

**Town of Chester
Board of Selectmen Meeting
Thursday, October 8th, 2009
Municipal Complex
Approved Minutes**

I Preliminaries

1.1 Call to Order

Vice-Chairman Cannon called this meeting of the Town of Chester Board of Selectmen to order at 7:00pm.

1.2 Roll Call

Selectmen present:

Robert Brown
Jack Cannon
Joe Castricone

Selectmen absent:

James Hassam
Stephen Landau

Members of the Public present, at various times:

Richard Antoine, Fire Chief
Janet Boyden, ZBA
Bob Flanders, Interim Building Inspector
Patricia Martin, Administrative Assistant
Jean Methot, ZBA
Michael Oleson, Road Agent
Bryan Remillard
Matt Rittenhouse, Tri-Town Times
Carolyn Scott
Leroy Scott
And other persons unknown to the Recording Secretary

1.3 Pledge of Allegiance

Vice-Chairman Cannon led the attendees in the Pledge of Allegiance.

1.4 Moment of Silence

There was a moment of silence to remember the recent events in Mont Vernon.

1.5 Additions and Deletions

Two non-public appointments have been added; one with Jean Methot of the ZBA and one with Fire Chief Richard Antoine.

1.6 Public Comment

As no members of the Public wished to speak, Public Comment was closed at 7:02pm.

II Appointments

2.1 Bryan Remillard - East Derry Road

Mr. Remillard appeared before the Board to discuss a number of issues.

Dump

They are in the final stages of testing. As Building Inspector Tom Malley is out with a broken shoulder, he is continuing to work with Health Officer Darrell Quinn.

East Derry Road

He cannot see the Town approving \$1M in next year’s budget to make the long-term repairs deemed necessary. He has consulted with some local contractors who think that satisfactory shorter-term repairs can be done in the \$150k range for grinding and paving. Road Agent Michael Oleson is currently reviewing the scope of work with the engineers.

Road Agent Issues

He stated that Chester pays the highest plow rates in the state, and expressed his displeasure that the amount paid by the School Board to MLM to plow the school has increased quite a bit in the past few years (from \$10-13k to \$21-30k). (Vice-Chairman Cannon reminded him that the Board of Selectmen had no control over the School Board’s decisions.) Mr. Remillard also stated that Road Agent Oleson went over budget last year, and that whatever he asks for, the Board gives to him. He attempted to show distinctions between Road Agent Oleson and Former Road Agent, now Selectman, Brown. Vice-Chairman Cannon advised against pursuing this line of thought. Selectman Brown stated that it was difficult to draw parallels as when he was Road Agent, the Town did not own much equipment; now it does. Mr. Remillard stated that he would return in November to continue discussing this subject.

Mr. Remillard departed the meeting at 7:11pm.

2.2 Justin Kimball - Septic System

Mr. Kimball, who works for Alliance Excavation, appeared before the Board to discuss a proposed septic system his company has designed for a customer at 393 Chester Street. This customer needs his failing leach field replaced; due to the lay of the property, although the proposed leach field meets the state’s required 75 ft setback from the well, it does not meet the Town of Chester’s required 100 ft setback from the well. Mr. Kimball stated that Building Inspector Malley had advised him to appear in front of the ZBA to request a variance.

The ZBA told Mr. Kimball that as the leach field was being replaced, not new construction, no variance was needed, and they sent him back to Building Inspector Malley, who was hesitant to sign off on the plans, as his interpretation of the zoning ordinance differed from that of the ZBA. Thus, Mr. Kimball is appealing to the Board of Selectmen to settle the matter.

Janet Boyden of the ZBA and Interim Building Inspector Bob Flanders were at the meeting, and joined Mr. Kimball at the meeting table. There was much discussion about the ordinances and the interpretation of same; Interim Building Inspector Flanders suggested that the ordinance be amended during the next Town Meeting to clarify the matter. The ordinance was amended in 1999 to add the word NEW; it should be amended to specify new construction or new houses in order to clarify that the ordinance does not apply when one is replacing an existing septic system. Vice-Chairman Cannon asked Mr. Methot to arrange with the Planning Board to rectify this issue.

Selectman Brown moved to authorize Interim Building Inspector Flanders to approve the septic design proposed for 393 Chester Road; Selectman Castricone seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Landau absent; so moved.

Mr. Kimball and Ms. Boyden departed the meeting at 7:24pm; Mr. Methot remained at the meeting table.

2.3 Jean Methot - Non-Public

Mr. Methot requested a non-public session with the Board for a matter of reputation.

Selectman Brown moved that the Board go into non-public session with Mr. Methot under RSA 91 A:3 II (c), Reputation; Selectman Castricone seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Landau absent; so moved.

The meeting room was closed at 7:26pm.

The meeting room was re-opened at 7:42pm.

Selectman Brown moved that the Board come out of non-public session; Selectman Castricone seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Landau absent; so moved.

Selectman Castricone moved to seal the minutes to this non-public session for one year; Vice-Chairman Cannon seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Landau absent; so moved.

III Old Business

No old business was raised.

IV Meeting Business

4.1 *Approval of Minutes*

This subject was not discussed tonight.

4.2 *Roundtable*

Selectman Brown

- He has received calls that denial of vehicle registration has begun again. He was under the impression that a letter had been received from Town Counsel last year, indicating that this practice was not recommended. Vice-Chairman Cannon did not remember the letter in the same fashion. Administrative Assistant Martin was asked to pull all records on this subject in order that Selectman Castricone can acquaint himself with the matter, and the other Board members can refresh their memories.
- He has one issue for Non-Public session.

Selectman Castricone

- He attended the Government Officials Day at the Fire Academy in Concord with Fire Chief Antoine.
- He has spoken with Selectman Landau, who is in agreement with sending the LeClair letters to Coopers. Selectman Brown noted that the address was incorrect; Administrative Assistant Martin will correct it.
- The perambulation with Sandown has been set for October 24th, 2009, at 9:30am.
- He performed some work on the generator scope of work, as all bids received exceeded the amount appropriated by the Town. The RFQ specified too large of a generator (130kw); this has been corrected to 100kw. Some other specs were also changed. Vice-Chairman Cannon asked Administrative Assistant Martin to contact DRA to ensure that the new RFQ meets the intent of the original Warrant Article. New bids will be due on October 29th, 2009, at 12:00 noon.

Vice-Chairman Cannon

- A Request for Action has been received; hunters are erecting deer stands on nature trails. The townspeople who submitted the request has asked whether the land should be posted. Selectman Brown is under the impression that this cannot be done. Administrative Assistant Martin will ask the Conservation Commission for their opinion.

4.3 *Public Comment*

As no members of the Public wished to speak, Public Comment was closed at 7:56pm.

4.4 *Non-Public Sessions*

Selectman Castricone moved that the Board go into non-public session with Fire Chief Antoine under RSA 91 A:3 II (c), Reputation; Selectman Brown seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Landau absent; so moved.

Selectman Brown moved that the Board go into non-public session under RSA 91 A:3 II (c), Reputation; Selectman Castricone seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Landau absent; so moved.

The meeting room was closed at 7:58pm.

Fire Chief Antoine departed the meeting at 8:10pm.

The meeting room was re-opened at 8:17pm.

Vice-Chairman Cannon moved that the Board come out of non-public session; Selectman Castricone seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Landau absent; so moved.

Selectman Castricone moved to seal the minutes to the non-public session with Fire Chief Antoine for three months; Selectman Brown seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Landau absent; so moved.

Selectman Brown moved to seal the minutes to the non-public session for one year; Selectman Castricone seconded the motion. The vote was three in favour with Chairman Hassam and Selectman Landau absent; so moved.

4.5 *Adjournment*

The meeting was adjourned at 8:18pm.

Respectfully Submitted,

Debra H. Doda