

**Town of Chester
Board of Selectmen’s Meeting
Thursday, October 27, 2022
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
Budgets
SNHPC Appointment: Dana Theokas
Town Parking Lot Plowing
Electronic Signatures
Approval of Transfer Station Operating Plan
Preliminary Tax Rate
Chairman’s Announcements
Roundtable
TA Report
Action Items
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
Jeremy Owens
Steve D’Angelo
Steve Couture
Stephen Landau

Town Administrator Debra Doda

Members of the Public Present at various times:

Myrick Bunker, Building Inspector
Jason Colon
Kandace Knowlton, Library Director
Liz Lufkin, Town Clerk / Tax Collector

Nancy Myette

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

Preliminary Tax Rate was added to the agenda

1.5 Public Comment

Chairman Myette opened the meeting to public comment at 7:02pm.

Chairman Myette read a letter from Mr. Colon regarding the Garabedian Gravel Pit into record.

Mr. Myette,

After attending last night's meeting of the Planning Board regarding the Garabedian Gravel Pit and reading applicable regulations and statutes, it appears that the Planning Board has potentially bypassed the Zoning Board of Adjustment. State RSA 155E states that if there is no zone called out in local ordinance permitting excavation, that it be allowed as a special exception use in NON residential zone which requires ZBA approval. No such request has been put before the ZBA from what I gather.

Special exception use in an “nonresidential area” of town, upon a finding by the ZONING BOARD OF ADJUSTMENT of the following four criteria (all four must be met).

The excavation:

1.will not cause a diminution in area property values or unreasonably change the character of the neighborhood;

2. will not unreasonably accelerate the deterioration of highways or create safety hazards in the use of the highways;

3.will not create any nuisance or create health or safety hazards; and

4. the excavation complies with any other special exception criteria set forth in the local zoning ordinance.

A question that arises from this provision of the law is: what is meant by "non-residential area". The law does not clarify whether this means a zoning district or simply existing residential development. It seems reasonable to assume that the latter was intended, rather than a zoning district, since many commercial and industrial zoning districts allow some type of residential development.

I request for the record, that this message be read and brought to the attention of the Board of Selectman at tonight's meeting for intervention regarding the Planning Board bypassing the ZBA. I

101 *don't think I can make tonight's meeting of the BOS. Can this be placed on the agenda to be brought to*
102 *their attention? Also request the BOS to seek legal counsel opinion as to whether the site meets the*
103 *grandfathered site criteria, and request they seek clarification from any state legal counsel resources*
104 *made available to local municipalities.*

105
106 *Thank you.*

107
108 *Respectfully,*
109 *Jason Colon*
110 *24 Ledge Rd*

111
112 Chairman Myette mentioned the Public Hearing with the Planning Board is ongoing. There is a
113 significant amount of people in resistance of it. Selectman D’Angelo asked for clarification on the
114 process and if the Zoning Board of Adjustment (ZBA) was bypassed. Chairman Myette advised it is
115 unclear if the ZBA was involved in 1991 when the site plan was approved by the Planning Board.
116 The State RSA 155E went into effect in 1998 after this was approved. Land use legal counsel
117 advised the Planning Board to take all the information they have at this point and bring it up to date
118 with all the new regulations. All the federal, state, and local regulations regarding excavation and
119 excavation safety hazards are needed on the conditions of approval for the facility.

120
121 Selectman D’Angelo thinks this will end up in litigation because of the age of the original permitting.
122 There should be some kind of expiration date. Chairman Myette pointed out reports need to be filed
123 annually which has been met. The second item is excavation has to happen within two years or it is
124 considered abandoned, it is being questioned if the work was done every year. Google maps does
125 not show excavation.

126
127 Chairman Myette explained if the criteria and regulations for the site plan are met, any items not
128 identified in the report and site plan from 1991 will be added as conditions to the 2022 permit if it
129 is processed.

130
131 As no other Members of the Public wished to be heard, Public Comment was closed at 7:12pm.

132 133 **II. Old Business**

134 135 *2.1 Approval of Minutes*

136
137 An approval sheet for the previous meeting’s minutes was sent electronically.

138 139 *2.2 Items for Signature*

140
141 All members reviewed and signed the items in the signature folder.

142 143 **III. New Business**

144 145 *3.1 Budgets*

146 147 *3.1.1 Town Clerk – Tax Collector*

148
149 Ms. Lufkin presented the Town Clerk /Tax Collector budget. Ms. Lufkin mentioned she tried to keep
150 the budget as flat as she could.

Some increased lines are for the training of the new Tax Collector such as training and mileage. Salaries will be increased according to the matrix. The cost of postage and the calibration of the voter equipment has increased this year.

3.1.2 Library and CIP Items

Library Director Knowlton presented the Library budget with a 9% increase.

Library Director Knowlton mentioned the Budget Committee cut the library budget last year citing an underestimation of the Trust Fund income. The estimate of \$10K was correct and it is expected to be the same. With Inflation at a four-decade high, many households have been looking for ways to cut down on their budgets. Library Director Knowlton stated the library has been very busy and some lines have had to be increased to accommodate the needs of the patrons and inflation.

Library Director Knowlton pointed out the library has guidelines for wage increases based on what libraries in surrounding towns are paying. The starting wages were moved this fiscal year to \$15.00 which is in line with the town and small libraries.

Selectman D’Angelo, who is also liaison to the Budget Committee, requested the research on the trust fund and wages to help with the Budget Committee.

3.1.5 Building Inspection (moved from later in the meeting)

Building Inspector Bunker presented the Building Department budget. Most of the increase is salaries, training, and fuel. He mentioned the decrease in the phone is based on actual numbers. Mr. Bunker mentioned the RSA requires the Town to purchase three sets of building code books. He is proposing a contract for a digital subscription. The cost is \$900.00 for one year or \$1640.00 for a three-year contract.

Mr. Bunker advised the Building Department is projecting the same revenues as last year.

Selectman Landau inquired if another person is needed to train as a Building Inspector. Mr. Bunker stated he is not in need of another person but would recommend a part time person could be hired to learn the ropes in the future, but it is not a rush at the moment.

1.6 Public Comment (Continued)

Chairman Myette reopened public comment for Mr. Colon. He explained the letter was read and an explanation was given to the Board at the beginning of the meeting.

Mr. Colon, 24 Ledge Road, thanked the Board for reading the letter. He is new to town and has been playing catch up regarding the gravel pit. He is very concerned after reading the Planning Board minutes and looking at the RSAs and feels due diligence is not being met by the Board. Mr. Colon stated specific questions asked were not answered regarding the original permitting and would like the Board of Selectmen to take a look at how the Planning Board is making their determination.

Mr. Colon feels forms filed annually for the gravel pit should be on record with the amount and weight of material being removed annually. Having this information would help with determining if the project was abandoned or if it was grandfathered. Mr. Colon asked the Planning Board if this

project was considered grandfathered. The answer was no, but the applicant is acting under the assumption it is grandfathered. If this is a new application the zoning issue needs to be discussed to identify if this application needs to go to the Zoning Board of Adjustment. Those are the key issues Mr. Colon would like the Selectmen to look into.

Mr. Colon thanked the Board and looks forward to a response.

3.1.3 Finance, Insurance, IT, Advertising & Regional Associations, Legal, Debt Service, Personnel Administration (moved from earlier in the meeting)

Town Administrator Doda presented the Finance budget. The largest increases are in postage and the external audit lines. The increase in the audit is based on the three-year contract and a portion is for services from Nyhart for the GASB 75 services. The increase to the salaries line is based on the wage matrix. Selectman Landau asked about other options for postage, such as forever stamps. Town Administrator Doda advised the town is getting a discount on postage.

Town Administrator Doda presented the Insurance budget. The rates have been confirmed for this budget.

Town Administrator Doda presented the IT budget. She noted the budget went down. Some items had setup fees last year and now they are just annual fees.

Town Administrator Doda presented the Ad & Regional Association budget. Three (3) percent was added for dues and five (5) percent was added for Southern NH Planning Commission (SNHPC). The increase for SNHPC was based on the advice from the Town Planner.

Town Administrator Doda presented the Legal budget. Selectman D’Angelo questioned if the new prosecution contract with Derry was incorporated into the budget. Town Administrator Doda confirmed it is in the budget. Selectman Owens felt the budget is low.

Town Administrator Doda mentioned the town has no debt currently.

Town Administrator Doda presented the Benefits budget. This budget is based on the employees’ salaries.

3.1.4 Executive, Town Administrative, Street Lighting (moved to earlier in the meeting)

Town Administrator Doda presented the Executive budget. The minutes line was decreased. The increases are in security, mostly for maintenance of the cameras, and the salary pool was brought back up to \$20K after it was cut in the last budget. Vice Chairman Couture questioned the purpose of the salary pool. Town Administrator Doda advised it is primarily for non-matrix increases during the year or for new employees.

Town Administrator Doda presented the Town Administrative budget. The biggest increase is office equipment which had been cut from the current budget.

Town Administrator Doda presented the Street Lighting budget. Selectman Landau mentioned an increase will be seen in December and suggested shutting off the lights. Selectman Owens mentioned an issue with the light behind the Highway Garage. It was suggested to look into solar for the lights.

251
252 *3.1.5 Building Inspection (moved to earlier in the meeting)*
253

254 *3.1.6 Welfare – Direct Assistance, Intergovernmental Welfare Payments, Other Health*
255

256 Town Administrator Doda presented the Welfare budget. The increase is due to the budget being
257 cut in the current Fiscal Year’s budget. Vice Chairman Couture is in favor of the recommended
258 amounts.

259
260 Town Administrator Doda presented the Intergovernmental Welfare payments budget. Selectman
261 D’Angelo is surprised more residents are not using Meals on Wheels.
262

263 Town Administrator Doda presented the Other Health budget. The requests have stayed consistent,
264 so this budget is flatlined. She mentioned if an organization does not request funding the
265 organization is dropped after a few years.
266

267 *3.2 SNHPC Appointment (moved to later in the meeting)*
268

269 *3.3 Town Parking Lot Plowing*
270

271 Selectman Landau mentioned past discussions about plowing the municipal parking area, Stevens
272 Hall, Library, and Post Office with a truck from the Highway Department. The vehicle that would
273 have been used was needed in the Highway Department. Selectman Landau questioned with the
274 change to a highway supervisor what size vehicle would be needed to plow those areas or should
275 these locations go out to bid similar to the Transfer Station.
276

277 Selectman Landau mentioned the Police Department has suggested a person needs to be onsite
278 during storms to keep the walkway clear. Chairman Myette asked how the walkways are cleared
279 now. Selectman Landau stated an officer has to shovel during storms and the parking lots have been
280 plowed by the Road Agent. Vice Chairman Couture inquired why the Road Agent could not plow the
281 parking lots this year. There will not be a Road Agent in the future. Chairman Myette pointed out
282 the Town still has the plowing contracts in place, and it could continue this year.
283

284 During regular working hours the Maintenance Department will either use the John Deere or shovel
285 the front of the building, employee entrance, and the walkway to the multipurpose room. Vice
286 Chairman Couture asked if the Transfer Station Plow person would consider plowing these
287 buildings. Selectman Landau has asked but has not received an answer. Chairman Myette suggested
288 the Highway Department do it for this year. This option is less expensive.
289

290 Selectman Landau mentioned conversations about selling the pumper truck. He suggested looking
291 into the cost to retrofit the pumper truck into plow truck if the town is in need of another truck.
292 Selectman D’Angelo mentioned succession planning is important, not only with people but
293 buildings and vehicles. Town Administrator Doda mentioned the NHMA conference in November
294 has a presentation on succession planning.
295

296 *3.4 Electronic Signatures*
297

298 The Board has no issues with electronic signatures for payroll and accounts payable. The issue is
299 when there are questions with rate sheets and abatements. These items should be discussed prior
300 to signing. Selectman Couture suggested a consent agenda be given at the meeting, discussed and

then the items they agree on will be sent electronically. Town Administrator Doda and Administrative Assistant Jalbert will work on a consent agenda.

3.5 Approval of the Transfer Station Operating Plan

Selectman Landau recommended making copies of the operations plan to be kept at the Transfer Station. If a resident requests a copy the town would charge \$1.00 per copy. Selectman D’Angelo suggested a laminated copy kept at the Transfer Station for people to read.

Vice Chairman Couture motioned to approve the Transfer Station Operating Plan. Selectman Landau 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.

3.6 Preliminary Tax Rate

Town Administrator Doda advised the preliminary tax rate is \$21.94 up \$1.10 from last year. She indicated this can be adjusted by adjusting the overlay and unassigned fund balance (UFB).

Selectman D’Angelo asked what would be needed in order to lower the amount by \$1.00. Town Administrator Doda gave the Board two options to consider. Taking \$400K from the UFB brings the rate to \$21.40, or \$800K would bring the rate to \$20.86.

Selectman Landau mentioned the Town is up \$.60, school is up \$1.07, the county is flat and state education is down.

It was decided to utilize \$400K from the UFB. Town Administrator Doda recommended the Board stop spending surplus at the end of the fiscal year.

Vice Chairman Couture motioned to approve \$400K to offset the taxes. Selectman Landau 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.

The tax rate will be increased \$.55 to \$21.40 from last year.

IV. Selectmen’s Business

4.1 Chairman’s Announcements

Chairman Myette announced the following meetings and upcoming events:

Wednesday, November 2, 2022	Planning Board Meeting at 7:00pm
Thursday, November 3, 2022	Board of Selectman Meeting at 7:00pm
Friday, October 28, 2022	Trunk or Treat at Chester Academy from 6:00pm to 8:00pm
Saturday, October 29, 2022	Household Hazardous Waste Day in Kingston NH from 9:00am to 12:00pm

Saturday, October 29, 2022 Drug Take-Back Day at the Transfer Station from 10:00am to 2:00pm

Saturday, October 29, 2022 Voter Registration Session in Room 6 of the Municipal Building from 11:00am to 12:00pm

Monday, October 31, 2022 Trick or Treat from 6:00pm to 8:00pm

4.2 Roundtable

Selectman Landau attended the 300th Anniversary Meeting. He reported the committee is in the process of finalizing the bills and inventory. They still have a lot of merchandise for sale. The 300th will have its next meeting in January to wrap up.

Vice Chairman Couture pointed out the Town needs funding for a grant writer. Selectman Landau suggested sending someone from the town offices to learn. Vice Chairman Couture advised it is not recommended to train a new person to write grants. Chairman Myette asked for a line item in the budget with a range of \$5K to \$10K. Town Administrator Doda will reach out to someone in town that does grant writing.

Selectman D’Angelo identified areas within the Highway Department and Police Department Budgets to fund the Police Department roof repairs. He advised we are still waiting for quotes.

Selectman Owens

Nothing to report

Chairman Myette announced the American Legion is taking orders for poinsettias. The form can be found on the Town’s website. Selectman Landau mentioned the wreaths for the various buildings have been purchased.

4.3 Town Administrator’s Report

Selectman Landau advised no permission was given for the room above the Post office to be used. Town Administrator Doda or Selectman Landau will contact the person to move their items to Stevens Hall.

4.4 Action Items

Nothing to report

3.2 SNHPC Appointment (moved from earlier in the meeting)

Selectman Landau questioned the reasoning behind Ms. Theokas needing to be present for this appointment. She met with the Board a few weeks prior to be appointed to the Planning Board. The decision was made to appoint Ms. Theokas without her being present at the meeting.

Chairman Myette read the appointment paperwork into the record.

Dana Theokas, Chester, New Hampshire

399 *WHEREAS, there is a vacancy as an alternate Representative from the Town of Chester to the Southern*
400 *New Hampshire Planning Commission, and*

401
402 *WHEREAS, We, the undersigned, have confidence in your ability and integrity to perform the duties of*
403 *said office, we do hereby appoint you, the said Dana Theokas, and upon your taking the oath of office,*
404 *and having this appointment and the certificate of said oath recorded by the Town Clerk, you shall*
405 *have the powers, perform the duties, and be subject to the liabilities of such office, until another person*
406 *shall be chosen and qualified in your stead.*

407
408 *Given under our hand this 27th day of October 2022:*

409
410 ***Selectman Landau motioned to appoint Dana Theokas as an alternate representative from the***
411 ***Town of Chester to the Southern NH Planning Commission. Vice Chairman Couture seconded***
412 ***the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens –aye, Couture –aye,***
413 ***Landau – aye. With all in favor, the motion passed.***

414
415 *4.5 Non-Public Session(s)*

416
417 Chairman Myette announced four non-public sessions on reputation.

418
419 ***Selectman Owens motioned to go into non-public session pursuant to 91-A:3(II), (c) reputation.***
420 ***Vice Chairman Couture seconded the motion. A roll call vote was taken Myette – aye, D’Angelo –***
421 ***aye, Owens –aye, Couture –aye, Landau – aye. With all in favor, the motion passed.***

422
423 The meeting was closed to the public at 8:41 PM.

424
425 ***Selectman Owens motioned to come out of non-public session. Vice Chairman Couture seconded***
426 ***the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens –aye, Couture –aye,***
427 ***Landau – aye. With all in favor, the motion passed.***

428
429 The meeting was reopened to the public at 10:10 PM.

430
431 ***Selectman Owens motioned to seal the minutes of the first non-public session, on Reputation.***
432 ***Vice Chairman Couture seconded the motion. A roll call vote was taken Myette – aye, D’Angelo –***
433 ***aye, Owens –aye, Couture –aye, Landau – aye. With all in favor, the motion passed.***

434
435 ***Selectman Owens motioned to seal the minutes of the second non-public session, on***
436 ***Reputation. Vice Chairman Couture seconded the motion. A roll call vote was taken Myette –***
437 ***aye, D’Angelo – aye, Owens –aye, Couture –aye, Landau – aye. With all in favor, the motion***
438 ***passed.***

439
440 ***Selectman Owens motioned to seal the minutes of the third non-public session, on Reputation.***
441 ***Vice Chairman Couture seconded the motion. A roll call vote was taken Myette – aye, D’Angelo –***
442 ***aye, Owens –aye, Couture –aye, Landau – aye. With all in favor, the motion passed.***

443
444 ***Selectman Owens motioned to seal the minutes of the fourth non-public session, on Reputation.***
445 ***Vice Chairman Couture seconded the motion. A roll call vote was taken Myette – aye, D’Angelo –***
446 ***aye, Owens –aye, Couture –aye, Landau – aye. With all in favor, the motion passed.***

Selectman Owens motioned to seal the minutes of the fifth non-public session, on Reputation. Vice Chairman 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.

Selectman Owens motioned to seal the minutes of the sixth non-public session, on Reputation. Vice Chairman 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.

V. Adjournment

Selectman Owens moved to adjourn the meeting. Vice Chairman 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.

The meeting was adjourned at 10:15 PM.

Respectfully submitted,

Janis A. Jalbert
Recording Secretary