

**Town of Chester
Board of Selectmen’s Meeting
Thursday, August 12, 2021
Municipal Complex
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
Encumbrance
Chairman’s Announcements
Roundtable
Potential Non-Public Sessions
Adjournment

1.1 Call to Order

Chairman Myette called the meeting of the Chester Board of Selectmen to order at 7:00pm.

1.2 Roll Call

Selectmen Present:

Chuck Myette
Steve Couture
Steve D’Angelo
Stephen Landau
Jeremy Owens

Town Administrator Debra Doda

Members of the Public Present at various times:

Todd Bahan, Groundhog Landscaping
Aaron Berube, Police Chief (Remotely)
Myrick Bunker, Building Inspector
Victor Chouinard
Corey Garabedian
Phil Gladu, Acting Fire Chief
Gary Goudreau
Deborah Hesketh
William Hesketh
Doug MacGuire, The Dubay Group
Billie Maloney

Ben Offord
Mike Oleson, Road Agent (Remotely)
Corinna Reishus, Recreation Director (Remotely)
Martie Samuelson
Kristina Snyder
Rick Snyder
and other persons unknown to the Recording Secretary.

1.3 Pledge of Allegiance

Chairman Myette led the attendees in the Pledge of Allegiance.

1.4 Chairman’s Additions or Deletions

None

1.5 Public Comment

Chairman Myette opened the meeting to public comment at 7:01pm.

As no Members of the Public wished to be heard, Public Comment was closed at 7:02pm.

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.

III. New Business

3.1 Lincoln Lane

Mr. William Hesketh presented a letter signed by the Lincoln Lane residents agreeing to the seating area in the cul-de-sac. All receipts will be given to Mr. Victor Chouinard for reimbursement.

Mr. Myrick Bunker, Building Inspector, suggested having the cul-de-sac engineered as there is concern about the drainage into the catch basin with the amount of fill needed to create a sitting area.

Mr. Hesketh advised they will have a retaining wall to keep the gravel away from the catch basin.

Selectman Couture suggested looking into programs such as “SOAK Up the Rain NH” for guidance on managing the stormwater. With the road being the town’s responsibility, this is concerning.

Ms. Deborah Hesketh advised no water currently comes into the catch basin.

Road Agent Oleson understands the Building Inspector Bunker is protecting the town. If the center drain is clogged with gravel it could clog in the future but most of the water does not go in the center catch basin. If in the future this sitting area creates a drainage problem, it will have to be taken out.

Road Agent Oleson will visit the area and give his recommendation on the site to Town Administrator Doda prior to the next meeting.

Selectman Landau motioned to approve the sitting area in the cul-de-sac contingent upon approval from Road Agent Oleson. Selectman D’Angelo seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens – aye, Couture – aye, Landau –aye. With all in favor, the motion passed unanimously.

3.2 ZBA Appointment

ZBA Chair Maloney mentioned Mr. Rick Snyder has been an alternate with a yearly appointment by the Planning Board for many years. She is asking that his appointment be changed from an alternate to a regular member.

Mr. Snyder explained he communicates between both the ZBA and the Planning Board. During all the meetings he attends for the ZBA he is asked to be a voting member.

Selectman Landau mentioned as a liaison on several boards, if or when he is asked to vote, he recuses himself from voting on the Board of Selectmen if it comes to them. Will the same apply?

Mr. Snyder stated if the Planning Board makes a decision on a case, and it goes to the ZBA he will recuse himself.

Selectman D’Angelo motioned to appoint Rick Snyder Regular Member to the ZBA for one year. Vice Chairman Owens seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens – aye, Couture – aye, Landau –aye. With all in favor, the motion passed unanimously.

ZBA Chair Maloney inquired if Selectman D’Angelo would be a voting liaison on the ZBA. Selectman D’Angelo advised with the ZBA having the required number of regular members he would not have to be a voting member and it is no longer on the table.

ZBA Chair Maloney asked for a brief nonpublic on reputation.

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

The meeting was closed to the public at 7:39 PM.

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

The meeting was reopened to the public at 7:52 PM.

Selectman Landau motioned to seal the minutes of the first non-public session, on Reputation, for an indefinite period. Selectman Couture seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens – aye, Couture – aye, Landau –aye. With all in favor, the motion passed unanimously.

3.3 Stowe Road

Mr. MacGuire appeared before the Board, representing the Garabedians and their gravel operation off of Stowe Road.

Chairman Myette mentioned that Mr Garabedian met with the Planning Board the previous night and this evening’s discussion is about public access on Stowe Road. The Board of Selectmen have had many complaints. There have been boulders placed that are blocking the road making it difficult for people to walk, run, and ride horses.

Mr. MacGuire advised that those issues with Stowe Road have been addressed. Groundhog Landscaping removed the boulders and regraded the area. The work should be completed by the end of tomorrow.

Selectman Landau questioned who gave the authority to open the Class VI Road. Chairman Myette stated the Road Agent, and the Board of Selectman are the only ones that can authorize the use of a Class VI Road.

Road Agent Oleson mentioned a call from Groundhog Landscaping about logging. He asked that erosion stone be placed on Stowe Road near the Fremont Road exit to prevent mud on Fremont Road. When asked about the mud on Stowe Road, Road Agent Oleson stated he has no jurisdiction on Stowe Road, but the landowner can do what they want to the road to access their land for logging purposes.

When mining came up, Road Agent Oleson mentioned to Groundhog Landscaping and the logger if the land is going to be mined, they should contact both the Planning Board and Board of Selectmen before proceeding.

Mr. MacGuire indicated they worked with the road agent on this. Selectman Landau summarized that the Board of Selectman were never asked for permission to improve Stowe Road.

Chairman Myette stated the improvements to the road are interfering with the public’s access. Mr. MacGuire reiterated that they are fixing the issues based off the conversation with the Planning Board.

Chairman Myette mentioned the improvements on the road were for logging only, not mining and excavation. Last night was the first time this project has been brought up to the town. But excavation has been started without permission from the town.

Mr. MacGuire stated it is a grandfathered pit and that is the reason it has not been brought to either the Planning Board or the Board of Selectmen. Chairman Myette stated the Board of Selectmen sign the permits with recommendations from the Planning Board. For this to be grandfathered, it needs

201 to be active and maintained, there is no documentation that work has been done in the past and
202 gravel taxes have not been paid.

203
204 Mr. MacGuire pointed out there are no taxes on gravel less than one thousand yards. And the
205 paperwork has been approved and signed by the Board of Selectman for the last 30 years along
206 with paying the fees.

207
208 Chairman Myette reminded Mr. MacGuire this meeting is about Stowe Road not what the issues are
209 with the Planning Board.

210
211 Selectman Couture pointed out the improvements to the road are not in accordance with the best
212 management practices for timber harvesting. The materials and improvements on Stowe Road far
213 exceed the best management practices and were done without permits.

214
215 Mr. MacGuire indicated the improvements were made to get the logging vehicles to the property.
216 No gravel or mining has happened yet as there is not a signed permit from the Board of Selectman.
217 Activities on site have been removal of the stump area on the property. Trees were cut to get an
218 accurate quantity of what will be excavated for this calendar year. And now with the correct
219 quantities the paperwork has been submitted.

220
221 Selectman D’Angelo asked where all the loam that has been processed is. There have been many
222 trucks leaving the property. Mr. MacGuire stated he is unsure of what has been removed, but
223 materials are being moved on the property to get to the select materials that will be excavated.

224
225 Chairman Myette again mentioned these are Planning Board issues and the information and
226 documentation needs to be brought to them. The purpose of tonight’s meeting is to discuss Stowe
227 Road and its use.

228
229 Selectman Couture asked if the timber harvest is complete. Mr. MacGuire explained it is complete
230 however the permit was for eight acres, and they only harvested five acres so more can be
231 harvested.

232
233 Selectman Landau asked who the logger was for the property. Mr. Garabedian indicated Dorman
234 Logging did the logging and filed all the permits. The materials and improvements to the road are
235 above and beyond what is needed and very expensive.

236
237 Mr. Garabedian mentioned a letter was sent either by mail or email stated that once an accurate
238 number was established the permit would be filed. They were trying to have correct numbers for
239 the taxes.

240
241 Selectman Couture pointed out that now that the timber harvest is complete, and the approval to
242 use Stowe Road was for that purpose, there should be no use of the road until the issues with the
243 Planning Board are resolved.

244
245 Selectman Myette advised that the Planning Board requested documentation to verify this was an
246 active mined pit for the last 30 years. An application to keep it live has been submitted every year
247 with no activity. If you read the documents, there is a line that requires a bond for reclamation
248 before work is started. This is a Planning Board issue, and it needs to be addressed with them.

Mr. MacGuire pointed out that Groundhog Landscaping can have a \$250K bond within three business days. Chairman Myette instructed that a bond is not about how much a company can get but what the reclamation is going to be at the end of the project.

Chairman Myette explained this is an issue for the Planning Board and all the processes need to be followed properly. We are trying to make sure the town is protected, a commercial operation is being started, and the road you’re going onto is just a base coat. Last night was the first night someone has come in to talk to the town about the operation. The timber harvest was about starting the mining process which has been in the works for a while.

Selectman Couture suggested to keep this non-confrontational it would be best to cease operations that are non-timber related until the local process is complete. Chairman Myette explained that was agreed upon at the Planning Board meeting. Mr. MacGuire indicated that activity on site would continue but no material would be removed from the property.

Selectman D’Angelo asked how much material has been removed from the site. Since that could not be answered, the question was then posed as how many trucks have removed materials from the site such as loam. Mr. Garabedian advised no gravel has been taken off site just stumps, and they carry loam in the stumps.

Todd Bahan, owner of Groundhog Landscaping, advised no sand or gravel has been taken from the property. They have removed 15 loads of loam from the property without permits. Each truck will hold eighteen cubic yards.

Mr. Garabedian advised he was under the impression that the plan was being followed which was the correct thing to do. Things the Planning Board have requested are being worked towards. When the state asked for the operation to stop, they stopped taking material out.

Selectman D’Angelo stated the plan is to go back to the Planning Board and not use Stowe Road and put the road back to how it was.

Mr. Bahan mentioned he had spoken to Road Agent Oleson about getting loggers into the property and eventually working the property and taking materials off the property. In the conversation it was mentioned that Road Agent Oleson has no jurisdiction over a Class VI Road but wanted to protect Fremont Road with a wide and very deep erosion stone to keep mud from tracking on to Fremont Road.

Mr. Bahan also asked if it would be a problem if the stone went from Fremont Road, to where the trucks need to go on the property. He was told the Road Agent has no jurisdiction over the road and do what you want with the road.

Selectman Landau asked once the Road Agent said he had no jurisdiction over the Class VI Road, that meant it was ok to fix up the road.

Mr. Bahan also informed the Road Agent of what the operation was, and he mentioned he would recommend not putting a topcoat on Fremont Road in the coming year. If there are any problems, they can be addressed. After this conversation, trucks, a dozer, about 45 to 50 loads of erosion stone, and 1000 yards of material were brought in. After the Planning Board meeting last night, work was done to make the road accessible to the public.

Mr. Bahan investigated bonds and for reclamation on five acres of land it would be \$50K. Fremont Road is not top coated yet and they are willing to put up another \$200K for any damage to the road and another \$200K for the topcoat. Since Fremont Road is the most traveled road in Chester, the road should have been built with that in mind. Otherwise, all the issues brought up at the Planning Board have been addressed.

Selectman Landau pointed out how it was a surprise to see Stowe Road widened and stone put down without approval from the Selectmen when he drove past it one day.

Chairman Myette advised the Stowe Road conversation is closed and no other comments will be heard.

3.4 Wason Pond Footbridge

Chairman Myette reported FEMA came to consult on the Wason Footbridge. They were looking for very specific dates and unfortunately the bridge was compromised prior to the date. A suggestion was made by a FEMA representative to lease a temporary steel bridge from the National Guard for around one hundred dollars per month. This would allow for emergency vehicles to cross if needed.

Mr. Chouinard mentioned that although postponed until next month’s meeting, the Conservation Commission did vote to pay up to \$3200.00 for materials and have volunteers construct a temporary wooden bridge like the bridges on the trails. It was decided, before construction, to get an estimate on engineering costs to decide what is the best thing to do with the bridge.

Chairman Myette explained that with a temporary structure this would give time to apply for grants or get funds to permanently fix the footbridge. The long-term plan is a plan in process to see how we can move forward.

Selectman D’Angelo voiced his concern if a temporary bridge is placed then a solution for the long-term will be forgotten without a timetable for the project.

Chairman Myette advised the short-term could possibly be the lease from the National Guard or the construction of a temporary wooden bridge and both can happen in a few weeks while the long-term plan could take a year to eighteen months. The long-term plan will need a feasibility study, plans, cost estimates and what funds are potentially available for the project.

Selectman Couture suggested issuing a request for proposal for the long-term project. This will give the Conservation Commission an idea of the costs.

Selectman Landau suggested hiring Dubois and King to come look at the footbridge. If the structure is enlarged for animals and canoes to go under, what will happen to our grant from Rockingham County Conservation?

Chairman Myette explained Rockingham Conservation Commission does hold an easement and this work would need to be coordinated with them including the temporary bridge.

Mr. Chouinard will coordinate with Town Administrator Doda for the contact information from the state. With these connections the town can take advantage of any programs and such that are available.

350 *3.5 Spring Hill Farm Roof*

351
352 Selectman Landau suggested using bidder #3 who was recommended by Maintenance Director
353 Cavanaugh.

354
355 Town Administrator Doda mentioned the pricing difference on the bids is based on the brand of
356 shingles being used and/or a metal roof. The plywood option on bidder #3 is for the left side of the
357 roof that was not replaced during the last repair.

358
359 ***Selectman Landau motioned to hire Bidder #3 utilizing line item 1 and add line 2 (replacement***
360 ***of the plywood) to replace the roof at the Spring Hill Farm Barn not to exceed \$10,895.00.***
361 ***Selectman D’Angelo seconded the motion. A roll call vote was taken Myette – aye, D’Angelo –***
362 ***aye, Owens – aye, Couture – aye, Landau –aye. With all in favor, the motion passed***
363 ***unanimously.***

364
365 *3.6 Off Site improvement Fees- Candia Road Culvert Replacement*

366
367 Selectman Landau inquired as to what the total cost of the project was. Road Agent Oleson stated
368 the project totaled to around \$40K.

369
370 ***Vice Chairman Owens motioned to release the Offsite Improvement Fees for Candia Road***
371 ***culvert Replacement. Selectman Landau seconded the motion. A roll call vote was taken***
372 ***Myette – aye, D’Angelo – aye, Owens – aye, Couture – aye, Landau –aye. With all in favor, the***
373 ***motion passed unanimously.***

374
375 *3.7 Chester Congregational Baptist Church Fundraiser*

376
377 Martie Samuelson requested permission for the church to place luminaries in the center of town on
378 Christmas Eve as part of a fundraiser for the church. The Fire Department has already given their
379 approval.

380
381 ***Selectman D’Angelo motioned to allow the Chester Congregational Church to put luminaries up***
382 ***in the center of town for the fundraiser. Vice Chairman Owens seconded the motion. A roll call***
383 ***vote was taken Myette – aye, D’Angelo – aye, Owens – aye, Couture – aye, Landau –aye. With all***
384 ***in favor, the motion passed unanimously.***

385
386 **IV. Selectmen’s Business**

387
388 *4.1 Chairman’s Announcements*

389
390 Chairman Myette noted a need for a motion to accept a grant agreement from the American Rescue
391 Plan Act.

392
393 Police Chief Berube stated he has been researching the different ARPA (American Rescue Plan Act)
394 grants. One of the options is for municipalities with relaxed Covid-19 restrictions. In many meetings
395 a message board was brought up as a tool to communicate to the townspeople.

396
397 Police Chief Berube filled out the grant paperwork in late June for an all-in-one message board and
398 radar trailer. The preliminary grant was approved for \$20,543. The paperwork is for the Board of

Selectman to authorize the grant agreement, approved by the Attorney General’s office. Once approved the next step in the process is for the Governor and General Council to approve.

Police Chief Berube provided a document for the Board of Selectman to sign the certificate of authorization so he may process the grant from the initial stages, the procurement of the equipment, and the final review. The Board of Selectman have the final authority of accepting or denying the grant and to expend the funds once everything has been approved.

Selectman D’Angelo asked if this grant required the town to match. Police Chief Berube advised this is 100% federal funds.

Selectman Landau motioned to accept the grant agreement for \$20,543.00. Selectman D’Angelo seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens – aye, Couture – aye, Landau –aye. With all in favor, the motion passed unanimously.

Chairman Myette announced Ms. Mary Gesel passed away this past Sunday. She was 96 years old and had just had a birthday party with her family. Calling hours are Friday August 13th from 4:00pm to 7:00pm at Lambert Funeral Home and Crematory, 1799 Elm Street in Manchester. A Mass of Christian Burial will be celebrated Saturday at 9 a.m. at St. Peter Church, 567 Manchester Rd., Auburn. Our condolences go out to the Gesel family.

Chairman Myette announced the following meetings for next week:

Monday, August 16, 2021 Spring Hill Farm Advisory Committee at 7:00pm

Wednesday, August 17, 2021 ZBA Meeting at 7:00pm

4.2 Roundtable

Vice Chairman Owens:
Nothing to report.

Selectman Couture:
Nothing to report.

Selectman D’Angelo:
Nothing to report.

Selectman Landau mentioned having three non-publics to discuss on reputation, employment and pending litigation.

Chairman Myette:
Nothing to report.

4.3 Non-Public Session(s)

Chairman Myette announced there are six non-publics on reputation, employment and pending litigation.

Selectman Landau motioned to go into non-public session pursuant to 91-A:3(II) (a) public employees, (c) reputation, and (e) pending litigation. Selectman Couture seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens – aye, Couture – aye, Landau – aye. With all in favor, the motion passed unanimously.

The meeting was closed to the public at 9:17 PM. Gary Goudreau remained in the Meeting Room.

Mr. Goudreau departed the meeting at 9:43 PM.

Acting Fire Chief Phil Gladu entered the Meeting Room at 9:45 PM and departed at 10:09 PM.

The meeting was reopened to the public at 10:46 PM.

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

Selectman Landau motioned to seal the minutes of the second non-public session, on Reputation, for an indefinite period. Vice-Chairman Owens seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens – aye, Couture – aye, Landau – aye. With all in favor, the motion passed unanimously.

Selectman Landau motioned to seal the minutes of the third non-public session, on Public Employees, for an indefinite period. Vice-Chairman Owens seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens – aye, Couture – aye, Landau – aye. With all in favor, the motion passed unanimously.

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

Selectman Landau motioned to seal the minutes of the fifth non-public session, on Reputation, for a period of one (1) year. Vice-Chairman Owens seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens – aye, Couture – aye, Landau – aye. With all in favor, the motion passed unanimously.

Selectman Landau motioned to seal the minutes of the sixth non-public session, on Reputation, for an indefinite period. Vice-Chairman Owens seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens – aye, Couture – aye, Landau – aye. With all in favor, the motion passed unanimously.

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

Selectman Landau motioned to seal the minutes of the eighth non-public session, on Public Employees, for an indefinite period. Vice-Chairman Owens seconded the motion. A roll call vote

was taken Myette – aye, D’Angelo – aye, Owens – aye, Couture – aye, Landau –aye. With all in favor, the motion passed unanimously.

Selectman Landau motioned to seal the minutes of the ninth non-public session, on Reputation, for an indefinite period. Vice-Chairman Owens seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens – aye, Couture – aye, Landau –aye. With all in favor, the motion passed unanimously.

V. Adjournment

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

The meeting was adjourned at 10:55 PM.

Respectfully submitted,

Janis A. Jalbert
Recording Secretary