

**Town of Chester
Board of Selectmen Meeting
Thursday, July 25th, 2019
Municipal Complex
Approved Minutes**

I. Preliminaries

Call the Meeting to Order
Roll Call
Pledge of Allegiance
Additions and Deletions
Public Comment
Approval of Minutes
Items for Signature
Snowplow Contracts & Road Updates
Insurance Waivers
Town Administrator
Conservation Land Purchases
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 7:02pm.

1.2 Roll Call

Selectmen present:

Steve D’Angelo
Joseph Hagan
Stephen Landau
Chuck Myette
Jeremy Owens

Members of the Public present, at various times:

Victor Chouinard, Conservation Commission
Rhonda Lamphere
Nancy Myette
Michael Oleson, Road Agent
Corinna Reishus, Recreation Director
John Scruton
Kristina Snyder, Conservation Commission
And possibly other persons unknown to the Recording Secretary

1.5 Pledge of Allegiance

Chairman Owens led the attendees in the Pledge of Allegiance.

1.6 *Chairman’s Additions and Deletions*

There were neither additions nor deletions.

1.7 *Public Comment*

As no Members of the Public wished to be heard, Public Comment was closed at 7:03pm.

II. **Old Business**

2.1 *Approval of Minutes*

There are unapproved minutes in the Signature Folder; please review them and indicate changes or approval.

2.2 *Items for Signature*

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

III. **New Business**

3.1 *Snowplow Contracts & Road Updates*

Road Agent Mike Oleson appeared before the Selectmen to set the snowplow rates for the upcoming winter season, and to update them on ongoing roadwork.

He would like to increase last year’s rates by 2.5%, the latest CPI figure given to him by Finance Director Joanne Smith. This increase is accounted for in this year’s budget. In answer to a question by Selectman D’Angelo, Road Agent Oleson explained that he hires individuals with their own equipment as well as having three-four trucks himself that can be utilized by his employees.

A 2.5% increase would change the plow rates as follows:

Equipment Type	Base Rate per hour	
	<u>FY 18-19</u>	<u>FY 19-20</u>
6 Wheel dump truck with plow, wing, sander	\$93.75	\$96.09
6 Wheel dump truck with plow & sander	\$90.23	\$90.23
1 ton truck with plow & sander	\$75.58	\$77.47
1 ton truck with plow only	\$70.85	\$72.62
Backhoe	\$82.31	\$84.37

All other aspects of the snowplow contracts remain unchanged.

Selectman D’Angelo moved to accept the FY19-20 Snowplow rates as indicated above; Selectman Hagan seconded the motion. The vote was unanimous in the affirmative; motion carried.

Selectman Landau asked Road Agent Oleson what equipment he thought the Highway Department should purchase next. Road Agent Oleson suggested that a hot box would be useful, as hot mix fills in potholes much better than cold patch. It would cost ~\$45-50k, run on diesel fuel, and be towed

behind a Highway truck. Vice-Chairman Myette inquired about the use of a roller on cold patch, but Road Agent Oleson explained that it still doesn’t compact as well as hot mix.

Selectman Landau stated that the Town needs to consider purchasing one new piece of highway equipment each year; Road Agent Oleson did not disagree but added that the Town would also need to hire additional manpower to operate the equipment. After a hot box, they could use a backhoe, and a building to store all the equipment in, as equipment lasts much longer when stored inside out of the weather.

Road Agent Oleson stated that since Town Meeting, five large trees had fallen unexpectedly, which costs the Town more to remedy than if they had been taken down on purpose. Selectman D’Angelo asked if an arborist should be consulted, but Road Agent Oleson stated that it was easy to tell which trees were dead/dying and needed to be removed. He would like the Selectmen to put forward the Warrant Article for tree removal funds again that had been on this year’s Warrant, but tabled. He did not expect any need for it to be replenished each year.

He also shared his schedule for this season’s roadwork:

August	Begin taking down trees on Derry end of East Derry Road. Rotten ones will be chipped; others will be left for a resident who is allowing Busby to use his property to stage their equipment and supplies
August 9 th	Begin the reclaim and paving of Reed, Harantis Lake, Candia, Fremont, and a portion of East Derry Road
August 12 th	Surveyors on East Derry Road
Mid-August	Stripe Murphy Drive
September 3 rd	Send new F-550 to Fairfields to outfit; will be gone two weeks
September-October	Fire Department Secondary Access Road

Selectman D’Angelo asked about the Wason Pond Parking Lot paving; Road Agent Oleson has not yet received permission to begin that job.

Selectman Landau asked about his Department’s usage of the Highway Garage, as he would like the Trustees to paint it in August; that will be no problem.

Vice-Chairman Myette asked if the State had ever considered installing rumble strips in the 102/121 intersection, but Road Agent Oleson was unaware. He noted that his Department had trimmed a tree at Stevens Hall that was impeding long-distance visibility of the stop sign, which he thought was an improvement. He added that the backup can be severe, and drivers tend to be impatient. Selectman D’Angelo referred to a stop sign on route 1A near Logan Airport; apparently the octagonal sign is surrounded by flashing lights, making it difficult to miss. Selectman Landau added that Governor Sununu’s policy advisor had told him that the Town will be consulted before any decision is made as to how to reconfigure the intersection.

Road Agent Oleson departed the meeting table at 7:24pm.

3.2 Insurance Waivers

Recreation Director Corinna Reishus appeared before the Selectmen to continue a discussion on event insurance waivers that had begun last week.

She stated that Primex has advised her that the Selectmen have the authority to waive event insurance for non-Recreation-sponsored activities that they consider to be ‘low risk’. They also provided her with a waiver of liability form for those groups to sign. She is concerned that this waiver be applied consistently and is looking for input from the Selectmen.

Selectman D’Angelo is opposed to waiving event insurance for any organization at all. He stated that any organization that charges fees for its members or activities can afford and should be required to purchase insurance, and suggested that the Town put funds in the budget, perhaps ~\$5k, to cover this insurance for other groups that cannot afford it. He opined that waivers of liability do not hold up in court and that it is the Selectmen’s responsibility to protect the Town against lawsuits.

Selectman Landau disagreed, stating that the Town’s facilities belong to the residents and that they should be able to utilize them without providing insurance. He added that there is an RSA that governs municipal immunity and asked when the last time was that the Town was sued.

Selectman Hagan agreed with Selectman Landau that the Town’s facilities belong to the residents by dint of their tax dollars but agreed with Selectman D’Angelo that for-profit organizations should be required to purchase the insurance.

Vice-Chairman Myette stated that a waiver of liability should be considered a short-term solution, used while researching other options.

Recreation Director Reishus stated that although Primex agreed that a waiver of liability might not hold up in court, it would show that the Town was cognizant of risk management. She will speak to Primex about amending the Town’s insurance policy to cover small groups.

Recreation Director Reishus departed the meeting at 7:57pm.

3.3 Town Administrator

John Scruton appeared before the Selectmen to update them on the process of recruiting a Town Administrator.

He had met with the Town Administrator Working Group on Friday, July 12th, and Department Heads/employees on Thursday, July 18th, to ascertain what people were looking for in a Town Administrator. He found that the ideal candidate would improve communication – between Selectmen and employees, between boards, etc. S/he would have municipal experience, human resources knowledge, and provide continuity and follow through. Long term, strategic planning was mentioned.

An advertisement has been created and posted on the International City Managers list (mostly senior executives, some students), the New Hampshire Municipal Association webpage, the Maine Municipal Managers website, a listserv for managers and government finance, the Town website, and will be in this Sunday’s Union Leader. The deadline for responses is Monday, August 19th.

He would like the Selectmen to form a Screening Committee at their meeting of August 8th, the members of which will review all resumes submitted in non-public session for confidentiality. Mr. Scruton stated that separating the ‘no’ from the ‘possible’ candidates will be the first step; the second step, separating out the four to seven ‘recommended’ candidates, will be more difficult and require

value judgment. As such, he recommended that the Screening Committee be made up of those with diverse viewpoints and include only people who are available to work on the process between August 19th and September 5th, when he would like them to present their recommendations to the Board of Selectmen. He suggested that potential members be chosen from the Planning Department, Budget Committee, Recreation Department, employees who have experience with hiring, etc. Chairman Owens suggested perhaps members of the public. Selectman D’Angelo stated that the Hiring Committee previously formed when the Town was seeking a Maintenance employee could be reconvened; he also suggested former Town Clerk Erin Newnan.

There was some dispute as to whether or not a Selectman should be on the Screening Committee; Mr. Scruton is not in favor, as the Selectmen will be the final arbiters; Vice-Chairman Myette believes that one should, in order to share the Board’s expectations, but could abstain from voting on the Screening Committee. Selectman Hagan suggested a former Selectman instead as a compromise; no decision was reached.

Once the Screening Committee has presented its four to seven recommended candidates, the basics of the resumes will be checked to ensure they are accurate, and then each selected candidate provided with a ‘written test’ on municipal management, with Mr. Scruton providing the questions.

Telephone and then in-person interviews will take place afterwards, perhaps the last week of September. He would hope that the new Town Administrator could be in place in October.

As the Selectmen had no further questions, Mr. Scruton departed the meeting at 8:38pm.

3.4 Conservation Land Purchases

Conservation Commission Chairman Victor Chouinard and member Kristina Snyder appeared before the Selectmen to discuss the ConsCom’s plan to purchase four plots of land from two owners for conservation purposes. They had held the requisite public hearing on Tuesday, July 23rd.

The first set of properties belong to Gerald and Janet Illig; one is located off Norton Road and the other off Candia Road. They abut, and will extend, town-owned conservation land. The properties are assessed at \$32k; they are asking \$40k. Mr. Chouinard asked the BOS to approve the release of Conservation funds for the purchase.

Selectman Landau asked if there was a plan to mark monuments with the Illig name; there has been no request to do so, but the Conservation Commission will consider it.

Selectman D’Angelo moved that the Town purchase Map and Lot 7-60-1 and 7-62-1 in Chester, located at Book 1979 Page 0225 in the Rockingham County Registry of Deeds, from Gerald and Janet Illig with \$40k from the Conservation Fund; Selectman Hagan seconded the motion. The vote was unanimous in the affirmative; motion carried.

The second set of properties belong to Scott Currier; one is located on the Sandown town line and the other off Hazelton Mill Road in Sandown. The Chester property is landlocked, and the Sandown property will provide ease of access from a Class VI road. They have negotiated a total price of \$110k and Mr. Currier would like all his back taxes to be forgiven.

Selectman Landau moved that the Board go into non-public session under RSA 91-A:3 II (c) Reputation; Vice-Chairman Myette seconded the motion. The vote was unanimous in the

affirmative; motion carried.

The meeting room was closed at 8:50pm.

The meeting room was re-opened at 8:56pm.

Selectman Landau moved that the Board come out of non-public session; Selectman Hagan seconded the motion. The vote was unanimous in the affirmative; motion carried.

Selectman Landau moved that the minutes to the first non-public session, on Reputation, be sealed for a period of thirty (30) days; Selectman Hagan seconded the motion. The vote was unanimous in the affirmative; motion carried.

Selectman Landau stated that there was a tax lien on the Chester property, and it was possible that there was one on the Sandown property as well. He will support the purchase only if all tax liens are paid off at the time of closing. The accrual of interest will cease once Mr. Currier agrees to this caveat; he should know that the Town can take his property at any time via tax deed.

Selectman D’Angelo added that he would prefer that Town Counsel, not the Real Estate agent, handle the closing; BOS AA Doda will contact Attorney Bronstein of Soule Leslie.

Selectman D’Angelo moved that the Town purchase Map and Lot 3-23 in Chester and Map and Lot 13-10 in Sandown, located at Book 4941 Page 1329 in the Rockingham County Registry of Deeds, from Scott Currier with \$110k from the Conservation Fund, with funds to be held in escrow by Soule Leslie Kidder Sayward and Loughman, LLC until tax liens in Chester and Sandown are satisfied; Selectman Landau seconded the motion. The vote was unanimous in the affirmative; motion carried.

Vice-Chairman Myette thanked the Conservation Commission for last night’s presentation on Young Forest Habitats.

Mr. Chouinard and Ms. Snyder departed the meeting at 9:01pm.

IV. Selectmen’s Business

4.1 Roundtable

Selectman Landau:

- The Rockingham County Jail Trustees have cleared out the Stevens Hall basement, Post Office apartment and basement, Wason Pond Community Center basement, and workshop. They will return in August and it is hoped that they will paint the Highway Garage and the building behind it at that time. Vice-Chairman Myette inquired about finishing the Wason Pond barn, as Dick Lewis has the lumber cut and stacked; this would be their next project.
- He had accidentally neglected to give the Finance Department the contract for the Stevens Hall kitchen cabinets, and the invoice is overdue; he asked that it be signed tonight. Incidentally, the cabinets cannot be installed until the flooring is replaced.

Selectman D’Angelo:

- Upon perusing a memo from Mr. Scruton about things that may be falling through the cracks, he noted that rekeying the building was on the list. It is surmised that many keys to the

building are out there with people who do not need them. The Police Department had recently discussed their doors with programmable fobs; BOS AA Doda will inquire of Police Chief Berube.

- He would like one future Selectmen’s meeting to be restricted to discussing ordinances only.
- It appears that all of the ten projects that requested funds to be encumbered from the general fund will be able to be done. BOS AA Doda will check for an update with Finance Director Smith.

Selectman Hagan:

- Nothing to report.

Vice-Chairman Myette:

- Nothing to report.

Chairman Owens:

- Rockingham County has submitted its budget for FY2020; Chester’s portion totals \$618,863, which is an increase of 0.40% over its portion of the FY2019 budget.

4.2 Non-Public Session

Selectman Landau moved that the Board go into non-public session under RSA 91-A:3 II (a) Public Employees; Selectman D’Angelo seconded the motion. The vote was unanimous in the affirmative; motion carried.

The meeting room was closed at 9:11pm.

The meeting room was re-opened at 9:48pm.

Selectman D’Angelo moved that the Board come out of non-public session; Vice-Chairman Myette seconded the motion. The vote was unanimous in the affirmative; motion carried.

Selectman Landau moved that the minutes to the second non-public session, on Public Employees, be sealed for an indefinite period; Vice-Chairman Myette seconded the motion. The vote was unanimous in the affirmative; motion carried.

V. Adjournment

The next regularly scheduled meeting of the Board of Selectmen will be Thursday, August 8th, 2019.

Selectman Landau moved to adjourn the meeting; Selectman D’Angelo seconded the motion. The vote was unanimous in the affirmative; motion carried.

The meeting was adjourned at 9:50pm.

Respectfully Submitted,

Debra H. Doda,
Recording Secretary