

**Town of Chester
Board of Selectmen Meeting
Thursday March 31st 2011
Municipal Complex
Approved Minutes**

I Preliminaries

1.1 Call to Order

Chairman Landau called the meeting of the Town of Chester Board of Selectmen to order at 7:06pm.

1.2 Roll Call

Selectmen present:

Chairman Stephen Landau
Jack Cannon
Joe Castricone
Michael Weider

Selectmen absent:

Gene Charron

Members of the Public present, at various times:

Bill Burke - Police Chief
Matt Rittenhouse, Tri-Town Times
Carolyn Scott
Leroy Scott
Angie Sherwood - Finance Director
Valerie Weider

1.3 Pledge of Allegiance

Chairman Landau led the attendees in the Pledge of Allegiance.

1.4 Meeting Additions or Deletions - Chairman Landau stated that Chuck Myette, the Conservation Commission Chairman would be coming in at 7:30pm to discuss the footbridge over Wason Pond Dam.

1.5 Public Comment - none.

48 **II New Business**

50 **7:08pm**

52 **2.1 Appointment - Tom Albano**

54 Vice-Chairman Cannon advised the BOS that he lives in the same neighborhood as Mr.
56 Albano and is an acquaintance. Mr. Albano stated that he lives on Orcutt Lane in Chester; on
58 March 8th he slipped and fell again on his driveway which was a sheet of ice. He stated that
60 the runoff from his driveway down Fiddlehead and Trillion (sp?) leads to a continuous black
62 ice problem. The current road agent (Mr. Oleson) is the land abutter to Mr. Albano's
64 property line hence Mr. Albano asked the road agent if there was anything he could do
66 regarding the ice hazard. Mr. Albano's driveway is within 25 feet of the road agent's
68 property line and according to the property plans drawn up 11 years ago, the plans for Mr.
70 Albano's septic tank and water supply were approved by the Building Inspector and they
should not have been according to the Town's planning rules at the time. The builder,
Abdullah, obtained all the permits for the property work to commence which would have
been okay if the property plans were met but they were not and this has led to the black ice
problem experienced for the last 11 years by Mr. Albano. There are no culverts or headwalls
and any water does not go into the swale, it remains as standing water and forms ice
problems for the residents. The property plans did not meet the Town planning rules in
place at that time therefore the occupancy permit should not have been approved by the
building inspector. Mr. Albano believes that the Town is responsible for this problem
because the building inspector is employed by the Town.

72 Chairman Landau asked Mr. Albano what he would like to see as a resolution; Mr. Albano
74 would like to have his driveway corrected and put (as shown in the septic plans he provided)
80 80 feet from the abutters property line away from the line of least resistance for the
82 runoff water. Selectman Castricone asked if Mr. Albano has contacted the builder which he
84 has not; Selectman Weider stated that it is not all the Town's responsibility and that when a
86 septic tank is designed the penetration of the ground is checked prior to making any plans
and then that determines where the house can be placed on the property. It was
recommended that builders implement a setback of 20 feet from Town property at the time
of this development however it was not enforceable because there was no zoning ordinance
in place. Selectman Weider stated that engineers use the shape of the proposed roofline
and impervious surfaces to determine the driveway placement to maximize keeping the
water on the property rather than creating runoff problems. Mr. Albano stated that the
former road agent had signed off on the driveway placement along with the former building
inspector therefore the Town is liable for this problem because they issued the permit.

88 Chairman Landau suggested that the BOS do a site visit to view Mr. Albano's runoff problem
90 along with the Town engineer, the current building inspector and a representative from LGC
92 insurance. The BOS will make a time for this visit in the next couple of weeks. Chairman
Landau stated that it can take quite some time to sort these issues out and that there were
no guarantees and that the correction could be very costly.

94 **7:25pm**

96 **2.2 Appointment - Michelle Rowden: Chester Field of Dreams Grant**

98 Chairman Landau showed Ms. Rowden that the BOS administrator had reworded the grant
100 application letter. The grant in question is for up to \$12K from the Alexander Eastman
102 Foundation which supports programs that work to reduce childhood obesity and promote
104 family involvement in the solution. Ms. Rowden stated that the Chester Field of Dreams is
106 applying for a grant of \$11,900 for the excavation costs at the fields. There will be other
108 funds needed for the rest of the field which will probably involve a warrant article; the
entire budget for this project will be \$79K which includes \$20K already raised along with
\$12K from the current grant application. Selectman Weider asked if the estimated project
cost included the permit fees and engineering fees that will be involved along with the
access road etc. The BOS asked for the time frame on this grant.

110 Selectman Weider made a motion for the BOS to sign the grant letter on behalf of the
112 Chester Field of Dreams. Vice-Chairman Cannon seconded; all were in favor; so moved. Ms.
Rowden will collect the letter from the BOS tomorrow.

114 Ms. Rowden advised the BOS and the public of the annual golf fundraiser for the Chester
116 Field of Dreams on May 21st at Candia Woods Gold Course. They are still looking for
volunteers to work at the event, golfers to make up teams, sponsors and raffle prizes.
There is more information at www.chesterfieldofdreams.org. The BOS will have it added to
the Town website too.

118 **7:34pm**

120 **2.3 Appointment - Chuck Myette: Conservation Commission**

122 Mr. Myette brought the BOS up to date on the proposed plans for the footbridge over
124 Wason Pond Dam. The dam is nearing completion; the Conservation Commission is making
126 plans with the NH Timber Framers Guild to start the engineering and building work involved
in putting the footbridge over the dam. Due to the flooding in early March, the funding set
128 aside for the footbridge has been used up therefore the Conservation Commission is
determining how to raise more funds to complete this project. Mr. Myette showed the BOS
130 some preliminary designs for the bridge which show the different aspects and a six inch
rise to the middle of the bridge from either end to repel water and the NH Timber Framers
132 Guild has provided a list of materials needed for the project in addition to the funds. There
is a contract drawn up by the NH Timber Framers Guild which shows the scope of work; the
134 NH Timber Framers Guild is a non-profit business that will undertake the entire process
from start to finish at cost. Members of their guild will be on site to manage the project,
136 check the materials and work with volunteers in workshops to build the bridge. The Guild
will make sure that the bridge meets all the permits and plans. Mr. Lewis from the Chester
138 Forest project has selected timber to be cut ready for this project to begin in July and a
local artist will show how the bridge may look closed in and with a roof etc.

140 The Conservation Commission has discussed how to raise the funds for the bridge including
142 fundraisers (hayrides, raffles etc.), conservation funds, forest account funds and some
funds from a planned timber cut on the Hatton property. Local groups have offered to clear
and chip the brush surrounding the bridge area.

144
146 The Conservation Commission needs to move forward with their plans and get permission
from the BOS to sign off on the contract with the NH Timber Framers Guild so that the
148 engineering can begin and the fundraising can start. Mr. Myette stated that Town counsel
agreed that the Conservation Commission could accept gifts / funds from the public for this
project as long as the funding is tracked.

150
152 The Conservation Commission plans to hold volunteer workshops so that the public can get
their hands dirty building the bridge. Selectman Weider believes that volunteers are
154 covered under the Town's insurance policy however the BOS would like to check this before
any volunteering begins; there may be some age limits set for involvement in this project
156 because of the risk of injury from the tools. LGC also has waivers that the Town can have
the volunteers can sign before they start working on the bridge; there's a chance that the
workshops could benefit the fundraising efforts by charging a small fee for participation.
158 Selectman Weider stated that he will help with getting the waivers ready and the planning
for the volunteer workshops. The NH Timber Framers Guild plans to advertise this project
160 to its members and they believe it will be a popular project for their members to work on.

162 Vice-Chairman Cannon stated that the current view of the Wason Pond is quite appealing,
people have asked if the bridge will obscure the view; the BOS suggested holding a Public
164 Hearing on the footbridge plans to show the public the design and the plans for closing it in
while maintaining the integrity and visual appeal of the bridge. The bridge will open up a trail
166 system on the far side of the pond which will give access right around the pond. The Public
Hearing will be televised. The BOS suggested Thursday April 14th for the Public Hearing and
168 for the Conservation Commission to explain the fundraising plans to the public. Chairman
Landau stated that the engineers are checking the dam is okay following the March floods
170 so that the final stages of the construction can be completed.

172 **8:00pm**

174 **2.4 Appointment - Angie Sherwood: Town Finance Director**

176 Ms. Sherwood handed out updated expense projections through June 30th 2011; the
forecast shows that the Town will be approximately \$80K in pocket however that does not
178 reflect the potential winter storm costs for Friday April 1st and the cost of repairing the
Town backhoe that could be up to \$5K. Selectman Weider reviewed the updates to the
180 revenues budget with Ms. Sherwood and asked her to add or change the lines that the BC
reviewed at their last meeting. The BOS asked Ms. Sherwood to check that the library
182 director is included in the full-time employee list and that his health insurance contribution
is reflected in the revenues budget along with the other employees' contributions. Chairman
184 Landau asked Ms. Sherwood to move the illegal dumping line from the executive budget to

186 the transfer station budget. Selectman Weider had the following total for the proposed
Town operating budget in 2011/12: \$3,739,307.66.

188 Selectman Weider stated that the BC is waiting on updated information for warrant article
190 D (Fremont Road Bridge) and the figures to be confirmed for warrant article L (operating
budget) before the BC can finalize their recommendations. Selectman Weider stated that
192 the BC approved the BOS recommended budget as submitted; in straw polls, the BC accepts
all the warrant articles with some small changes to the budget if certain warrant articles
194 pass. Selectman Weider passed on the BC's thanks for her work on the budget preparation
and he thanked the departments for their input and hard work.

196 **III Selectmen's Business:**

198 **3.1 Round Table:**

200 *Vice-Chairman Cannon:* Ms. Martin asked Vice-Chairman Cannon to contact SB Chairman
Richardson regarding a proposal made by the SB if the warrant article for a Town dump
202 truck passes. The SB would like to transfer \$20K from their snow plowing line to offset the
purchase of the truck in return for snow plowing services by the Town. The BOS has a copy
204 of the current SB snow plowing contract and there is the potential cost savings; if the truck
passes then the Town and School could engage in setting up a contract and plan. Selectman
206 Weider stated that there needs to be a cost analysis done incorporating the Town's costs in
to the potential contract i.e. fuel, equipment, depreciation of the equipment etc. Nothing
208 will happen with this plan until Town meeting. Chairman Landau stated that there were
concerns when the previous road agent had a contract with the school and the school
210 parking lot and roadways were not cleared quickly enough and the school could not open. The
BOS feels that the Town roads need to be cleared prior to the school access roads and
212 parking lot so that the Town roads are safe for the school buses to travel on to get to
school. This area will need further discussion prior to any snow plowing contract between
214 the school and Town.

216 Vice-Chairman Cannon advised the BOS that the Town backhoe is out of service again;
transmission fluid was found to be mixed in with coolant last week; a root cause needs to be
218 determined - is this a major failure. The BOS questioned what happened because the
backhoe just had its transmission rebuilt; the BOS wondered if there was a warranty on the
220 rebuild. Vice-Chairman Cannon made a motion to ask the road agent to obtain a root cause
analysis report for the Town backhoe before proceeding with any repairs. Selectman
222 Weider seconded; all were in favor; so moved. Chairman Landau also asked for a copy of the
maintenance for the backhoe. Chairman Landau was concerned that in order to complete the
224 root cause analysis they may have to take the backhoe apart to do it.

226 *Selectman Weider:* Selectman Weider asked Selectman Castricone to close the storm
windows on Stevens Hall and Vice-Chairman Cannon asked for the NH flag to be replaced
228 outside the Town hall because it is fraying.

230 *Selectman Castricone:* Selectman Castricone advised the BOS that the Town maintenance
man has completed the wall in the TV studio which means that the electrician can now come

232 in and then the meeting room furniture can be moved in. Selectman Castricone has been
234 advised that fire engine 1 has antifreeze mixed in with its oil so this needs to be
investigated; the BOS would like to know if engine 1 passed its pump test.

236 Selectman Castricone stated that the post office is having problems with the rear loading
238 door; he advised the BOS that as of April 23rd all the mail trucks and mail carriers will be
based out of Derry which may not be as efficient as having the mail trucks and carriers
based out of Chester.

240 *Chairman Landau:* Chairman Landau has spoken with the Town attorney and they are moving
242 forwards with the LeClair case.

244 **3.2 Public Comment - none.**

246 **The next meeting of the BOS will be on Thursday April 7th at 7pm.**

248 **8:35pm**

250 Selectman Castricone moved that the Board go into a Non-Public session under RSA 91-A: 3 II (a)
252 the dismissal, promotion or compensation of any public employee or the disciplining of such employee
and under RSA 91-A: II (e) consideration or negotiation of pending claims or litigation which has
254 been threatened in writing or filed against the body or agency. Vice-Chairman Cannon seconded the
motion. The roll call was unanimous in the affirmative; so moved.

256 **9:18pm**

258 Vice-Chairman Cannon moved that the Board come out from their Non-Public session. Selectman
Castricone seconded. The roll call was unanimous in the affirmative; so moved.

260 Vice-Chairman Cannon moved that the non-public meeting minutes be sealed indefinitely. Selectman
262 Castricone seconded. The roll call was unanimous in the affirmative; so moved.

264 **IV Adjournment**

266 Vice-Chairman Cannon moved to adjourn the meeting at 9:20pm. Chairman Landau seconded. The
vote was unanimous in the affirmative; so moved.

268 Respectfully Submitted,

270 Sarah Scanlan