

**Town of Chester
Board of Selectmen Meeting
Thursday, July 6th, 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
Items for Signature
Spring Hill Farm Trustees
15 Chester Street (Center Scoop)
Roundtable
Non-Public Session
Adjournment

1.1 Call to Order

Chairman Trask called this meeting of the Town of Chester Board of Selectmen to order at 7:01pm.

1.2 Roll Call

Selectmen present:

Cass Buckley
Jack Cannon
Steve D’Angelo
Jeremy Owens
Dick Trask

Members of the Public present, at various times:

Bill Ahie
Janet Boyden
Myrick Bunker, Building Inspector/Code Enforcement Officer
Deborah Hesketh
William Hesketh
Nancy Hoijer
Rich LeBlanc, Spring Hill Farm Trustee
Charlotte Lister
Billie Maloney, ZBA
Chuck Myette, Spring Hill Farm Trustee
Michael Oleson
Bob Packard
Leslie Packard
And other persons unknown to the Recording Secretary

1.3 Pledge of Allegiance

Chairman Trask 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 7:01pm.

II. Old Business

2.1 Approval of Minutes

An approval sheet for the previous week’s meeting minutes is in the signature folder. Chairman Trask urged all members to read the minutes and indicate their approval.

2.2 Items for Signature

Chairman Trask also urged all members to review the items in the Signature folder.

III. New Business

3.1 Spring Hill Farm Trustees – Rich LeBlanc, Chuck Myette

Mr. LeBlanc and Mr. Myette appeared before the Selectmen to discuss the Selectmen’s decision not to renew the lease for the current tenant at the Farmhouse.

Mr. Myette stated that the Trustees were surprised at the decision, as it had not been discussed with them prior to the Selectmen sending a letter of notification, and asked for the reasoning behind this move. Selectman Buckley stated that as the lease was expiring at the end of August, they wished to give the tenant as much notice as possible to find another residence. He added that he had informed the Trustees multiple times over the past year that the Farm needed a plan to increase revenue and without that, the lease might not be renewed.

Mr. Myette demurred, stating that the Selectmen had asked for a plan, a budget, a list of projects, and ideas for potential revenue, and that the Trustees had supplied every requested item. In the past they had leased out areas of the property, they had rented the farmhouse to a full time farmer, they had hayed, all without successfully generating revenue; Mr. LeBlanc added that he was currently developing a plan to log various areas of the property to produce revenue. Mr. Myette stated that the only guaranteed revenue has been the ~\$10k in Farmhouse rental income.

Selectman Buckley stated that the Farm has lost money every year, a statement with which Mr. Myette disagreed, saying that they had not lost money over the past three years, and that no previous tenant had done as much for the Farm as the current one. He added that it was difficult to get tenants to care about and run a property that they do not own.

Selectman D’Angelo stated that his interpretation of the Trust document showed that the Trust did not give the Trustees authority to manage the farm; it merely gave Miss Church a life estate on the property. He added that the Trust should have ended when Miss Church died; the Trustees disagreed with this interpretation, stating that they had been using the Trust documents to run the Farm for the past 17 years. There was some discussion about the Trust becoming a 501 (c)(3) Trust; the Selectmen would like a copy of the letter from the IRS granting that status, and for the Trustees to create an operating agreement.

Selectman D’Angelo asked about the Security deposit referenced in the Lease; Mr. Myette replied that the Town has it, but there is no record of it ever being received.

Vice-Chairman Cannon asked why a tenant was needed at all, especially one who did not farm. When Miss Church died and there were animals remaining, a tenant was a necessity; now it is not. There is a cost to maintaining the Farmhouse for the benefit of the tenant; without a tenant, there will be fewer expenses. (Mr. Myette countered that one benefit of having a tenant would be avoiding vandalism, which is more likely with an empty house.) Vice-Chairman Cannon added that without a need for funds to maintain the Farmhouse, the Trust and Selectmen could then work together to run the farm in a collaborative fashion.

Mr. Myette stated that the Trustees had worked on Spring Hill Farm for 17 years; the Selectmen had only been involved for a number of hours. He urged them to attend the monthly meetings of the Spring Hill Farm Trustees so that both groups could work together.

Bob Packard stood and was recognized. He stated that if the Selectmen decide to abandon the Farmhouse, it will be either burnt down, inhabited by squatters, or in another uncontrollable situation within the next five years. He agreed with Mr. Myette that it was not good to leave the building vacant. The Selectmen’s other solution would be simply to reject Miss Church’s gift and allow the property to be returned to her family; in that case, there would be 1,000 houses on the property soon. He encouraged the Selectmen to work with the Trustees.

Mr. LeBlanc and Mr. Myette departed the meeting at 7:37pm.

3.2 15 Chester Street (Center Scoop) – Jerome Gesel

Mr. Gesel appeared before the Selectmen along with Building Inspector Bunker.

Chairman Trask stated that Mr. Gesel had been invited to appear before the Selectmen as a courtesy in order to clear up some items with Code Enforcement, both building and fire related. He added that this appointment could take place in public or non-public session, as Mr. Gesel preferred. Mr. Gesel opted for a public meeting, and thanked those Members of the Public that had come out to support him. Vice-Chairman Cannon asked those Members of the Public what they were supporting, adding that all business owners were expected to adhere to the Town’s ordinances. He cited the LeClair’s Junkyard as an example; the Town’s ordinances had not been adhered to or adequately enforced, and the abutters now suffer with contaminated wells.

Building Inspector Bunker stated that he had been in Chester’s employ since February 2016; according to the records in his office, the Center Scoop is not meeting zoning requirements and does not have a variance. A temporary Certificate of Occupancy was granted in 2007, but expired in 2008 due to lack of a site plan. The Planning Board had instructed Mr. Gesel to go in front of the ZBA to request a variance; nineteen months had passed and he had not done so. Selectman Buckley added that selling sandwiches was an expansion of use, and a variance was required.

Vice-Chairman Cannon referred to the Planning Board minutes of January 27th, 2016, where it was stated that Mr. Gesel had never obtained variances for the ice cream or gun shops, and that this was a requirement before they could review the site plan. At that meeting they advised Mr. Gesel to contact Janet Boyden, the ZBA’s Administrative Assistant, to start the application process. Vice-Chairman Cannon asked Mr. Gesel if he had followed this advice; he stated that he had not, but that in the meantime, the gun shop had moved out and he had not amended the site plan as he had originally planned.

Mr. Gesel added that he did have a valid Certificate of Occupancy but when asked for a copy, refused to

provide one. He stated that if the Board of Selectmen would give him a letter ‘putting this matter to rest’, that he would provide a copy of the Certificate of Occupancy. Selectmen D’Angelo invited Mr. Gesel to return next week, to the meeting of Thursday, July 13th, 2017, and bring his Certificate of Occupancy. He also asked Mr. Gesel to confirm that he understands that the Town has ordinances because it cares about the health and safety of its residents.

Billie Maloney stood and was recognized. She identified herself as the Chair of the Zoning Board of Adjustment, and asked why Mr. Gesel would have received a permit without going in front of the ZBA for a variance, as the ice cream shop was a non-permitted use. She stated that even if Mr. Gesel did have a Certificate of Occupancy, he needs a variance, as no-one is above the law. She encouraged the Selectmen to support Building Inspector Bunker.

Deborah Hesketh of Lincoln Lane stood and was recognized. She stated that there were many homes in her neighborhood with building violations, and that those homes had been inspected by former Building Inspector Thom Roy.

Selectman Buckley addressed Building Inspector Bunker, stating that when he was hired they had discussed the importance of Code Enforcement, and yet the Selectmen had not assisted him in coming up with a plan. He added that the Selectmen owe Building Inspector Bunker and the Town their best efforts to help guide code enforcement.

Bob Packard stood and was recognized. He stated that he had been hearing about 15 Chester Street for ten years now, and wanted to know what was going on. He asked why the Town was trying to put Mr. Gesel out of business. ZBA Chairman Maloney objected to this characterization, stating that they simply wanted him to come into compliance with the Town’s ordinances - they did not want to put him out of business. Vice-Chairman Cannon agreed, stating that if it was the Selectmen’s intent to put Mr. Gesel out of business, they would simply have allowed Building Inspector Bunker to send Mr. Gesel a Cease and Desist letter; instead, they asked him to come in and clear up the issues.

Mr. Gesel departed the meeting at 8:08pm.

IV. Selectmen’s Business

4.1 Roundtable

Vice-Chairman Cannon:

- Nothing to report.

Selectman D’Angelo:

- According to the last report from Finance Director Smith, there should be funds left over after FY2016-2017 is closed.

Selectman Owens:

- Nothing to report.

Selectman Buckley:

- Nothing to report.

Chairman Trask:

- He noted that the trash that had been reported outside of the Old Salt Shed has been cleared away.
- The County Workers were on site Monday and Tuesday, July 3rd and 4th; they mulched around Town Hall and painted the vestibule. Vice-Chairman Cannon noted that the paint job on the

doors could use a little improvement, as the brown was showing through in areas, and asked that Maintenance Supervisor Amato look at them. A Maintenance Request will be created.

4.2 Public Comment

As no Members of the Public wished to be heard, Public Comment was closed at 8:09pm.

4.3 Non-Public Session

Selectman D’Angelo moved that the Board go into non-public session under RSA 91-A:3 II (e) Pending Litigation; Vice-Chairman Cannon seconded the motion. The vote was unanimous in the affirmative; motion carried.

The meeting room was closed at 8:10pm. Building Inspector Bunker remained in the Meeting Room.

The meeting room was re-opened at 8:13pm.

Chairman Trask moved that the Board come out of non-public session; Selectman Buckley seconded the motion. The vote was unanimous in the affirmative; motion carried.

Selectman D’Angelo moved that the minutes to the non-public session on Pending Litigation be sealed for a period of one (1) year; Chairman Trask seconded the motion. The vote was unanimous in the affirmative; motion carried.

V. Adjournment

The next regularly scheduled meeting of the Board of Selectmen will be Thursday, July 13th, 2017.

Chairman Trask moved to adjourn the meeting; Selectman D’Angelo seconded the motion. The vote was unanimous in the affirmative; motion carried.

The meeting was adjourned at 8:14pm.

Respectfully Submitted,

Debra H. Doda
Recording Secretary