

**Town of Chester
Board of Selectmen’s Meeting
Thursday, September 15, 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
Unanticipated Revenue Public Hearing
PTO/Vacation Retention Fund Discussion
Carkin Street
Meghann Donovan
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
Steve D’Angelo
Stephen Landau

Selectmen Absent:

Steve Couture
Jeremy Owens

Members of the Public Present at various times:

Aaron Berube, Police Chief
Richard Cannata
Jack Cannon
Kim Chaze
Meghann Donovan
Patrick Donovan

Diane Ghika
Katie Hatcher
Charlotte Kersbergen
David Lavita
Liz Lufkin, Town Clerk/Tax Collector
Jean Methot, 300th Anniversary Committee
Nancy Myette
Karolyn O’Cull
Mike Oleson, Road Agent
Corinna Reishus, Recreation Director
Beth Swanson
Danielle Taliento

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

Chairman Myette added contracts, reviews of contracts, policies, and procedures to the agenda.

1.5 Public Comment

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

Chairman Myette explained the statement from the Board of Selectmen about the 300th Anniversary and the vetting of the subcontractor was inaccurate. The Police Department was not consulted, and the department did not vet the individual.

Ms. Swanson, 108 Chester Street, expressed her dissatisfaction with the 300th for not following their gut about hiring the individual. She commends the 300th for bringing the issue to the Board of Selectmen. Ms. Swanson feels the Board of Selectmen has failed the Town once again.

She mentioned another individual hired by the Town to work on a building at Wason Pond during the summer recreation program. The person had failed to register with the Police Department promptly and Chief Berube investigated. That investigation led to the arrest and life sentence in prison. Ms. Swanson stated although legally there was no reason not to hire him, sometimes legal is not always right. It would have been better to have him help from afar.

Ms. Swanson mentioned if there is not a policy or system in place for hiring contractors in town, that is a problem. A policy or procedure should be in place for the Boards to follow in the years to come. She understands the Board did what was legal, but she finds it morally reprehensible.

Mr. Cannon, 90 Fiddlehead, observed while Ms. Swanson was giving a passionate speech one of the Selectmen was being disrespectful by thumbing through the newspaper.

Ms. Lufkin stated this is a serious matter and suggested the smirk on a Selectman’s face could go away.

Selectman Landau stated he is sorry how people feel about his giving time to the Town. He remembers when Ms. Swanson said something to him ten years ago and he brought it back to the Board. Selectman Landau pointed out he is not the entire Board and does not speak for the entire Board. All decisions are the Board’s and not one individual on the Board.

As no other Members of the Public wished to be heard, Public Comment was closed at 7:13pm.

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.

II. New Business

3.5 Contracts, Reviews of contracts, Policies, and Procedures

Chairman Myette would like an agenda item to look at our contracts and the language in the contracts. The Board should know what issues are in the contracts. Ms. Jalbert was asked to pull any policies or procedures pertaining to contracting, subcontracting, and background checks.

3.1 Unanticipated Revenue Public Hearing

Selectman Landau motioned to open the Public Hearing. Selectman D’Angelo seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens –absent, Couture – absent, Landau – aye. With three in favor, the motion passed with Couture and Owens absent.

Chairman Myette read the letter referring to the Chester Special One-time Highway Payment in accordance with Senate Bill 401 payment for maintenance, construction and reconstruction of Class IV and V Highways.

The following is notification of a one time highway payment being made available to your town in State Fiscal Year 2023 based on the passage of Senate Bill 401 effective in July 2022. SB401 directs the department to divide and distribute a \$30 million one time payment between all New Hampshire municipalities based on the distribution methods of Block Grant Aid Apportionment A. This one time payment is separate from your regular quarterly payments.

This onetime payment is anticipated to be available to the Town of Chester during the month of August 2022 as follows:

August 2022 Actual Payment: \$125,620.30

In generalized terms and in accordance with statutory provisions for distribution of Block Grant Aid “Apportionment A” funds, this one time highway payment is based on the municipalities’ mileage of Class IV and Class V highways, as well as the municipalities’ population.

Mr. Cannata, 501 Lane Road, questioned what the money would be spent on. Chairman Myette mentioned three potential projects in town needing repairs: Wason Road, Cole Road, and Carkin Street. No decision has been made on what project, but it will be used for road projects.

Ms. Kersbergen, 501 Lane Road, inquired if some of the money would be spent on the ash trees that are falling and losing limbs on windy days. Road Agent Oleson advised a tree company will be in town for the next three Fridays and Lane Road is one of the projects. He mentioned he always asks for funds for tree removal, but it is always denied.

Mr. Lavita, 235 Raymond Road, mentioned cars passing before the passing zone when he is trying to get out of his driveway. He is asking what can be done to help with this situation. Chairman Myette advised this is a state road and the town has no authority over it. Chief Berube mentioned the officers are out on the road every day. He suggested petitioning the state to do a new audit to review the road to remove the passing zone.

Mr. Lavita stated for the record if he gets hit by someone, the entire world will know about it.

Selectman D’Angelo motioned to close the Public Hearing. Selectman Landau seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens –absent, Couture – absent, Landau – aye. With three in favor, the motion passed with Couture and Owens absent.

3.2 PTO/Vacation Retention Fund Discussion

This will be moved to a future meeting when the Town Administrator is present.

3.3 Carkin Street

Mr. Chaze, 6 Carkin Street, presented more pictures showing the flooding on Carkin Street.

Chairman Myette acknowledged the road floods caused by a high spot in the road. Engineers have come to the site and given the town short term solutions to the problem. Two of the solutions involve easements on private properties and the third option is to drain the water down Donna Street.

Mr. Chaze reiterated that this is a health and safety issue and must be remedied quickly. The Town cannot just have conversations, it needs to be fixed.

Road Agent Oleson mentioned Carkin Street is on the Capital Improvement Plan (CIP) for fiscal year 24-25. The CIP works and the town needs to stick to the timeline. The Town gave away a paper cul-de-sac to the abutters via a town vote and before the residents will sign an easement, they want to see the plan for the water coming onto their property.

Mr. Chaze would like to see the documentation from the town for discontinuing a road. The requested documentation will be sent to Mr. Chaze.

Mr. Chaze feels the town needs to pick one of the three solutions and fix the problem.

Mr. Latham, Donna Street, mentioned the flooding on Carlin Street is tough in the winter when it floods and freezes for the children. People have to drive on Mr. Chaze’s lawn and children have to walk on the lawn to get to the bus stop.

3.4 Meghann Donovan

Ms. Donovan thanked Ms. Locke, Superintendent, (not present) Mr. Richardson, School Board Chairman, (not present) and the people who informed the school about the background of a hired contractor. The parents and residents thank them for keeping parents informed and watching out for the wellbeing of the children.

Ms. Donovan asked the public not to boycott the event on Saturday. Volunteers, vendors, and sponsors have put in a lot of time, effort, and money into the event. Let’s show that the Town is stronger than the actions of a few.

Ms. Donovan thanked the 300th Anniversary Committee members for volunteering. She understands the time it takes for these events. She is disappointed that they knowingly hired the individual and had to have a risk management plan in place. Ms. Donovan stated the risk management plan failed. Ms. Donovan was approached by the person in question by himself at a town sponsored event while she had her children and several others with her.

Ms. Donovan stated the actions of the Board of Selectmen were appalling and is questioning the moral compass of the Board. She believes there must be consequences and changes going forward.

Ms. Donovan asked the following questions:

What is the town’s policy on background checks for volunteers, vendors, hired employees and contractors? Chairman Myette could not quote the policies.

Was a background check done on the representative of Event Central? Chairman Myette does not know the answer. Chief Berube stated one was not done by the Police Department.

Was the person’s record looked at or was his word good enough for the Board of Selectmen. Chairman Myette stated the Board of Selectmen did not talk to the person.

Was there vetting done for the individual? Chairman Myette stated the vetting was done by the 300th Anniversary Committee. The 300th Anniversary Committee brought the matter to the Board of Selectmen’s attention.

Did the Board of Selectmen know of the individual’s convictions prior to hiring? Chairman Myette stated prior to his being hired, the 300th Anniversary Committee came to the Board and presented the information.

When was it determined a risk management plan needed to be in place? Chairman Myette stated when the 300th brought it to the Selectmen’s attention with what they would do.

What was the risk management plan? Chairman Myette stated he is unsure of the specifics.

Who decided the risk management plan was sufficient? Chairman Myette is unsure of the answer.

Who was responsible for making sure the risk management plan was followed? Chairman Myette stated the 300th Anniversary Committee was responsible.

Who determined it was not in the best interest to disclose the information to the public? Chairman Myette stated this was not discussed.

Was the Town Attorney contacted regarding hiring the individual? Chairman Myette does not recall.

Was the town’s insurance carrier (Primex) contacted for liability concerns or issues? Chairman Myette is unsure of the answer.

Who hired Event Central? Chairman Myette answered the company was hired by the Town.

Was the vote a unanimous decision to hire the company? Chairman Myette does not recall.

Did anyone consider limiting Event Central and the individual’s interactions prior to the request of the Superintendent? Chairman Myette is unsure of the answer.

Is this the first known case of hiring a sexual offender by the Board of Selectmen? Selectman Landau stated this was already mentioned. A roofer had been hired and also a town employee in the Police Department. The Board took care of the situation.

Ms. Donovan is requesting the nonpublic session be unsealed from the meeting with the 300th Anniversary Committee. Ms. Lufkin stated several requests have been received and the minutes were given to the Board. She mentioned the minutes were taken home for a year. Selectman Landau stated he worked on some of the nonpublic minutes in the building behind closed doors, but he is only one person on the Board. Ms. Lufkin advised there have been several requests and the Board will not open the nonpublic minutes.

What is the communication plan for a similar situation in the future? Chairman Myette mentioned the discussion at the beginning of the meeting with looking at procedures and policies for subcontractors.

Are the Board of Selectmen or Committee Members required to take an ethics training course regularly? Chairman Myette answered not to his knowledge.

Chief Berube mentioned the recent release of information regarding someone hired by the Town or the 300th Anniversary Committee to organize an event. The statements released indicated the individual was vetted or a background check was done by the Police Department. The statement was retracted by Chairman Myette. The Police Department does not do background checks and did not do it for this individual. Chief Berube mentioned state laws prohibit the Police Department from doing this unless it is for a law enforcement position or a lawful law enforcement purpose.

Chief Berube pointed out he has been in law enforcement for 21 years and this past week has been one of the worst weeks in his career. He was accused of being a cohort with the Board of Selectmen. If anyone watches the meetings, they can see he is always pushing boundaries. He thanked the people in the room for having integrity for coming and asking questions versus the keyboard cowboys that spread infectious information and not show up in the room.

Chief Berube explained he is very aggressive in providing a safe environment for the children in Chester. The sex offender is in prison for the rest of his life because of the actions of the Police Chief.

The comment about a sex offender working for the Police Department is inaccurate. The individual worked at the Police Department in the 70’s or 80’s and was not an officer. He is the individual serving life in prison. Selectman Landau commented that this individual is not who he was referring to, it was an allegation at the Deerfield Fair. Chief Berube reiterated the person is not a sexual offender, those were allegations made. To be clear there was never a sexual offender on the roster. The Police Department’s priority is putting the community first especially the children in town.

Chief Berube stated the information was wrong. He thanked the individuals for coming this evening, supporting the police department, and listening to the truth.

Ms. Donovan asked if any or all the Board of Selectmen asked a hypothetical question without giving any details. Chief Berube stated he gets hypotheticals on a regular basis and can only answer them in a legal law enforcement fashion. If there is a violation, the Police can get involved; otherwise it has nothing to do with the Police Department.

IV. Selectmen’s Business

4.1 Chairman’s Announcements

Chairman Myette announced the following meetings and upcoming events:

Monday September 19, 2022	Spring Hill Farm Advisory Meeting at 7:00pm
Tuesday September 20, 2022	ZBA meeting at 7:00pm
Thursday, September 22, 2022	Board of Selectman Meeting 7:00pm
Saturday, September 24, 2022	300 th Anniversary Grand Finale. Please come to the event. Everyone has worked hard to make it a wonderful event for Chester. Fairgrounds open at 12:00pm and the parade is at 2:00pm.
Saturday, September 24, 2022	Transfer Station hours will be 7:00am to 12:00pm.

4.2 Roundtable

Selectman Landau
Nothing to report

Selectman D’Angelo
Nothing to report

Chairman Myette
Nothing to report

4.3 Town Administrator’s Report

Chairman Myette mentioned at least three applications have been received for the Supervisor of Roads position. E. coli levels at Wason Pond are back to normal and the Water Advisory has been lifted.

4.4 Action Items

Chairman Myette stated the 300th Anniversary Committee has requested no animals on the fields for the Grand Finale on September 24.

Chairman Myette motioned to not allow animals other than service animals on the fields during the Grand Finale celebration on September 24th, 2022. Selectman D’Angelo seconded the motion. A roll call vote was taken Myette – aye, D’Angelo – aye, Owens –absent, Couture – absent, Landau – aye. With three in favor, the motion passed with Couture and Owens absent.

Selectman Landau mentioned a lot of work was done by the 300th Anniversary Committee to even get volunteers. It takes a tremendous amount of work to run the town. Selectman Landau has volunteered for many years. If the public has words or suggestions, then run for the Board of Selectmen or volunteer on a committee.

Chairman Myette inquired what account is to be used to pay for the police details for the 300th events. The Board members agreed on the miscellaneous account.

4.5 Non-Public Session(s)

Chairman Myette announced three non-public sessions on reputation and finance.

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

The meeting was closed to the public at 8:09 PM

Recording Secretary Jalbert left the room.

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

The meeting was reopened to the public at 8:40 PM.

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

Chairman Myette motioned to seal the minutes of the second non-public session, on Reputation, for an indefinite period. Selectman D’Angelo seconded the motion. A roll call vote was taken

Myette – aye, D’Angelo – aye, Owens –absent, Couture –absent, Landau – aye. With three in favor, the motion passed with Couture and Owens absent.

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

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

V. Adjournment

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

The meeting was adjourned at 8:44 PM.

Respectfully submitted,

Janis A. Jalbert
Recording Secretary