weider always seeks approval for any BOS related matters.

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128 **II New Business**

130 *2.1 Appointments:*

132 *Town Clerk - Barbara Gagnon*

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There is an increase in the proposed Town Clerk budget for 2013-14 for two new printers and Mrs. Gagnon had added a line in her budget for the accu-voting machine because it is her responsibility not the Supervisors of the Checklist to have the machine calibrated and

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138 serviced prior to elections (so it has been removed from their budget). Mrs. Gagnon has also
140 requested funds for metal shelving for room 20 where some records will be stored. Overall
142 this budget request has only increased by \$150 over 2012-13.

144 *Tax Collector - Barbara Gagnon*

146 This budget has decreased, there was no discussion.

148 *Transfer-Solid Waste & Landfill - Bonnie Healy & Andrew Hadik*

150 Mr. Hadik stated that they are still hoping to reduce some of the budget lines once they
152 have more figures from the NRRRA for some of their cyclic expenditures. The proposed
154 budget request is \$186K for 2013-14 which includes the cost of the roof extension over the
156 trailers; without the roof extension the budget request would be \$168K. Mr. Hadik needs to
158 check the salary line which may come down even more. A new Waste Management contract
needs to be negotiated by March 2013. The current WM contract is \$68K which is tied to
the 2.4% CBI set for the Boston area. The swap shop needs a new roof hence the \$2K
request for shingles however this may be done by the boy scouts as a community project
with a donation of the shingles. Mr. Hadik stated that he added a line for facility
improvement i.e. the roof extension and a line for site work / facility maintenance such as
turning the compost pile, cleaning up the ash after burning. There is also a request for
supplies and equipment to rebuild the shed for the battery storage.

160 Selectman Weider suggested that Mr. Hadik ask the Town Finance Manager to review and
162 calculate the salary line. After discussion, the well monitoring will be kept at \$95. There will
164 be less labor involved clearing snow off the containers once the new roof extension is
166 completed plus the containers will not weigh as much with the wet materials / snow in them
168 so that should help reduce some costs. This will also reduce the risk of staff being injured
climbing up on ladders to remove any snow from the containers in that area. The recycling
program is projecting revenue of \$9500 this year. Mr. Hadik will prepare an updated
revenues sheet for all the different commodities that the transfer station recycles for the
Town although some commodities have been declining recently. Selectman Weider thanked
the staff of the Transfer Station for their hard work on behalf of the Town. Chairman
Landau stated that the Transfer Station is looking into leasing a skid steer for help with
snow removal between the trailers and site maintenance including moving pallets with heavy
appliances and batteries on them. Mr. Hadik stated that the Transfer Station has some
dedicated staff and he thanked the Town Bookkeeper for her help with the budget process
and submission of documents to the State on behalf of the Transfer Station.

176 *Library - Deborah Munson, Barbara Cannon, Kandy Knowlton, Mary Beth Ditoro and Tim
178 Sheehan (Library Director)*

180 The Library handed out a copy of the their proposed budget for 2013-14 including the
proposed expenses, proposed wages, proposed income and written explanations for each
change in line items within the budget.

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Mr. Sheehan explained that the library is looking for an increase in the overall budget for the library due to the increased demand for the library services. There has been an increase in the circulation of 7% this year including books, videos, audio books and e-resources. There has been a large increase in the youth services demand with over 30 kids and parents attending story time at the library each Tuesday. Therefore the library is requesting an assistant director for the library at a proposed salary of \$15.50 / hour for 25 hours per week = \$20,150; this role would assist the Library Director with cataloging new items and the role would focus on the youth services side of the library including offering toddler time, book group discussions and teen services. Overall the proposed library budget has an increase of \$40K. The library is estimating income from the trust funds for 2013-14 at \$5K although it may be over that. The BOS suggested using any additional income to offset some of the budget costs and to invest in other trust funds. The proposed library budget for 2013-14 is \$152,879; the current budget for the library is \$111,288. The library has counted on the trust funds performing in the past however they have seen \$22K less in their income due to the economy. The increased demand for the library resources also comes due to the closing of Chester College library.

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Chairman Landau stated that there may be additional books on art, photography etc. available to the library from the Chester College library once the sale of the property occurs. The library has limited space at the moment for any additional books but they would be interested in seeing what is in the Chester College library. Chairman Landau stated that the Town is not in negotiations regarding this matter.

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Mr. Sheehan stated that the library would like to offer more e-resources such as e-books, language lessons online and a genealogy database and the library does have the Kindle Fire for members to look at and use at the library. Vice-Chairman Hagan asked how many Chester residents are enrolled in the library; there are currently 3000 members with 4000 residents in town. The BOS had no further questions on this budget. Ms. Ditoro requested that the library have time to meet with the Budget Committee this year to review the library budget with them prior to the Public Hearing on the Town budget. Selectman Weider will let the BC know.

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Treasurer / Budget Committee - tabled until the next meeting.

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PACT - Selectman LeBlanc

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Selectman LeBlanc stated that the PACT committee has decided that they will not be requesting funding from the Town this year (for Channel 21) because any expenses can be covered by the income from the franchise fees therefore the PACT budget will only have \$1 in each line of the budget just in case any money needs to be moved around. The budget for Channel 20 (the School cable channel) is included in the School Budget. The school will be a separate identity to the Town. The Town needs to negotiate the franchise fees with the cable provider. Selectman LeBlanc checked with the Town attorneys and the contract does not need to be agreed before Town Meeting, it can be a boilerplate agreement with a request for an extension for the negotiations to happen; if this is what the BOS decides

228 then there needs to be a Public Hearing on this matter within 3 weeks. The BOS needs time
230 to compare the proposal and the existing contract.

232 *Patriotic, Senior Citizens, Historical & Town Fair Fireworks* - these will be tabled until
Jean Methot can meet with the BOS.

234 **III Selectmen's Business**

236 3.1 *Review of the Meeting Minutes - tabled until next week.*

238 3.2 *Roundtable*

240 *Selectman Weider:*

242 Selectman Weider stated that there were some management report action items to be
244 addressed following the Town's 2012 audit report. The PD detail rate needs to be
246 formalized by the BOS; the PACT fund expenses need to be charged to the general fund
with no direct charges to PACT; the Town needs back-up documents on tax liens; the Town
fraud policy needs to be approved and the replenishment of funds policy, cash receipt policy
and encumbrances' policy need approval.

248 Selectman Weider stated that the bookkeeper has completed work on the Hurricane Sandy
250 expenses for the Town to be submitted for FEMA reimbursement however the expenses
252 incurred for the rental of MLM equipment and the school costs when the emergency shelter
was open need to be added in.

254 Selectman Weider stated that the contractor reviewing the health insurance options for
256 Town employees has not charged the Town for their services because they were unable to
258 request quotes for municipal policies as a consultant. The BOS has received a letter from
LGC regarding an increase of 2.4% in the health insurance premiums for 2013 which needs
to be accounted for in the Town budget and the BOS needs to discuss any additional
contributions by the employees up to 20%. The Town will ask the School for their health
insurance rates as a comparison.

260 *Selectman LeBlanc:*

262 Selectman LeBlanc stated that in a memo from Ms. Martin there is no information on a well
264 at the Fire Station being monitored therefore he will call DES on this matter and get it
added to the routine testing by the Town maintenance department.

266 Selectman LeBlanc also received a memo regarding leave approval which per the current
268 Town employee policy requires 2 weeks advance notice and the signature of the BOS and
department head. However the BOS stated that this only needs to happen with the Fire
and Police departments not the other departments; the Town employee policy needs to be
270 amended to reflect this. Any changes need to be noticed for 10 days.

272 *Vice-Chairman Hagan:*

Vice-Chairman Hagan reminded the public that it is still a good idea to get a flu shot

274 because it has been proven to be 75% effective in reducing the severity of the flu if you
276 catch it. If you are allergic to eggs ask for the nasal flu mist.

Chairman Landau:

278 Chairman Landau updated the BOS on the two different proposals for the Edwards Mill Dam
280 project. The first proposal would be to leave the dam as it is and continue to run pipes and
282 valves and cement the wall of the dam. The second proposal would be to extend the pipe and
284 cover it with earth and add a stone wall at the back end which would mean the dam could be
286 walked over. The second proposal saves \$36K and will be sufficient to meet DES
requirements. DuBois & King will submit both proposals to DES for review and wait for their
input. Once this project is completed all the dams in Town will meet the DES requirements
and will only require general maintenance. Chairman Landau will meet with DuBois & King next
week.

288 SNHPC have drafted a proposal for data collection on the Town buildings and land with a
290 report deliverable by April 1st for approximately \$15K. Chairman Landau will have the
292 attorneys review the proposal and check if it is still viable. This is a specialized area of work
that SNHPC performs. This money will have to be found in the current budget.

3.3 *Public Comment - none.*

The next meeting of the BOS will be Thursday January 24th at 7pm.

3.4 *Non-Public Session*

9:22pm

300 Chairman Landau moved that the Board go into two non-public sessions under RSA 91A:3 II (a), the
302 compensation of employees and another non-public session under RSA 91A:3 II (e) pending
304 litigation. Selectman Weider seconded the motion. The vote was unanimous in the affirmative; so
moved.

9:45pm

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

312 Chairman Landau moved that the minutes from the two non-public sessions on the compensation of
314 employees be sealed for 6 months each; and the minutes from the non-public session on pending
litigation be sealed indefinitely; Selectman Weider seconded the motion. The vote was unanimous in
the affirmative; so moved.

IV. Adjournment

318 Selectman Weider moved to adjourn the meeting; Chairman Landau seconded the motion. The vote
was unanimous in the affirmative; so moved.

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322 The meeting was adjourned at 9:46pm.

324 Respectfully Submitted,

326 Sarah E Scanlan