

**Town of Chester
Board of Selectmen Meeting
Thursday, August 24th, 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
Roundtable
Non-Public Sessions
Adjournment

1.1 Call to Order

Chairman Trask called this meeting of the Town of Chester Board of Selectmen to order at 7:04pm.

1.2 Roll Call

Selectmen present:

Cass Buckley
Jack Cannon (remotely by telephone, due to physical inability to attend)
Steve D’Angelo
Dick Trask

Selectmen absent:

Jeremy Owens

Members of the Public present, at various times:

Aaron Berube, Police Chief
Ted Broadwater
Brenda Gallotti Holland
Jerome Gesel
Stephen Landau
Cindy LeBlanc
Rich LeBlanc, Spring Hill Farm Trustee
Charlotte Lister
Thomas Masland, Attorney for Spring Hill Farm Trustees
Deb Munson
Chuck Myette, Spring Hill Farm Trustee
Nancy Myette
Bob Pepper
Molly Qualters
TJ Qualters
Darrell Quinn
Baron Richardson

Brian Sullivan
Angela Sweet
Jay Sweet
Penny Williams, Tri-Town Times
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

Chairman Trask added one non-public session, with the Spring Hill Farm Trustees, on Reputation.

1.5 Public Comments

Public Comment will be postponed until the end of the appointment with the Spring Hill Farm Board of Trustees in the hopes that questions people may have will be answered beforehand.

II. Old Business

2.1 Approval of Minutes

An approval sheet for the previous week’s meeting minutes is in the signature folder.

2.2 Items for Signature

Chairman Trask urged all members to review and sign items in the Signature Folder.

III. New Business

3.1 Spring Hill Farm Trustees

Mr. LeBlanc and Mr. Myette of the Spring Hill Farm Board of Trustees appeared before the Selectmen with Attorney Thomas Masland of Ransmeier & Spellman.

Attorney Masland stated that he was the attorney who had drawn up the original trust and conservation easement with Miss Church in the 1990s, and that he had handled her estate when she passed in 2001. He noted that the donor’s intent is paramount with a charitable trust. He also clarified that the Trust’s recent designation as a 501(c)(3) organization was merely a clarification with the IRS that the trust was a tax exempt charitable trust which could receive grants and donations; not every charitable trust is tax exempt. He had confirmed this in a meeting with Terry Knowles of the Attorney General’s office today.

Attorney Masland stated that an agreement had been made between the then Board of Selectmen and Miss Church that she would donate her property to the Town, subject to a life estate, a trust, and an easement being placed on the land. The Town voted to accept this gift at Town Meeting 1995. Rockingham County Conservation District holds the easement, the Town holds the real estate, and the Trust was created to finance the farm. Upon her death in 2001, her will confirmed her desire to maintain the property as a working farm and that the Trust would finance its maintenance.

Vice-Chairman Cannon interjected that the plan that the Trust would finance the maintenance of the farm was good in theory, but it was not doable; that is why the Town had taken over the maintenance of the buildings.

Mr. Myette agreed that there are costs to maintaining the property, but noted that funding requests have been made via Warrant Articles in order that the taxpayers may decide whether or not to grant them. Volunteer labor has been utilized, as well as donations. The Selectmen have indicated that they do not wish to run the farm, and that is why the Board of Trustees is doing it; they are happy to continue managing the Farm as a Town asset and carrying out the Town’s wishes. He added that they have a fiduciary responsibility to manage the Trust’s funds and to ensure that they are only spent on benefiting the farm, not anyone personally, including the Trustees.

Chairman Trask noted that the Trust document does not require that the farmhouse have a tenant, only that it may; Attorney Masland replied that having a tenant was Miss Church’s intent. He described the situation as a ‘three legged stool’ with the Selectmen, Trustees, and Tenants all working together cooperatively. Chairman Trask also noted that section 3.2 of the Trust document indicates that the Board of Trustees may manage the farm if the BOS and the Conservation Commission so desire, but that it is not a requirement; Attorney Masland agreed.

There was some discussion about whether or not a member of the Board of Selectmen may also serve as a Trustee; no decision was reached.

The Selectmen would like to see the Trustees expand their ideas and solicit participation from the community in order that the property can perform as a working farm and produce revenue. Mr. Myette noted that he had provided a list of potential revenue sources and a Management Plan to the Selectmen, and encouraged farmers, potential stakeholders, and any community members with new ideas to join the Trustees and Selectmen in a charrette to advance this effort.

Mr. Myette stated that the Trust has been maintained for over 20 years. In that time period they and various tenants have worked on the sustainability of the property by opening up and maintaining fields, trails, wells, and bridges; they have repaired barn floors and the farmhouse with donations and volunteer labor; they have installed a high tunnel and water lines, planted crops, and have become certified organic. They believe that the Sweet family is hardworking and entrepreneurial, and that they care about improving the farm.

Chairman Trask noted that the Selectmen had received a letter via email today from Terry Knowles which stated that the Attorney General’s office had been told that the Town was evicting the current tenant and planning to ‘close down the property’ entirely and ‘discontinue any further use’ of it. He stated emphatically that this was not the truth; the Town is not evicting the current tenant, but plans not to renew his lease when it expires. The Town also does not plan to close the property and discontinue any use of it. He asked Attorney Masland if he knew how Ms. Knowles had gotten this false impression, but no answer was forthcoming.

Selectman D’Angelo moved that the Board go into non-public session under RSA 91-A:3 II (c) Reputation; Selectman Buckley seconded the motion. The vote was four in favor with Selectman Owens absent; motion carried.

The meeting room was closed at 7:49pm.

The meeting room was re-opened at 8:08pm.

Selectman Cannon moved that the Board come out of non-public session; Selectman D’Angelo seconded the motion. The vote was four in favor with Selectman Owens absent; motion carried.

Selectman Cannon moved that the minutes to the first non-public session, on Reputation, be sealed for an indefinite period; Selectman D’Angelo seconded the motion. The vote was four

in favor with Selectman Owens absent; motion carried.

Selectman D’Angelo asked Mr. Myette to prepare an agenda for a joint meeting of the Selectmen and the SHF Trustees, and to invite interested volunteers to attend. Mr. LeBlanc added that although both the Selectmen and the Trustees continue to have issues, they now better understand each other and wish to work together.

Chairman Trask invited members of the public in attendance to speak; each person should limit him or herself to two minutes.

Selectman Cannon is concerned that social media is being used in a disturbing fashion, with posters commenting with rhetoric that they would never use in person. He suggested that instead of Bob Pepper calling for a recall, he should sign up to run for Selectman next year and see what changes he can make in Town. He is disappointed that Charlotte Lister, as a former Selectman and State Rep, is claiming that the Selectmen are having a ‘power grab’. And he is concerned that ‘Joe Alan’ is urging people to go outside of the RSAs and other state laws that govern the Selectmen and instead file a claim with the Town’s insurance carrier. All this is strengthening his opinion that the decision that the Selectmen has made is the correct one.

Cindy LeBlanc stated that she was formerly on the Spring Hill Farm Board of Trustees, and had volunteered time and money at that time to support the Farm. She is willing to volunteer in order that it can remain a working farm, and urged others to do the same.

Baron Richardson stated that social media is a double edged sword; he used it to urge residents to attend tonight’s meeting, which he believes is positive. He stated that a farm is not a farm without a farmer, and that the Sweet family loves the farm and is accomplishing their goals. He would like all groups involved to come to an agreement, and is willing to volunteer.

Molly Qualters agreed that social media can be a positive force, as it helped her family find their lost dog this week. She does not believe that the Sweet family should be ‘punished’ because of negative comments made by others. She would like the Selectmen and Trustees to work together to find a solution.

Brenda Galotti Holland believes that the Sweets have done an excellent job. The fact that the Sweets have children allows the younger generation to be exposed to farming. Today is August 24th, and the Sweets need to be out by September 1st. She stated that a petition to renew the lease had been given to the Selectmen with 100 signatures and asked where that stood.

Ted Broadwater stated that he dislikes the adversarial tone and encouraged cooperation and communication. The Sweet family has made their home in Chester, and the cost of educating their children should not be an issue. He asked that the Selectmen consider what the additional costs would be for security, insurance, and maintenance should the Farmhouse become vacant, and added that the \$10,200 that the Sweets pay in rent should also be factored in. Mr. Broadwater provided a written statement which will be appended to the end of these minutes when printed.

Deb Munson stated that she was the one who had started the petition on social media, without any intent to be negative; she was merely seeking public input. She believes that social media is a valuable communication tool for those who cannot attend meetings or watch them on video. Selectman D’Angelo suggested that residents who need information on Town business call the Selectmen’s Office rather than relying on social media to get their information. Mr. LeBlanc encouraged people to watch meetings on the Cable TV Station, either live or on demand. Selectman D’Angelo stated that Mr. LeBlanc and Mr. Castricone had done an excellent job on the Cable TV Station.

Chairman Trask stated that it had not been his intent to stifle public comment at last week’s meeting; he knew that the subject of Spring Hill Farm was on tonight’s agenda as well, and that people would have a chance to speak then. He added that various people had contacted him and that he had met some in person; he is always accessible.

Mrs. Galotti Holland spoke again, asking for an answer to her question about the status of the Sweet’s lease. Chairman Trask replied that there were no motions on the table at the moment.

Mrs. LeBlanc spoke again, thanking the Sweet family for cleaning up the Spring Hill Farm property. She noted that previous tenants had ‘trashed’ it and that the Sweets had worked to improve its condition.

Mr. Richardson spoke again, and made a motion that the Selectmen renew the Sweet family’s lease; many voices in the public seconded the motion.

Mrs. Qualters spoke again, asking if the Selectmen were going to make a similar motion. Selectman D’Angelo stated that there were no plans to do so at this point in time.

Mr. Leblanc, Mr. Myette, and Attorney Masland departed the meeting at 8:34pm.

IV. Selectmen’s Business

4.1 Roundtable

Chairman Trask:

- Nothing to report.

Selectman Buckley:

- Nothing to report.

Selectman D’Angelo:

- Nothing to report.

Vice-Chairman Cannon:

- Nothing to report.

4.2 Non-Public Sessions

Selectman D’Angelo moved that the Board go into non-public session under RSA 91-A:3 II (a) Public Employees and (e) Pending Litigation; Selectman Buckley seconded the motion. The vote was four in favor with Selectman Owens absent; motion carried.

The meeting room was closed at 8:35pm.

Police Chief Berube entered the meeting room at 8:37pm.

Vice-Chairman Cannon rang off at 8:51pm.

The meeting room was re-opened at 9:10pm. Police Chief Berube departed the meeting at this time.

Chairman Trask moved that the Board come out of non-public session; Selectman Buckley seconded the motion. The vote was three in favor with Vice-Chairman Cannon and Selectman Owens absent; motion carried.

Chairman Trask moved that the minutes to the second non-public session, on Pending Litigation, be sealed for an indefinite period; Selectman Buckley seconded the motion. The vote was three in favor with Vice-Chairman Cannon and Selectman Owens absent; motion carried.

Chairman Trask moved that the minutes to the third non-public session, on Public Employees, be sealed for an indefinite period; Selectman Buckley seconded the motion. The vote was three in favor with Vice-Chairman Cannon and Selectman Owens absent; motion carried.

Chairman Trask moved that the minutes to the fourth non-public session, on Public Employees, be sealed for an indefinite period; Selectman Buckley seconded the motion. The vote was three in favor with Vice-Chairman Cannon and Selectman Owens absent; motion carried.

Chairman Trask moved that the minutes to the fifth non-public session, on Public Employees, be sealed for an indefinite period; Selectman Buckley seconded the motion. The vote was three in favor with Vice-Chairman Cannon and Selectman Owens absent; motion carried.

V. Adjournment

The next regularly scheduled meeting of the Board of Selectmen will be Thursday, August 31st, 2017.

Selectman Buckley moved to adjourn the meeting; Selectman D’Angelo seconded the motion. The vote was three in favor with Vice-Chairman Cannon and Selectman Owens absent; motion carried.

The meeting was adjourned at 9:12pm.

Respectfully Submitted,

Debra H. Doda
Recording Secretary