

**Town of Chester
Board of Selectmen’s Meeting
Thursday, May 14, 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
Senator Jon Morgan
Town Meeting
Town Finances
Wason Pond Parking Lot
Transfer Station Foreman Position
Property Tax Interest Abatement
Police Department Hiring
Accept the First Responders Stipend
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 7:02 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):

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

Present: Town Administrator Deb Doda (Remotely)

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

Town Treasurer Rhonda Lamphere
Joanne Smith, Finance
Police Chief Aaron Berube
Fire Chief Greg Bolduc
EM Director Phil Gladu
Chris Hadik
Town Clerk/Tax Collector Elizabeth Lufkin
Jack Cannon
Recreation Director Corinna Reishus
Leslie Hammond
Town Moderator Attorney Michael Scott
Senator Jon Morgan
Charlotte Lister
Joe Alan
Kristine Benson
Norma Paltinavich
Penny Williams
BOS AA Janis Jalbert
Dylan
Elizabeth Casey
Chuck Russek
Kim Moore
Eric Emerson
Karla Biel
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 the Police Department hiring would be moved to non-public session.

None

1.5 Public Comment

Chair Owens opened the meeting to public comment at 7:02 PM and asked the public to speak during the public comment portion of the meeting. Chair Owens directed the attendees to refrain from making comments below in the chat bar so the agenda could be focused on.

II. Old Business

93
94 *2.1 Approval of Minutes*
95

96 An approval sheet for the previous meeting’s minutes was sent electronically.
97

98 *2.2 Items for Signature*
99

100 All members reviewed and signed the items in the signature folder submitted electronically.
101

102 **III. New Business**
103

104 *3.1 Senator Jon Morgan*

105 *3.2 Town Meeting – Town Moderator Michael Scott*
106

107 Selectman D’Angelo thanked Senator Morgan for coming and speaking to the Board about
108 Town Meeting and the operating budget warrant article. Selectman D’Angelo indicated he
109 reviewed the April 29th memorandum with Steve Buckley at NHMA legal who returned his call
110 quickly and went over the details. Selectman D’Angelo copied Town Administrator Doda and
111 contacted Senator Morgan.
112

113 Senator Morgan indicated there were March Town Meeting Towns and May Town Meeting
114 Towns and the fiscal year depended on that, per RSA 32:13(II). A March Town Meeting Town
115 would have a calendar year beginning January 1st and ending December 31st. Typically a
116 March Town Meeting Town would continue spending reasonable expenses for the first two
117 months of the calendar year, prior to Town Meeting, based on last year’s budget.
118

119 Selectman D’Angelo noted the Town of Chester used a fiscal period ending June 30th which
120 acted like a May Town Meeting Town.
121

122 Senator Morgan indicated three options were presented to the Governor by Margaret Byrnes of
123 NHMA:.
124

125 1. Drive-by voting. This has already happened in Hopkinton, Conway and Bow.
126 However it is not recognized by RSA or enabling legislation. Because it happened already it
127 can be put forward to the Governor retroactively.
128

129 2. Adopt the same budget as the previous year without Town Meeting.
130

131 3. Act like a March Town Meeting Town with a fiscal period beginning with a calendar
132 year.
133

134 The Governor would have to act through Emergency Declaration to make any of these
135 recognized through the State because the legislature is not in session.
136

137 Selectman D’Angelo noted the Emergency Order ends on May 15th and asked if it would be
138 extended? Senator Morgan indicated it would be extended for 21 more days.

139
140 Senator Morgan indicated he would make calls verbally and follow up with a letter as a
141 statement of support to ask that the GOFERR Committee, Senate President and Governor give
142 the Town guidance and asked the Board to define what they wanted.

143
144 Moderator Scott indicated he did not want the other Warrant Articles to be prejudiced by being
145 pushed down the road and not voted on by the Town indefinitely. The other Warrant Articles
146 are ancillary to the budget needed to run the Town and the Town needs to continue to fund
147 Town activities. Selectman D’Angelo indicated it was only temporary until the Town Meeting
148 can be held safely. Most who show up are over 50 years of age, the identified high-risk group.

149
150 Moderator Scott indicated the Town also had the primary election coming up in September. If
151 the Town is able to wrangle that, people may question why not Town Meeting and the Warrant
152 Articles they have sponsored?

153
154 Moderator Scott indicated he has experienced drive by voting and is not enthusiastic about it.
155 The Town has received no guidance from the Governor, the Municipal Association or the
156 Secretary of State. Senator Morgan expressed his sympathy with the frustration. There is a
157 committee meeting starting tomorrow with the Secretary of State and Deputy Secretary of State
158 which he is sitting in on. All options are on the table. Some are opposed to absentee ballots for
159 the reasons Moderator Scott articulated.

160
161 Selectman Landau explained the Town was a May Town Meeting Town until this past year. The
162 School held their meeting in March, the week before. The Town Election was held the Tuesday
163 before, then COVID came out, the Town was supposed to have Town Meeting on Saturday and
164 Moderator Scott had to postpone it until May 16th. There are currently six weeks left in the fiscal
165 year. COVID is changing on a daily basis. The Town could hope to hold Town Meeting
166 sometime between now and the end of its fiscal year which is June 30th. Selectman Landau
167 didn’t know if anyone looked up the fiscal year for January 1st. There are Towns that operate for
168 two months using the previous budget so there should be no reason the Town couldn’t do that.
169 That would take the Town through July, August and mid-September.

170
171 Moderator Scott indicated he would prefer to suspend indefinitely rather than keep postponing
172 Town Meeting until further notice, when there is no idea when that might be.

173
174 Selectman D’Angelo added that our Town Hall is closed, and we don’t know when it will be
175 planned to reopen.

176
177 Selectman Hagan noted we were given three options. Option 2 is to have no Town Meeting and
178 use last year’s budget for the coming year. That is the prudent thing to do. Of five Selectmen,
179 there is only one not in the high-risk group. There are likely going to be no public meetings, no
180 sporting events, etc. until there is an effective vaccine, and certainly not in the short term.

181
182 Selectman D’Angelo indicated he agreed with Doc, “I am a lawyer, not a doctor.” Vice-Chair
183 Myette noted it is indefinite. Is there anything that puts a time limit, such as the end of 2021? It
184 could be a long time waiting for a vaccine. Senator Morgan indicated that if you go with the
185 March Town Meeting option, there has to be an alternative to extend past December 31st should

there not be a widely available vaccine at that point. If the Board passes the motion, it serves as one full year of continuing resolution. Selectman Hagan noted the other Warrant Articles would be held in abeyance until next year. Senator Morgan clarified he did not seek guidance on the ancillary warrant articles.

Selectman D’Angelo noted it was important that Option 2 allow the Town to set the tax rate on November 1st.

Selectman Landau noted he wouldn’t disagree with Doc Hagan; he has known him a long time. The other 29 warrant articles don’t need to have a decision and there is no problem adopting the budget and sending out the tax bills. “Give the Senator and other legislators time to untangle this debacle.”

Senator Morgan noted when the legislature convenes it will be dealing with COVID related legislation.

Selectman Hagan agreed, the decision did not have to be made today. “We are in war-time footing.”

Moderator Scott asked about notification on the primary election and Senator Morgan noted there would be hearings starting this week and probably have an answer in three weeks.

Vice-Chair Myette clarified there are two issues, suspending Town Meeting and the default budget. Town Administrator Doda noted if Town Meeting is postponed, per RSA 40:4 II it must be to a date and time certain. Selectman D’Angelo recommended June 13th or June 20th.

Vice-Chair Myette offered a motion to allow Moderator Scott to postpone Town Meeting until Saturday, June 20, 2020. Selectman D’Angelo seconded the motion. A roll call vote was taken, Myette – aye, D’Angelo – aye, Hagan – aye, Landau – aye, Owens – aye. With all in favor, the motion passed unanimously.

Moderator Scott indicated he would send a letter out tomorrow. Moderator Scott indicated he did not want to keep postponing over and over until no one shows up. The goal is to have no one get sick and to have people show up.

Moderator Scott indicated it would take the responsibility off the Moderator if all Town Meetings could be suspended until such time as we know we can hold Town Meeting again.

Senator Morgan indicated he would make some calls and write a letter on behalf of the Town to authorize the Select Board to pass and use the same budget as last year with no Town Meeting and ask that Town Meeting can be postponed without a date certain. Selectman D’Angelo added and to authorize the Town to set the tax rate on November 1st based on the current budget being used. Senator Morgan noted he would copy the Board on the letter.

The Board thanked Moderator Scott and Senator Morgan for coming.

3.3 Town Finances – Rhonda Lamphere, Joanne Smith

Mrs. Lamphere noted it sounded like the Governor would go along with the requests made by NHMA which had good directives.

Mrs. Lamphere questioned whether the information was correct about a March Town Meeting Town and the calendar year versus the fiscal year ending June 30th. Selectman Landau noted the Town would be allowed to do ordinary spending. The Town Meeting will be held in the future based on what the Governor and the Legislature resolve. DRA will determine when we can send out tax bills. Joanne Smith agreed with Selectman Landau and noted she sees it all the time with other calendar-year towns who have March Town Meeting. It is routine to operate the first few months without a budget. Ms. Smith cautioned if more money is needed for health insurance etc., bills may be higher for taxpayers than expected.

Chair Owens noted the Board would wait and see and thanked Mrs. Lamphere and Ms. Smith for coming.

3.4 Wason Pond Parking Lot

Mr. Chris Hadik indicated he wrote an email to Vice-Chair Myette reflecting the recommendations being worked on by the Wason Pond Conservation and Recreation Commission. The Commission has met and tossed around a few ideas and will address those next Monday night.

Vice-Chair Myette indicated the goal is to open part of the parking lot and limit the ballfields, playground, and beach areas with some other actions to be taken such as additional personnel and signs. The Commission will meet again Monday at 6 PM and then address the Board of Selectmen right after that. Vice-Chair Myette noted the Town may be operating for awhile with last year’s budget and the economy may resemble a 100-year level depression. The Town may be short-staffed with police personnel and with more problems, resources will be stretched thin. Additional manpower may be limited. Volunteers could be trained during that period.

Mr. Hadik indicated he would like to see Ranger Wright get some help. He can’t be there seven days a week. Mrs. Reishus is working with the summer recreation employees some of which may be interested in being the eyes, giving gentle reminders of social distancing and calling in anything illegal that they see to the police. Mr Hadik would like to get some portable (electronic) highway signs letting traffic know the beaches are closed and don’t know when they will reopen. He asked if the Town has these signs available to lend or could possibly fund additional ones to rent. The no-parking signs on Route 102 have to get installed.

Phil Gladu noted the signs have a limited capacity and have to be re-charged each day. Mr. Hadik noted the goal is to get pedestrians off Route 102 and notifying visitors the beaches are closed may stop people from coming in.

Chief Berube indicated it is important to keep from putting more responsibility on Ranger Wright. If Ranger Wright leaves the Town is in big trouble. He works a couple of hours a day and if he decides he wants to take a long weekend he is entitled to do that. This is a beautiful property and if not maintained things will get worse quickly.

Mr. Hadik noted the Commission has not voted on reopening the parking lot but plans to target next Friday if everything can be put in place first.

3.5 Transfer Station Foreman Position – Advertisement

Vice-Chair Myette noted the Transfer Station is looking for attendants and a foreman. The foreman’s position is bit more complicated than it was in the past because Mr. Andrew Hadik has done a lot of the annual paperwork and the new foreman would be expected to alleviate the work Mr. Hadik has been doing. The foreman will report to the Town Administrator.

Selectman D’Angelo asked about wages/salary. Town Administrator Doda noted there is a foreman position on the wage matrix but it is not intended for a position as complex as what is being offered. Chairman Myette noted the wages/salary would be commensurate with experience and training.

Town Administrator Doda asked if the Board had a chance to read the ad and if it was acceptable. The Board agreed it was ready and Town Administrator Doda will place it tomorrow morning.

3.6 Property Tax Interest Abatement

Mrs. Lufkin noted she received guidance from legal. The interest abatement is at the discretion of the Board who can set the terms and limit and it not a requirement, but an option. It cannot be on an individual basis. Another municipality brought up the concern about mis-use as it is intended for people with a hardship as a result of COVID-19. There wasn’t a definitive answer.

Chair Owens noted the abatement of interest would be a blanket abatement, meaning the rules apply to everybody. Selectman Landau noted the Town does this already and has helped people out and been fair and doesn’t believe the Town needs another rule and to put everyone in the same situation when everyone isn’t in the same situation. Selectman D’Angelo agreed.

Vice-Chair Myette noted taxes are still due, only July 1st at this point. The abatement goes to the end of the emergency declaration and we don’t know when that will be. The Town doesn’t know the value of the unpaid interest being waived.

Selectman Hagan motioned in favor of going along with the Governor and abating the July 1, 2020 interest until the Emergency Declaration is ended. Vice-Chair Myette seconded the motion. A roll call vote was taken Myette – aye, Hagan – aye, Selectman D’Angelo and Selectman Landau – opposed. Chair Owens voted in favor. The motion passed 3-2-0.

3.7 Accept the First Responders’ Stipend

Town Administrator Doda indicated the Town was getting funds from the State to give stipends to first responders, Police and Fire for hazard pay. If the Town accepts the funds from the state, it would run through payroll for eight weeks and two days.

Selectman Landau motioned to accept the first responder stipend. Selectman Hagan seconded the motion. A roll call vote was taken Myette – aye, Landau – aye, Hagan – aye, D’Angelo – aye, Owens – aye. With all in favor, the motion passed unanimously.

Selectman D’Angelo noted NHMA posted about the Cares Act which allocated \$124,176 to the Town by population, which would come in as unanticipated revenue.

3.8 Public Comment

Dylan (no last name given) reported some trees were being taken down at Wason Pond with big machinery and tractors and some did not need to be taken down and other trees and shrubs were taken down along with them. Chair Owens explained that some trees which were dead and posed safety issues to hikers along the trail were being taken down after discussion with WPC&RC and Conservation Commission. They would be taken down and moved to the side of the trail to decay in place as habitats. Trees were looked at to make sure there were no nesting areas and the trees were not chipped. The tractor was used to move them off the trail.

Dylan noted the back trails were destroyed with a huge John Deere tractor, an expired permit was posted, and the trails were widened to 30-40.’ Vice-Chair Myette advised the area behind, which is private property, is going through a logging operation and the owner has filed a timber permit. If the operating is not following best management practices, then it can be reported to NHDES. Dylan noted they are cutting close to horse trails. Vice-Chair Myette noted again that was private property and had nothing to do with the Town owned Wason Pond parcel. Dylan noted there were also black spots that looked like oil spots. Vice-Chair Myette indicated he would go down and take a look and, if necessary, bring it to the attention of NHDES.

Rhonda Lamphere asked for clarification on the motion for property tax interest abatement. Mrs. Lamphere noted she hadn’t seen the letter. With 50% of tax payments from mortgage escrows and the other 50% from individual residents and the interest abated until the crisis is over – could people withhold paying taxes with no penalty? Selectman Hagan noted the Governor’s recommendation was that municipalities abate interest on unpaid taxes until the declaration of emergency has ceased. Mrs. Lamphere clarified – for everyone? Selectman Hagan advised yes, you cannot pick and have some do and some don’t.

IV. Selectmen’s Business

4.1 Roundtable

Selectman Landau indicated he had one additional non-public. Chair Owens indicated there were several.

Selectman D’Angelo added that in the proposed budget there were \$1.2 Million for roads in the CIP which would be off the table utilizing the current budget. Selectman D’Angelo asked if there was any estimate for payments made by mortgage escrows and Mrs. Lufkin noted approximately half of the tax warrant, of 3.8 Million. Selectman D’Angelo reminded the school would be sending their bill.

Vice-Chair Myette received correspondence from Ken Massey about leasing solar fields which are typically put in landfills, open spaces, and high tension land near the transfer systems and there would be no cost to talk with them. Chair Owens noted they didn’t pay very much so there would probably not be a lot of money for the Town. Chair Myette indicated it could be a chance for the Town toward going green. Selectman D’Angelo indicated there were a lot in Framingham and they were very unsightly to the abutting landowners.

Chair Owens noted the following meetings were coming up:

Monday, May 18, 2020 Wason Pond Conservation & Recreation Commission 6 PM
Monday, May 18, 2020 Board of Selectmen’s Meeting 7 PM
Tuesday, May 19, 2020 Spring Hill Farm Advisory Committee 7 PM
Wednesday, May 20, 2020 300th Anniversary Committee 7 PM
Thursday, May 21, 2020 Board of Selectmen’s Meeting 7 PM

4.2 Potential Non-Public Sessions

Selectman Landau motioned to go into non-public session pursuant to 91-A:3 II (a), (b), and (c). 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 8:29 PM. Police Chief Berube remained in the meeting.

Police Chief Berube departed the meeting at 8:56 PM.

The meeting was reopened at 9:16 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 minutes to the first non-public session, on Employment, for a period of thirty (30) days; Vice-Chairman Myette 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.

Selectman Landau motioned to seal the minutes to the second non-public session, on Public Employees, for a period of thirty (30) days; Vice-Chairman Myette 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.

Selectman Landau motioned to seal the minutes to the third non-public session, on Public Employees, for a period of sixty (60) days; Vice-Chairman Myette 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.

Selectman Landau motioned to seal the minutes to the fourth non-public session, on Reputation, for an indefinite period of time; Vice-Chairman Myette 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 9:17 PM.

Respectfully submitted,

Nancy Hoijer
Recording Secretary