

**Town of Chester
Board of Selectmen Meeting
Thursday, November 3rd, 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 7:46pm.

1.2 Roll Call

Selectmen present:

Joe Castricone
Stephen Landau
Michael Weider

Selectmen absent:

Jack Cannon
Joseph Hagan

Members of the Public present, at various times:

Richard Antoine, Fire Chief
Peter Brown
Andy Higham
Bob Latham
Barbara LeVasseur
Michael Oleson, Road Agent
Shawn Patenaude, Dubois + King
Matt Rittenhouse, Tri-Town Times
Carolyn Scott
Leroy Scott
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

The following additions were made: a meeting with Road Agent Oleson about a hire; one non-public session on Public Employees, one on Reputation, and one on Pending Litigation.

48 1.5 *Public Comment*

As no members of the public wished to speak, Public Comment was closed at 7:48pm.

50 **II. Old Business**

52 2.1 *Approval of Minutes*

54 This subject was not addressed this evening.

56 **III. New Business**

58 3.1 *Edwards Mill Dam - Shawn Patenaude of Dubois + King*

60 Mr. Patenaude and Mrs. LeVasseur appeared before the Board to discuss Edwards Mill Dam insofar
62 as it impacts the LeVasseur property. Mr. LeVasseur and Mr. & Mrs. St.Croix were unable to
attend.

64 The LeVasseur and St.Croix families own property that they believe is being eroded by water
66 running off during storm events at the Edwards Mill Dam. She stated that rip rap was put down in
May, but some had already washed away. She would like the dam either left open or dismantled
68 entirely.

70 Selectman Weider stated that the LeVasseurs had knowingly purchased property in a flood plain
(which Mrs. LeVasseur disputed), and that leaving the dam open would remove the Fire
72 Department's source of water in the Town.

74 Mrs. LeVasseur described the flow as "white water rapids through [her] property". She also stated
that a female engineer, later identified by the Board as Grace Levergood, had indicated to her that
76 it was the closed dam that caused the water to flow through her property. This was disputed by
Mr. Patenaude. He stated that the narrow notch with stone walls facing was to allow water to flow
78 into the turbine at the Mill building; the water that flows through the LeVasseur and St.Croix
properties is a 'tail race' or overflow which flows around the dam to waste unused water.

80 Mr. Patenaude stated that he had visited the dam 2-3 times a year since 2006, and had performed
82 a historical study as to why the dam was there, how it was used, etc. All photos available show the
water flowing through her property. Chuck Corliss, who is the current State Dam Engineer, agrees
84 with Mr. Patenaude.

86 As far as the rip-rap laid down along the St.Croix property, Mr. Patenaude stated that the permit
from the wetlands bureau was limited. It also took 105 days and ~\$4-5k to receive. The Town
88 would need to amend the permit to do any additional work in the stream, and the State would want
justification for that work. Mr. Patenaude opined that the State would not find this work justified,
90 as there was not enough erosion, the exposed roots belonged to a stable tree, and grass going all
the way to the water's edge showed a stable stream.

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94 She stated that she had lost ~3-4' of lawn to erosion. The LeVasseurs are no longer able to cross the stream to the other side (which is also their property).

96 Mr. Patenaude stated that the Town can manage the pool level by opening and closing the valve; however, one cannot control the water coming down the brook.

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100 Chairman Landau asked how much more the pool could be lowered. Fire Chief Antoine responded that the dry hydrant, which has been in place ~30 years, was ~2' down, and the pool could not be dropped below that level. The only other sources of water in Town would be Wason Pond, or Hazeltons. He also stated that the Fire Department is operating the dam in the same way they always have. They monitor the dam around storm events, and open/close as necessary. Opening and closing the valve can be dangerous, as a firefighter has to hang out over the water. This job is assigned to one person, and cannot be done as often as necessary. Perhaps the Town would like to assign a Dam Steward.

108 Mr. Patenaude stated that the Town could design and implement a formal spillway, which would cost more than \$10k and there was no guarantee that the area would ever be dry. Selectman Weider stated that the cost to repair Wason Pond Dam was hundreds of thousands of dollars. The Board could write a Warrant Article asking for money to work on Edwards Mill Dam, but there was no guarantee that the State would even approve the work.

114 Mrs. LeVasseur asked if Mr. Patenaude would be willing to visit her property; he is. Fire Chief Antoine and any interested Selectmen would make this visit with him. He will let Administrative Assistant Martin know his availability.

118 Bob Latham stood and was recognized. He stated that he has lived on Donna Street for 31 years, and this problem started when the new dam was put in place (Mr. Patenaude stated that the leaky dam was sealed up in 1985). Mr. Latham asked why an artificial spillway wasn't cut at that time. He stated that there was more water for the Fire Department by Clarence Ware's property.

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Mrs. LeVasseur and Mr. Patenaude departed the meeting at 8:41pm.

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126 *3.2 Road Agent Oleson and Peter Broom - Hiring*

128 Road Agent Oleson and Mr. Broom appeared before the Board to discuss moving Mr. Broom from the Maintenance Department to the Highway Department, due to an opening.

130 Road Agent Oleson stated that he had advertised the open position in the newspaper and on the Town website, and had received four applications. He had spoken with all four, and was presenting Mr. Broom as his preferred candidate. He noted that two of the applicants had expressed a lack of interest after hearing what the wages were. He would be retaining all applications.

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136 Selectman Weider asked that Road Agent Oleson and Mr. Broom remain in order to attend a non-public session after the public meeting was over as a condition of hiring; they agreed.

138 Road Agent Oleson and Mr. Broom returned to the audience at 8:44pm.

140 **IV. Selectmen's Business**

142 *4.1 Roundtable*

144 *Selectman Weider:*

- 146 ● The School Board is working with a broker for PSNH in order to bulk-buy electricity on an
148 18-month contract. They will be saving \$0.02 per kilowatt hour. Would the Town like to
150 join in? This needs to be decided by December. Selectman Castricone stated that he had
152 spoken with a broker in Hampstead who could also save the Town money on electricity and
154 would like that person to come before the Board. (He also noted that for all he knew, it
156 could be the same person.) Selectman Weider thought it would be preferable to partner
158 with the School; also, the School is interested in partnering with the Town to purchase
supplies, and their Finance Manager will be contacting the Town's Finance Manager.
Chairman Landau suggested having both brokers come before the Board; Administrative
Assistant Martin will be asked to contact them.
- The School Board expressed a disinclination to remain the Town's primary shelter. What
needs to be done to have the Multi Purpose Room take over? Apparently the showers need
work.

Selectman Castricone:

- 160 ● He received an email from Hilary Hall about the Chester Kitchen. Apparently it could pass
162 inspection if the floor were repaired, so Mr. Broom did that today.
- A Sanitary Survey took place at the Wason Pond Community Center and it passed.

164 *Vice-Chairman Cannon (via Chairman Landau):*

- 166 ● He reported an incident that took place with the Fire Department Command Center vehicle;
168 it was hit by a tree during the snowstorm. The damage is minimal, and it is drivable.
Estimates are being solicited and it should take a week to repair.
- He wished to recognize and thank Road Agent Oleson for the work done by the Winter
Maintenance Fleet.

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Chairman Landau:

- 172 ● Because of the snowstorm, the brush pile at the Transfer Station is very large and they ask
174 that residents do not bring any more brush or wood in this weekend.
- The Hazardous Waste day was a success, with ~150 participants, and the Town has been
176 asked to hold another one next year. He apologized to residents that the snowstorm
compelled the Transfer Station to be closed on Sunday.
- He informed Road Agent Oleson that the Board had a bill from Dubois + King for the
178 Fremont Road construction.
- Residents have begun to pay their taxes. It is hoped that the Town will not need a TAN
180 (Tax Anticipation Note) this year. He reminded residents that after December 1st, unpaid
taxes will be subject to 12% in interest.
- On Veterans' Day - November 11th, 2011 - at 8:30am, a breakfast will be held at the Multi
182 Purpose Room. Breakfast is free for Veterans; donations for the restoration of the Post
184 will be accepted for non-Veterans. At 11:00am, a program with the School Band will be held

at the Stevens Hall/Post Office area. Jean Methot is organizing these events.

- 186 ● There will be a concert on Monday, November 7th, at Stevens Hall organized by the
Historical Society. They received a grant for this event. It will feature banjo and guitar.
- 188 ● Halloween Trick-or-Treating will be held on Sunday, November 6th, from 5 - 7pm.

190 *4.2 Public Comment*

192 Mr. Latham stood and was recognized. He asked for clarification on bringing brush to the Transfer
Station. Chairman Landau confirmed that residents are asked not to bring any to the Transfer
194 Station this weekend. He plans to speak to Spring Hill Farm about chipping the brush on their
property.

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As no other Members of the Public wished to be heard, Public Comment was closed at 8:59pm.

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4.3 Non-Public Session

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Selectman Castricone moved that the Board go into non-public session under RSA 91A:3 II (a),
202 Public Employees; (c), Reputation; and (e), Pending Litigation; Selectman Weider seconded the
motion. The vote was three in favor with Vice-Chairman Cannon and Selectman Hagan absent; so
204 moved.

206 The meeting room was closed at 9:00pm. Road Agent Oleson and Mr. Broom remained in the room.

208 Road Agent Oleson and Mr. Broom departed the meeting room at 9:12pm.

210 The meeting room was reopened at 9:35pm.

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

216 Chairman Landau moved that the minutes to the first non-public session on Public Employees be
sealed for two months; Selectman Weider seconded the motion. The vote was three in favor with
218 Vice-Chairman Cannon and Selectman Hagan absent; so moved.

220 Chairman Landau moved that the minutes to the second non-public session on Reputation be sealed
for one year; Selectman Weider seconded the motion. The vote was three in favor with Vice-
222 Chairman Cannon and Selectman Hagan absent; so moved.

224 Chairman Landau moved that the minutes to the third non-public session on Pending Litigation be
sealed for an indefinite period; Selectman Weider seconded the motion. The vote was three in
226 favor with Vice-Chairman Cannon and Selectman Hagan absent; so moved.

228 **V. Adjournment**

230 Selectman Castricone moved to adjourn the meeting; Selectman Weider seconded the motion. The

232 vote was three in favor with Vice-Chairman Cannon and Selectman Hagan absent; so moved. The
meeting was adjourned at 9:37pm.

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Respectfully Submitted,

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Debra H. Doda