

Town of Chester
Board of Selectmen
Thursday, March 10, 2011
7:00 PM
Approved Minutes

I. **Preliminaries**

1.1 *Call the Meeting to Order*

Chairman Stephen Landau called the meeting of the Board of Selectmen for the Town of Chester to order at 7:00 PM.

1.2 *Roll Call*

Chairman Landau took roll call.

Members present:

Joe **Castricone**
Chairman Stephen Landau
Michael Weider

Members absent:

Jack Cannon, Vice Chairman
Gene P. Charron

Members of the Public present:

Michael Oleson, Road Agent
Andy Higham, Road Agent
Barbara Gagnon, Town Clerk/Tax Collector
Matthew McCain, Part-time Town Assistant
Leroy Scott
Carolyn Scott
Matt Rittenhouse, Tri Town Times
Bob Latham
Valerie Weider
Patricia Martin, BOS Administrative Assistant

1.3 *Pledge of Allegiance*

Chairman Landau led the attendees in the Pledge of Allegiance.

1.4 *Chairman's Additions or Deletions*

Chairman Landau noted that **Mr. Gene Charron** would not be present due to a meeting at the State House on the NH Budget and that **Mr. Jack Cannon** would probably not be present, but may show up a bit later.

1.5 *Public Comment:*

Chairman Landau stated he had two things in public comment. The first was regarding the non-public discussion at last meeting (March 3) concerning the fire engine the Town is looking to purchase. The reason for the non-public session was the price the BOS was given by the Fire Chief was \$399,000 and the specifications for that fire truck are available with the Fire Chief. The Board was discussing the possibility

of negotiating the price down to make sure they were paying the least possible for what was being offered.

The other was a question and discussion concerning Public Comment, which has come up several times in the past weeks. **Mr. Cannon** and **Chairman Landau** had a conversation after the last meeting and the belief is that Public Comment is really a “comment period.” People have brought to the Board comments, and questions have arisen. The questions can’t always be answered immediately due to the structure of the Board, i.e., there are 105 buildings the Town owns as well as a good deal of land and the Selectmen are not always aware of any incidences occurring with regard to those buildings and land. Also this is part-time Board and business isn’t necessarily micro-managed, therefore he is not always aware of something going on. **Chairman Landau** stated he appreciated Public Comment because it allows him that information.

With no further comment **Chairman Landau** moved on.

1.4 *Chairman’s Additions or Deletions (continued)*

Discussion was opened regarding a new part-time hire for the Town. Part of the discussion will be in a non-public session for a short time. The individual the Town is hiring has previously on a part-time basis and the Town is planning on using that individual again. He then brought forward **Ms. Barbara Gagnon**, Town Clerk/Tax Collector, **Ms. Patricia Martin**, BOS Administrative Assistant, and **Mr. Matthew McCain**, applicant.

Ms. Gagnon introduced **Mr. McCain** to the Board. She has been using him in her office since November, 2010, for 10 hours per week. He has been learning what goes on in the office and helping her out wherever she can use him. **Chairman Landau** added that the BOS has had occasion to ask him to cover the Selectmen’s office answering the phone and manning the office when Ms. Martin has been out. **Chairman Landau** also indicated, as liaison to the Town Clerk, the public should understand there is no addition to the budget for **Mr. McCain**’s work. His time is covered under the time when others are not available, so he is not an additional employee and he is definitely not full time, nor does he want to be. He then opened the floor to questions.

Mr. Weider asked how **Mr. McCain** liked it so far. **Mr. McCain** indicated he enjoyed it and it was very interesting to work with the staff and public. He enjoyed learning how the motor vehicle process works.

Mr. Weider then asked where **Mr. McCain** saw himself going. **Mr. McCain** stated he was very serious about it and he is attempting to learn even more if possible, i.e. Motor Vehicles, taxes and would like to take this to a career eventually if he is able.

Mr. Weider also asked what he thought of “the other side.” **Mr. McCain** stated he worked with **Ms. Martin** with the BOS end of things and found it interesting and challenging. He enjoys working with the public, as with his other job, and he tries to do his best.

Mr. Michael Oleson asked to make a comment. As Road Agent and working in the Town business, he has had a chance to meet **Mr. McCain** in the office and he is “...wonderful!” **Mr. Oleson** indicated **Mr. McCain** is very professional and would be a good addition to the office.

Chairman Landau indicated the reason for doing this was because of recommendations from both **Ms. Gagnon** and **Ms. Martin**. He then made a Motion to go into non-public discussions per *RSA A:IIa Compensation of Public Employees...* and **Mr. Weider** seconded. Motion was carried unanimously.

The Board then went into non-public discussion with **Mr. McCain**, Ms. Gagnon and **Ms. Martin** (20 minutes).

Return to Public Session (7:30)

Mr. Weider motioned to seal the non-public session for six months. **Mr. Castricone** seconded. Motion passed unanimously.

Mr. Weider motioned to accept **Mr. McCain** as a part-time employee for employee for the Town of Chester working with the Town Clerk/Tax Collector as well as for the Board of Selectmen as needed. **Mr. Castricone** seconded. With no further discussion, the motion passed unanimously.

Mr. Michael Oleson and **Andy Higham**, Road Agents, came forward and indicated they were present to review what is going on and keeping everyone in the loop. He started with the flooding that has occurred over the past few days. Rod & Gun Club Road went over again and had some damage, as well as some damage on Lane Rd., North Pond and Old Sandown Rd. Approximately ten loads of gravel was put out and lost part of a driveway. Around town there have been quite a few shoulder washouts. **Mr. Oleson** indicated the driveway on Rod & Gun Club Road will need to be replaced this summer. The Department made a decision not to brake the snow banking and by doing that the road wasn't lost. What was lost was the end of the driveway and a couple of loads of gravel. It was a net loss for the community and it avoided the creation of a huge sinkhole in the middle of the road. Leaving the snow banking diverted the water down the road and took out the driveway of the property owner. **Mr. Oleson** has spoken with the property owner and told him the **Department** will take care of it this summer. **Chairman Landau** indicated a letter needs to be received from the property owner or the Board can draft one. **Mr. Oleson** indicated he would take care of it. It may happen again before that road is repaired, which needs to be taken care of during the summer.

Mr. Oleson went on to report he met with FEMA who came out to look at the Fremont Road culvert project, which he designed in 2007. It looks like the Town may get 75% of expenses. He is trying to push that through in conjunction with the bridge project this summer. If Fremont Road is shut down, it would be during the summer to take care of it. FEMA should supply 75% of the costs. The whole project will cost around \$40,000 as quoted in 2007. Erin, Mr. Oleson, Steve Tunberg, and FEMA all met at the site and the paperwork has been submitted. **Mr. Oleson** called DuBois & King to get plans submitted to FEMA and hopefully the Town can obtain funding for that.

The snow fund has been expensed approximately \$65,000. **Mr. Oleson** wants to move the balance of that fund back into his budget around April 15, when he feels no further work will need to be done under that fund.

Regarding bonds and the bridge, **Mr. Oleson** asked for clarification of not having to bring the Warrant Article forward. He felt the Town may not have to bring it forward because the agency just met with the contractors and the only numbers he has is an estimated cost which could change after bids come in next week. He didn't know what the bids would come in as, so that number may have to be adjusted and have extra money put into that Warrant Article. **Chairman Landau** asked if 75% would be coming in from the State. **Mr. Oleson** indicated it was 80% and that was for the cost of the job. **Chairman Landau** wanted clarification that the number would be based on the bids and **Mr. Oleson** confirmed. **Mr. Oleson** stated on top of that, there will be engineering supervision fees and those figures will be known next week. **Mr. Oleson** asked for clarification about appropriation of the entire amount. Since it is a Warrant Article, the Town has to pay the job up front and the State reimburses the Town. **Chairman Landau** indicated the reimbursement procedures start, depending how long it takes, as the project moves along. **Mr. Oleson** indicated the \$400,000 estimated currently may not be the right figure. Right now what the agency has is \$60,000.

Chairman Landau indicated he received a letter regarding inspection of municipal bridges. **Mr. Oleson** received the same letter and is handling it. Some of the bridges' signs were knocked down after the inspections took place and he doesn't have weights on them. This has been remedied by placing E2 signs, which should cover it, but the law cannot be enforced on those where the weight limits are not known. Currently there are two bridges to be posted.

Regarding the Warrant Articles for the road bond, **Mr. Oleson** felt it read oddly and would like the wording changed. It was discovered the article in **Mr. Oleson's** possession was the older version. The current version is currently with the attorney and the wording should be fine. **Mr. Oleson's** concern was the wording needs to be specific as he felt there may be some money hopefully left over and he would like

to put the money for Fremont Road and use that as far as possible. **Chairman Landau** requested **Mr. Oleson** get the appropriate wording he wants to him and he will make certain the Town Attorney receives that. **Mr. Oleson** indicated he will go over these and give them to **Ms. Martin** as soon as he can.

Mr. Oleson also indicated that many of the numbers given to the Board did not include any of the permits, oversite, or engineering costs. etc. There are a few spots that needs engineering done on and he was asked by the Budget Committee not to do those until he got workmen, so he has not done those spots and he would like to use some of the Warrant Article numbers.

Also, the GBW (weight) on trucks need to be raised to 38,000 to cover any overage. **Chairman Landau** indicated he was under the impression from the attorney that he was taking the specific size out and is only using the class instead.

Chairman Landau asked if there was anything further done on the telephone pole on Candia Road as it has been hit again. **Mr. Oleson** indicated that it was FairPoint's and the pole has nothing to do with the power company. He has called FairPoint several times and they are not cooperating very well.

Mr. Oleson indicated he would be away at the end of the month and **Mr. Higham** will be in control of things during that time and he wanted to pass that information along.

Mr. Castricone asked about the parking at the Post Office and if that could be sealed. **Mr. Oleson** indicated it could be, but did not know if it would do any good as the lot is really bad. It is not in the budget this year to fully seal the lot. He has money to seal cracks in the roads. **Mr. Weider** stated that it should be in next year's budget as in the Town's contract all that is promised to be done is to repair the cracks and filling. **Mr. Oleson** indicated that he would be doing crack filling from this budget, but there's no money this year to reseal, but could reseal next year if in the budget. He will get an estimate to the Board of costs for filling cracks as resealing the surface.

Chairman Landau asked for the loader status. **Mr. Oleson** indicated it was not used during the winter. The brakes are bad, can't put it on the ramp and the local mechanic says it isn't worth putting any money into it. **Chairman Landau** asked if the Town should get rid of it and **Mr. Oleson** answered no, because he needed a loader in the pit and it's useful to load the Town trucks during the summer. In the winter, he hires a loader for sand and salt. At some point, however, he thought it would be a good investment for the Town to get a new loader. **Chairman Landau** stated that what he is looking into is getting full equipment inventory to review those pieces that are getting older and position them onto a schedule for replacement. **Mr. Oleson** indicated that he was asked by Angie what he thought the department was in need of. This year he'd like to see getting two trucks and next year a new chipper and further down, a loader and a backhoe. The chipper has done a good job but is temperamental and really needs to be replaced soon. Cost would be \$50-60,000.

Chairman Landau feels strongly that the Town needs to do perambulations again. One of the markers on Shattigee Road between Chester and Raymond needs to be found and if found needs to be marked with red paint. And he thinks there are one or two others down as well. His concern is the liability for not having the signs up. **Mr. Oleson** indicated he thought he knew where they were and would check.

Mr. Oleson asked about the bridge. He was under the assumption he was in charge and wanted to confirm that and **Chairman Landau** indicated he was. Also, the bids will be opened next week and **Mr. Oleson** indicated he needed to be at the BOS meeting for that discussion and asked it to be held until he arrived as he was going to be a little late.

Chairman Landau commented on Meeting Procedures. He had stated before regarding public comment The point he wanted to make was if anyone wanted to meet with the Board, the Board usually asked for a week's notice, but people have been taken two or three days before. If anyone has any questions, feel free to contact the BOS. These procedures are posted on the website, according to **Ms. Martin**. **Mr. Castricone** noted that it was indicated the Board's meetings were twice monthly and it has been meeting every week for some time. His question was, after the budget is done, will the meetings to back to twice monthly

instead of every week. **Chairman Landau** confirmed it would be unless needed otherwise. There was some further discussion regarding public comment and clarifications of the procedures.

II. Old Business

Chairman Landau brought up the fire truck that has been looked at for the past couple of months. It was requested by the BOS to the Fire Chief that they find out about an appraisal. He has heard back that there were several services regarding appraisals and the cost will be approximately \$1,000 and the one from South Carolina, where the truck is, will take three to four weeks to complete. He spoke with a company, Fire Tech, and they had several comments. One was there are two Quints, one with no equipment and going for around \$615,000 and there was another one that went for \$500,000 and older than the one looked at. Chairman Landau's concern was for the need to spend this money for the appraisal. **Mr. Castricone** thought the appraisal would let the BOS know if anything was wrong mechanically. **Mr. Weider** indicated the appraisal would not get into mechanics as there was no way, in most cases, of knowing if anything was going to fail. **Chairman Landau** stated the issue was that Brindlee wanted the contract back by March 16 if this was going to be passed by the Town. He listed requirements of the apparatus and agreements of payment, delivery, etc. His question was if the BOS should go ahead and tie this agreement up at least for Town Meeting and in discussions at that time, if part of that discussion would be for an appraisal. **Mr. Weider** indicated that what was being agreed to was to bring this to Town Meeting with the intent of support at Town Meeting and what is agreed upon. He didn't think an appraisal was needed. **Chairman Landau's** concern was receiving the appraisal in time for the Town Meeting and whether the funds should be expended as it will be a \$1,000 and more due to travel expenditures, etc.

Mr. Castricone brought up his concerns for not getting the appraisal and then bringing up the truck and having something fail, especially with a \$3,000 deductible. **Mr. Weider** said there was no deductible: if there is a \$1,900 repair, the Town pays, not them; if a radiator goes and it takes \$2,999.99 to replace, the Town pays, not them. As soon as the bill is up to \$3,000, 100% is covered by them, no deductible. Also, an appraisal will not tell diagnostics on parts, etc. Maintenance reports will be provided from the City of purchase. The appraisal will show the life of various equipment/parts based on manufacturers' guarantees, etc.

Chairman Landau again expressed his concern of spending the \$1,000 now on the appraisal and not receiving it in time to sign the agreement. The vehicle won't be available until the end of May when their new equipment arrives. Is he to sign this now? **Mr. Weider** wanted to review the certification records, specifically the engine and ladder. His concerns were the costs for the taxpayers on this. He added that if reports show the Town needs to get rid of certain vehicles or there is a liability problem, then this may be able to be pushed further. Much discussion was had regarding cost quotes of new equipment, ability to get the grant awarded, funds set aside for Town's portion of the grant for new vehicle, how the timeline for replacement suddenly became urgent. The current members did not want to come to any decisions without **Mr. Cannon** and **Mr. Charron** and asked **Ms. Martin** to setup a meeting with all five members for Monday or Tuesday of next week. **Mr. Castricone** was concerned with the aging of the current equipment and problems with liability that may arise if there is shortage of equipment on hand from homeowners' insurance. Liabilities for the town total up to \$4.3 Million and **Mr. Weider** was concerned about the total of this for the taxpayers. It was decided not to have the appraisal done and for **Ms. Martin** to set up the meeting.

Chairman Landau brought up more old business regarding Mason & Rich. He spoke with John Lyford and fees for services came to \$7,849.40 and asked if the members thought it was appropriate to sign off on. All were in agreement. He will give Mr. Lyford a call that it's approved.

Mr. Weider needed clarification on invoice on a purchase **Mr. Castricone** made. It was for a DBU change order and **Chairman Landau** indicated it was expected.

Mr. Weider also asked why they were not using the same vendor for generator fuel. **Chairman Landau** indicated it was because it's contractual. This should be the last year of the contract.

Mr. Castricone updated the Board on various projects: the locks have been changed on Room 20, the archive room, and has made a list of inventory to be disposed of. Once he has authorization, he will do away with those items. He received approval from the Building and Fire Departments to get the wall put up in the TV room. Pricing, etc. is moving forward on that. He received the pricing for the Warrant Article on the phone system (\$15,000). The company, PHD, can save them between \$400-\$700 per month by going to the new system. **Mr. Weider** asked who would be holding the IP account. Mr. Granite State will hold the IP account, per **Mr. Castricone**. There was some discussion on the accuracy of that information and **Mr. Castricone** stated he would call to verify this. It was decided to have Granite State come to the next meeting to go over everything. **Mr. Castricone** stated he would like to have all department heads to take inventory of Room 20 be gone over and destroy everything that needs to be. **Mr. Weider** asked if department heads should have keys to Room 20. It was decided that key accessibility would need to be controlled by the BOS and Town Clerk's offices because of records and confidentiality.

III. New Business

Chairman Landau brought up Wason Pond. The dam was breached on both sides. Engineers came to look at it (State, Town and contractor). The water rose 15 feet or more. The cement had been poured a couple of days before and everyone seemed to be extremely satisfied in how it held up. Unfortunately, it was too soon and not all was finished in time, so it may add another week onto the work that needs to be done, but that will be handled as per the contract.

Chairman Landau received from the DES to voluntarily agree to sample the water system at the community center for dioxin (which has a 1 in 1 million chance to cause cancer). The cost will be between \$100-175 per test and the DES was asking to have this done so that a baseline could be established. **Mr. Castricone** indicated that all buildings are tested and asked why Wasson Road only was asked to be tested. Why choose just one for a baseline. **Mr. Weider** indicated it was originally a campground with a private water system and the wells are now owned by the Town and considered public. **Mr. Castricone** will check into how much the costs of the 8-9 wells considered "public."

Chairman Landau mentioned that the Chester Fire Department made the paper on the two fires that occurred last November on Rt. 102 and on Lane Road. He will place the article in the office.

Chairman Landau has received three phone calls on the booklet from the School Board and wanted to make it known that the Board of Selectmen were not in any way responsible for it. This came from the School Board. Timing of its publication is dictated by way the calendar. If anyone has any complaints or concerns, please contact the School Board.

Chairman Landau asked if there were any public comments?

Mr. Leroy Scott came forward regarding "Earned Time" and asked if there was a written policy on it and who wrote it. The answers were yes, there was a written policy and it was not known who wrote it. He asked if it was ever approved by the Board of Selectmen. **Mr. Weider** indicated it was. **Mr. Scott** asked if he were positive and **Mr. Weider** indicated he was. **Mr. Scott** indicated he would like to have it brought in to the next BOS meeting so he could see it. He had been told that the BOS never wrote it and never approved it and wanted clarification. **Mr. Castricone** indicated he knew it was done in a closed session during negotiation with AI. It was instituted by AI and the Board approved it for the police chief. How it got into the general, he didn't know. **Mr. Scott** thought before the Town is left liable for big chunks of money, it should be looked into and decided as to whether or not it was legitimate. As he understood the State law, if an individual is hired as a salaried employee, salary is it. Hours are not affected whatsoever. If they are hired as an hourly employee, then time and half has to be paid after 40 hours. He thought considering the amount of money that the Town is possibly liable for on this, it deserved a very careful looking into.

Chairman Landau asked if there was anything further and there were no further comments.

Mr. Weider made a motion to adjourn the meeting at 8:55 PM. All were in favor. So moved.
Meeting adjourned at 8:55 PM.

Respectfully submitted,

Patty B. Coughlin, Recording Secretary