

**Town of Chester
Board of Selectmen’s Meeting
Thursday, January 21, 2021
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
Town Meeting 2021
Carkin Street
Warrant Articles
Roundtable
Potential Non-Public Sessions
Adjournment

1.1 Call to Order

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

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 (Present Remotely):

Jeremy Owens
Chuck Myette
Steve D’Angelo
Stephen Landau

Selectmen Absent:

Joseph Hagan

Town Administrator Debra Doda (Present Remotely)

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

Aaron Berube, Police Chief
Beth Davis, Attorney with Hamblett & Kerrigan
Andrew Hadik, Town Planner
Russell Quintal

Corinna Reishus, Recreation Director
Michael Scott, Moderator
Michael Weider, Planning Board
Penny Williams, Raymond Area News
PACT

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 or Deletions

None

1.5 Public Comment

Chairman Owens opened the meeting to public comment at 7:01PM.

Beth Davis, Attorney from Hamblett and Kerrigan representing Russell Quintal in the *Discontinuance of a portion of Carkin Street* request, would like the Board to know she is here if there are any questions this evening.

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 Date of Town Meeting 2021

Town Moderator Michael Scott advised he will most likely have to postpone Town Meeting, but the real question is when he should determine the date to announce the postponement. Is it too early to postpone now?

Vice-Chairman Myette asked if the governor had announced an end date for large gatherings. Mr. Scott advised he has not heard of an end date, and the CDC is all over the map with it. Most likely it will be necessary to social distance; and postponing until it can be held outside with no limit as to how many can attend may be the correct thing to do.

Selectman Landau asked if it would be possible to hold the elections as normal and just postpone the town meeting. Mr. Scott will contact New Hampshire Municipal Association and ask the question. Town Administrator Doda will place this on next week’s agenda for a response.

Mr. Scott also would like to have more discussions on the election preparation with Town Administrator Doda and Town Clerk/Tax Collector Lufkin. He would like to be better prepared with more structure at the elections.

3.2 Carkin Street

Town Administrator Doda requested members of Planning and Zoning to join this evening to give their input on Carkin Street.

Mike Weider, Planning Board, stated he cannot speak for the other members, just himself. In 1972 the town voted to accept the entire road with the paper cul-de-sac and as such it is a valid town road and should not be relinquished to the abutters.

TA Doda stated if this is approved by the town, the homeowner would need a new variance for the drastically reduced road frontage.

Vice-Chairman Myette questioned who was responsible for the building of the paper cul-de-sac. Mr. Weider guessed it would have been the developer’s responsibility to build and the Road Agent and Building Inspector would have had to sign off on the road that it was done.

Attorney Davis stated the original plan was recorded in 1968 and was redone in 1971 from which the deeded lots were based on. Since the road has been finished since 1972, there have been multiple permits pulled, all of which have been approved, including a garage built within the cul-de-sac. The state statute states that if a paper cul-de-sac has not been built then it should be discontinued. Once it has been discontinued, the homeowner understands he must go to Planning for a lot line adjustment and to Zoning for a variance on the road frontage. Ms. Davis advised the town has not plowed or maintained past the paved section and that is the portion we are asking to be discontinued.

Vice-Chairman Myette asked if the client has a deed to the cul-de-sac. Attorney Davis advised the law states that when an individual gets a deed to the lot limits on a recorded plan the abutters own to the center line of the street. Under state statute, if a period of 20 years lapses and a paper street has not been built the title then vests to the abutters. Selectman Landau questioned what the difference is between a paper street and a Class 6 road. Ms. Davis stated a Class 6 road is not maintained by the town, it exists in some form but may or may not be used for the use of vehicles. The Cul-de-Sac is being used to access one residential structure via a gravel driveway.

Town Planner Hadik stated that the town paved approximately 50ft into the Cul-de-Sac as it services two driveways. He also advised the Road Agent has plowed into the area.

Mr. Quintal advised he is just looking to fix a 50-year-old problem and get the property lines cleaned up and the tax map fixed.

Mr. Weider stated in 1972 the town had to vote to accept a road. This changed around 2000 and now the Board of Selectmen accept the roads. Prior to this change some roads were not accepted because the town did not want to maintain the roads.

The discontinuance of a portion of Carkin Street is on the warrant articles for the legislative body to vote on.

3.3 Warrant Articles

The Selectmen made their recommendations on the Warrant Articles. The results are as follows:

Article #B, Revaluation: YES: Owens, Myette, D’Angelo, NO: Landau ABSENT: Hagan

Article #C, PACT: YES: Owens, Myette, D’Angelo, NO: Landau ABSENT: Hagan

Article #D, Steeple Repair at Chester Congregational Church: YES: Owens, Myette, D’Angelo, Landau ABSENT: Hagan

Article #E, Budget: Tabled until the Budget Committee makes their recommendation.

Article #F, Discontinue North Pond Reconstruction Capital Reserve Fund: YES: Owens, Myette, D’Angelo, Landau ABSENT: Hagan

Article #G, 300th Anniversary: YES: Owens, Myette, D’Angelo, Landau ABSENT: Hagan

Article #H, CIP Funding: YES: Owens, Myette, D’Angelo, Landau ABSENT: Hagan

Article #I, CIP Projects: Tabled.

Selectman D’Angelo opined the town could feasibly purchase some of the Table 10 Projects under General Government without a tax impact using a portion of the \$30K in impact fees and remove them from the warrant article. The other departments should look at their impact fees and see if they can purchase a few of the items on Table 10. Town Administrator Doda will add this to next week’s agenda.

Article #J, Highway CIP Funding: YES: Owens, Myette, D’Angelo, ABSTAIN: Landau ABSENT: Hagan

Selectman D’Angelo read an article in the Union Leader about Bedford losing 10% of its Highway Block Grant money. Finance Director Smith is looking into if we might possibly lose a portion of the funds.

Article #K, Highway CIP Projects: YES: Owens, Myette, D’Angelo, ABSTAIN: Landau ABSENT: Hagan

Article #L, Carkin Street: Table the vote.

Vice-Chairman Myette asked if Mr. Quintal is aware of what the town is proposing for monetary compensation if this is passed. He also suggested getting input from ZBA and Planning about the figure. Town Administrator Doda will make sure he is aware before Town Meeting once the number is finalized.

Article #M, Winter Road Maintenance Fund: YES: Owens, Myette, D’Angelo, Landau ABSENT: Hagan

Article #N, Master Plan: YES: Owens, Myette, D’Angelo, Landau ABSENT: Hagan

Article #O, Police Department OHRV: YES: Owens, Myette, Landau NO: D’Angelo ABSENT: Hagan

Selectman D’Angelo asked what purpose this vehicle will be used for. Police Chief Berube advised it will be used to combat an OHRV issue in the town. This will give some relief to residents being bombarded by OHRV’s destroying their property.

Selectman D’Angelo opined the town should not be assisting Eversource with this matter, in other towns Eversource has hired a private security company to monitor and manage the properties. Fish and Game should be handling this issue, not the town. Another option for the Police Department is to use the truck if it is necessary to track the people down on the back road. An OHRV is a dangerous piece of equipment and could cause someone to get hurt.

Chief Berube stated we owe it to the townspeople to provide a service especially to the property owners along those roads. We are constantly getting complaints, and this is being presented as an option for the town.

Selectman Landau stated that he is aware of a situation where we had to handle a complaint of an ATV going on private land not near the powerlines destroying freshly planted trees and the homeowner came out with a 12-gauge. We do have a problem in town with OHRV’s. Just recently a gentleman who did not know he could not ride on the powerlines was stopped by the Police. Luckily for the officer, he was honest and drove up to the road instead of driving away. This is just another way to stop people from destroying private property without the town expending the money for the purchase and storage of an OHRV, as the funds to purchase this will be coming from the Police Detail fund. This will last the town for many years and is made to handle back roads/ areas and is cost effective for the town.

Vice-Chairman Myette agrees that we do need this type of vehicle on occasion and would be in support of it.

Article #P, Rescinding of 2013 WA #20: YES: Owens, Myette, Landau NO: D’Angelo ABSENT: Hagan

Article #Q, Follows #q as 2013 WA #20 was done incorrectly: YES: Owens, Myette, Landau NO: D’Angelo ABSENT: Hagan

Town Administrator Doda advised this was opened as a special revenue account when it should have been an expendable trust. If this should pass the new money going into the trust would be able to be used for maintenance and expansion not just mowing.

Article #R, Fire Engine Capital Reserve Fund: YES: Owens, Myette, D’Angelo, Landau ABSENT: Hagan

Article #S, Deleted

Article #T, Historic Building Capital Reserve Fund: YES: Owens, Myette, D’Angelo, Landau ABSENT: Hagan

Article #U, Change in Town Meeting Date: YES: Owens, Myette, D’Angelo, Landau ABSENT: Hagan

Selectman D’Angelo stated the town has not experienced a March Town Meeting since this was passed. It was changed so that the town and school could be aligned for budgeting purposes.

Selectman Landau advised a March Election puts a lot of stress on the Budget Committee with having to deal with two budgets at the same time. Also, it pushes the departments to start their budgets within a few months of starting a new budget.

Chairman Owens agreed with moving the town meeting, however graduations should be taken into consideration.

It was discussed that voting on Petitioned Warrant Articles was not necessary.

Article #V, Placeholder: Petitioner spoke with Town Administrator Doda asking if electronic signatures would be accepted. She advised that per the Secretary of State, they would not be acceptable.

IV. Selectmen’s Business

4.1 Roundtable

Selectman Landau:

When the possibility of getting a truck to haul a trailer with the equipment needed during the summer instead of the current SUV was raised, an idea was presented to make the best use of a vehicle we already have in the town. Selectman Landau opined he was not in favor of the purchase of a new maintenance truck when we have a perfectly good truck in another department.

Vice-Chairman Myette noted a vehicle for the Police Department could be a long process and he sees the advantage of purchasing this truck now. He also questioned what the town would do with the Police vehicle in two years.

Selectman D’Angelo could see getting another five years of police use as it currently has low mileage and is well taken care of. Something that should also be considered is the current police truck is way more than the maintenance department needs for a vehicle. Additionally, we would not be expending a huge amount of time if we just purchased the truck that Maintenance Supervisor Cavanaugh has found. It is being built currently and could be up and running in 8-10 weeks.

Selectman Landau commented on the fact that this vehicle is single cab, and the Summer Rec employees would need to be transported around town. The police truck is a double cab and could accommodate them in the summer.

Selectman D’Angelo made a motion to purchase the truck that was presented. Vice-Chairman Myette seconded. A roll call vote was taken Owens – abstained, D’Angelo – aye, Landau – nay, Myette – aye and Hagan – absent. The motion passed.

Vice Chairman Myette:
Nothing for roundtable.

Selectman D’Angelo:
Has one non-public to discuss.

Chairman Owens:

The Building Inspector needed an answer to the junk car violations that were mentioned at the last meeting. Chairman Owens asked Town Administrator Doda if the Building Inspector has had discussions with the homeowner prior to any violations being pursued. Ms. Doda advised he has received conflicting information in the past and asked for the Boards opinion before going forward.

Selectman Landau opined if it is based off observations it could open a can of worms. A short distance away from this property in plain sight has what could be construed as a junk yard.

Vice-Chairman Myette suggested having a conversation with the homeowner but not enforcing it as it was just an observation.

Chairman Owens announced the following meetings are coming up:

Monday, January 25, 2021 Budget Committee at 7 PM

Wednesday, January 27, 2021 Planning Board at 7 PM

Thursday, January 28, 2021 Board of Selectmen’s Meeting at 7 PM

Chairman Owens indicated there are three non-publics under litigation and property.

4.2 Non-Public Session(s)

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

The meeting was closed to the public at 9:17 PM.

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

The meeting was reopened to the public at 10:07 PM.

Selectman Landau motioned to seal the minutes of the first non-public session, on Property, for a period of thirty (30) days. Selectman D’Angelo seconded the motion. A roll call vote was taken, Owens – aye, Myette – aye, D’Angelo – aye, Landau – aye and Hagan – absent. With all in favor, the motion passed unanimously with Hagan absent.

Selectman Landau motioned to seal the minutes of the second non-public session, on Property, for a period of thirty (30) days. Selectman D’Angelo seconded the motion. A roll call vote was taken, Owens – aye, Myette – aye, D’Angelo – aye, Landau – aye and Hagan – absent. With all in favor, the motion passed unanimously with Hagan absent.

Selectman Landau motioned to leave the minutes of the third non-public session, on Safety, unsealed. Selectman D’Angelo seconded the motion. A roll call vote was taken, Owens – aye, Myette – aye, D’Angelo – aye, Landau – aye and Hagan – absent. With all in favor, the motion passed unanimously with Hagan absent.

Selectman Landau motioned seal the minutes of the fourth non-public session, on Pending Litigation, for an indefinite period. Selectman D’Angelo seconded the motion A roll call vote was taken, Owens – aye, Myette – aye, D’Angelo – aye, Landau – aye and Hagan – absent. With all in favor, the motion passed unanimously with Hagan absent.

V. Adjournment

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

The meeting was adjourned at 10:08 PM.

Respectfully submitted,

Janis Jalbert
Recording Secretary