

**Town of Chester
Board of Selectmen Meeting
Thursday, September 18th, 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
- Library Bids
- MtBE Feasibility Study Proposal Discussion
- Roundtable
- 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 7:10pm.

1.2 Roll Call

Selectmen present:

- Joe Castricone
- Joseph Hagen
- Stephen Landau
- Richard LeBlanc

Selectmen absent:

- Jack Cannon

Members of the Public present, at various times:

- Clarence “Tim” Andrews, P.G. – Director of Environmental Services, Noble Engineering
- Robert Akashian
- John Colman
- Gary Lynn, P.E. – MtBE Remediation Bureau Administrator, NH DES
- Patricia Martin, BOS Administrative Assistant
- Charles Mitchell
- Jodi Mitchell
- James Ricker, P.G. – Client Manager, Nobis Engineering
- Matt Rittenhouse, Tri-Town Times
- Leroy Scott
- Jeff Swanson
- Roseann Swanson
- Andrea Waszczuk
- John Waszczuk
- Joshua Whipple, Site Investigation Hydrogeologist, NH DES
- And other persons unknown to the Recording Secretary

54 1.3 *Pledge of Allegiance*

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

58 1.4 *Additions and Deletions*

60 There was one addition: a Non-Public session under Reputation.

62 1.5 *Public Comment*

64 As no Members of the Public wished to be heard, Public Comment was closed at 7:12pm.

66 1.6 *Chairman’s Statement*

68 Chairman Landau expressed his ongoing concern about the Transfer Roof situation, as discussed at last
70 week’s meeting and reported on in the Tri-Town Times. He stated that the Board was elected to handle
72 the Town’s business, and that his priority is to keep the Town on a solid footing and to not raise taxes
74 unduly; to wit, to control costs for the Town. Although he had indicated an inclination last week to
resign, he was convinced by many who reached out to him to retain his position on the Board. The
Board was elected to handle difficult problems and he would continue to do so, despite the frustrations
caused by petty bureaucracy and micromanagement.

76 He suggested residents ask themselves if they want Chester to remain the small town they currently live
78 in, or become the large city that requires an overabundance of control. He thanked those that stepped in
to handle issues this week.

80 **II. Old Business**

82 2.1 *Approval of Minutes*

84 This subject was not addressed tonight.

86 2.2 *Library Bids*

88 The Board had asked Maintenance Supervisor Tony Amato to update the bids discussed at last week’s
90 meeting, as two were stale and one was addressing a repair issue the others did not. One of the
candidates withdrew from the process at this point. The bids submitted were revised; one bid was for
\$10,859.88 and the other for \$7,075.00.

92 Selectman LeBlanc moved to accept the bid in the amount of \$7,075.00; Selectman Castricone seconded
94 the motion. The vote was four in favor with Selectman Cannon absent; so moved.

96 **III. New Business**

98 3.1 *MtBE Feasibility Study Proposal Discussions*

100 Chairman Landau introduced Tim Andrews and Jim Ricker from Nobis Engineering, along with Gary Lynn
102 and Joshua Whipple from the NH DES MtBE Remediation Bureau. They are here to discuss MtBE
Remediation options for the Town.

104 As background, the State of New Hampshire won a suit against several oil companies and received a
substantial settlement with regard to MtBE pollution in the State. Affected communities have been
106 invited to find out what type of assistance the State can give, using the funds from the settlement. The

108 Nobis and NH DES representatives are here to advise the Town of Chester of their options, particularly
with regard to the LeClair property on Fremont Road, which is currently in foreclosure. This is strictly a
study.

110
112 Mr. Andrews has been working with Chester for several years and is very familiar with the Town. He gave
an overview of the settlement and of the new MtBE Remediation Bureau at NH DES.

114 Mr. Ricker, a geologist, noted that as Nobis continues to monitor the existing treatment systems, they
have noted a solid downward trend on the contamination levels at the LeClair property, likely due to
116 remediation performed, which of course is good news. He stated that with the more robust funds now
available to help with this problem, it would be possible to have Nobis do a feasibility study on water
118 supply remediation options for those affected by the LeClair contamination. Nobis would be working for
the Town, but its expenses would be directly reimbursed by the State. There are various remediation
120 options available to the Town, and they have the resources to help.

122 Mr. Whipple works at the NH DES MtBE Remediation Bureau, which is headed by Mr. Lynn, and oversees
site remediation work as a Project Manager.

124
126 Vice-Chairman Hagan asked if there was any history of a water system being built with federal funds and
then sold to a private town. It was noted that these are not actually federal funds, so do not come with
the normal rules and regulations that federal monies would come with; they are from a court-ordered
128 settlement and are specifically dedicated to be spent on MtBE remediation in the State of New
Hampshire. This allows for the flexibility to come up with common sense and cost-effective solutions.

130
132 Selectman LeBlanc inquired about flushing systems in order to speed up the water cleansing. Flushing
involves operating one’s well more to move the MtBE out of the system faster. It is difficult to calculate
how much faster the contaminants would move, and the homeowner would also spend more in electricity
134 to run their pump, it might burn out faster, etc. Mr. Andrews noted that eventually the earth will cleanse
itself; however, ‘eventually’ could be years away, depending on many variables, such as bedrock vs.
136 overburden (the soil and other materials above the bedrock), contaminant concentrations, fractures in
bedrock which slow the process, the amount released (which impacts how long it takes to get rid of it),
138 etc. There is simply no timeframe.

140 Chairman Landau inquired about the homes now showing a lowered contaminant level. Mr. Lynn noted
that the latest test data is from April, 2014; this is considered out of date, as levels can and do fluctuate
142 over time. There are State Standards that NH DES adheres to.

144 Chairman Landau brought up the Blueberry Hill Superfund site, which continues to spread contaminants
despite being under treatment since the 1970s. He also referenced Agent Orange, which was not known
146 to be a problem during its use but has caused many deaths. He asked if sites that are supposedly clean
stop being supported and tested; what if problems arise again? The NH DES representatives responded
148 that DES errs on the side of caution; sites are tested multiple years after the standards are met to ensure
that concentrations remain low. There is no definitive number of years.

150
152 Selectman LeBlanc asked if the downward trend as mentioned by Mr. Ricker could be definitively tied to
the filtration systems installed at and used by the affected homes. It was stated that this was not
necessarily so, as in one instance, the raw water coming into the system shows no contaminants.

154
156 Chairman Landau mentioned the previously floated idea of possibly developing a well on the Spring Hill
Farm property, which is Town-owned; this would avoid the need to take private land. However, there are
certainly other methods, and all should be researched.

158
It was reiterated that the purpose of this meeting is only to discuss the option of performing a study

160 which would determine what method of remediation might be most effective. Remediation would impact
162 the resident, the Town, and the property values. In the end, the Town and residents may or may not be
interested in proceeding further.

164 The Board discussed the pros and cons of doing this study, and asked to confirm that the DES MtBE
166 Bureau was willing to pay for it; Mr. Lynn stated that yes, the NH DES MtBE Remediation Bureau is willing
to pay for the study, should the Town choose to apply for it. The DES MtBE Remediation Bureau may
168 also be willing to pay for remediation, both on a home owner and a Town level.

168 This forum was opened up for the Public to ask questions.

170 John Waszczuk stated that he had heard that a contaminated site might not be the responsibility of a
172 new owner to remediate, and asked why the Town had not purchased the LeClair land in order to ensure
cleanup. He expressed his concern that should the Town not purchase the site, Mr. LeClair could return
174 after cleanup and claim the property.

176 Chairman Landau stated that the Town has been advised repeatedly by Town Counsel not to take this
178 property, unless NH DES is willing to sign off that the Town has no responsibility for the remediation of
the site and never will have; as of yet, NH DES has not agreed to do so. (He referenced Beede Waste Oil
180 as a similar problem.) Additionally, Mr. LeClair owes the town over \$1.2M from back taxes and attorney
fees; his re-taking possession of the property is unlikely.

182 Mr. Waszczuk also inquired about health issue studies on the dangers of MtBE contamination. Mr. Lynn
noted that said studies had been done on rats, not people.

184 Jodi Mitchell asked about impacts on water, power outages, and water bills if the water supply were to be
186 replaced as a result of the study. Mr. Andrews talked about options for a water supply generator to
insure against water loss, and power outages, and stated the average State water cost is estimated at
188 \$42/month according to a local water supply company. Ms. Mitchell then asked about keeping existing
wells for irrigation purposes; Mr. Andrews responded that that would be up to the NH DES; Mr. Lynn
190 responded that such would be handled on a case-by-case basis and that it was certainly a possibility.

192 Vice-Chairman Hagan asked about the possibilities of funding system costs for the individual residents
and Mr. Lynn replied that it was possible, if the residents were to apply for that.

194 Robert Akashian asked about flushing being done by DES even while the study is being conducted; and if
196 individual homeowners could flush via sprinkler systems. Mr. Lynn said that was a possibility, and if an
individual homeowner was interested, they could apply to DES for possible funds. There are no
198 guarantees, but each will be considered. Mr. Andrews noted the Feasibility Study is the first step to any
remediation process. Mr. Lynn stated that individual home options will be honored for treatment systems
200 with NH DES MtBE paying the costs if it’s determined to be helpful.

202 Charlie Mitchell spoke about irrigation and the one-time study he had done on his contaminated land
being inconclusive; he would like more testing done. He has an aeration system on his property and is
204 concerned about the stigma of trying to sell property with a “contaminated water well” on it. He spoke
about researching options with oxygen. There was discussion on various options for the Mitchell
206 property, and it was noted that the LeClair property released a 2nd contamination that caused additional
problems for residents in the area. Mr. Mitchell also asked if it would be appropriate to remediate the
208 LeClair property now. That is not planned at this time. Mr. Mitchell asked who the residents could call at
NH DES MtBE, and Mr. Lynn and Mr. Whipple distributed business cards. Mr. Lynn stated that they could
210 call him at any time for service, options, etc., and they will help and work with the residents.

212 Mr. Landau addressed Town Counsel’s advice and asked if Mr. Lynn could inquire about or assist with the

214 Town obtaining a letter from DES holding the Town harmless for contaminant clean-up of the LeClair
property, if the Town purchased the property or took it for monies owed. There was some discussion and
Mr. Lynn said he would make inquiries, without offering any guarantees.

216
218 Administrative Assistant Martin asked if current flushing would wipe out the possibility of a feasibility
study, and was told that it would not.

220 Selectman Castricone moved to have Nobis do a Feasibility Study on the LeClair property, to be paid for
by the NH DES MtBE Remediation Bureau; Chairman Landau seconded the motion. The vote was four in
222 favor with Selectman Cannon absent; so moved.

224 There was further discussion on the mechanics of putting the Study into place between members of the
Board and the guests. Nobis will come up with an agreement and remain available for questions.

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IV. Selectmen’s Business

228

4.1 Roundtable

230

Selectman Castricone:

- 232 • The MS-1 Form was produced for the Board’s signatures.
234 • Selectman Castricone discussed ongoing issues with some members of the Board of Selectmen
and/or the Town arguing with or castigating members of the Board of Selectmen for actions
236 taken as part of their duty. Selectman LeBlanc agreed that he was also tired of hearing that the
Board is ‘dysfunctional’ and noted that when a member of the Board is asked to ‘take point’ on a
238 project, they don’t need to be micro-managed or blamed for their actions. Chairman Landau
stated that he too has some of the same frustrations, and that not every agenda item requires a
motion.

240

Selectman LeBlanc:

- 242 • Selectman LeBlanc attended the Road Name Advisory Committee meeting on September 20th,
2014 at 8:00am; in particular, they addressed the questioned “Red Fox Lane” name proposed on
244 a new building project.
246 • Selectman LeBlanc stated that three tanks in the multi-purpose room were leaking, and others
were found to be damaged; all were replaced with fiberglass tanks.
248 • Apparently a broken chlorine pump upstairs in the Multi-Purpose Room caused water to trickle
down into two of the light fixtures, which caused smoke and eventually a fire when the lights
250 were turned on. This has been repaired.
252 • Selectman LeBlanc noted that the Board of Selectmen’s duty is to oversee daily functions of the
Town; for that purpose, they hired a Building Inspector to ensure the Town’s buildings are built
and running properly. He noted that the Building Inspector and the Town are required to follow
254 procedures and discuss current and upcoming projects. Any Committee Liaison should be
relaying information about upcoming needs – not making decisions for the Building Inspector.

Vice-Chairman Hagan:

- 256 • Vice-Chairman Hagan referenced the transfer station roofing project, which has met with some
258 delays and setbacks. Building Inspector Roy has added \$2,000 in additional costs for this project.
There was some discussion about the additional cost and the need to complete this project ASAP.
260 The Planning Board’s Public Hearing for this project is scheduled for Wednesday, October 8th,
2014 at 7pm. Plans are finalizing rapidly and there is disagreement over adding this expense at
262 the last minute. Vice-Chairman Hagan asked if the contractor for the Transfer Station roof had
applied for a building permit; he has not. However, the project should be moving forward and
264 should be considered a victory for the Board as it is finally moving towards completion.

266 Selectman Castricone moved to authorize up to \$2,000 overage for the Transfer Station roof to be
268 paid from emergency funds, if necessary, and complete this project; Selectman LeBlanc seconded
the motion, The vote was four in favor with Selectman Cannon absent; so moved.

270 *Chairman Landau:*

- 272 • Chairman Landau received a letter from Town Counsel about a Municipal Derivative Class Action
274 Suit, along with a claim form to be completed should the Town wish to participate in the Suit.
Town Counsel does not have the information necessary to complete the form. It was decided to
276 pass this matter along to the Finance Department and the Trustees of Trust Funds, as they are
278 most likely to have the information necessary for the Claim Form.
- 280 • Chairman Landau received a letter from NH Homeland Security with a Close-out progress report
on the Fremont Road Culvert Replacement FEMA project. The Town’s grant writer, Erin Newnan,
had met with Homeland Security representatives about the project. They reviewed expenses for
the project, which totaled \$67,891.78 in total for equipment, labor, material and miscellaneous.
There is an overrun in cost for this project of \$27,948.78.

282 *4.2 Public Comment*

284 As no Members of the Public wished to be heard, Public Comment was closed.

286 *4.3 Non-Public Session*

288 Chairman Landau moved to go into non-public session under RSA 91A:3 II (c) Reputation; Selectman
290 Castricone seconded the motion. The vote was four in favor with Selectman Cannon absent; so moved.

292 The meeting room was closed.

294 The meeting room was re-opened at 10:08pm.

296 Chairman Landau moved that the Board come out of non-public session; Vice-Chairman Hagan seconded
the motion. The vote was four in favor with Selectman Cannon absent; so moved.

298 Chairman Landau moved that the Board seal the non-public session on Reputation for an indefinite
300 period; Selectman LeBlanc seconded the motion. The vote was four in favor with Selectman Cannon
absent; so moved.

302 **V. Adjournment**

304 The next meeting of the Board of Selectmen is scheduled for Thursday, October 2nd, 2014 at 7pm in the
306 Meeting Room.

308 Chairman Landau moved to adjourn the meeting; Selectman Castricone seconded the motion. The vote
was four in favor with Selectman Cannon absent; so moved.

310 The meeting was adjourned at 10:10pm.

312 Respectfully Submitted,

314 Catherine Bardwell

316

318 Minutes revised by Debra H. Doda