

**Town of Chester  
Board of Selectmen Meeting  
Thursday, February 18<sup>th</sup>, 2010  
Municipal Complex  
Approved Minutes**

**I Preliminaries**

*1.1 Call to Order*

Chairman Hassam called this meeting of the Town of Chester Board of Selectmen to order at 7:04pm.

*1.2 Roll Call*

Selectmen present:

Joe Castricone  
James Hassam  
Stephen Landau

Selectmen absent:

Robert Brown  
Jack Cannon

Members of the Public present, at various times:

Dick Godfrey  
Bob Pepper  
Matt Rittenhouse, Tri-Town Times  
Carolyn Scott  
Leroy Scott  
Angela Sherwood, Finance Director  
And other persons unknown to the Recording Secretary

*1.3 Pledge of Allegiance*

Chairman Hassam led the attendees in the Pledge of Allegiance.

*1.4 Additions and Deletions*

An appointment with Fire Chief Richard Antoine has been added.

*1.5 Public Comment*

As no members of the Public wished to speak, Public Comment was closed at 7:05pm.

**II Appointments**

## 2.1 *Dick Godfrey – Cable TV*

Mr. Godfrey appeared before the Board to discuss sound issues with the Board of Selectmen's meetings. He has received comments that the proceedings can be difficult to hear, especially if the speakers are not in close proximity to the microphones. He asked that the Selectmen encourage speakers, as well as remember themselves, to make their comments directly into a microphone.

Selectman Landau asked if it would be possible to install a second camera in the meeting room which would face the audience. Mr. Godfrey stated that it was not possible at this point, but perhaps in the future, and that it also might be possible to have an 'auto switcher' in the future.

Mr. Godfrey departed the meeting at 7:09pm.

## **III Old Business**

### 3.1 *Building Inspector – Permit Fees*

Interim Building Inspector Bob Flanders and Fire Chief Rich Antoine appeared before the Board to continue last week's discussion of Permit Fees.

The Fire Department's fees have been added to the Fee Schedule; none of these have changed.

Selectman Castricone had a copy of Fremont's permit fees; he found some to be inconsistent with Interim Building Inspector Flanders' suggested fees. Interim Building Inspector Flanders stated that apparently Fremont has not updated their fees schedule in a while, as the fees that they are charging do not appear to be consistent with the cost incurred; he does not wish his Department to be subsidized by taxpayer revenue. Although permit fees are not intended as a revenue source, he would like them to be revenue neutral.

There was some discussion about how small a building can be to be erected without pulling a permit (120 sq ft and under); what driveway alterations need a permit (those that might change the pitch, or require excavation); and if above-ground swimming pools also need an electrical permit (only those that require hardwiring, not those that can be plugged into a socket).

The Fire Department fees were last reviewed two years ago, at which time the Sprinkler rate was raised. Selectman Castricone asked about a rate for a Fire Truck or Ambulance; Chief Antoine stated that a vehicle is only assigned to a Fireworks event. Selectman Castricone also noted the absence of a fee for burning brush piles. Chief Antoine stated that the Fire Department uses those events for training exercises, and there is no fee. It was clarified that the \$35 Detail Fee for Fire/EMT is per person, per hour; it was clarified that the \$300 Detail Fee for Fireworks is per event.

Selectman Castricone suggested that detailed descriptions be added to the Permit Fee Schedule.

Selectman Castricone moved to accept the Permit Fee Schedule as suggested by Interim Building

Inspector Flanders and Fire Chief Antoine; Selectman Landau seconded the motion. The vote was three in favour with Vice-Chairman Cannon and Selectman Brown absent; so moved.

Interim Building Inspector Flanders departed the meeting at 7:25pm; Fire Chief Antoine remained at the meeting table.

### 3.2 *Fire Chief Antoine*

Selectman Castricone moved to appoint Fire Chief Antoine as Chairman of the Building Inspector/Code Enforcement Officer Hiring Committee; Chairman Hassam seconded the motion. Selectman Castricone explained that as Fire Chief Antoine is the person with whom the new Building Inspector/Code Enforcement Officer will most interact, having him chair the committee makes sense. The question was called. The vote was three in favour with Vice-Chairman Cannon and Selectman Brown absent; so moved.

Fire Chief Antoine stated that the new Rescue Truck had arrived late on Monday night, February 15<sup>th</sup>; they are working to get it into service by the end of the month. The new Rescue Truck was not correct when they arrived to pick it up, and they had to wait; to make up for the inconvenience, a few extras were added at no charge. The old Rescue Truck was sold to a town in Wisconsin that did not have its own vehicle.

Fire Chief Antoine stated that he had received the marked-up copy of the Comstar contract as discussed last week; an edited clean copy was sent to Comstar, who agreed with the changes. Selectman Castricone moved to allow Fire Chief Antoine to enter into an ambulance billing contract with Comstar; Selectman Landau seconded the motion. The vote was three in favour with Vice-Chairman Cannon and Selectman Brown absent; so moved.

Fire Chief Antoine departed the meeting at 7:29pm.

### 3.3 *Cemetery Wall Follow-up*

Selectman Landau spoke extensively with the Cemetery Trustees and Finance Director Sherwood about procuring the funds necessary to repair the walls at the Branch and Village cemeteries. The suggested plan is to amend the Cemetery Trustees budget to add a line item of \$24k to repair the Branch Cemetery wall, and to establish a Capital Reserve Fund to repair the Village Cemetery wall. The total amount needed for the Village Cemetery wall is ~\$16-17k, which will be requested over a ~3-4 year period; the amount requested for this year would be \$6k. The repairs to this wall are not as urgent as those at the Branch Cemetery. Repairs to the wall at the Branch Cemetery are quite urgent.

Selectman Castricone disagreed with the amending of the budget. Selectman Landau explained the decision to go with a budget line, rather than a Warrant Article, as should the Warrant Article fail, the repairs cannot be made. If the wall is not repaired, graves will begin eroding and may well end up on Route 102. Police Chief Burke volunteered to waive the administrative fees for the detail work, which will save approximately 1/3 of the cost – somewhere in the \$2500 - \$3000 range – bringing the total cost down to ~\$21k.

Finance Director Sherwood stated that in an emergency, the Town could appeal to DRA and ask permission to use monies from the unexpended fund balance for repairs.

The additional line will be noted as "Repairs to Branch Cemetery"; the Town will be assured that these funds will be used for the wall repair only. He also suggested that the Trustees put the job out to bid immediately so that a definitive figure will be available, and the work begun as soon as possible (although any invoices could not be paid until the new Fiscal Year).

Chairman Hassam moved to amend the Cemetery Budget by \$21k to repair the wall at the Branch Cemetery located on Route 102 at the Raymond town line. Selectman Landau seconded the motion; the vote was two in favour with Vice-Chairman Cannon and Selectman Brown absent, and Selectman Castricone abstaining; so moved.

Anything to do with the wall repairs at the Village Cemetery will be deferred for now in order to concentrate on the Branch Cemetery.

### 3.3 *Warrant Articles Review*

Finance Director Sherwood reviewed changes to the Warrant Articles. They are not in final order, as bonds must come first; this is merely the working list.

**Article J (Public Television):** new wording from DRA, and an additional \$8k on top of the \$2k already earmarked for Educational TV, changing the total value of the Article from \$5,845 to \$13,845. Selectman Landau confirmed that this Warrant Article has no tax impact. Selectman Castricone asked why the \$10k for Educational TV was not part of the School budget; Selectman Landau responded that the Franchise Fee monies go to the Town, not the School. Selectman Landau suggested getting a cable report to determine what the \$10k is spent on; Selectman Castricone would like to confirm that all cable equipment at the school is indeed owned by the Town, not the School. Finance Director Sherwood will contact Hilary Hall about these issues.

Chairman Hassam moved to move Article J forward as amended; Selectman Landau seconded the motion. The vote was two in favour with Vice-Chairman Cannon and Selectman Brown absent, and Selectman Castricone opposed; so moved.

**Article M (Town Administrator):** The words "Passage of this article authorizes the inclusion of the appropriation for this position in future operating budgets" have been added.

Selectman Castricone moved to move Article M forward as amended; Chairman Hassam seconded the motion. The vote was two in favour with Vice-Chairman Cannon and Selectman Brown absent, and Selectman Landau opposed; so moved.

**Article P (Winter Road Maintenance Fund):** The words "and compensating workers for winter maintenance of roads" have been added. It was reported that Selectman Brown had disagreed with the inclusion of these words; Selectmen Castricone and Landau agreed, stating that they were redundant.

Selectman Castricone moved to remove the line “and compensating workers for winter maintenance of roads” be removed from Article P; Selectman Landau seconded the motion. The vote was three in favour with Vice-Chairman Cannon and Selectman Brown absent; so moved.

**Article Q (New Work Truck):** Chairman Hassam moved to move Article Q forward as rewritten; Selectman Castricone seconded the motion. The vote was two in favour with Vice-Chairman Cannon and Selectman Brown absent, and Selectman Landau abstaining; so moved.

**Article S (Bond for East Derry Road and Wason Pond):** There is a concern that any failure of this Article to pass jeopardizes both jobs. It was suggested that either an additional Warrant Article could be written for the Dam work, such article to be withdrawn should this Article pass; or, preferably, that the Article be split into two separate Articles. Finance Director Sherwood stated that there should be no issue with two separate bonds, as long as the Town repays a minimum of \$5k each year. She will investigate the possibility of combining the sums into one bond, should both Articles pass.

There was some discussion about a discrepancy in the amount requested for the Wason Pond Dam work. The Article requests \$241k; Baron Richardson believes that the figure should be \$292k, the additional \$51k being charges for Construction Oversight, Engineering and Permit Fees, Contingency Plans, and a Timber Bridge.

It was agreed that the \$241k be raised to \$255k in order to include Engineering and Permit Fees.

Selectman Landau moved to move Article S<sup>1</sup> specifically for the Wason Pond Dam forward in the amount of \$255k; Selectman Castricone seconded the motion. The vote was three in favour with Vice-Chairman Cannon and Selectman Brown absent; so moved.

Selectman Castricone moved to move Article S2 specifically for East Derry Road forward in the amount of \$350k; Selectman Landau seconded the motion. The vote was three in favour with Vice-Chairman Cannon and Selectman Brown absent; so moved.

**Article U (Skid Steer):** This article had been reworded by DRA to be more specific about the amount of money to be spent (\$15k), and by when (June 30<sup>th</sup>, 2015). Be that as it may, the grant is only good until November 30<sup>th</sup>, 2010.

Chairman Hassam moved to move Article U forward as reworded by DRA; Selectman Castricone seconded the motion. The vote was three in favour with Vice-Chairman Cannon and Selectman Brown absent; so moved.

**Article V (wall repair at Village Cemetery):** This article had been reworded by DRA to change it from a Capital Reserve Fund under RSA 35:1 to an expendable trust fund under RSA 31:19-a. Chairman Hassam would like to skip this Article in order to concentrate on the wall at Branch Cemetery. Selectman Landau stated that its purpose was to let people know that a fund needed to be established, but that the Cemetery Trustees could put the information into their Annual Report instead.

Chairman Hassam moved not to move Article V forward; Selectman Castricone seconded the motion. The vote was two in favour with Vice-Chairman Cannon and Selectman Brown absent and Selectman Landau abstaining; so moved.

**Article W (\$1.5M bond for road work):** The tax impact of this article will be huge (it has yet to be calculated). However, the Town must be the ones to decide. Selectman Landau suggested asking DRA if all bonds can be combined into one.

Selectman Castricone moved to move Article W forward; Chairman Hassam seconded the motion. The vote was three in favour with Vice-Chairman Cannon and Selectman Brown absent; so moved.

**Article X (boilers):** A Dubois and King quote for \$52k is in hand. The Town previously appropriated \$40k for boiler work, of which \$11.5k has been spent. This article raises an additional \$23.5k for this work.

Chairman Hassam moved to move Article X forward; Selectman Landau seconded the motion. The vote was three in favour with Vice-Chairman Cannon and Selectman Brown absent; so moved.

The new information will be sent to Soule Leslie Kidder for their input; the Articles will be revisited next week to add the tally of how many Selectmen are in favour vs. how many are opposed. It is hoped that all five selectmen will be present.

Linda Elliott may have a Warrant Article to close out Trust Funds that contain only interest. Selectman Landau asked how much money was involved; this is unknown. He wondered if it was possible to combine those monies, and use it for cemetery maintenance. Finance Director Sherwood will ask Ms. Elliott.

### *3.4 Finance Director Sherwood – Other Finance Items*

Road Agent Michael Oleson noted that the Highway Department has currently spent \$36,164 over its Plow line in this years budget, and that does not include the last snow event. He would like the Board of Selectmen to approve a withdrawal of \$50k from the Winter Maintenance Fund. Selectman Landau asked Finance Director Sherwood to calculate the costs of the last storm and add it to the \$36,164 before any action is taken.

She had been requested by the Budget Committee to update a census sheet, listing the names of each Town Employee and what insurance plan they have. Finance Director Sherwood thought that this might be a HIPAA violation, and declined to provide any personally identifiable information. The Board concurred.

The Budget Committee has also requested that she provide certain revenue and expenditure information to them on a form of their design, citing RSA 32.22. She informed the Board of Selectmen that this RSA does not require her to use their form, as long as she provides the information in a proper format. She is currently providing the information on a report easily run from the finance software. Using the Budget Committee's forms would entail much additional work.

Finance Director Sherwood departed the meeting at 8:26pm.

#### **IV Meeting Business**

##### *4.1 Approval of Minutes*

This subject was not discussed tonight.

##### *4.2 Roundtable*

###### *Selectman Landau*

- He has two issues for non-public session; one under Reputation and one under Litigation (clarifying that the Town is not being sued).

###### *Chairman Hassam*

- He has some board/committee appointment paperwork to sign. Selectman Landau asked that these appointees come before the Board so that the Selectmen, as well as the Town, can meet them.
- He would like the meeting of March 11<sup>th</sup>, 2010 to be a Department Head meeting.
- The generator installation is going well, but needs an additional 3' of concrete pad due to the generator having more soundproofing than expected. It should be 100% done in 4-5 weeks. Bob Pepper stood and was recognized. He stated that adding 3' to the concrete pad was a "band-aid". Chairman Hassam stated that the entire pad would be removed and replaced.
- He wished a Happy 80<sup>th</sup> Birthday to Leroy Scott.

###### *Selectman Castricone*

- He will be meeting with GSI tomorrow about the telephones. He has obtained 6 comps for new telephone systems.
- Although no funding is available right now to upgrade the alarm system, the vendor's insurance coverage has been checked and approved.
- He would like to have Auburn's part-time Building Inspector come in to discuss helping out.
- He would like next week's Selectmen's meeting to have a closed session in which the Board can give Town Employees their promised raises.
- He reiterated last week's discussion and motion made about all Boards and Committees meeting in the Selectmen's Meeting Room being required to keep the camera on during all meetings and workshops. He had to report that unfortunately a Board that met on Monday night still shut the camera off before going into a work session. This must not be allowed to go unchallenged. Selectman Landau suggested sending a letter to the Board, reminding them that their work is the Public's business, and the Public is interested. Unless the meeting goes into non-public session under RSA 91, it must be televised. It is important that all members of governing bodies support this. Some people unable to attend tape the meetings for future viewing. Members of the Public should be able to watch these meetings for themselves, not be told by the Press what happened. This is the People's government. Selectman Landau suggested sending a letter to the Board in question as well as to all Town

Employees, reminding them that they need not remain at a meeting if the camera is turned off.

Selectman Landau moved that the Board of Selectmen draft a letter on this subject and send it to any Board that shuts off the camera in defiance of the Selectman's order; Selectman Castricone seconded the motion. The vote was three in favour with Vice-Chairman Cannon and Selectman Brown absent; so moved.

#### 4.3 *Public Comment*

As no members of the Public wished to speak, Public Comment was closed at 8:41pm.

#### 4.4 *Non-Public Session*

Selectman Landau moved that the Board go into non-public session under RSA 91 A:3 II (c), Reputation, for an invoice; Selectman Castricone seconded the motion. The vote was three in favour with Vice-Chairman Cannon and Selectman Brown absent; so moved.

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

The meeting room was closed at 8:42pm.

The meeting room was re-opened at 9:02pm.

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

Selectman Landau moved to seal the minutes to the non-public session on reputation for six months; Selectman Castricone seconded the motion. The vote was three in favour with Vice-Chairman Cannon and Selectman Brown absent; so moved.

Selectman Landau moved to seal the minutes to the non-public session on litigation for five years; Selectman Castricone seconded the motion. The vote was three in favour with Vice-Chairman Cannon and Selectman Brown absent; so moved.

#### 4.5 *Adjournment*

The meeting was adjourned at 9:03pm.

Respectfully Submitted,

Debra H. Doda