

**Town of Chester
Board of Selectmen Meeting
Thursday, June 2nd, 2011
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 7:04pm.

1.2 Roll Call

Selectmen present:

- Joe Castricone
- Joseph Hagan
- Stephen Landau
- Michael Weider

Selectmen absent:

- Jack Cannon

Members of the Public present, at various times:

- Rich Antoine, Fire Chief
- Aaron Berube, Police Sergeant
- Keith DuBois, DES (Brownfield)
- Sarah Kirn, DES (Waste Oil)
- Rhonda Lamphere, Town Treasurer
- Charlie Mitchell
- Mrs. Mitchell
- Matt Rittenhouse, Tri-Town Times
- Thom Roy, Building Inspector
- Carolyn Scott
- Leroy Scott
- Michael Tierney, Town Counsel
- Ralph Wickson, DES (Hazardous Waste)
- 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

48 An appointment with the Town Treasurer has been added after the appointment about LeClair's;
part of the LeClair's meeting will be in public, and part will be a non-meeting with Town Counsel and
50 DES; one non-public session has been added.

52 *1.5 Public Comment*

As no members of the public wished to speak, Public Comment was closed at 7:06pm.

54 **II. Old Business**

56 *2.1 Approval of Minutes*

58 This subject was not addressed this week.

60 *2.2 Sunset Drive*

62 The Town no longer owns 8 Sunset Drive; the mortgage company sent a check for ~\$48k to cover
64 back taxes as well as costs associated with boarding-up and the employee time to handle the issue.
The check is dated May 26th, 2011, and is effective June 30th, 2011.

66 **III. New Business**

68 *3.1 LeClair's*

70 Town Counsel Michael Tierney, and Ralph Wickson, Sarah Kirn, and Keith DuBois from DES appeared
72 before the Board to discuss LeClair's. Police Sergeant Berube, Fire Chief Antoine, and Building
Inspector Roy were available should they be needed.

74 Attorney Tierney gave a brief overview of the history of the LeClair's situation, and actions taken
76 by the District and Supreme Courts. As of October 2010, no activity was to be undertaken on the
property; there was a notice to vacate the property by the District Court, and a Cease and Desist
78 order by the Supreme Court. No person was to be on the property without the approval of the
Town, and then only for cleanup purposes. At this point, with delinquent taxes, interest, legal fees,
80 etc., the LeClairs owe the Town over \$900k.

82 DES would like the Town to take a more active role in the cleanup. Brownfield can assist with
funding through grants and loans, but only if a municipality owns the property - they cannot help
84 fund a property owned by a private citizen, and especially one still owned by the 'responsible party'
- in other words, the polluter.

86 Should the Town acquire the property after performing its due diligence (a Phase I environmental
88 site assessment), they have liability protection per Federal Statute, known as the 'innocent
landowner defense'. This assessment must be within the past six months; after that period has
90 expired, an update must be performed. Any acquisition of the property other than for taxes is
considered 'voluntary'; via tax deed it is considered 'involuntary'. An involuntary taking also offers
92 liability protection via the State. Mr. DuBois clarified that should the Town take the property, hold

94 onto it, and use it, the liability protection may change. He also reported that the New Hampshire
Department of Justice has a 'covenant not to sue' document prepared for the Town of Chester.
96 Attorney Tierney handed up copies of this document, but reported that he had not yet reviewed it
and could not offer an opinion.

98 Brownfield cleanup grants can range from \$200k - \$350k, and require a 20% match. This match
can be calculated from many expenses, including in-kind services. Should a grant be denied, the
100 Town can apply over and over again; Brownfield can also assist with a revolving loan fund - these
monies are taken from non-performing grantees, and can range from \$200k - \$350k, sometimes
102 without any obligation to repay.

104 Apparently a property owner who has his land taken for unpaid taxes ("tax lien") has two years
after taking to become current and regain his property; after that, the Town takes the property
106 via tax deed. Chairman Landau asked if the property owner who wished to regain his property was
obligated to pay for all the cleanup costs as well as his delinquent taxes. He is not; however, EPA
108 could file a 'windfall lien' against the property at that time in order to recover those cleanup costs.

110 Chairman Landau asked Mr. DuBois if he was aware of any other Towns which had been in this type
of situation. Mr. DuBois made mention of Andre Caron and Pat MacQueen of Berlin, Larry Kelly of
112 Tri-County Community Action Program, and the City of Lebanon. Selectman Hagan stated that the
above three references were apparently 'Visitor Centers'; did DES have any experience with
114 remediating a property, and getting it back on the tax rolls? Mr. DuBois stated that they did.
Selectman Weider referred Selectman Hagan to the cleanup of the Fimbel Door landfill in Nashua.

116
Chairman Landau asked for public input; there was none.

118
Chairman Landau moved that the Board go into a non-meeting with Town Counsel; Selectman Weider
120 seconded the motion. The vote was four in favor with Vice-Chairman Cannon absent; so moved. The
doors were closed at 7:53pm. Attorney Tierney, along with the DES attendees, Police Sergeant
122 Berube, Fire Chief Antoine, and Building Inspector Roy, remained in the meeting room.

124 The non-meeting came to a close, and the meeting room was re-opened at 8:57pm.

126 Chairman Landau recapped the gist of the discussion for the public in attendance.

128 Charlie Mitchell, an abutter, stated that the property had been quiet since October, but asked if
they saw activity, what should they do? He was advised to call the police. Chairman Landau
130 informed him that the Town plans to put up a fence encircling the entire property, and hire EPA-
approved national contractors for the cleanup.

132
The DES attendees and Attorney Tierney departed the meeting at 9:07pm.

134
2.2 Town Treasurer Rhonda Lamphere

136
Treasurer-Elect Lamphere appeared before the Board to update them on the transition from
138 current Treasurer Don Parnell. At the moment, all Treasurer requests are to go to him, with a copy

140 to her. She has met with Chris Pike from Citizens Bank and reviewed all of the Town's accounts.
141 She has also met with some Department Heads to go over procedures.

142 The one issue she wished to discuss with the Board was to do with the Recreation Department's
143 credit card. This card was issued in 2003 with a credit limit of \$10k; in 2005 the limit was raised,
144 by the then-Treasurer, to \$12k, which is what it is at this time. According to Citizens Bank, the
145 Recreation Director has the authority to raise the credit limit him or herself. Treasurer-Elect
146 Lamphere performed some analysis of the Credit Card use, and discovered that in the past couple
147 years, the maximum use at any one time was \$5,309.00. The authorized user is the Recreation
148 Director.

150 She also referenced the Administration Debit Card. This card has a \$1000 limit, with a pre-pay of
151 up to \$500. It is used mainly to pay the web hosting bills online. The authorized users are the
152 Treasurer and the Finance Director. Mr. Pike does not recommend this sort of card for a
153 municipality.

154 The Selectmen's Administrative Assistant uses her own personal credit card to make purchases her
155 department needs, and is reimbursed by the Town.

158 Treasurer-Elect Lamphere recommended that use of the Debit Card and the Administrative
159 Assistant's personal Credit Card both be discontinued, and one Commercial Credit Account be used
160 for all Departments, with multiple cards. The Recreation Director could have one card with a limit
161 of \$7k, which is more than the maximum usage has been; the Administrative Assistant could have
162 one with a limit of \$1k; the Treasurer/Town Clerk could have one with a limit of \$2k and a fourth
163 card could also have a limit of \$2k and could be used in case of emergency. She also recommended
164 that the Selectmen be the only ones who could raise the credit limit. One consolidated statement
165 would be sent to the Finance Department, and each cardholder would receive an individual
166 statement for reconciliation purposes. This would also eliminate the need to fund the Debit Card up
167 front and go back later to make entries to reconcile that account.

168 Selectman Weider suggested that there only be three cards - Recreation for \$7k, Administration
169 for \$1k, and Town Clerk for \$4k, which would be used as a backup. Chairman Landau stated that he,
170 as Liaison, would inform the Recreation Department of this change.

172 Fire Chief Antoine asked if a credit card would be available to other Departments to use. It was
173 suggested that they bring proof of need to Administrative Assistant Martin, who could then assist
174 them.

176 Selectman Castricone stated that having a credit card with a limit that was higher than the Town's
177 limit to purchase without a bid was wrong. Chairman Landau agreed, stating that he would inform
178 the Recreation Department not to spend over \$5k on any one item.

180 The Board signed, at Treasurer-Elect Lamphere's request, paperwork to change the party who can
181 increase the credit limit from the Recreation Director to the Board of Selectmen, as well as other
182 paperwork to do with the new Credit Card account. She had nothing else to discuss at this time,
183 but will attend next week's meeting when Coppola Rockburn is scheduled to appear.

186 Selectman Weider informed her that Planning Coordinator Cynthia Robinson will be transferring all
188 Impact Fee information over to her, as by statute it must be held by the Treasurer.

189 Treasurer-Elect Lamphere departed the meeting at 9:37pm.

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191 2.3 *Miscellaneous Correspondence*

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193 The Board has received a request from the person who organized Town Fair 2010, asking to do the
194 same for Town Fair 2011. The date would be September 10th, 2011. The Board needs to authorize
195 the use of the field. Selectman Castricone suggested that the Recreation Department be consulted
196 first to ensure the field was available; this will be done.

197 A meeting has been scheduled with DES about Edwards Mill next Thursday afternoon (June 9th,
198 2011).

199

200 The Town has received a letter from Senator Ayotte's office, offering assistance in dealing with
201 the Federal Government. A member of her staff will be in Town on June 20th, 2011, from 2:30pm -
202 3:30pm in the Meeting Room. This meeting is not sponsored by the Board of Selectmen.

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204 **IV. Selectmen's Business**

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206 4.1 *Roundtable*

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208 *Chairman Landau*

209 ● He received a letter from Bob Latham, reminding the Board to use their microphones, and
210 to cut down on side conversations, for the viewing ease of the public. The letter also
211 referenced public comment made at last week's meeting about using highway funds to do a
212 non-highway job, and opined that the person speaking had not received an answer. Chairman
213 Landau stated that he would speak to the Wason Pond Commission about the detritus in the
214 water. It was also stated that the Town had a bottom line budget, but that the funds would
215 not necessarily come from the Highway budget. The letter also asked about the job duties
216 of the Wason Pond Caretaker. Chairman Landau stated that the job was mainly for security
217 purposes - the Caretaker walks around and looks for issues.

218

- The property re-evaluation has begun.

219

- The Maintenance Man is mowing, which is taking him away from his regular duties. He would
220 like Selectman Castricone to have the authority to bring someone in to help with the
221 mowing. Selectman Weider objected, saying that no funds are available, and that the
222 mowing shouldn't be taking as long as it is. The Fire Department is doing their own mowing
223 at present; perhaps the Cemetery Department could assist. Selectman Castricone
224 suggested waiting to July 1st to handle this issue.

225

- He has been informed that one wheel on the cannon needs paint.

226 *Selectman Weider:*

227

- A representative from Chester College attended a Planning Board meeting. They are
228 partnering with Pinkerton Academy and plan to build a 15-18k sq ft photovoltaic project on
229

their property.

- 232 ● The Planning Board would like the Selectmen to encumber the funds for the North Pond
Road project at the end of the Fiscal Year.
- 234 ● The noise abatement project at the Chester Rod & Gun Club is moving forward.

236 *Selectman Castricone:*

- 238 ● Under budget line 01-4194-80-1, for water damage at the highway shed, an insurance check
for \$6,065.98 has been received. Of this, \$1972.76 has been spent. The remaining
\$4,093.22 needs to be encumbered at the end of the Fiscal Year.
- 240 ● The Historical Society reported that the Stevens Hall piano is being returned on
Wednesday, June 8th. They would like to remove a window and use a crane in order to put it
242 on the second floor. He is unsure how to handle this, as he is loathe to have the window
removed. Selectman Weider reported that a concert has been scheduled for June 12th,
244 with tickets sold, and the piano must be in place by then. The Historical Society must
coordinate this process, including permitting for the crane; Selectman Castricone will call
246 them. Road Agent Oleson may be able to assist.

248 *Selectman Hagan:*

- Nothing to report.

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4.2 *Public Comment*

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Leroy Scott stood and was recognized. He stated that Chairman Landau had apparently not seen
254 the cannon itself, for the wheel is in need of more than paint. It is totally collapsed, and the cannon
should go into storage with the other. He also stated that it was his understanding that the Wason
256 Pond Caretaker was hired to do work, not just walk around; that was why his rent was so low. Mr.
Scott stated that he would be glad to do the job for the amount being saved on the rent.

258

Bob Latham stood and was recognized. He asked who was responsible for the Wason Pond upkeep;
260 Chairman Landau replied that it was the Wason Pond Commission. Mr. Latham stated that he was
willing to underbid Mr. Scott for the work. He also suggested that the Board do the mowing
262 themselves, and see how long it actually takes on a hot day. Selectman Weider stated that he has
indeed done mowing of the Town fields before, with his own equipment, which is not as large as that
264 belonging to the Town, and it did not take that long.

266 As no other Members of the Public wished to be heard, Public Comment was closed at 10:09pm.

268 *4.3 Non-Public Session*

270 Selectman Weider moved that the Board go into Non-Public Session under RSA 91-A:3 II (c),
Reputation and (e), Litigation; Selectman Castricone seconded the motion. The vote was four in
272 favor with Vice-Chairman Cannon absent; so moved.

274 The Meeting Room was closed at 10:10pm. Police Sergeant Berube remained in the room.

276 The Meeting Room was reopened at 10:42pm.

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

282 Selectman Castricone moved that the minutes to both non-public sessions be sealed for an
284 indefinite period; Selectman Hagan seconded the motion. The vote was four in favor with Vice-
286 Chairman Cannon absent; so moved.

V. Adjournment

286 Selectman Castricone moved to adjourn the meeting; Selectman Hagan seconded the motion. The
288 vote was four in favor with Vice-Chairman Cannon absent; so moved. The meeting was adjourned at
290 10:44pm.

292 Respectfully Submitted,

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296

298 Debra H. Doda