

**Town of Chester  
Board of Selectmen’s Meeting  
Monday, May 11, 2020  
Virtual Meeting  
Approved Minutes**

**I. Preliminaries**

Call the Meeting to Order

Roll Call

Pledge of Allegiance

Chairman’s Additions or Deletions

Public Comment (10 minutes)

Approval of Minutes

Items for Signature

Wason Pond: Eric Feldbaum, NH Division of Parks & Recreation

Review and Approval of Town Hall Renovations RFP

Roundtable

Potential Non-Public Sessions

Adjournment

*1.1 Call to Order*

Chair Owens called the meeting of the Chester Board of Selectmen to order at 7:00 PM.

Under the emergency provisions of RSA 91A, this meeting is being conducted electronically and will be recorded, via dial-in, (929) 436-2866, internet at <https://zoom.us/j/770832311> as well as broadcast on Channel 20 and streamed on <http://vod.chesterctv.com>.

*1.2 Roll Call*

Selectmen Present (Remotely):

Stephen Landau

Steve D’Angelo

Joseph Hagan

Chuck Myette

Jeremy Owens

Present: Town Administrator Deb Doda (Remotely)

Members of the Public Present (Remotely), at various times:

Police Chief Aaron Berube

Fire Chief Greg Bolduc

Road Agent Michael Oleson

Eric Feldbaum, NH Parks & Recreation  
Kristina Snyder  
Kathleen Neff Ragsdale  
Chris Hadik  
Town Clerk/Tax Collector Elizabeth Lufkin  
BOS Administrative Asst. Janis Jalbert  
Jack Cannon  
Recreation Director Corinna Reishus  
Leslie Hammond  
Alex Bartels  
Amy Ste Croix  
Kristine Benson  
Penny Williams  
Elizabeth Casey  
Kim Moore  
Eric Emerson  
Karla Biel  
Ellen Phillips  
Chester CTV

*1.3 Pledge of Allegiance*

Chair Owens led the attendees in the Pledge of Allegiance.

*1.4 Chairman’s Additions or Deletions*

Chair Owens noted he had one non-public under employment.

None

*1.5 Public Comment*

Chair Owens opened the meeting to public comment at 7:03 PM and as the public wished to speak to the issue of parking closure at Wason Pond, the public elected to comment during that portion of the meeting.

**II. Old Business**

*2.1 Approval of Minutes*

An approval sheet for the previous meeting’s minutes was sent electronically.

*2.2 Items for Signature*

All members reviewed and signed the items in the signature folder submitted electronically.

**III. New Business**

*3.1 Wason Pond: Eric Feldbaum, NH Division of Parks & Recreation*

Kathleen Neff Ragsdale indicated she sits on the Wason Pond Conservation & Recreation Commission and was disappointed the Commission was left out of the decision by the Board of Selectmen to close the parking lot.

Chris Hadik, the Chairman of the WPC&RC noted the Commission was involved with the closure of the playground area and had an email meeting which is part of public record. Mr. Hadik wondered why the Commission was not involved in the decision to close the parking lot? Selectman D’Angelo reviewed the reasons for the decision which on his part were made due to his own observations which he felt posed a health and safety risk to first responders.

Mr. Hadik asked Jack Cannon who was present to repeat his suggestion from Thursday’s Selectmen’s meeting. Mr. Cannon noted there were funds in the CIP for a pavilion and that could be deferred to consider a gate house which would allow residents to show their license to get in or have a sticker. Non-residents could be charged a fee to use the property for the day. People could be let in with no charge for events. Mr. Hadik indicated he felt if this was possible it would have been done four years ago. However, the Conservation Easement doesn’t allow for structures that are not part of the Master Plan. The pavilion is part of the Master Plan. A ticket booth could be placed on a trailer temporarily in the summer and removed in the winter.

Mr. Hadik opined that if you charge residents nothing you can’t charge non-residents anything because a federal grant of \$100,000 was taken to purchase the property. The grant gave non-residents the same rights as residents. You can charge fees similar to those charged at similar facilities in the area. You can’t discriminate between residents and non-residents outside of the 2:1 ratio which would mean zero for residents, zero for non-residents. While \$10 is not a big deal to out of towners, the taxpayers would be charged \$5 for the property they helped pay for when they contributed 1.25 million dollars to purchase it. Another concern is RSA 212:34 which states that landowners have immunity for outdoor recreational use provided there is no fee charged. A clever attorney could argue parking is a use fee.

Vice-Chair Myette indicated the recreation area is seeing more and more use and abuse.

Eric Feldbaum, New Hampshire Parks & Recreation’s Community Recreation Specialist indicated he is a member of the New Hampshire Recreation & Park Association and has experience working with the Land and Water Conservation Fund Grants such as were received by the Town.

Mr. Feldbaum noted he would be happy to provide information that would benefit the community and be inline with the grant program. The grant does not allow discrimination and must be a recreational resource for everybody including those with disabilities. Swimming makes the park a high use area as to fees. Fees for non-residents cannot exceed 50% more than charged to residents. However, when not charging residents, there can be a charge to non-residents so long as they are reasonable and comparable to others in the area which is directly from the

139 manual. Likewise, if the Town offers a season pass to residents, non-residents must also have  
140 the ability to obtain a season pass.

141  
142 Mr. Feldbaum indicated he was not an attorney and could not comment on recreational  
143 immunity.

144  
145 Mr. Feldbaum noted the program does allow for closures due to certain issues which COVID  
146 would certainly be one. State Parks have been seeing an immense increase in hiking and  
147 people wanting to be out recreating. The State Parks moved to an online reservation system  
148 utilizing a toll booth for admitting those who are registered and staff when booths are not  
149 available. The State Parks are having the same sort of conversations right now.

150  
151 Selectman Hagan indicated there are two issues, the good order and discipline of Wason Pond  
152 and the future of the beach area given the present emergency. The complete process should  
153 be sent to legal and if Mr. Hadik is correct it is a non-starter. The swimming area would put  
154 people on top of each other in the midst of a public health emergency and would think about not  
155 allowing it. The pandemic is smoldering until 80% of the population have had a working  
156 immunization, speaking as someone who has dealt with these things for 48 years.

157  
158 Mr. Hadik agreed, swimming may not be allowed this year but is concerned about trading one  
159 danger for another by forcing people to park and walk, crossing a dangerous roadway. Mr.  
160 Hadik recommended limiting parking to a few dozen spaces that could be managed by the  
161 ranger. Residents need Wason Pond more than ever for physical and mental health. When  
162 there are too many people, the ranger can put a sign up that the lot is full.

163  
164 Vice-Chair Myette asked Mr. Feldbaum what other communities are doing to limit the use and  
165 abuse of their recreation areas. Mr. Feldbaum indicated they are limiting access via parking.  
166 Monadnock had 300 spaces reduced to 150 and users must make reservations. This has been  
167 shown to limit the number on trails and interactions with staff.

168  
169 Selectman Hagan advised anyone thinking of becoming a future Selectmen not to give the farm  
170 to the feds unless they are paying the costs. It is ridiculous for taxpayers to pay twice a year  
171 and be put in this situation. “Don’t let it happen again.”

172  
173 Leslie Hammond indicated she serves on both the Recreation Commission and WPC&RC and  
174 agrees Selectman Hagan is on point concerning medical expertise and has no objection to the  
175 playground and beach being closed but doubts a kid flying a kite on the field would pose a  
176 danger. Ms. Hammond indicated she defers to the state on that one.

177  
178 Ms. Hammond stated that Selectman D’Angelo noted issues are policing social distancing and  
179 not exposing police and fire. Ms. Hammond opined the Town should not decide if teens are  
180 related or standing too close. When vandalism and security became an issue the Commission  
181 added a ranger and he is doing an excellent job. The rope swing was mitigated. ABI is picking  
182 up trash. It is not fair to say the Commission hasn’t done anything and Ms. Hammond was  
183 offended by rude comments made about people from Massachusetts on social media by some  
184 of the attendees at this meeting earlier.

186 Nick Benson indicated his wife and he were disappointed by comments made Thursday and  
187 today. Nothing about the medical emergency, talk about permits, fees, access to residents;  
188 neighbors from Raymond, Derry, Massachusetts and opined this is opportunistic to take  
189 advantage of a global pandemic to move an agenda forward. Mr. Benson opined first  
190 responders were more a risk by not opening is equally absurd. Is the Town going to check to  
191 see if residents are patronizing the ice cream shop like we are in East Berlin? Mr. Benson  
192 indicated the issues are why, medically speaking, the parking is closed and how to get it open  
193 as quickly as possible.

194  
195 Recreation Director Corinna Reishus indicated she had two questions for Mr. Feldbaum, one is  
196 about ADA accessibility and the other is the ability to have a parking section for Chester  
197 residents. Mr. Feldbaum noted you cannot discriminate on residence or disability, be careful if  
198 you let some in and not others. You can restrict parking spaces, that may work but you must  
199 have the capability to enforce and police that.

200  
201 Selectman Landau noted he was the one who made the motion to close the parking lot, date  
202 specific. Looking around and seeing what was happening with campgrounds up until this week  
203 each border town had a high COVID problem. This week Chester had 3 active and 9 other  
204 cases. This needed some sort of discussion. It is ridiculous to expect Ranger Wright, who was  
205 hired last year, who is one man with no motorized vehicle or even horseback, to police this.  
206 This is why six to seven weeks were given to come up with some sort of decision. Selectman  
207 Landau noted he was glad WPC&RC took the initiative right away to close the playground; there  
208 is a fence around it. Up until now it was only affecting people his age, now there are sick  
209 children. The goal is to get discussion and make decisions. We still have one ranger and it  
210 has never been proposed to get additional help for John.

211  
212 Selectman Landau noted the premier spot in Chester has a pond and is one of two of  
213 reasonable size in the community; one parcel of 105 acres. There are 2,000 acres in Town  
214 available to walk and hike and parking there is not closed. There is even more without  
215 conservation easements on them. Selectman Landau would like people to come together, have  
216 discussion and make some decisions. No one knows how long COVID will last. Campgrounds  
217 are still being discussed. We don’t have the law enforcement to manage that. Some make  
218 foolish comments – are they worried about other people? He is very concerned, about seniors,  
219 walking and toddling. Tell me how to enforce it? Chair Owens indicated the trails could be kept  
220 open and the playground, fields and beach could be closed. It was never officially voted.

221  
222 Kaileigh (unidentified) noted she was in support of letting the ranger control the parking lot with  
223 fewer spaces. Crossing 102 was too dangerous. There are folks with strollers and multiple  
224 children crossing a road known for speed.

225  
226 Mr. Feldbaum indicated the NHP&R Assoc has guidance which includes CDC and signage  
227 which the Town can print and add its own logo concerning social distancing, bathrooms.  
228 NHPR.com has guidance also on the State park website which you can take and use.

229  
230 Mr. Hadik noted WPC&RC didn’t meet again before June.

Selectman Hagan questioned the motives of those accusing the Board. The people on the Board are smart people who are trying to do what is right. Don't use comments we are somehow totalitarian because we made a prudent decision.

Selectman D'Angelo indicated once the warm weather comes, we will still have an overflow. Open it all up and will have the same problem the first couple of days. Mr. Hadik agreed. 102 is dangerous, there are two choices, open it or close it. Selectman D'Angelo noted there is a problem with the pandemic and having more out of town users than residents and the ordinance has been discussed for years. The Chief of Police comes to the Board, the Recreation Commission with the same complaints, about dirty needles, porta-potties being destroyed with fires and complaints that local residents can't find a place to park. Mr. Hadik agreed there was no easy solution. You can't restrict access/can't control overcrowding. Chair Owens noted closing the beaches may solve the problem. Selectman D'Angelo added he observed 8-9 people of which 15 were from out of Town. There were plates from NY, MD and NJ. There is a pandemic and the park will be insurmountable in the summer months and first responders will be exposed to those infected from out of Town.

Mr. Hadik noted you could shut the place down. Selectman D'Angelo noted the parking closure has helped. There has not been as many people. People are parking in the cut through, on private property. Mr. Hadik noted the use has gone down but there is fear of having people walking on 102. Selectman D'Angelo recommended more people utilize Spring Hill Farm.

Selectman D'Angelo noted the temporary kiosk was a great idea. One way in and exit by the ballfields. Mr. Hadik questioned how that would reduce the number of people. Selectman D'Angelo noted residents purchase a sticker at Jenness Park in Rye, NH. Mr. Hadik noted Rye can issue stickers to residents, they own the parking and took no grant money.

Mr. Feldbaum noted under the grant if a resident receives a pass a non-resident has the same access, whether they pay or not. You can charge so long as the fee is in line with other, similar parks. Mr. Hadik asked about buying an adjacent parcel for parking and Mr. Feldbaum noted the 105 acres is encumbered by the grant and nothing would change. Selectman D'Angelo disagreed that the Town would lose its recreational immunity by charging for parking. Mr. Hadik indicated he spoke with the Town Attorney today and she advised not to charge for parking. The Supreme Court has not had a case yet and she recommended the Town not be the first guinea pig.

Alex Bartels of Towle Road indicated everyone is an adult and knows how to social distance. It shouldn't be a Board decision that people can or can't park there.

Amy Ste Croix of Donna Street stated she wants the parking lot at Wason to open.

Mrs. Reishus indicated she could get signage as to what was closed or not. Chair Owens noted the beach is where the drug activity is seen during the summer months.

Kristina Snyder who is on the Conservation Commission and WPC&RC noted she did not feel comfortable taking a vote based on this conversation. Chair Owens asked if the WPC&RC could meet electronically sooner to discuss whether everything but the trails should be closed.

Vice-Chair Myette recommended Wednesday at 6 PM. Mr. Quinn, Mrs. Reishus, Ms. Snyder and Ms. Hammond were in agreement. Mr. Hadik will email Mrs. Neff Ragsdale who was no longer present.

### *3.2 Review and Approval of Town Hall Renovations RFP*

Town Administrator Doda provided the Board with the RFP which the Board voted on at the last meeting and noted maintenance has the paint for the Town Hall. Vice-Chair Myette asked to have the sketch updated. Town Administrator Doda will have Mr. Bunker redo it.

All responders shall submit one (1) signed original proposal, five (5) copies of the original, and a pdf copy on a thumb drive, all in a sealed envelope plainly marked: Chester Town Hall Renovations RFP 05-01-2020 Debra Doda, Town Administrator 84 Chester Street Chester, NH 03036 All proposals must be received no later than **Friday, May 22, 2020 at 3:00pm** (time period may be extended at the discretion of the Board of Selectmen) to be considered. It is the sole responsibility of the responder to have the packet at the designated location prior to the deadline date and time. **Proposals will be opened at 11:00 am Tuesday, May 26th, 2020.** The Town reserves the right to modify or cancel, in part or in its entirety, this RFP. The Town reserves the right to accept or reject any or all proposals. Responders who submit Proposals do so entirely at their own expense. There is no expressed or implied obligation by the Town of Chester to reimburse any individual or firm for any costs incurred in preparing or submitting a proposal, for providing additional information when requested by the Town of Chester, or for participating in any selection interviews. The selection of the Contractor shall be made without regard to race, color, sex, age, religion, national origin, sexual orientation, or political affiliation. All questions concerning the RFP or to schedule an appointment should be directed to Myrick Bunker, Building Inspector, at (603) 887-3636, extension 101, or via e-mail at mbunker@chesternh.org. The Town of Chester is an Equal Opportunity Employer.

***Selectman Hagan motioned to approve the RFP with the corrections noted above. Vice-Chair Myette seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Hagan – aye, Owens – aye, Landau – abstain. The motion passed 4-0-1.***

## **IV. Roundtable**

Vice-Chair Myette added one non-public under 91-A:3(II)(d).

Chair Owens advised the public that there will be cutting of dead trees this week at Wason Pond and to be aware of your surroundings.

Selectman D’Angelo noted there are a lot of kids graduating and not having a ceremony and questioned if there were something the Board could come up with to commemorate that. Chair Owens noted the eighth grade is on the agenda with TRC for an event. Vice-Chair Myette asked about Chester PACT putting something together.

Chair Owens noted the following meetings were coming up:

Tuesday, May 12, 2020 Conservation Commission Meeting at 7:00 PM.

Tuesday, May 12, 2020 Recreation Commission Meeting at 7:30 PM

Wednesday, May 13, 2020 Wason Pond Cons. & Recreation Commission Meeting at 6 PM

Wednesday, May 13, 2020 Planning Board Meeting at 7:00 PM.

Thursday, May 14, 2020 Board of Selectmen’s Meeting at 7:00 PM.

#### *4.1 Potential Non-Public Sessions*

***Selectman Landau motioned to go into non-public session pursuant to 91-A:3(II)(a) and (d). Vice-Chair Myette seconded the motion. A roll call vote was taken Myette – aye, Hagan – aye, Landau – aye, D’Angelo – aye and Owens – aye. With all in favor the motion passed unanimously.***

The meeting was closed to the public at 8:31 PM.

The meeting was reopened at 9:11 PM.

***Selectman Landau motioned to come out of non-public session and seal the minutes. Selectman Hagan seconded the motion. A roll call vote was taken Myette – aye, Hagan – aye, Landau – aye, D’Angelo – aye and Owens – aye. With all in favor the motion passed unanimously.***

***Selectman Landau motioned to seal the first non-public session, on property, for a period of one (1) month; Chairman Owens seconded the motion. A roll call vote was taken: Landau – aye, D’Angelo – aye, Hagan – aye, Myette – aye, Owens – aye. With all in favor the motion passed unanimously.***

***Chairman Owens motioned to seal the second non-public session, on public employees, for a period of one (1) month; Selectman Hagan seconded the motion. A roll call vote was taken: Landau – aye, D’Angelo – aye, Hagan – aye, Myette – aye, Owens – aye. With all in favor the motion passed unanimously.***

#### **V. Adjournment**

***Selectman Landau moved to adjourn the meeting. Selectman D’Angelo seconded the motion. A roll call vote was taken Myette – aye, Landau – aye, D’Angelo – aye, Owens – aye. With all in favor the motion passed unanimously.***

The meeting was adjourned at 9:12 PM.

Respectfully submitted,

Nancy Hoijer  
Recording Secretary