

**Town of Chester
Board of Selectmen Meeting
Thursday, May 29th, 2014
Municipal Complex
Approved Minutes**

I Preliminaries

7:00 PM Call the Meeting to Order

Roll Call

Pledge of Allegiance

Chairman’s Additions or Deletions

Public Comment (10 minutes)

Approval of Minutes

Ruth Ray Building Renovation, Repairs & Painting

Transfer Station Roof Bids

Thom Roy, Building Inspector/Code Enforcement Officer and Town Counsel – Non-Meeting

Mr. Ed Aldoriso – Proposed Non-Public

Roundtable

Public Comment (10 minutes)

Non-Public Sessions

Adjournment

1.1 Call to Order

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

1.2 Roll Call

Selectmen present:

Jack Cannon

Joe Castricone

Joseph Hagen

Stephen Landau

Richard LeBlanc

Members of the Public present, at various times:

Ed Aldoriso

Barbara Dolloff

Diane Gorrow, Town Counsel

Matt Rittenhouse, Tri-Town Times

Thom Roy, Building Inspector

Carolyn Scott

Leroy Scott

And other persons unknown to the Recording Secretary

1.3 Pledge of Allegiance

Chairman Landau led the attendees in the Pledge of Allegiance.

1.4 Additions and Deletions

There will be one non-public session, on Pending Litigation.

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1.5 *Public Comment*

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As no Members of the Public wished to be heard, Public Comment was closed at 7:05pm.

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II. Old Business

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2.1 *Approval of Minutes*

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May 8th, 2014: Selectman Castricone moved to accept these minutes as drafted; Vice-Chairman Hagan seconded the motion. The vote was unanimous in the affirmative; so moved.

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2.2 *Ruth Ray Building Renovation, Repairs, & Painting*

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The winning bidder, American Eagle, has submitted the requested quote to replace the decking at the Post Office, which was not part of the original RFP. Their quote is for \$1,777.22, which when added to the original quote of \$60,603, totals \$62,380.22.

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American Eagle has also provided the necessary Certificate of Insurance. The Board does not have a copy of their motor vehicle insurance, but the Town’s insurance company has stated that as the work itself does not involve a motor vehicle, as long as the Town is listed as additional insured on the COI plus a letter of subrogation is on hand, this is not essential. Selectman Cannon stated that his only issue with not having a copy of the automobile insurance would be if the Contractor drives on Town property and causes any sort of damage.

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Selectman LeBlanc moved to accept American Eagle’s total bid of \$62,380.22 to refurbish the Ruth Ray Building; Vice-Chairman Hagan seconded the motion. The vote was four in favor with Selectman Castricone opposed; so moved.

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III. New Business

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3.1 *Transfer Station Roof Bids*

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These bids were originally opened at the Board of Selectmen’s meeting on May 8th, 2014.

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An amended bid had been requested and was received from Bidder #2, as the original was incomplete due to their misunderstanding of the scope of the RFP – they had only bid on the steel. Their new bid is for \$37,350.

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Correspondence had been received from two additional bidders in a timely fashion; #3 was for much higher than the amount available, and #4 was unable to perform the work. At this point, both Bidder #1 and Bidder #2 have submitted complete bids.

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Selectman Castricone moved to accept Bidder #1; Selectman LeBlanc seconded the motion. The vote was unanimous in the affirmative; so moved.

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Chairman Landau will send correspondence to the unsuccessful bidders, and will request the insurance information from Bidder #1.

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3.2 *Thom Roy, Building Inspector/Code Enforcement Officer and Town Counsel – Proposed Non-Public*

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Chairman Landau moved to go into a non-meeting under RSA 91-A:2 (b), Consultation with Legal

108 Counsel; Selectman Castricone seconded the motion. The vote was unanimous in the affirmative; so moved.

110 The meeting room was closed at 7:19pm. Town Counsel Gorrow and Building Inspector Roy remained in the meeting room with the Board.

112 The meeting room was re-opened at 7:53pm. Town Counsel Gorrow and Building Inspector Roy
114 departed the meeting at this time.

116 Selectman LeBlanc moved that the Board resume the public meeting; Selectman Castricone seconded the motion. The vote was unanimous in the affirmative; so moved.

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120 *3.3 Nathan White – Lot 7-2 Old Chester Turnpike*

122 Mr. White did not appear at tonight’s meeting. Apparently he wishes to build on Old Chester Turnpike, which is a Class VI road. He allegedly has stated that there was previously a building permit pulled for this property, but this is not so. According to Chairman Landau, history shows that residents do not
124 wish to open Class VI roads. Specifically, several years ago a meeting was held in Town about opening Class VI roads; this meeting was very well attended and the vast majority of attendees were opposed to
126 opening these roads. Subsequent Planning Board meetings on the subject have also shown that residents are very much in favor of leaving these roads as Class VI.

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130 *3.4 Mr. Ed Aldoriso – Proposed Non-Public*

132 Vice-Chairman Hagan suggested meeting with Mr. Aldoriso in public; Mr. Aldoriso agreed. Selectman LeBlanc recused himself from the discussion, due to his acquaintance with Mr. Aldoriso.

134 Mr. Aldoriso reported that on April 3rd, 2014, he hit a pothole on North Pond Road at about 25mph, and it caused damage to his front end. He spoke with Administrative Assistant Martin and filled out a
136 Request for Action to have the pothole repaired; he then saw Road Agent Oleson who stated that many people had similar issues and suggested that Mr. Aldoriso procure an estimate for the damage. He did
138 so, but when he submitted it to Road Agent Oleson, he was informed that there was no money in the budget for vehicle repairs. Mr. Aldoriso does not feel that he should have to pay the entire cost of the
140 damage.

142 Selectman Cannon stated that he is familiar with the road, and that it definitely needed repair; in fact, the cold patch budget line this year was set at \$3,500, but \$21,000 had been spent. He also noted that
144 many people sustain damage to their cars in the winter and the Town does not legally have any responsibility to pay for these damages. Chairman Landau concurred, stating that per RSA the Town is
146 not responsible unless the damage was caused by deliberate negligence, which does not apply in this case.

148 Mr. Aldoriso stated that Road Agent Oleson had told him that the Town had paid for other damaged
150 cars; none of the Selectmen are aware of such, and plan to speak with Road Agent Oleson to clarify. Vice-Chairman Hagan advised Mr. Aldoriso not to be optimistic.

152 Mr. Aldoriso departed the meeting at 8:16pm.

154 **IV. Selectmen’s Business**

156 *4.1 Roundtable*

158 *Selectman Cannon:*

- 160 • Nothing to report.

162 *Selectman LeBlanc:*

- 162 • A speaker from the State will be attending the next Planning Board meeting at 7pm on
164 Wednesday, June 4th, 2014 to speak about the CIP. Department Heads have been invited;
166 Selectmen may attend if they wish. This meeting will be open to the general public.

166 *Selectman Castricone:*

- 168 • There is an outstanding invoice for overage on the field leveling work done at Wason Pond. The
170 Recreation Department and Wason Pond Commission are working it out; the Town itself owes no
172 further funds. Selectman Castricone will inform Finance Director Smith.

172 *Vice-Chairman Hagan:*

- 172 • He noted that Fremont Road, from #200 to Route 102, will be closed for repairs from June 4th
174 through 13th, 2014. This is expected to cost ~\$50k, out of the budget; he will ask Road Agent
176 Oleson to confirm that there are sufficient funds available, as the Fiscal Year is drawing to a
178 close. This is not the culvert work for which funds were raised and appropriated via Warrant
Article 15 at Town Meeting 2012.

178 *Chairman Landau:*

- 180 • The Town has received a letter from American Tower about their tower at the Transfer Station.
182 They would like to extend their lease for 25 years for a payment of \$30k. Chairman Landau
would like to negotiate; Selectman Cannon would like copies of the existing lease and would
184 prefer that any new lease contain an escalator clause.
- 184 • The Town has received a letter from Shawn Patenaude of Dubois & King; they plan to direct-
186 solicit bids for the Edwards Mill Dam work rather than an open bidding opportunity. Their
188 chosen bidders include DBU, Daniels Construction, Zyoba (sp?), Remi-Sons, Busby, Cullen
Concrete, and Severino Trucking. Should the Board identify any other contractors who would
like to bid, they can be included. The timeframe is as follows:
 - 190 ○ Bidding period begins: May 23rd, 2014
 - 192 ○ Pre-construction meeting at the Dam: May 30th, 2014
 - 194 ○ Bidding period ends: June 19th, 2014
 - 196 ○ Bid opening: June 19th, 2014
 - 198 ○ Contracts signed: June 25th, 2014

194 D&K is currently preparing the DES permit application paperwork. There are two permits
196 required: the wetland dredge and fill permit for \$300, and the safety permit for \$3000. D&K
198 offered the Town two options: they will (1) finalize and submit the applications to DES, with the
Town sending a check separately, or (2) give the applications to the Town to finalize and submit
200 along with payment. Selectman Castricone moved to accept option (1); Selectman LeBlanc
seconded the motion. The vote was unanimous in the affirmative; so moved.

- 202 • He was approached by a resident who is looking for professional office space in Chester for
infrequent use. There was some discussion about empty space behind the Post Office, but this
204 is unlikely to be suitable due to recent removal of utilities and the fact that the Board is not
interested in becoming a landlord. Should anyone know of office space that this person could
utilize, they should inform Chairman Landau and he will pass along the information.
- 206 • Southern New Hampshire Planning is interested in hearing about their member towns’ ‘biggest
208 problems’. He suggested that raising funds to perform roadwork was an appropriate answer;
the rest of the Board agreed.
- 210 • The Post Office has a new leasing agent; according to correspondence from this person, the
212 lease deadline is June 15th, 2014. The Board is in agreement with the quoted lease rates, which
increases the base of \$22,809.50 to \$24,206 after the first five years. Also, the Post Office
expects the Town to be responsible for the leasing agent’s commission of ~\$3000, payable upon

- 214 lease execution; the Town has no interest in doing that. Selectman LeBlanc will handle this
issue.
- 216 • There is a “Selectpersons’ institute” through LGC and Antioch College; meetings are June 7th,
September 27th, October 18th, and November 1st, 2014. Chairman Landau has attended this
218 Institute before and recommends it highly. Vice-Chairman Hagan and Selectman LeBlanc may
be interested; they will let Administrative Assistant Martin know if so.
 - 220 • Attorney Chris Boldt will be going into mediation for the case against PSNH and the other
electrical utilities. There is a day-long hearing on June 12th, 2014; mediation should be
222 completed by August 1st, 2014 and is most likely to be sometime in July. Attorney Boldt has
asked that the Tax Collector, Assessor, and a member of the Board of Selectmen attend; either
Chairman Landau or Vice-Chairman Hagan will represent the Board.
 - 224 • Liaison changes and election of officers will be discussed at the next meeting.
 - Department Heads have been advised to let the Board know if they have any requests for
226 encumbrances.
 - The Supervisors of the Checklist’s computer will be replaced on Monday, June 2nd, 2014. The
228 invoice will be received in the new Fiscal Year.
 - The computer at the Highway Garage has died; there is no information on how it will be
230 repaired/replaced.

232 *4.2 Public Comment*

234 Chairman Landau thanked Mrs. Scott for taking photographs on Memorial Day.

236 As no other Members of the Public wished to speak, Public Comment was closed at 8:40pm.

238 *4.3 Non-Public Session*

240 Selectman Cannon moved to go into non-public session under RSA 91A:3 II (e) Pending Litigation; Vice-
Chairman Hagan seconded the motion. The vote was unanimous in the affirmative; so moved.

242 The meeting room was closed at 8:41pm.

244 The meeting room was re-opened at 8:45pm.

246 Selectman Castricone moved that the Board come out of non-public session; Selectman LeBlanc
248 seconded the motion. The vote was unanimous in the affirmative; so moved.

250 Selectman LeBlanc moved that the Board seal the non-public session on Pending Litigation for a period
of six (6) months; Chairman Landau seconded the motion. The vote was unanimous in the affirmative;
252 so moved.

254 Selectman Cannon moved to accept Attorney Tierney’s recommendation to agree to the \$165k
settlement and to maintain the Town’s attachment on the other Cooper properties; Selectman Castricone
256 seconded the motion. The vote was unanimous in the affirmative; so moved.

258 **V. Adjournment**

260 The next meeting of the Board of Selectmen is Thursday, June 19th, 2014 at 7pm in the Meeting Room.

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

264 The meeting was adjourned at 8:47pm.

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Respectfully Submitted,

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270 Debra H. Doda