

**Town of Chester
Board of Selectmen Meeting
Thursday, January 19th, 2012
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 7:06pm.

1.2 Roll Call

Selectmen present:

Jack Cannon
Joseph Hagan
Stephen Landau
Michael Weider (arrived 7:10pm)

Selectmen absent:

Joe Castricone

Members of the Public present, at various times:

Richard Antoine, Fire Chief
Cass Buckley, Planning Board
Bill Burke, Police Chief
Andrew Hadik, Transfer Station, Planning Board
Chris Hadik, Budget Committee
Hilary Hall, PACT
Bonnie Healey, Transfer Station
Rhonda Lamphere, Budget Committee, Treasurer
Bob Latham
Jodi Mitchell
Sharon Mulrennan, Recreation
Chuck Myette
Erin Newnan
Mrs. Pacocha
Rick Parisi
Corinna Reishus, Recreation
Matt Rittenhouse, Tri-Town Times
Leroy Scott
Evan Sederquist, Planning Board
Brian Sullivan, Planning Board
Beth Swanson, Recreation

48 John Waszczuk
Kevin Wunderly, Fire Lieutenant
And other persons unknown to the Recording Secretary

50 1.3 *Pledge of Allegiance*

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

54 1.4 *Additions and Deletions*

56 The following addition was made: two non-public sessions on Pending Litigation.

58 The following deletion was made: Town Clerk Barbara Gagnon will not be attending tonight's
60 meeting.

62 1.6 *Public Comment*

64 As no members of the public wished to speak, Public Comment was closed at 7:08pm.

66 **II. Old Business**

68 2.1 *Approval of Minutes*

70 This subject was not addressed tonight.

72 2.2 *Jodi and Charles Mitchell - LeClair's*

74 Jodi Mitchell, John Waszczuk, and Rich Parisi appeared before the Board to discuss LeClair's
76 junkyard.

78 Mrs. Mitchell received the results of her December 1st, 2011 water test; her MTBEs had increased
80 to 1200, whereas the state recommended level is 13. Her well was re-tested on January 11th, 2012,
and the levels had increased again to 1320. At this point the MTBEs in her well are 100 times the
safe legal limit.

82 She stated that LeClair's junkyard was in operation for ~30 years; they have had many violations
84 during this time as well as numerous "cease and desist"s. There are still tires and gas tanks on the
property which were supposed to be removed years ago. She stated that this property is an
immediate human health hazard; that the property is uncontrolled and not operated properly.

86 She stated that she is a prisoner in a house that she cannot sell, and that being told that using her
88 water "should be ok" was unacceptable to her children and the other 15-16 children in her
neighborhood. Why is this situation allowed to continue?

90 Chairman Landau stated that the Town has been trying for 11 years to get EPA or DES to consider
92 making LeClair's a Superfund or Brownfields property; only recently has DES/EPA shown any

94 interest. George Carrigan of DES visited the site this week, and there are plans to have a
95 contractor out next week to assess the fluids still on site. They plan to pay for the fluids removal
96 and backcharge the LeClairs. Sarah Kirn of DES and Attorney Locata (?) of the Attorney General's
97 office appear to be the Town's best advocates. However, DES does not have the funds to remove
98 any solid wastes. Any action taken on the property at all, taking for non-payment of taxes, even
99 erecting a fence, opens the Town up to liability. Chairman Landau is concerned that there will never
100 be enough money to clean up the site; it is estimated that cleanup will cost \$60-100 million.

101 Selectman Weider stated that the LeClairs have been fined, but have never paid; there are liens on
102 their properties to the tune of ~\$900k for taxes, fines, and legal bills. Other communities have
103 similar problems; Chester is the only one trying to fix it. EPA refuses to take control of the issue;
104 interestingly enough, they are the ones who approved the use of MTBE in gasoline in the first place.
105 DES also refuses to take control of the issue.

106 Mrs. Mitchell responded that she did not understand why Mr. LeClair continues to get away with
107 violations and can make threats, saying, "this neighborhood hasn't seen contamination yet".

110 Police Chief Burke joined the conversation at 8:24pm. He recently addressed this issue with Town
111 Counsel; in the future, Mr. LeClair will need to pay cash for a civil standby in order to go onto his
112 property. As all court orders have been civil so far, not criminal, the Police Department is unable to
113 arrest Mr. LeClair. If DES will classify the property as a hazardous or a safety issue, no-one will be
114 allowed on it other than Town Officials; that would allow the Police Department to arrest
115 trespassers, including the LeClairs.

116 Chairman Landau noted that PSNH was notified that the LeClairs were stealing electrical power on
117 their property ~3.5 to 4 years ago and yet have not prosecuted. Frankly, the Courts tend to see
118 this kind of situation as "the big Town" vs "the little guy".

119 Vice-Chairman Cannon would like the property completely cleared so that if anything new is put on
120 it, it would be obvious. If an estimate to raze the property could be gotten, there could be a
121 Special Town Meeting to authorize the funds. However, if the Legislative Body voted against the
122 appropriation, the Town would be back to square one, as "no means no". Andrew Hadik stood and
123 was recognized; he stated that a Special Town Meeting requires that 50% of the Town's eligible
124 voters attend the Meeting; this is unlikely to occur.

128 Chairman Landau believes that once the fluids are removed, there may be funds available under
129 Brownfields Phase II to remove solid waste; however, that's a long process.

130 Chairman Landau stated that the only reason the Town has been able to get as much accomplished
131 as they have is because the neighborhood has championed it. The Board alone would not have
132 produced these results.

134 Rebecca Hanna stood and was recognized. She asked what the procedure was if other people were
135 found going onto the property. Police Chief Burke stated that he would throw them off, as it was
136 unsafe. She also stated that her house gets tested once a year; what will the state do for her?
137 She's downstream from the plume, yet needs to buy her own water.

140 Selectman Weider stated that the Board had suggested drilling a community well on Spring Hill
142 Farm property, and having that water piped into the neighborhood. However, DES had no interest.
State approval was needed, and never received.

144 Mrs. Mitchell, Mr. Waszczuk, and Mr. Parisi departed the meeting at 8:58pm.

146 The Board took a short break, reconvening at 9:04pm.

148 *2.3 Erin Newnan - Grant Administration*

150 Mrs. Newnan had been compelled to leave the meeting by this time, and will be rescheduled.

152 **III. New Business**

154 *3.1 Rich Antoine, Fire Chief, and J. Pacocha*

156 Chief Antoine, Lieutenant Wunderly, and Mrs. Pacocha appeared before the Board to address a
158 chimney fire that occurred at the Pacocha residence recently. Apparently the Board received an
anonymous complaint about the Fire Department's handling of the fire, specifically the use of the
160 new Quint Fire Engine. The anonymous complaint claimed that the Quint was unable to reach the
chimney, it took an excessive time to fight the fire, and there was an insufficient response from
the Fire Department.

162 Mrs. Pacocha stated that contrary to the anonymous complaint, she was happy with the Fire
164 Department's response to this fire and there was minimal damage. She stated that the Fire
Department arrived quickly (9 minutes from initial call to arrival), they were respectful, checked in
166 with her during the process, cleaned up afterwards, and gave advice on how to prevent a
recurrence. She was concerned that the Fire Department needed to defend itself. She also noted
168 that none of her neighbors were around from start to finish so was unsure who the complainant
could be.

170 Fire Lieutenant Wunderly had made all decisions about this fire, as Fire Chief Antoine was out of
172 town. Due to the need for stabilizers, the Quint had to be parked on the driveway; the chimney
was on the other side of the house, where the ground was boggy. Therefore, the ladder ended 8'
174 before the chimney. It was noted, however, that this would have been the same with any other
trucks, and the Fire Fighters easily used other ladders to reach the roof. Even a 100' ladder truck
176 wouldn't have worked; those ladders can only work at a 15° angle, whereas the Quint works at a
360° angle.

178 Vice-Chairman Cannon asked if there was any way to fabricate a 'cribbing' to use under the
180 stabilizers, such as is done with a crane. Fire Chief Antoine stated that they actually did have
cribbing which was brought to each fire; the difference is that unlike setting up a crane, there is
182 not an endless amount of time available to set up a fire engine. Fire Lieutenant Wunderly stated
that the Quint weighs ~68,000 pounds; setting it up on unstable ground is a safety issue.

184

186 Every Quint operator is state trained and certified. The Fire Department is happy with the Quint;
it has worked flawlessly and they have had zero problems with it.

188 Vice-Chairman Cannon asked how many firefighters attended fires on average; there are usually 5
to 8. At this fire, there were 5, and all were firefighters - no EMTs or Paramedics. Lieutenant
190 Wunderly stated that there were no problems fighting the fire.

192 This fire was caused by creosote landing on a "shelf" inside the fireplace (a woodstove install)
during cleanings. The shelf was cleaned out from inside rather than breaking into the outside of
194 and destroying the chimney.

196 Vice-Chairman Cannon thanked Mrs. Pacocha for coming in front of the Board, and noted that it is
important to address life safety issues in public. He also wanted to expose the "rumor mill" in Town.
198 If people have issues, they should step forward publicly and bring it to the Board, not rumormonger.
Fire Chief Antoine agreed, stating that anonymous complaints such as this ruin the atmosphere of a
200 volunteer Fire Department, and the Department relies on its dedicated volunteers. He would like
people with concerns to bring it up through proper channels. Fire Chief Wunderly stated that the
202 Fire Department has an open door policy and that people should feel free to visit the Firehouse if
they have questions.

204
Selectman Hagan asked what it would take to staff the Firehouse with full time firefighters; Fire
206 Chief Antoine stated that it would require 35 full time employees. Vice-Chairman Cannon estimated
that would cost over \$1 million dollars a year; the current crew of volunteers are paid
208 approximately half of what one full time firefighter would cost.

210 Fire Chief Antoine, Fire Lieutenant Wunderly, and Mrs. Pacocha departed the meeting at 7:41pm.

212 *3.2 Budgets*

214 *3.2.1 Town Clerk*

3.2.2 Tax Collector

216

Town Clerk Gagnon was unable to attend tonight's meeting.

218

3.2.3 Planning Board

220

Brian Sullivan, Andrew Hadik, Evan Sederquist, and Cass Buckley were available to answer questions
222 about this budget.

224 01-4191-1-390, PB Contract Services: This line is being decreased by \$4100; the contract in
question will not be completed by the end of the fiscal year, and the remaining funds will be
226 encumbered.

228 01-4191-02-114, PB Town Mapper: The Planning Board would like \$1 put into this line, just in case.
Selectman Weider confirmed that the Town was going out to bid.

230

232 Overall the Planning Board budget has been reduced by ~\$4k for a total of \$45,850. They are planning no Warrant Articles.

234 Chairman Landau asked if they would consider a Warrant Article to specify that no residences could be built in the C2 area up off of Dump Road. Building Inspector Roy has broached this subject with
236 Planning Coordinator Robinson. Chairman Landau thought perhaps it could be reclassified into a C1, just not an R. Mr. Hadik suggested C3, which would exclude the ability to be residential. This land
238 is close to the salt shed, the transfer station, the secured landfill, and a former sludge spot; it is unwise to built houses there. Chairman Landau asked the gentlemen to discuss it with the other
240 members of their Board.

242 Mr. Sullivan noted that Mr. Buckley has been an alternate to the Planning Board for quite some time, and they would like to move him up to regular membership for the remainder of his term.
244 Administrative Assistant Martin will be asked to prepare the paperwork, and this will be voted on at the next meeting of the Board of Selectmen.

246 Mr. Sullivan, Mr. Hadik, Mr. Sederquist, and Mr. Buckley departed the meeting at 9:17pm.
248

250 *3.2.4 Recreation*

Sharon Mulrennan, Corrina Reishus, and Beth Swanson were available to answer questions on this
252 budget.

254 01-4520-1-760, REC Athletic Fields: This number went up sharply a couple of years ago; the Board asked if that could be researched.
256

The Recreation department would like a Warrant Article to replace the Multi Purpose Room stage
258 curtain. This can be quite expensive, and needs to be fire resistant; it could cost as much as \$10k. Chairman Landau asked Recreation Director Mulrennan to look into available grants; Selectman
260 Weider suggested asking other towns if they were renovating their schools; often curtains become available at those times. He referred to the large motorized screen which is to be installed in the
262 MPR; this was received through a school renovation. Recreation Director Mulrennan noted that the screen at Stevens Hall is broken and needs repair.
264

Recreation Director Mulrennan, Ms. Reishus, and Ms. Swanson departed the meeting at 9:22pm.
266

268 *3.2.5 Transfer - Solid Waste and Landfill*

Bonnie Healey and Andrew Hadik were available to answer questions on this budget.
270

Mr. Hadik stated that this budget is based on 5-month actuals. This has been a successful
272 recycling year, with 341 tons of recycling, which is 38% of the stream. The Town earned \$21.5k, or \$65/ton. The previous record was \$9k. Conversely, 554 tons of waste went into the 'hopper',
274 which cost \$64.5k, or \$116/ton. Recycling should increase this year, as the Town will be receiving the School's materials.
276

278 01-4324-1-124, TS Transport & Tipping: The Transfer Station is on track to go over budget by \$5k
this year on this line, so has asked for an increase for next year.

280 01-4324-1-117, RECY Glass: Glass is now being trucked to Hooksett rather than Epping, and the
282 Transfer Station is dissatisfied with the trucker's billing practices. They plan to search for a
different facility.

284 01-4324-2-119 TS Facility Maint: This new line of \$7500 is to seal the asphalt, which will last ~6
years. They do have estimates; Vice-Chairman Cannon asked if they would speak to Road Agent
286 Oleson about handling this. Chairman Landau would like it noted in the budget that this is not an
annual expense.

288 01-4324-2-106, RECY Scrap Metal: \$1 should be put into the line to ensure that it can be used.

290 Vice-Chairman Cannon asked about extending the roof over the glass and cans. Chairman Landau
292 stated that there was no estimate, but the site has been viewed. They will have a number shortly,
but needed to know how much before putting this number into the budget.

294 Mr. Hadik stated that they were projecting \$23k in revenue next year, compared to this year's
296 projection of \$17k. This should help offset the Transport & Tipping line.

298 There were no changes to the Landfill numbers.

300 Mrs. Healey and Mr. Hadik departed the meeting at 9:42pm.

302 *3.2.6 Budget Committee*

304 Rhonda Lamphere and Chris Hadik were available to answer questions about this budget.

306 01-4150-3-680, BC Seminars: This line has been lowered, as not all Committee members are
attending seminars.

308 01-4150-3-625, BC Postage: This line has been lowered, as the Committee has not had a mailing in a
310 while. They are unable to use the Town Postage machine, as it is First Class Mail only and the
Budget Committee mailings would be Bulk Mail.

312 01-4150-3-650, BC Legal Expense: They do not anticipate the need for any legal expenses, but one
314 never knows.

316 Mr. Hadik departed the meeting at 9:45pm.

318 *3.2.7 Treasurer*

320 Mrs. Lamphere remained at the meeting table, available to answer any questions about this budget.

322 (Regretfully, Account numbers are unknown, as the Recording Secretary did not have a copy of the

proposed budget.)

324

01-4150-x-xxx: Treasurer Lamphere noted the need for money in the budget to cover bank charges for returned checks. There is offsetting revenue, of course; the town not only requires the person whose check bounced to cover the bank's charge of \$7, but charges a \$25 fee as well.

328

01-4150-x-xxx: \$1 was put in a line for Computer Software, as the Town may need to change deposit procedures in the future.

330

01-4150-x-xxx: Funds were added for membership in the Treasurer Association, and for vinyl deposit bags.

334

Treasurer Lamphere departed the meeting at 9:51pm.

336

3.2.8 Patriotic, Historical, PACT, Senior Citizens

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Hilary Hall was available to answer questions about the PACT and Senior Citizens budgets.

340

PACT:

01-4585-1-341, CTV-21 Telephone, Internet: This line will be reduced, as the telephone will be disconnected due to lack of use; however, the internet cost has gone up. Chairman Landau asked Ms. Hall to check with Selectman Castricone before disconnecting the phone, in case the line could be moved and used elsewhere - the Town must maintain a certain number of phones.

346

01-4585-1-xxx: This new line is to cover a "paid volunteer", not to exceed 10 hours a week at \$20/hours. This person will maintain equipment, the community calendar, programming, record meetings, and be a liaison to the public. There was some discussion about the name of this line. Selectman Weider would prefer "Contract Services", as the Labor Board might come after the Town for unpaid taxes by an "Admin", considering them an employee; Ms. Hall would prefer "Admin", as a Contractor would need to carry the Town's required high dollar insurance coverage. The Board can, however, waive the insurance requirement. Vice-Chairman Cannon asked if the work would need to be put out to bid, as \$20/hour for 10 hours a week equals \$10,400. Ms. Hall stated that it could be more than one volunteer; Chairman Landau stated that the bid process also could be waived if necessary.

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Ms. Hall stated that the Town may also need another Tightrope system, which would be requested via Warrant Article.

360

The Board pointed out that the television in the Meeting Room closet only showed static, not a picture; this is apparently because of television going digital. A converter box is needed.

362

Ms. Hall has asked for a copy of the Franchise Renewal from Bedford, NH, as theirs is the most recent. She will have this before speaking with Comcast or the Attorneys. She is considering requesting an additional 1% on fees to keep the Admin/Contract Services person referred to above.

366

Senior Citizens:

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They are not requesting any increases.

370

Ms. Hall departed the meeting at 10:03pm.

372

IV. Selectmen's Business

374

4.1 Roundtable

376

Vice-Chairman Cannon:

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- Nothing to report.

380

Selectman Weider:

- Nothing to report.

382

Selectman Hagan:

384

- He noted that the New Hampshire House has passed a bill relative to entry on private property.
- They also discussed redistricting; Danville will be removed from Chester's district, and Auburn added.

386

388

Chairman Landau:

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- He received email from Shawn Patenaude of Dubois & King about work at Edwards Mill. Apparently Chuck Corliss stated that the Town will need a permit from the Dam Bureau; Chairman Landau would like the Board to apply. Mr. Patenaude expects the total cost of the project to be ~\$40k, with \$10k going to Dubois & King for engineering. He suggests a two-fold approach: (1), remove the cribbing and cement, and (2), replace the valve and insert the pipe.

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4.2 Public Comment

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As no Members of the Public wished to be heard, Public Comment was closed at 10:07pm.

400

4.3 Non-Public Session

402

Chairman Landau moved that the Board go into non-public session under RSA 91A:3 II (e), Pending Litigation; Vice-Chairman Cannon seconded the motion. The vote was four in favor with Selectman Castricone absent; so moved.

404

406

The meeting room was closed at 10:11pm.

408

The meeting room was reopened at 10:24pm.

410

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

412

414

Chairman Landau moved that the minutes to the first non-public session, on Pending Litigation, be

416 sealed for an indefinite period; Vice-Chairman Cannon seconded the motion. The vote was four in favor with Selectman Castricone absent; so moved.

418 Chairman Landau moved that the minutes to the second non-public session, on Pending Litigation, be sealed for an indefinite period; Vice-Chairman Cannon seconded the motion. The vote was four in favor with Selectman Castricone absent; so moved.

422 **V. Adjournment**

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

426 The meeting was adjourned at 10:26pm.

428

430 Respectfully Submitted,

432 Debra H. Doda