

**Town of Chester
Board of Selectmen Meeting
Thursday, June 30th, 2011
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 7:10pm.

1.2 Roll Call

Selectmen present:

Joe Castricone
Joseph Hagan
Stephen Landau
Michael Weider (arrived at 8:02pm)

Selectmen absent:

Jack Cannon

Members of the Public present, at various times:

Barbara Dolloff
Barbara Gagnon
Diane Gorrow, Town Counsel
Chris Hadik
Chuck Heuer
Rhonda Lamphere
Michael Oleson
Royal Richardson
Matt Rittenhouse, Tri-Town Times
Mark Sanborn
Carolyn Scott
Leroy Scott
Valerie Weider
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

Two non-public sessions were added, one on reputation and the other on pending litigation.

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1.5 *Public Comment*

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As no members of the public wished to speak, Public Comment was closed at 7:13pm.

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II. Old Business

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2.1 *Approval of Minutes*

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This subject was not addressed this week.

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III. New Business

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3.1 *Town Counsel - Elected Officials Roles & Duties*

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Town Counsel Diane Gorrow, of Soule, Leslie, Kidder, Sayward & Loughman, PLLC, appeared before the Board to give a brief talk on and to the Town's elected officials, and their roles and duties.

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66 The Oath of Office is so important to the State that there is an RSA devoted entirely to it. It is a requirement that each elected official take the Oath of Office, and it can be administered by the
68 Town Clerk, the Town Moderator, or the Board of Selectmen. Persons who violate the Oath - for
70 example, by divulging non-public or confidential information - are subject to dismissal by petition to
remove from office.

72 New Hampshire is not a 'home rule' state; the Town only has the authority to do what the State
74 has granted them.

Board Members must act collectively, and all actions taken are decided upon at meetings. They have
76 no authority to act as individuals, unless the Board has agreed to give the person that authority,
78 such as in the case of liaisons. It was clarified, after a question from School Board Chair Royal
Richardson, that either a motion or a general agreement to grant said authority would do, although
a motion is always a better idea. An individual Board member taking action without the approval of
80 the Board is only doing so as any member of the Public might, subject to Right To Know laws. That
said, persons elected to non-Board positions, such as Town Clerk, Road Agent, or Treasurer, have
82 individual authority, granted in RSA 41.

84 Insofar as the Board of Selectmen's relationship to other Boards and elected officials is
concerned, the Selectmen perform the "prudential affairs of the Town". In the absence of a Town
86 Manager or other administrative position, they are involved in ordinary business, finances and
budgets (see RSA 41:9), personnel and supervisory duties, and general oversight. They cannot
88 interfere if an elected official has statutory duties.

90 As of September 2010, audits must be performed at least annually, either by a public auditor or one
voted in at Town Meeting, and results must be provided to DRA. It was clarified, after a question
92 from Cemetery Trustee Mark Sanborn, that this expense is managed by the Town; the individual

94 departments do not have to budget for it. Selectman Weider further stated that the new financial company, Coppola Rockburn, will have the responsibility for the internal audits.

96 There was some discussion about Non-Public Sessions and the Right To Know law. Although RSA 91-A:3 II (e) specifies "litigation which has been threatened in writing", Attorney Gorrow was not
 98 aware of any challenges that had arisen from Boards going into non-public session for pending litigation that had yet to be pursued officially. She clarified, though, that it must be a concrete
 100 threat - adverse positions, injury, etc.

102 Chairman Landau asked about going into non-public session to discuss matters of security. Attorney Gorrow will research that issue.

104
 106 RSA 91-A:3 II (c) was also discussed - she stated that the person whose reputation was being protected, however, must not be a member of the Board; any complaint or issue involving a Board Member must be addressed in public session.

108
 110 School Board Chair Richardson asked about handling anonymous complaints. Attorney Gorrow suggested passing such things along to School Administration.

112 As there were no further questions, Chairman Landau advised the elected officials present that, if
 114 they should have questions and wish to speak to Attorney Gorrow at a later date, that they work this through their liaison.

116 Attorney Gorrow departed the meeting at 8:00pm.

118 *3.2 Encumbrances and Rollovers*

120	01-4909-1-118	Transfer Station	\$655.00
122	Chairman Landau moved to encumber these funds as a contractual obligation to go towards the purchase of a Roll-Off Container for the Transfer Station; Selectman Castricone seconded the		
124	motion The vote was four in favor with Vice-Chairman Cannon absent; so moved.		

126 Selectman Castricone noted that the repair work for water damage to the Highway Shed had not
 128 been completed, as it was uncertain whether or not the insurance check had been received. Apparently it had, transaction #0083804-000002, for \$6,065.98; work totaling \$1,722.76 has
 130 already been completed, leaving \$4,343.32. The estimate is for \$4,050.00, and that is what will be encumbered.

132	01-xxxx-x-xxx	Highway Shed Water Damage	\$4,050.00
134	Selectman Castricone moved to encumber these funds to prevent lapsing for the purpose of repairing the Highway Shed Water Damage; Selectman Weider seconded the motion The vote was		
136	four in favor with Vice-Chairman Cannon absent; so moved.		

138 The insurance check for the vandalism at Wason Pond Bathhouse was received; transaction
140 #008011-000002, for \$4,699.00.

01-xxxx-x-xxx Wason Pond Bathhouse	\$4,699.00
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142 Selectman Castricone moved to encumber these funds to prevent lapsing for the purpose of
144 repairing the Wason Pond Bathhouse; Selectman Hagan seconded the motion The vote was four in
146 favor with Vice-Chairman Cannon absent; so moved.

146 **IV. Selectmen's Business**

148 *4.1 Roundtable*

150 *Chairman Landau*

- 152 ● Nothing to report.

154 *Selectman Castricone*

- 156 ● He apologized for being absent for the past three weeks, for work purposes; however, he
had checked in on a daily basis.

158 *Selectman Hagan:*

- 160 ● Nothing to report.

162 *Selectman Weider:*

- 164 ● Nothing to report.

164 *4.2 Public Comment*

166 Leroy Scott stood and was recognized. He opined that the public microphone on the stand was not
168 working.

170 As no other Members of the Public wished to be heard, Public Comment was closed at 8:10pm.

172 *4.3 Non-Public Session*

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

178 The Meeting Room was closed at 8:12pm.

180 The Meeting Room was reopened at 8:26pm.

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

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

188 **V. Adjournment**

190 Selectman Castricone moved to adjourn the meeting; Selectman Hagan seconded the motion. The
192 vote was four in favor with Vice-Chairman Cannon absent; so moved. The meeting was adjourned at
8:28pm.

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Respectfully Submitted,

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Debra H. Doda