

**Town of Chester  
Board of Selectmen Meeting  
Thursday, October 18<sup>th</sup>, 2012  
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 to order at 7:12pm.

*1.2 Roll Call*

Selectmen present:

- Jack Cannon
- Joseph Hagan
- Stephen Landau
- Richard LeBlanc
- Michael Weider

Members of the Public present, at various times:

- Jeff Geary
- Bob Latham
- Pat Martin - BOS Administrative Assistant
- Mike Oleson - Road Agent
- Matt Rittenhouse, Tri-Town Times
- Thom Roy - Building Inspector
- Leroy Scott
- Lenny Stein
- And other persons unknown to the Recording Secretary

*1.3 Agenda*

Appointments:

- Comcast PACT Contract - Lenny Stein
- Health Ordinance Proposal: Water Testing for Arsenic - Thom Roy
- Livestone Church - Introduction & Community Plans - Ed Karjala
- Chester Kitchen Site Administrator
- Snow Plowing at the Transfer Station

Roundtable

Adjournment

46 1.4 *Pledge of Allegiance*

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

50 1.5 *Additions and Deletions*

52 Chairman Landau added a discussion with Jeff Geary regarding the lease for Spring Hill Farm.

54

56 1.6 *Public Comment* - Mr. Scott stood and was recognized by the BOS; he asked when the open position for the laborer in the Highway Department would run through and what the plans for hiring this employee were. The BOS stated that the Road Agent will review the applications and narrow it down to three candidates who will meet with the BOS.

60 **II Old Business**

62 2.1 *Approval of Minutes*

64 The BOS reviewed the minutes from 10.4.2012. Selectman LeBlanc asked to have the following change made to line 251: *The bid came in below \$10K for 2 sets of double doors.*  
66 This change prompted some discussion of the MPR doors; Selectman LeBlanc had the Town maintenance man (Tony) check the door by the men's room and the threshold by the kitchen door and it was established that they do not need replacing. The kitchen door could benefit from a new crash bar because the old one sticks; Tony will sand and plane the doors as needed and repaint them. Selectman Weider asked Selectman LeBlanc to make sure the bid packet states the details as originally approved in the warrant article (even if some of the doors do not need doing now) and put it out for bid to the public. This way the BOS will be following through with the project as specified in the warrant article including new hardware and the disposal of the old doors. There was an ongoing discussion that the bid submitted to Selectman LeBlanc was not based on the correct bid information because the bid packet was never corrected and sent out. Ms. Martin held the bid spec at the request of the BOS therefore the contractors bid that Selectman LeBlanc received was not based on the Town of Chester's bid request including the Town's insurance requirements for contractors.

80

82 Selectman Weider made a motion to accept the minutes of 10.4.2012 as amended; Selectman LeBlanc seconded. All were in favor; so moved.

84 **III New Business**

86 **Appointments**

88 3.1 *Comcast PACT Contract - Lenny Stein*

90 Mr. Stein is on the PACT committee; he stated that there is an internet service set up for

92 the Cable TV studio however it is not necessary and the contract was signed by a former  
93 member of PACT that is also an employee of Comcast - the internet provider. The internet  
94 is being charged at \$66.95 per month. Mr. Stein believes that this contract is not legally  
95 binding because the Comcast employee signed it and it represents a conflict of interest. Any  
96 indebtedness to the Town needs to go through the BOS for approval. Selectman LeBlanc will  
97 contact a local Comcast agent and ask about the contract and what can be done. The  
98 contract runs through March 2013 (it was started in March 2011). This contract does not  
99 affect the PACT cable TV service; this is just for internet to the PACT studio. Selectman  
100 LeBlanc will check with the school on their PACT internet contract too and report back to  
the BOS.

102 3.2 *Health Ordinance Proposal; Water Testing for Arsenic - Thom Roy*

104 Mr. Roy stated there is a DES standard for water quality testing for new **private wells**  
105 which he would recommend that the Town adopt. This applies to new construction / new  
106 wells only. There are no State or Federal standards for water quality in private wells (there  
107 are State standards for public wells) however Mr. Roy has been working with the builders to  
108 meet the DES standard and it is usually required by banks for the builders to obtain their  
109 construction funding. This came about because there have been several wells in a new  
110 development in Chester that have come back with above the recommended levels of arsenic.  
111 If the Town adopted this health ordinance then the wells would have to meet the DES  
112 standard before the occupancy permit would be released. The arsenic test is included in the  
113 standard DES water quality test. The arsenic levels can be corrected with a filter system.  
114 Buyers need to have a disclosure statement and record of the DES standard water quality  
115 test for their new well. A well does not fail with high arsenic levels; however arsenic has  
116 been proven to be a carcinogen so for safety reasons the owners needs to know this  
117 information. The BOS decided to hold a public hearing on this proposed health ordinance to  
118 answer any questions from the public and then the BOS will proceed with adopting the policy  
119 in Town. (Mr. Roy has been using the potable water specifications and standard water quality  
120 test for new wells however it is enforceable and there are different interpretations of the  
121 potable water specifications.)

122  
123 Chairman Landau made a motion to hold a Public Hearing for one hour on the proposed  
124 Health Ordinance requiring the DES standard water quality test for new private wells in  
125 Chester; (date to be set for early November) Selectman Cannon seconded. All were in favor;  
126 so moved.

128 Ms. Martin will post the Public Hearing notice in the Town offices, at the Post Office; on  
129 the website and outside Stevens Hall.

130  
131 \*\* Below is a copy of the draft document that Mr. Roy presented to the BOS regarding this  
132 matter:

134 **Private Wells - POTABLE WATER TEST RESULTS.**

136 The Board of Selectmen of the Town of Chester, New Hampshire acting under R.S.A.  
138 Chapter 147 Section I, and by any other power thereto enabling and acting hereunder and in  
accordance therewith, has, in the interest of and for the preservation of the public health,  
duly made and adopted the following rules and regulations

140  
142 Prior to the issuance of a Certificate of Occupancy for any dwelling supplied by a private  
well system, the owner shall certify that the water supply is potable and submit to the  
Building Inspector the water quality test results for the NHDES recommended Standard  
144 Analysis as stated in Environmental Fact Sheet<sup>1,2</sup> WD-DWGB-2-1 dated 2011, as may be  
amended.

146  
148 All drinking water wells shall be tested to the NH DES recommended standard analysis for  
drinking water. The tested parameters shall meet the acceptable levels for EPA primary  
safe drinking water. All tested parameters shall be disclosed to the purchaser of a  
150 property prior to closing. Such evidence of disclosure may be requested by the Building  
Inspector.

152  
154 This requirement cannot be construed as a guarantee by the Town of Chester or its agents  
that the water system will function satisfactorily or that the system will remain at the  
tested levels. Periodic testing is advised.

156  
158 These regulations shall take effect upon approval by the Board of Selectmen, publication  
and being recorded by the Town Clerk, Town of Chester, New Hampshire.

160 <sup>1</sup>The NH DES fact sheet, "Suggested Water Quality Testing for Private Wells" , further  
recommends that this analysis be completed every 3-5 years (except for bacteria and  
162 nitrate which are recommended yearly)

<sup>2</sup>Arsenic testing is included in the recommended standard analysis, WD-DWGB-2-1.

164  
166 \*\*To be signed by the BOS if approved after the Public Hearing.

168 3.3 *Livestone Church - John Baker & Jason St. Jean*

170 Mr. Baker introduced the church and its community plans to the BOS. There were a few  
items to be discussed with the BOS: the church meets in Stevens Hall on Saturday evenings  
and they would like to contribute to the heating costs for the church; the church would like  
172 to put out an A frame sign outside for a short time before their Saturday night meetings;  
the church would like to have their contact information listed on the Town website with the  
174 other churches in Town; the members of the church would like to have a fall and spring  
clean-up in Stevens Hall and pay for the maintenance of the fans in the hall - the Historical  
176 Society has approved this item.

178 Selectman Weider stated that the Town does not charge any other civic / community groups  
for the heating costs; he recommended that they use that money to help out in the  
180 community / establish their church; Ms. Martin will have the website updated; the BOS

182 approved of the churches clean-up efforts. The BOS will check with Town counsel regarding  
184 a sign outside the church during their meeting and get back to Mr. Baker. The church is  
186 registered corporation but it is still in the process of becoming a non-profit organization.  
Chairman Landau suggested that the church donate the funds for the repair of the ovens in  
Stevens Hall - the BOS could accept a donation for this job; a Town approved vendor will be  
found for this job.

188 3.4 *Chester Kitchen Site Administrator*

190 Chairman Landau advised the BOS that Hilary Hall has tendered her resignation as the site  
192 administrator for the Chester Kitchen effective December 5<sup>th</sup>, 2012. This job falls under  
194 the BOS Administrative Assistant's role however Ms. Martin cannot coordinate this role  
196 hence a citizen has been approached and agreed to be the site administrator and the BOS  
will pay them a stipend from the kitchen rental fees. Ms. Hall listed the duties of the  
Chester Kitchen site administrator in her letter. The BOS would like to thank Ms. Hall for  
voluntarily doing this job for several years - Ms. Martin will work on a thank you.

198 3.5 *Snow Plowing at the Transfer Station*

200 Three sealed bids have been received for this contract; Chairman Landau opened them and  
read out the proposed bids:

- 202 1. \$8500 - November 1<sup>st</sup> 2012 - May 1<sup>st</sup> 2013
- 204 2. \$7250 - October 1<sup>st</sup> 2012 - June 1<sup>st</sup>, 2013
3. \$7500 - December 1<sup>st</sup> 2012 - no end date listed.

206 The budget for this contract was set at \$7500. Selectman Weider made a motion to accept  
208 bid # 2 at \$7250 for snow plowing at the Transfer Station from October 15<sup>th</sup> 2012 - June  
1<sup>st</sup> 2013. The BOS then discussed this matter and decided that they would need a site walk  
with the contractor to make sure they are aware of the scope and requirements of the job.  
210 Selectman Weider retracted his original motion.

212 Selectman Weider made a motion to conditionally approve, pending a site visit, bid # 2 for  
214 \$7250 for the snow plowing of the Transfer Station with sanding and salt from October  
15<sup>th</sup> 2012 - June 1<sup>st</sup> 2013. Selectman Cannon seconded; all were in favor; so moved.

216 **II Old Business continued:**

218 2.2 *Edwards Mill Dam*

220 Mr. Patenaude from DuBois & King engineers advised the BOS that he aims to have the  
222 construction bids submitted and reviewed by January 1<sup>st</sup>, 2013. Hopefully bid prices for this  
224 project will be lower based on the time of year; he will complete the permit and application  
226 process with DES and the State and present the BOS with three qualified bids early in  
2013. The work should be started by mid-April 2013; the fire department will be asked to  
lower the level of the dam by a foot to prevent any additional flooding while the work is  
completed.

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2.3 *Fremont Road Culvert Replacement*

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2.4 *Rockingham County Treasurer*

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**III New Business continued:**

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**Appointments**

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3.6 *Spring Hill Farm Lease - Jeff Geary*

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**IV Selectmen's Business**

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4.1 *Roundtable*

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*Selectman Cannon:* Nothing to report.

270

*Selectman Weider:*

272

Selectman Weider stated that LGC advised the BOS of a healthcare premium credit / property liability trust credit; however the Workers Compensation premiums will probably

increase by 1%.

274 Selectman Weider updated the BOS on the adoption of Lincoln Lane by the Town. The  
276 original sub-division was approved with cluster zoning however the two unit homes did not  
move forward and the developer changed but the site plans did not get updated. Therefore  
278 the sub-division did not get completed within the original time frame and there is not  
enough money in the sub-division account for the developer to complete the road so they  
(the developer) continue to be liable for the plowing and maintenance of the road unless the  
280 Town finishes the road at their own expense and adopts the road. The residents could go  
after the developer for the money to complete the road; there is only \$7K in the account  
282 when the project needs \$20K; the Town cannot accept the road because it does not meet  
the Town standards. Unless the Town adopts the road, the school buses will not drive down  
284 the road. Selectman Weider stated that the PB is going to discuss their options with Town  
counsel next week. The Town needs to work on a new policy to prevent further occurrences  
286 of this type within the Town.

288 *Selectman LeBlanc:*

288 Selectman LeBlanc stated that the following maintenance items have been repaired /  
290 completed: the post office flashing; the HVAC unit at the library; the leak above the MPR  
stage; the MPR storage room cleaned out; the Town Clerk purchased new recoil webbing for  
292 directing voters at the elections along with directional plates on the floor; the old fencing  
will be used to block the fields at Wason Pond once they have been seeded.

294  
296 Further to discussions at the last meeting; Selectman LeBlanc stated that the Transfer  
Station uses \$700 of propane to heat the building and \$200 to operate the propane toilet  
per year. Selectman LeBlanc read a thank you card to the BOS.

298  
300 *Vice-Chairman Hagan:* Nothing to report.

302 *Chairman Landau:*

302 The area selectmen's meeting will be held on December 12<sup>th</sup> at 7pm in Epping. The Transfer  
304 Station will be celebrating 15 years of operation on October 20<sup>th</sup> from 10 - 2pm. Chairman  
Landau stated that he spoke with the Town engineers and they expressed concern about  
306 attaching the new roof to the old one because different building codes applied to the old  
building versus the new one. Chairman Landau would like to have DuBois & King prepare some  
308 engineering plans for this project; they estimate the cost at \$4500. Selectman Cannon  
stated that if the new roof does not happen this year, it can be added as a warrant article  
310 next year. If the building is a separate structure, it should be a lower cost; the new roof  
would cover the plastic, metal and glass containers and some of the walkway.

312  
314 Selectman Cannon made a motion to spend up to but not to exceed \$5K on the engineering  
plan for the Transfer Station roof project. Selectman Hagan seconded; all were in favor; so  
moved.

316  
318 Chairman Landau reviewed how the PACT funds have been posted for the last few years and  
they are not correct according to the warrant article hence Joann will fix the accounting

issue.

320

Chairman Landau stated that he would like to propose that the Town buy some small equipment i.e. a chipper to eliminate the equipment rental costs for the Town.

322

324 4.2 *Public Comment*

326 Mr. Latham stood and was recognized by the BOS; he asked if the walk through at the  
328 Transfer Station with the snow plowing contractor would be open to the public. Chairman  
Landau asked him to contact Ms. Martin for the day and time.

330 **The next meeting of the BOS will be Thursday October 25<sup>th</sup> at 7pm.**

332 4.3 *Non-Public Session*

334 **9:22pm**

336 Chairman Landau moved that the Board go into non-public session under RSA 91A:3 II (c),  
338 Reputation, Selectman Weider seconded the motion. The vote was unanimous in the affirmative; so  
moved.

340 **9:40pm**

342 Selectman Cannon moved that the Board come out of non-public session; Selectman Weider  
seconded the motion. The vote was unanimous in the affirmative; so moved.

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346 Selectman Cannon moved that the minutes from the non-public session be sealed indefinitely;  
Selectman Weider seconded the motion. The vote was unanimous in the affirmative; so moved.

348 **V. Adjournment**

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

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The meeting was adjourned at 9:42pm.

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Respectfully Submitted,

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Sarah E Scanlan