

**Town of Chester
Board of Selectmen Meeting
Thursday, May 30, 2019
Municipal Complex
Approved Minutes**

I. Preliminaries

Call the Meeting to Order
Roll Call
Pledge of Allegiance
Chairman’s Additions and Deletions
Public Comment
Approval of Minutes
Items for Signature
Configuration of Board
Appointment to SNHPC – Deb Munson
Eversource – Permission to use Bridle Path
Rental of fields/barn at SHF – Dan Fournier, New England Heritage Farm
Board and Commission Goals/Memberships
Awarding of Transfer Station Sealing Project
Discussion of Liaison Positions
Roundtable
Non-Public Sessions
Adjournment

1.1 Call to Order

Chairman Owens called this meeting of the Town of Chester Board of Selectmen to order at 7:00 pm.

1.2 Roll Call

Selectmen present:

Stephen O. Landau
Stephen D’Angelo
Joseph M. Hagan
Charles F. Myette
Chairman Jeremy Owens

Members of the Public present, at various times:

Nancy Myette
Penny Williams, Tri-Town Times
Rhonda Lamphere, Town Treasurer
Eversource Representatives – Matt Flanders & Elizabeth LaRocca
Kendall Kunelius
Emily Kunelius

Maria Oakley
James Piper
Daniel Fournier, New England Heritage Farm
Corinna Reishus, Recreation Coordinator
Deb Munson @8:05 PM
Colin Costine @ 8:05 PM

And other persons unknown to the Recording Secretary

1.3 Pledge of Allegiance

Chairman Owens led the attendees in the Pledge of Allegiance.

1.4 Chairman’s Additions and Deletions

Chairman Owens stated that he had

Selectman Myette stated that Ms. Munson notified him she could not be present until after 8 PM. Chairman Owens moved her appointment toward the end of the meeting.

Selectman D’Angelo stated that he had one non-public, under 91A:3(II)(e) Consideration or negotiation of pending claims or litigation. Also encumbering funds for projects for Wason Pond’s pavilion next year and the Community Center.

Selectman Hagan - none.

Selectman Landau stated that he had three non-public, under 91-A:3(II)(c) Reputation and also a discussion concerning the portables where the scouts are and talks concerning the roof.

II. Old Business

2.1 Approval of Minutes

An approval sheet for previous meeting minutes is in the signature folder.

2.2 Items for Signature

All members should review and sign items in the Signature Folder.

III. New Business

3.1 Configuration of Board

Selectman Hagan moved to re-appoint Jeremy Owens as Chairman of the Board of Selectmen. Selectman Landau seconded the motion. The vote was four in favor; motion carried.

Selectman Landau moved to appoint Charles Myette as Vice-Chairman of the Board of Selectmen. Chairman Owens seconded the motion. The vote was four in favor; motion carried.

3.2 Eversource – Permission to use Bridle Path

Mr. Flanders handed out maps showing the location of access via the municipal gate requested for replacement of wooden poles with steel poles along the 373/391 transmission line corridor. Mr. Flanders noted they appeared before the Planning Board and Conservation Commission for Conditional Use Permits and have been in contact with the FAA for signoff from their facility.

Selectman Landau questioned why the poles needed replacing. Mr. Flanders explained the routine inspection done by land and air triggered the need for replacement of these poles with ones that are more reliable.

Chairman Owens questioned whether they would be transmitting anything else? Ms. Larocca indicated the only other component was the communication operations grid which allowed remote access.

Selectman D’Angelo clarified Eversource or their agents would not be working with telecommunications providers. Mr. Flanders responded no, adding the voltage would not be changed.

Selectman Landau asked about underground utilities. Ms. Larocca indicated they were cost prohibitive, costing ten times more and ledge is often encountered. Selectman Landau noted the properties also cannot be developed.

Selectman Hagan asked about the lifespan of wood versus steel. Mr. Flanders indicated steel is more storm resistant, especially with lightning strikes and outages. The lifespan of wood poles is 50-60 years and steel approximately 100 years.

Selectman Landau noted the Board was apprehensive about granting permission before the lawsuit was settled. The Town did not have much leverage in negotiations and had been left out on an earlier briefing and did not know something had been offered. Selectman D’Angelo indicated the proposal was a terrible deal for the Town who would need to dip into their unreserved fund balance to pay and did not feel the Town should cooperate while the litigation was pending. Selectman D’Angelo noted that HB700 was waiting to be signed and would solve the methodology used to tax the utility property. Ms. LaRocca indicated she had spoken with the Tax Property Manager today who indicated a counterproposal was made in January and another in April.

Selectman Myette asked Eversource what would happen if the Town did not cooperate. Mr. Flanders indicated the cost; length of project and additional wetland impact would be the consequence. Selectman Hagan opined they were going to do it anyway and cooperation would mean less impact and less rate increase. Selectman D’Angelo noted he received notification of a large rate increase already.

Selectman Myette reminded Eversource they had only been before Conservation for one of their pathway approvals and needed to come back.

Selectman Landau recommended approval be under the condition that the representatives go back and speak with Eversource and put pressure on someone to settle reminding them the Town has saved them money by cooperating with the access and also has a huge substation in Town and Eversource has assisted the Town with the LED lights at the Fire Department. Ms. LaRocca recommended doing the streetlights as well and noted Derry and Hampstead have already converted. Selectman Landau indicated streetlights ruin the night sky.

Selectman Landau moved to allow Eversource to use Bridle Path to access replacement of their transmission poles. Selectman Hagan seconded the motion. The vote was four in favor with Selectman D’Angelo opposed; motion carried.

3.3 Rental of fields/barn at SHF – Dan Fournier, New England Heritage Farm

Mr. Fournier together with representatives of the Spring Hill Farm Advisory Committee appeared to present Mr. Fournier’s proposal to lease land at Spring Hill Farm for raising cattle.

Emily Kunelius provided the Board with a proposed lease and insurance. The area would be behind the house and barn with access to the barn and shed behind the barn. Mr. Fournier would also agree to help with some events and repairs. Mr. Fournier noted he supported education especially for agriculture. Emily Kunelius provided a copy of the Advisory Committee’s criteria checklist and advised the project rated highly with Miss Church’s wishes for agricultural use of the property. Ms. Oakley noted the Town would enjoy having the cattle there. Kendall Kunelius noted the rental would be for \$500 and the labor would also be of value.

Selectman D’Angelo asked if legal had reviewed the lease? – not yet.

Selectman D’Angelo asked how the cattle would be contained? Mr. Fournier noted there is some fencing already and other areas would have electric fence where open. There would be no cows in the forested areas.

Selectman D’Angelo asked if they would have to hay the fields? Mr. Fournier indicated he would use rotational grazing which Mr. Piper noted would benefit the fields. Mr. Fournier indicated there would be 15 cows coming from the property he leases in Chester - the lease is ending at the end of June - and from his other property in Sandown.

Selectman D’Angelo asked about the fields on Lane Road and how those would be hayed. Kendall Kunelius noted the Advisory Committee has put out an RFP for haying and had no interest. Charmingfare noted they would return if necessary but had no interest in paying the Town anything as they had enough fields of their own. Selectman Landau asked Mr. Fournier if the Town could get the fields cut so that trees and such would not grow on the Lane Road fields; it would benefit the fields and would allow Mr. Fournier to have the unbaled hay for his cattle if he wanted it. Selectman Myette indicated volunteers would also hay some bales across the street for the Fall Festival to have for the hayrides.

Selectman Landau indicated the lease would need to be reviewed by the attorney; secondly the language concerning providing clean water was an issue as the Town would not be responsible for the quality of the water or the cost to drill a new well. Third, the electric service meters would be in Mr. Fournier’s name and if the lease terminated Mr. Fournier would need to let them know so the service could change back. Selectman Myette indicated termination would be noticed at 30 days. Any labor or materials should be done working in conjunction with the Town Maintenance staff and the Advisory Committee. Selectman D’Angelo noted ensuring the Town had access to the property and trails. Selectman Landau questioned whether a bull would be on the property? Mr. Fournier indicated it would. Selectman Landau indicated a caution sign would be required. Selectman Myette noted if the bull were moved around the sign would also be moved. Selectman D’Angelo expressed concerns about safety with the bull being present and would like to see the caution sign first.

Selectman Hagan recommended Mr. Fournier and the Committee be placed on the agenda for next week’s meeting after the attorney had reviewed the lease and the Finance Director had reviewed Mr. Fournier’s insurance binder.

In other business, Selectman D’Angelo asked the Advisory Committee how the management plan was progressing as its been over a year and what the timetable would be. Emily Kunelius indicated a couple of months.

Emily Kunelius advised the 2nd Annual Food scaping Class would be taking place at the Farm on Saturday, June 8th.

Selectman D’Angelo asked if there were plans for the high tunnel or community garden? The community garden would not be this year. Selectman Myette noted if anyone was viewing the meeting had an interest in the high tunnel or haying to contact Emily Kunelius.

3.4 Board and Commission Goals/Memberships

Selectman D’Angelo indicated he attended a meeting concerning Managing Public Right-of Way today and the Planning Board meeting which had no liaison attend for a long time. 5G is a streaming service that will be coming to Towns soon and he will discuss the towers with Mr. Hadik. Some Towns are putting in their own towers and can obtain revenue from those items placed on the towers. Lee’s Agriculture Commission expressed concerns with the 5G wavelength interfering with other wavelengths.

Some CIP projects should begin here with the Board of Selectmen rather than at the Planning Board.

Selectman D’Angelo opined members appointed to Planning and Zoning should reflect the philosophy of the current Board of Selectmen. Selectman D’Angelo indicated he sees a potential conflict with the recommended appointment to the ZBA who was not in favor of the elderly housing proposal.

Selectman D’Angelo would like to see Department Heads come before the Board of Selectmen prior to purchasing and noted the Road Agent had gone through with the truck purchase and the budget season wasn’t in cycle yet. It should require the Selectmen sign off. Selectman Landau clarified the truck was put on hold such as with a purchase order. The vehicle was looked at and decided to be worthwhile and a good deal for the Town. The old truck will be used by maintenance.

Selectman D’Angelo indicated the Town had no coordination of purchase orders which could save the Town money as with the purchase of the radios by the Fire and Police Departments.

3.5 Awarding of Transfer Station Sealing Project

Chairman Owens indicated four bids had been received for the proposed sealing at the Transfer Station, with bidders #2 and #3 not insured. As the range was considerable, the Town checked with the BBB which indicated no complaints. Bidder #2 and #3 had no online reviews. Bidder #1 and #4 had five-star reviews online. Bidder #1 had the lowest bid at \$6,690.00.

Selectman Myette asked if all of the bidders provided the same three services for pavement markings, crack filling and parking lot sealing. Chairman Owens noted they did but only Bidder

#1 and #2 had broken those costs down. Selectman D’Angelo noted Bidder #1 had been around awhile with no complaints.

Selectman D’Angelo moved to Accept the Bid of Bidder #1 for sealing work at the Transfer Station. Selectman Landau seconded the motion. Selectman Myette abstained. The vote was four in favor with one abstention and none opposed; motion carried.

Selectman Landau will contact Bidder #1 and arrange. Selectman D’Angelo indicated the Transfer Station should be notified and the funds should be encumbered now.

3.6 Discussion of Liaison Positions

Chairman Owens provided a handout of proposed liaison positions and recommended the Board review the list this week and list their primary and secondary choices to be discussed at next week’s meeting.

Selectman D’Angelo noted participation is important and to consider when the discuss liaison appointments having a back-up, if one can’t go, can let someone else do it

Selectman D’Angelo indicated the with all the roadwork, Highway and Planning Board could use two liaisons.

3.7 Appointment to SNHPC – Deb Munson

Selectman Landau asked if Ms. Munson had been able to attend most of the meetings. Ms. Munson indicated there are two meetings, one for MPO and another more informational. Ms. Munson summarized some of the benefits the SNHPC provided to the Town such as the traffic counts which are going on now and provide much needed information when people are coming and going and coverage is needed. 14 Towns participate with SNHPC. They meet on the 4th Tuesday from 11:30 to 1 PM and Ms. Munson also serves on the Executive Committee which meets on the first Thursday at 7:30 PM. Selectman Myette noted Ms. Munson has brought back a lot of information to Conservation and Planning from attendance at these meetings with solar and elderly housing to name a few as well as regional trail planning. Planning Board Coordinator Hadik also serves on the Commission’s MPO which has to do with transportation.

Selectman D’Angelo asked if they helped with information on grants that may be available to Towns. Selectman Myette noted they had been involved in the Brownsfield grants.

Selectman D’Angelo moved to re-appoint Deb Munson to the Southern New Hampshire Planning Commission for a four-year term to expire June 30th, 2023. Selectman Landau seconded the motion. The vote was five in favor; motion carried.

IV. Selectmen’s Business

4.1 Roundtable

Selectman D’Angelo discussed the importance of obtaining a van for use by the seniors. Selectman Landau noted the Town has an employee with a CDL who can drive it.

Selectman Hagan wished to express thanks to the Lions Club for management of the Memorial Day services and the Legion Hall for providing the coffee and muffins.

Chairman Owens noted the Technical Review Committee is meeting on Monday, June 3rd at 10 AM. Some folks are confused as to why they need to go through this process now where they hadn’t before. The Form has a box which is checked if the TRC feels the event or project should go before the BOS. Some events require contact with Recreation, Police and Fire. There are new laws about tents such as are set up at the School. If the Library Trustees had gone to TRC they would have known information before they went to bid.

Chairman Owens noted the Town Administrator Committee meets next week and will engage Mr. Scruton and get employee input. The candidate should be a good fit with the Staff. Selectman Myette added the job description should include how those departments will interact with the Town Administrator.

Chairman Owens noted the Department Heads meeting is on Wednesday, June 5th.

Chairman Owens noted Saturday, June 1st is Cops and Bobbers fishing tournament and also a day where anyone can fish in the State without a license. The pond will be stocked. The Rockingham County Herb Society has its plant sale from 9am to noon and the June Jubilee will be at the Chester Congregational Baptist church from 9am to 2pm. On Sunday, June 2nd, the Chester Baseball and Softball leagues will put on their pancake breakfast.

Selectman Landau noted a few concerns were expressed about mowing at the cemetery before the Memorial Service which were weather related delays.

Selectman Myette received complaints of litter by the Dump Road, approximately 30 beer bottles. He wasn’t sure if this was private property and will let the police department know.

4.2 Public Comment

Rhonda Lamphere asked to speak concerning the transfer station paving and the community center parking lot. Selectman Owens reminded public comment had begun earlier in the meeting but allowed Mrs. Lamphere to speak.

Mrs. Lamphere asked when the Transfer Station had been paved last – when built; and when the striping had last been done – five years? Selectman Landau clarified the bid was for sealing, not for paving.

Mrs. Lamphere expressed concerns about the use of stone for the Community Center parking lot which could not be paved due to the easement language. Mrs. Lamphere felt loose stones would be a safety issue for many seniors who were unstable walking, walked with aid of devices, or used wheelchairs. Mrs. Lamphere noted in an unsafe situation such as this, the Selectmen could go to the Rockingham Conservation Commission to get a variance from the easement language and look into providing a solid stable surface. Selectman Myette indicated the process would be for the Board to go to one of their meetings and address the Commission.

Selectman D’Angelo indicated ADA compliance should take precedence over any easement language. Selectman Landau noted the Senior Center was created by use of the seniors and was not intended for this use when purchased. An architect was brought in and addressed multiple issues which may result in the Seniors needing to use another location. However, most if not all of the Town-owned properties would have similar issues. Selectman Landau expressed

he did not want to open a Pandora’s box and have other people claiming if it was done for this group it should be done for another, if this can be paved, why can’t this. Mr. Myette noted there are three gatekeepers to the property at Wason Pond: the Town, RCCD, and the Attorney General. Selectman Myette noted any materials, including soil, could not be removed from the property but could be used as fill in another location on site.

4.3 Non-Public Session under RSA 91-A:3(II)(c) and 91-A:3(II)(e) reputation and consideration of negotiation of pending claims or litigation

By Roll Call, Chairman Owens moved that the Board go into non-public session under NH RSA 91-A:3 II (e) Consideration or negotiation of pending claims or litigation and NH RSA 91-A:3 II (c) matters which, if discussed in public, would likely affect the reputation of any person, other than a member of this board; Selectman Landau seconded the motion. The vote was five in favor; motion carried.

The meeting room was closed at 9:13 PM.

The meeting room was re-opened at 9:45 PM.

Selectman Landau moved to accept a bid for the cabinet work at Stevens Hall for \$8,466.39, payable in three installments. Chairman Owens seconded the motion. The vote was five in favor; motion carried.

Selectman Landau moved that the minutes to the first non-public session on Litigation be sealed indefinitely; Chairman Owens seconded the motion. The vote was unanimous in the affirmative; motion carried.

Selectman Landau moved that the minutes to the non-public sessions on Reputation be sealed for six months; Chairman Owens seconded his motion. The vote was unanimous in the affirmative; motion carried.

V. Adjournment

The next meeting of the Board of Selectmen will be Thursday, June 6, 2019 at 7 PM.

Selectman Landau moved to adjourn the meeting; Chairman Owens seconded the motion. The vote was unanimous in the affirmative; motion carried.

The meeting was adjourned at 9:45 PM.

Respectfully submitted,

Nancy J. Hoijer
Recording Secretary