

**Town of Chester  
Board of Selectmen Meeting  
Thursday, April 22<sup>nd</sup>, 2010  
Municipal Complex  
Approved Minutes**

**I Preliminaries**

*1.1 Call to Order*

Vice-Chairman Cannon called this meeting of the Town of Chester Board of Selectmen to order at 7:02pm.

*1.2 Roll Call*

Selectmen present:

Robert Brown  
Jack Cannon  
Stephen Landau

Selectmen absent:

Joe Castricone  
James Hassam

Members of the Public present, at various times:

Rich Antoine, Fire Chief  
John Colman  
Barbara Dolloff  
Bob Flanders, Interim Building Inspector  
Midge Gould  
Chris Hadik  
Chuck Heuer  
Chuck Myette, Spring Hill Farm Director  
Michael Oleson, Road Agent  
Bob Packard  
Matt Rittenhouse, Tri-Town Times  
Carolyn Scott  
Leroy Scott  
Angela Sherwood, Finance Director  
Brad Wamsley, Spring Hill Farm Director  
Michael Weider  
And other persons unknown to the Recording Secretary

*1.3 Pledge of Allegiance*

Vice-Chairman Cannon led the attendees in the Pledge of Allegiance.

#### 1.4 *Additions and Deletions*

There was one appointment deleted from the agenda: Hilary Hall would not be coming to discuss the Chester Kitchen.

#### 1.5 *Public Comment*

Rich Antoine stood and was recognized. He stated that he was speaking as a resident of the Town of Chester. He opined that it was too bad that the Town was not giving budgeted raises to its employees this year, but that it was spending \$800/week on an interim Building Inspector, and \$900/month on renting a truck.

As no other members of the Public wished to speak, Public Comment was closed at 7:04pm.

## **II Public Hearing**

### 2.1 *Discussion of Incurring of Indebtedness for the following purposes:*

#### 2.1.1 *Repairs to Wason Pond Dam (\$280,000 gross budget) (\$140,000 bond/note)*

Vice-Chairman Cannon moved to open the Public Hearing on the Repairs to Wason Pond Dam Bond; Selectman Landau seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Castricone absent; so moved.

Bob Packard stood and was recognized. He asked if there was going to be a timber bridge across the dam as originally planned. Selectman Landau stated that the bridge was not part of the Bond, but that the Wason Pond Commission might be arranging a timber framing class to erect one.

No other members of the Public wished to speak at this time. The Public Hearing will remain open until 8:06pm.

Vice-Chairman Cannon encouraged any members of the public who wished to speak on any of these Public Hearings at any time to step up to the microphone, and the Board would recognize them immediately.

At 8:20pm, Vice-Chairman Cannon again asked for any residents interested in speaking to this public hearing to step up to the microphone to be heard; none did.

Vice-Chairman Cannon moved to close the Public Hearing on the Repairs to Wason Pond Dam Bond; Selectman Landau seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Castricone absent; so moved.

#### 2.1.2 *Road improvement including but not limited to Shepard Home and Hanson Roads, Great Oak Drive, Jennifer, Rand, Holman and Parker roads, Birch Road, Old Sandown*

*Road, Pulpit Rock Road and Rod & Gun Club Road, (\$1,500,000 bond or note).*

Vice-Chairman Cannon moved to open the Public Hearing on the Four Projects Road Improvements Bond; Selectman Brown seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Castricone absent; so moved.

No members of the Public wished to speak at this time. The Public Hearing will remain open until 8:11pm.

Vice-Chairman Cannon encouraged any members of the public who wished to speak on any of these Public Hearings at any time to step up to the microphone, and the Board would recognize them immediately.

At 8:20pm, Vice-Chairman Cannon again asked for any residents interested in speaking to this public hearing to step up to the microphone to be heard; none did.

Vice-Chairman Cannon moved to close the Public Hearing on the Four Projects Road Improvements Bond; Selectman Landau seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Castricone absent; so moved.

*2.1.3 Road improvements to East Derry Road (\$350,000 bond/note).*

Vice-Chairman Cannon moved to open the Public Hearing on the Repairs to East Derry Road Bond; Selectman Brown seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Castricone absent; so moved.

No members of the Public wished to speak at this time. The Public Hearing will remain open until 8:13pm.

Vice-Chairman Cannon encouraged any members of the public who wished to speak on any of these Public Hearings at any time to step up to the microphone, and the Board would recognize them immediately.

At 8:20pm, Vice-Chairman Cannon again asked for any residents interested in speaking to this public hearing to step up to the microphone to be heard; none did.

Vice-Chairman Cannon moved to close the Public Hearing on the Four Projects Road Improvements Bond; Selectman Landau seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Castricone absent; so moved.

### **III Appointments**

*3.1 Chuck Myette and Brad Wamsley, Spring Hill Farm Directors*

Mr. Myette and Mr. Wamsley were present at the meeting, and invited to come before the Board to discuss the happenings at last night's Spring Hill Farm meeting.

There is a portion of land belonging to Spring Hill Farm, near Wason Pond, that is being leased to Gary Van Geyte for use as a CSA (Community Supported Agriculture) site. Last year he leased ¼ acre for \$200 as a pilot; this year he would like to lease ~1/2 to 1 acre for \$500. The lease figure was calculated by multiplying Rockingham County Agriculture's recommended monthly rate of \$50-\$100 per acre by the acreage leased and the growing season (5 months).

There appear to be some issues; the first is that members of the CSA come to the property on Fridays between 3pm – 6pm on Fridays, and the road it is on (Wason Road) is dirt; the increased traffic, dust, and parking is causing the neighbors to complain. The second is that Mr. Van Geyte would like to erect a greenhouse. He applied for a building permit from the Building Inspector, which was granted; once construction began, the neighbors complained. Thirdly, Mr. Van Geyte wanted to clear some trees and brush, which was approved by the Spring Hill Farm Directors. A forester came and did the work; after that it was determined that the trees/brush were actually on the Town-owned easement, and the Town itself should have been consulted before any work was done.

Last night's meeting was held at the farm in order to view the farm and some new tractor sheds that had been erected. The above-referenced concerned neighbors were asked to attend as well. During the meeting, things became a bit heated and the Police were called. The meeting will be continued on Sunday morning at 7am.

Vice-Chairman Cannon perused a copy of the lease, and discovered some areas of concern. It is an evergreen lease; the Board of Selectmen did not sign it; the amount of days needed to give notice merely says "number of days" rather than a figure; and the only option for termination is default.

Selectman Brown opined that if that many neighbors were unhappy about the CSA, it might not be worth it. Mr. Wamsley stated that they were considering moving Mr. Van Geyte's leased section closer to the Farmhouse and a paved road, which would solve the Wason Road issue. However, Mr. Van Geyte had received a grant based on the area he was currently occupying, and it was uncertain if the grant could be transferred to another plot of land. Mr. Van Geyte is also pursuing other grants, such as one for solar windmills.

Interim Building Inspector Flanders joined the meeting at this point. Vice-Chairman Cannon asked why a "Stop Work" had been posted at the construction. Interim Building Inspector Flanders stated that the construction was too close to the wetlands, which had not been shown on the application for the building permit at all. The State specifies a 50' setback from wetlands, but the Town specifies 75'; in any case, Mr. Van Geyte's construction is less than 40' from the wetlands. The permit was therefore issued in error due to incorrect information and a violation of ordinance. The "Right to Farm" does not exempt it. Mr. Wamsley opined that the greenhouse was a temporary structure; this does not exempt it either.

Selectman Landau reported that he had received an unsolicited telephone call from the Department of Agriculture. The caller stated that the structure was not a greenhouse, as it did not have power or concrete footings, but that it was a "high tunnel" and exempt per RSA 72:12d. The Department does not consider it a building, but a piece of equipment. It is not subject to tax, but it is to

Zoning; the USDA and the State Department of Agriculture regulate it. It is 72' long by 26' wide with raised beds inside, and is movable. Interim Building Inspector Flanders stated that the Building Code considers it a structure, and the more strict interpretation applies. He would be in favour of the "high tunnel" being relocated. Although permits are usually posted for 7 days, common sense can be used and Interim Building Inspector Flanders would be willing to expedite another permit.

Selectman Landau also reported that the caller told him that the Board had ordered the permit rescinded; this was not the case.

Eric Martin stood and was recognized. He stated that he was not opposed to the CSA, but had questions. What is the legality of a commercial operation on public land? Is parking allowed on the street? And does this operation fall in line with Miss Church's wishes? The Board will have to ponder the questions and get back to him; the agricultural RSAs should be reviewed. Mr. Myette thinks this is viable.

Bob Packard stood and was recognized. He stated that since this was a commercial operation, was it subject to the Town's insurance requirements? He also asked if a surety bond was received, due to the potential use of fertilizer, pesticides, and/or insecticides. Vice-Chairman Cannon stated that there was an environmental section in the lease, but no surety bond mentioned. This could be part of a needed amendment. Apparently Mr. Van Geyte is pursuing organic certification, and the state will be overseeing this.

Tom Edwards stood and was recognized. He is concerned about the Trustees' interpretation of Miss Church's wishes. His belief is that the land was to be used to support the farm; a \$500/year lease for the CSA and \$600/year lease for the alpacas is not supporting the farm, but putting money into an individual's pocket. He would like the Directors to revisit the will. Mr. Wamsley replied that he became a Director in order to fulfill Miss Church's wishes, and that they are doing the best they can. If Mr. Edwards would like to become involved, he is welcome to do so.

Mr. Myette and Mr. Wamsley departed the meeting at 8:18pm.

### 3.2 *Michael Oleson, Road Agent*

Road Agent Oleson was present at the meeting, and was invited to come before the Board to discuss some Highway Department issues.

#### Town Truck

The Town Truck was taken in for inspection, and there are \$7-9k worth of repairs needed. The fuel tank is leaking; this will cost \$2800 for parts alone. An aftermarket fuel tank is being sourced, which will be cheaper. The front drive shaft is bent; this might cost \$7-800. Salt under the hood has caused the computer modules to corrode; brakes and tires need work; some lights at the back are rotted. It is currently at Yankee Truck. Vice-Chairman Cannon reviewed the Highway Budget, and stated that there was room to cover these repairs; the truck must be repaired.

### FEMA

He met with the FEMA representative today, and the meeting went well thanks to Finance Director Sherwood's documentation. FEMA is unwilling to address the Edwards Mill Dam. (Vice-Chairman Cannon interjected that he had received telephone calls during the week from people unhappy with last week's discussion as reported in the Tri Town Times.) Road Agent Oleson stated that he would be meeting with FEMA again.

### Salt Applicators Certification

He has received an email about yearly certification of salt applicators, which will begin in July 2011. This will cause issues as many vehicles are difficult to calibrate.

### Miscellaneous

Selectman Landau asked, referring to the roof of the highway shed, if the old hose tower at the was serving any purpose to the Highway Department, other than holding the antenna. Road Agent Oleson reported that they used it to secure items, as it could be locked. Also, it cannot be removed, as it provides the elevation for the antenna and the repeater.

Road Agent Oleson departed the meeting at 8:28pm.

## **IV Meeting Business**

### *4.1 Approval of Minutes*

*April 15<sup>th</sup>, 2010:* These minutes could not be discussed due to the lack of a quorum of the Selectmen present at that meeting.

### *4.2 Roundtable*

#### *Selectman Landau*

- A property in Town, including a residence, was taken by the Town by tax deed in 2008, under RSA 80:76. Administrative Assistant Patricia Martin recently discovered this property being advertised for sale by a local/national real estate firm. Apparently the original mortgage company was acquired by a large bank, and the bank is the one listing it for sale. The bank had been advised some time ago of the payoff amount needed to clear the taxes owed, but they have not paid the Town. The Town does not want anyone on the property, which has been posted, due to liability issues. Town Counsel Diane Gorrow was called; she stated that per RSA 80:80, a property taken by tax deed can only be transferred to a third party by vote of the Legislative Body at Town Meeting. This has not been done. She suggested that the Town write a letter to the Realtor and the bank, advising them of all this in writing.
- The Town Report, other than the Selectmen's Report, is ready to go to the printer.
- He has one issue for non-public session, under Litigation.

#### *Selectman Brown*

- Nothing to report.

*Vice-Chairman Cannon*

- Nothing to report.

*4.3 Public Comment*

John Colman stood and was recognized. He stated that the Legion Hall was in bad shape; a storm had torn off many roof shingles, and broken windows. They had covered the largest window with luan. He was unsure if anyone was still in charge of this building. Selectman Landau stated that he had recently spoken with the person in charge, who lives on Rod & Gun Club Road. Apparently another organization in Town is interested in working on it. Mr. Colman was concerned about who the building would revert to if there was no active post in town, and did not want to see the Scouts' work going to waste.

As no other members of the Public wished to speak, Public Comment was closed at 8:32pm.

*4.4 Non-Public Session*

Selectman Landau moved that the Board go into non-public session under RSA 91 A:3 II (e) Litigation; Selectman Brown seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Castricone absent; so moved.

The meeting room was closed at 8:33pm.

The meeting room was re-opened at 8:42pm.

Selectman Landau moved that the Board come out of non-public session; Selectman Brown seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Castricone absent; so moved.

Selectman Landau moved to seal the minutes to the non-public session for an indefinite period; Selectman Brown seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Castricone absent; so moved.

*4.5 Adjournment*

The meeting was adjourned at 8:42pm.

Respectfully Submitted,

Debra H. Doda