

**Town of Chester
Board of Selectmen Meeting
Thursday, April 20th, 2017
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
Public Hearing – Warrant Article 11, Creation of LUCT Fund
Building Safety Month
Tax Deeded Properties
IT Contract Recommendations
Items for Signature, including Warrant
Budget, and Potential NPs (Employment)
Roundtable
Non–Public Session
Adjournment

1.1 Call to Order

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

1.2 Roll Call

Selectmen present:

Cass Buckley
Joseph Hagan
Stephen Landau
Dick Trask

Selectmen absent:

Jack Cannon

Members of the Public present, at various times:

Greg Bolduc, IT Committee
Myrick Bunker, Building Inspector
Mike Ebbett, Block 5
Eric Emerson, Lieutenant, Fire Department
Jerome Gesel
Diane Gorrow, Town Counsel
Rhonda Lamphere, Treasurer
Erin Newnan, Town Clerk/Tax Collector and IT Committee
Scott Newnan, IT Committee
Chuck Myette, Conservation Commission
Michael Oleson, Road Agent
Penny Williams, Tri-Town Times

1.3 Pledge of Allegiance

Chairman Landau led the attendees in the Pledge of Allegiance.

1.4 Chairman’s Additions and Deletions

There were neither additions nor deletions.

1.5 Public Comments

As no Members of the Public wished to be heard, Public Comment was closed at 7:06pm.

II. Old Business

2.1 Approval of Minutes

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

III. New Business

3.1 Public Hearing – Warrant Article 11, Creation of LUCT Fund

Vice-Chairman Trask moved to open the Public Hearing on Warrant Article #11, Creation of LUCT Fund; Selectman Hagan seconded the motion. The vote was four in favor with Selectman Cannon absent; motion carried.

Chairman Landau spoke in opposition to this Warrant Article, stating that he does not believe that it will lower taxes, and that the Conservation Commission, who receives 100% of all Land Use Change Tax (LUCT) revenue at present, has spent the monies wisely; in fact, other Towns have expressed envy with Chester’s Conservation activities.

Treasurer Rhonda Lamphere stood and was recognized. She wished to clarify that should this Fund be created, all LUCT revenue must go into this fund first before being disbursed elsewhere, whether that be the Conservation Fund or another location. She is unclear on who actually administers the fund; is it the Treasurer, or the Trustees of the Trust Funds?

Treasurer Lamphere stated that when the Current Use legislation was first introduced, Colonel Benton was a supporter, stating that the penalty would go to the Towns to help reduce taxes, as those who had no land in current use were in effect subsidizing those who did. She added that if Warrant Article #12, which requests that 75% of the LUCT revenue in the upcoming tax year goes to the Conservation Fund and the remaining 25% stays in the LUCT Fund to be voted upon by the Legislative Body fails to pass, then the Conservation Fund will continue to receive the entire 100%.

Chuck Myette stood and was recognized. He summed up what he surmised the intent of this Warrant Article to be: to allow LUCT funds to be spent on things other than Conservation. He asked why there was an interest in these funds now without a specific need, and what the thought process was; how much revenue is expected, and how will it change the tax structure?

Chairman Landau stated that Conservation Funds have been used to repair the Wason Pond Dam, for example, as well as building the covered bridge over the dam. He believes that creating a LUCT Fund is simply one more level of bureaucracy.

Vice-Chairman Trask disagreed with this characterization, stating that the Legislative Body should be able

to vote on the disposition of these funds every year. The funds could be used for things such as upgrading the Town’s computers, building ballfields, or buying land; at this point only some of those things are possible.

Mr. Myette stated that the Conservation Commission had only recently been informed of this plan. He added that the receipt and use of LUCT revenue is the only opportunity that the Conservation Commission has to offset development, over which they have no control. He believes that diverting these funds will erode opportunities to conserve and preserve land. He noted that the Town collects Impact Fees and property taxes, and uses the Budget, CIP, and Warrant Articles to fund its needs. Vice-Chairman Trask stated that the Conservation Commission was welcome to request additional funding via Warrant Articles or Bonds, and that the 25% remaining in the LUCT Fund that was not already designated for the Conservation Fund could be voted that way by the Legislative Body.

Selectman Buckley spoke against the continual growth of the Budget. He stated that if money is diverted from Conservation in order to fund other items, and the Town declines to use the funds for that purpose, it will simply go into the General Fund and inflate the budget.

Chairman Landau agreed with Selectman Buckley, and added that the Town already has provisions that benefit residents other than those with property in Current Use – for example, this year the Warrant has an Article on extending tax credits to all veterans, there are tax credits for Senior Citizens, those with disabilities, etc. He noted that people move to Chester because of its atmosphere and open spaces; the LUCT revenue going to the Conservation Fund benefits the Town, and controls growth. He clarified that he is in favor of people speaking their minds and voting, but he does not see the benefit of changing something that has been working well.

Vice-Chairman Trask stated that this was not an attack on the Conservation Commission, and that they do a great job; he just believes that the Legislative Body should be given an opportunity to use the LUCT revenue elsewhere.

Mr. Myette stated that open space, in effect, makes money for the Town. It allows large landowners – farmers, for example – to retain land that they might have had to sell as they couldn’t afford to pay the taxes on it. In general, homes cost the Town ~15% more in services than the Town takes in property taxes, largely driven by tuition, which is currently ~\$11k per student.

No other members of the Public wished to be heard at present. The Public Hearing will remain open until the end of the meeting.

3.2 Building Safety Month

Building Inspector Myrick Bunker appeared before the Selectmen to present a proclamation declaring May to be “Building Safety Month”.

Chairman Landau moved to accept the proclamation from the International Code Council declaring May to be “Building Safety Month”; Selectman Hagan seconded the motion. The vote was four in favor with Selectman Cannon absent; motion carried.

Building Inspector Bunker departed the meeting at 7:44pm.

3.3 Tax Deeded Properties

Town Counsel Diane Gorrow and Town Clerk/Tax Collector Erin Newnan appeared before the Selectmen to discuss Tax Deeded Properties.

TC/TC Newnan had drawn up a list in mid-March of properties that were in danger of being taken by tax deed; this list has been updated and a new copy provided to the Selectmen. She also presented five potential waivers for properties that the Town might decline to take.

Town Counsel Gorrow gave a brief rundown on the procedure for taking properties by tax deed, which are statutory for the Tax Collector. First of all, once a property is taken by Tax Deed, the owner has three years to redeem it; therefore, although it is permissible to sell it right away, it is wiser for the Town to hold onto it for that time period before selling. Secondly, the Board of Selectmen may decline to take any property if they feel it is contrary to Public interest. Thirdly, they may choose to set up a payment plan for any property that they feel would meet the requirements – persons who have been actively making an effort to pay, not those who are simply attempting to delay payment as long as possible. The property owner would need to meet with either the entire Board of Selectmen, or at least a designated staff member, to draw up this plan; then the Tax Collector would be responsible for collecting the payments. The payment plans must be specific, realistic, in writing, and with consequences should the property owner continue to fail to meet his obligations. They do not have to be identical for each property owner. Town Counsel Gorrow will send the Selectmen a generic 'Taxpayer Payment Agreement' that can be tailored to each individual receiving a payment plan.

Before departing, Town Counsel Gorrow reminded the Selectmen that the vote at Town Meeting on Warrant Article #11, per statute, must be done by paper ballot.

Town Counsel Gorrow departed the meeting at 8:09pm; Town Clerk Newnan remained at the meeting table.

3.4 IT Contract Recommendations

Fire Chief Greg Bolduc and Lieutenant Scott Newnan, as members of the IT Committee, joined Town Clerk Newnan at the meeting table in order to present the IT Committee's recommendations on awarding the Building Rewiring, VOIP Phone System, and IT Managed Services bids.

Town Clerk Newnan stated that the IT Committee began this project in October 2016, and has met weekly thereafter. It consists of 10 members – nine employees or elected officials, and one resident. This Committee defined the scope of their project, interviewed vendors, developed RFPs, and sent them out to the five interviewed vendors. Only four of them chose to bid on the project; the Town's current IT provider, Boston System, chose not to bid.

The IT Committee has reviewed all of the bids and made its recommendations. Vice-Chairman Trask, who is on the Committee, is in favor of supporting whatever the IT Committee has decided; Chairman Landau would prefer that the rest of the Selectmen have an opportunity to review it first.

Vice-Chairman Trask moved to go forward with the IT Committee recommendations; Chairman Landau seconded the motion for discussion purposes.

Selectman Buckley is concerned about the cost, noting that the amount in the budget appears to be much less than what the project will cost; he estimates an extra \$50k will be needed. Vice-Chairman Trask stated that much of the shortfall will be made up by savings in other places; for example, the CIP Projects Warrant Article specifies \$20k for the rewiring project, whereas the IT Committee's recommended vendor's bid was for \$8,545; he also believes there will be some savings with the telephone system. Town Clerk Newnan added that there should be ~\$5k left over in the IT section of the budget at the end of this Fiscal Year that can be encumbered for this project.

The current server contract with Boston Systems ends this June; the PC contract ends next June. The IT Committee is of the opinion that it would be wise to end the PC contract early, which will entail a buyout

of ~\$1,800 - \$2,000.

Chairman Landau reiterated that the rest of the Selectmen (including Selectman Cannon, who is absent) should have a chance to review the bids and recommendations before a decision is made, and withdrew his second. The motion therefore falls to the floor.

At 8:30pm, Mike Ebbett from Block 5 Technologies, one of the bidders, was in attendance and was invited to join the Selectmen and the IT Committee at the meeting table. Mr. Ebbett is a Chester resident, and his company handles the IT for Rockingham County as well as a number of other towns. Block 5, which has been in business since 2003, is CJIS (Criminal Justice Information Services) Certified, which allows them to work with Law Enforcement systems.

Mr. Ebbett is of the opinion that the current contract is unclear, and promises things that aren’t delivered. He also believes that the Town should own its own equipment rather than leasing it, stating that leasing a server costs the Town three times its value to lease and four times its value in order to purchase it at the end of the lease. Although a normal PC lifespan is three years, Block 5 maintains them in order to have a five-year rotation, which is also more economical. Town Clerk Newnan stated that the current vendor is not maintaining the Town’s PCs.

Mr. Ebbett said in conclusion that his bid was the “worst case scenario”; some aspects might be able to be cut.

The IT Committee will be invited to meet with the Selectmen again on a night when all five members can be present.

Fire Chief Bolduc, Mr. Ebbett, Town Clerk Newnan, and Lieutenant Newnan departed the meeting at 8:47pm.

3.5 Items for Signature, including Warrant

Items to be signed included a Postage Meter contract, an agreement for signs on the Robert Frost Scenic Byway (approved by both Town Counsel and the Town’s Insurer), a contract with MRI for assessing services (approved by both Town Counsel and the Town’s Insurer), an extension to the Waste Management contract, and five copies of the Warrant which are required to be posted by Monday, April 24th, 2017.

3.1 Public Hearing – Warrant Article 11, Creation of LUCT Fund - Redux

Comments were solicited, but no members of the Public wished to be heard.

Chairman Landau moved to close the Public Hearing on Warrant Article #11, Creation of LUCT Fund; Vice-Chairman Trask seconded the motion. The vote was four in favor with Selectman Cannon absent; motion carried.

The Public Hearing was closed at 8:53pm.

3.6 Budget, and Potential NPs (Employment)

Road Agent Oleson reported that for the first time since he was elected as Road Agent in 2007, he has exhausted his budget. The movement of funds from last year’s budget request into the CIP has impeded his ability to finish the year. He still needs to grade the dirt roads, which will cost ~\$8-9k; eliminating the roller will save some money. He needs to fix hazards on the shoulders, which will cost ~\$10k. He would like another \$10k as a buffer; therefore, he believes that \$30k will get him through the end of the Fiscal

Year. The Selectmen also need to vote to utilize the \$85k from the Winter Road Maintenance Fund.

Vice-Chairman Trask asked if there were any impact fees available; there are not, and if there were, those would have to be used for improvement, not maintenance.

Chairman Landau suggested authorizing \$20k, and asking him to come back in two weeks to report. Road Agent Oleson was amenable to this suggestion.

Chairman Landau moved that Road Agent Oleson be asked to attend the Selectmen’s meeting of Thursday, May 4th, 2017; Vice-Chairman Trask seconded the motion. The vote was four in favor with Selectman Cannon absent; motion carried.

Road Agent Oleson also has an item to be discussed in non-public session.

IV. Selectmen’s Business

4.1 Roundtable

Selectman Buckley:

- Nothing to report.

Vice-Chairman Trask:

- Nothing to report.

Selectman Hagan:

- Nothing to report.

Chairman Landau:

- Town Counsel Gorrow has provided a copy of the Dubois & King draft contract with Busby for Edwards Mill Dam Phase II; Selectmen are asked to review it and be ready to discuss next week.
- A representative from Eversource is on the agenda for next week; they are requesting permission to maintain a section of Old Chester Turnpike that is a Class VI road in order to gain access to their equipment. This is permissible by RSA 236:9, with written permission from the Board of Selectmen and/or the Road Agent. Road Agent Oleson was asked to look at that road between now and next week to determine what condition it is in.
- Per Police Chief Berube, Primex, the Town’s insurer, has requested that all employees be trained on the new Sexual Harassment policy. **Chairman Landau moved to allow Police Chief Berube to schedule training with Primex on the new Sexual Harassment policy; Vice-Chairman Trask seconded the motion. The vote was four in favor with Selectman Cannon absent; motion carried.**

4.2 Public Comment

As no Members of the Public wished to be heard, Public Comment was closed at 9:07pm.

4.3 Non-Public Sessions

Vice-Chairman Trask moved that the Board go into non-public session under RSA 91-A:3 II (a) Public Employees and (c) Reputation; Chairman Landau seconded the motion. The vote was four in favor with Selectman Cannon absent; motion carried.

The meeting room was closed at 9:08pm. Road Agent Oleson remained in the meeting room.

Road Agent Oleson departed the meeting room at 9:17pm.

The meeting room was re-opened at 9:53pm.

Chairman Landau moved that the Board come out of non-public session; Vice-Chairman Trask seconded the motion. The vote was four in favor with Selectman Cannon absent; motion carried.

Vice-Chairman Trask moved that the minutes to the first non-public session on Public Employees be sealed for a period of three (3) months; Selectman Buckley seconded the motion. The vote was four in favor with Selectman Cannon absent; motion carried.

Vice-Chairman Trask moved that the minutes to the second non-public session on Public Employees be sealed for a period of three (3) months; Selectman Buckley seconded the motion. The vote was four in favor with Selectman Cannon absent; motion carried.

Vice-Chairman Trask moved that the minutes to the third non-public session on Public Employees be sealed for an indefinite period; Chairman Landau seconded the motion. The vote was four in favor with Selectman Cannon absent; motion carried.

Vice-Chairman Trask moved that the minutes to the fourth non-public session on Reputation be sealed for a period of three (3) months; Chairman Landau seconded the motion. The vote was four in favor with Selectman Cannon absent; motion carried.

V. Adjournment

The next regularly scheduled meeting of the Board of Selectmen will be Thursday, April 27th, 2017.

Chairman Landau moved to adjourn the meeting; Selectman Hagan seconded the motion. The vote was four in favor with Selectman Cannon absent; motion carried.

The meeting was adjourned at 9:55pm.

Respectfully Submitted,

Debra H. Doda
Recording Secretary