

**Town of Chesterfield
Board of Selectmen
MINUTES
July 16, 2014**

CALL TO ORDER

Chairman Jon McKeon called the meeting to order at 6:14 p.m. Others in attendance were Board members Elaine Levlocke, Jim Larkin and Rick Carrier, Town Administrator.

McKeon welcomed the residents to the meeting and explained the process of the meeting.

FOR SIGNATURE

- Manifest #29
- Selectmen Minutes – July 2
- Cemetery Deed – Robinson
- Unlicensed Dog Warrant
- DRA Form PA-16 Forest Land Reimbursement
- Lien Discharge – Woodbury
- Appointment Paper – Barnes
- Raffle Permit – Friends of Chesterfield School
- Leclair Correspondence
- Marriage Toast Card
- Payroll Change Notices – P&R

APPOINTMENTS

- **6:30 p.m. Leon Dunbar**

Dunbar stated that residents have been requesting that the Transfer Station be open longer hours and/or more days. He presented the board with suggested scheduling to accommodate the request from residents, which included the budget increase for adding more hours for coverage. The board members felt that the Saturday schedule remain as is. McKeon will put together a schedule plan for Dunbar to review. Dunbar stated Scrap It has raised their prices for purchasing the metal items. He reported of liability concerns of Swap Shop items. McKeon asked that Dunbar get sample ordinances from other towns. Dunbar reported on a resident complaint for the burn pit at the Transfer Station.

A revenue spreadsheet was presented to the board from paper, cardboard, metal items, etc. from recycling.

- **7:00 p.m. Bart Bevis**

McKeon stated that John Whittaker met with the selectboard at the July 2nd meeting and had indicated that he had no objection for putting manholes on either side of his driveway. Bevis replied that he had discussed the culvert issues with Whittaker's contractor, in that the culverts would need to be a minimum of 18 inches deep and added that Department of Environmental

Services insisted that the culvert be installed. Bevis stated that DES has since stated that it was up to the landowner and the contractor to have the culverts installed. Bevis also added that he was not sure where the point of the problem lies. McKeon stated that Whittaker's concern was that the culvert wasn't installed and the end result wasn't what was requested on his original permit. Levlocke added that Whittaker felt that the culvert being installed was a decision made between his contractor and Bevis. Whittaker will be invited to the next board meeting.

Bevis stated that a Kenyon Way property owner has had a new driveway installed, near Esty Cove and North Shore Beach, and the owners want the Kenyon Way sign removed. Bevis will speak with the neighbors in the area to get feedback on concerns that they may have.

Bevis reported that the road needs resurfacing on South Shore Road near the boat launch. Bevis has receive three quotes for 1" overlay with tack coat, which is estimated to cost \$21,000 for 2,234 feet by 20 feet wide.

- **7:30 p.m. Mitchel Momaney**

Momaney was awarded the Town Hall project bids. McKeon asked Momaney if he understood the extent of the work to be done. Momaney had his questions answered and he felt that his quote was accurate as to the repairs needed. He will start with Project #1 on the Town Hall painting and Project #2 on the cupola will start sometime in the fall, based on the grant.

FOR DISCUSSION

- **Fuel Oil Bids**

The fuel oil bids were opened with the following results:

| Company | Budget Plan | | Budget Plan | | Total Bid |
|--------------------------|-----------------------|------------|--------------------|------------------|-------------|
| | Price per #2 Fuel Oil | Gallons #2 | Price per Kerosene | Gallons Kerosene | |
| Dead River - Brattleboro | 3.288 | 7,700 | 3.5346 | 1,600 | \$30,972.96 |
| Swanzy Oil | 3.4125 | 7,700 | 3.9 | 1,600 | \$32,516.25 |
| Barrows & Fisher Oil | 3.339 | 7,700 | 3.759 | 1,600 | \$31,724.70 |
| Sandri Oil | 3.734 | 7,700 | 4.234 | 1,600 | \$35,526.20 |
| Bob's Fuel | 3.269 | 7,700 | 3.779 | 1,600 | \$31,217.70 |

Levlocke moved to accept the fuel oil bid from Dead River. Larkin seconded the motion, which passed unanimously.

- **Land Use Change Abatement - Hancock**

The Board reviewed the abatement recommendations from John Hatfield made for the following applications:

Stephanie & James Hancock – denied – The applicant appealed the land use change tax of \$5,580; based on an assessment of \$55,800 for the .63 acre that was removed from Current Use.
Map & Lot: 14 B10

Levlocke moved to deny the 2014 L.U.C.T. abatement request for Stephanie & James Hancock per Commerford Nieder Perkins, LLC recommendation. Larkin seconded the motion, which carried unanimously.

- **Police Chief Resignation**

The board has received a written resignation from Chief Lester Fairbanks, as of August 18, 2014. Fairbanks has been with the Chesterfield Police Department for 24 years.

Levlocke moved to accept Fairbanks' letter of resignation. Larkin seconded the motion, which passed unanimously.

McKeon stated that the board has set up a search committee to work on filling the position of police chief. Duane Chickering will be asked to attend the selectboard meeting on July 23 to discuss the transfer position as interim chief until a replacement for Fairbanks has been found. The search committee members will be invited to attend a nonpublic session on July 23 also. Fairbanks requested the right to rejoin the medical insurance program.

Levlocke moved to allow Fairbanks to utilize town medical insurance, if he chooses, and in the future of recognizing that he will be responsible for the cost of insurance and that any vote by this board, which does not encumber any future boards, and it is in accordance with New Hampshire Retirement System rules and regulations. The motion was seconded by Larkin, which passed unanimously.

- **Gateway Preserve Bonding Note**

Attorney Shawn Tanguay suggested that he meet with the Planning Board chairman for their options moving forward on the Gateway bonding note. The Selectboard feels that the bond issue is on hold at this time at the Selectboard level.

- **Budget Status**

Carrier announced that the operating budget is 56% spent at this time.

- **Town Hall Rental Request**

Carrier reported that a request was made by Jay Craven to have a showing of his film at the Town Hall, which was partially filmed in Chesterfield. He is charging admission to the showing **Northern Borders** and is requesting approval of the board to use the Town Hall building.

Levlocke moved to approve Craven's application request to rent the Town Hall. The motion was seconded by Larkin, which passed unanimously.

- **Updated Ad Hoc Committee List**

Carrier and the board members shared the contact information of individuals who have agreed to work on the Road Safety Audit, Police Chief Search Committee and Town Hall Annex Committee.

- **Highlander Arms Complaint**

McKeon stated that the selectboard received a written complaint about the activities at the Highlander Arms location. The board members have also reviewed the four prior ZBA decisions for the property owner. McKeon stated that the ZBA decision made on July 8, 2008 granted firing of assembled arms to be test fired indoors with no dust, smoke or noise to be heard

outside the building with the test firing to be done by employees only of the business and not the general public and only for those arms assembled at the site. McKeon felt that the ZBA decision should be enforced. Robert Hodgkins stated that the July 5 event was a private party with close friends. Levlocke added that the business was closed during the event. Levlocke stated that she contacted Lester Fairbanks, Chesterfield Police Chief, in which he felt that the shooting occurred during reasonable hours and he was not aware of any violations being made during the event.

McKeon stated that the complaint was because of the extreme noise and that the gun firing is part of the business, in which the property was being used as a gathering place for the shooting of the guns.

Dianne Gibbons stated that the board may feel that there is a difference between a private party and Highlander Arms doing something as part of a business. Gibbons stated that the party was advertised on the radio, local newspaper and the Highlander Arms' Facebook page, inviting the public to attend. It was not posted on Hodgkins' private page.

Lisa Weidenheimer stated that the issues have been ongoing and the party was just a tip of the iceberg when the car was shot up. She added that she could smell the fumes and gunpowder in her yard and she lives on North Shore Road. She also added that there were three hours of non-stop shooting earlier in the week during business hours.

Anthony Sousa stated that this is an annual private party event by Hodgkins during the Fourth of July weekend and he didn't see any difference between fireworks around the lake and Hodgkins' event.

McKeon stated that Fairbanks views are viewing criminal violations and the zoning views are totally separate as to what is in the written letter of complaint.

Attorney Doug Thornton, representing Highlander Arms, asked that his client see what the complaint is to address it directly.

McKeon stated that the New Hampshire law allows shooting on your own property, requiring that the shooting is within 300 feet of the property owner's boundary line. He added that a decision will not be decided by the Selectboard tonight. There is a distinction between what is Hodgkins' right as a landowner being able to shoot and what is his right as Highlander Arms being able to shoot. A determination needs to be made as to what is business and what is not business.

Judy Idelkope stated that the July 5 shooting event was reminiscent of being in the war zone. She added that she was not complaining about Highlander Arms business but is complaining about the noise and she felt that respecting neighbors was not being considered. She felt that the noise was offensive and the July 5 party generated much more noise than fireworks for a July 4th celebration.

Sara Hodgkins stated that they do not intent to offend anyone by their annual event at Highlander Arms.

Donald Brehm requested that the real issue to look at is when the Zoning Board approved the Highlander Arms request, it was a special exception. That is like a privilege for the business to get a special exception in a zone which is not a business zone, therefore, they attached conditions and, obviously, the board was concerned about noise. Brehm requested that the

Selectboard meet with the Zoning Board and find out if the firing that is happening is part of the business. If so, ask them to stop because it was not part of the exception that was granted.

McKeon stated that the Selectboard will speak with the Zoning Board on this issue.

Larkin stated that he has concerns with the car fire and the hazardous situation on the premises of the business with the ammunition. He felt that this was overstepping the bounds as a citizen because that fire could have gotten out of control and it could have created legal issues. The business owner should be conducting the business fairly and reasonably during business hours and should be concerned with the neighbors concerns.

Rob Hodgkins stated that he has done everything that he knows how to make the business safe and clean with test firing being done indoors. Hodgkins apologized if his personal shooting offends others and asked that anyone contact him with concerns. He added that the car fire was an accident and the fire department did respond.

Betty Tyler stated that she feels threatened by the event with all the pictures and comments about her personally on Facebook. She stated that when she went to the property to complain of the shooting, two people approached her with guns on their hips. She also feels that the shooting is driving the property values down of those properties within a half mile of the shooting.

- **Next Week's Manifest**

Carrier announced that the manifest will be ready for selectboard signatures on Tuesday, July 22.

- **Project List**

Public Communications on Meeting Dates: McKeon reported receiving a estimate from Prospect Communications for sending postcard notices to residents for Town Meeting dates.

Town Board Applicants Core Questions: Carrier provided copies of core questions for individuals for applying for positions or committees with general questions.

Wares Grove Cottage Occupancy Agreement: McKeon stated that Warren Stevens will be at the cottage to inspect the flooring on July 17. Joanne Condosta requested that the doors for the concession stand have work done to secure the building. The board requested that the Park & Recreation director make the arrangements for the repairs.

Town Hall Annex Meeting: The Town Hall Annex Committee will be meeting at the library on Monday, July 21.

Town Hall Bulletin Board: Larkin reported that Bill Lauterbach will provide specifics on the replacement of the outside bulletin board.

OLD BUSINESS

- **Other Business**

Levlocke and Carrier are working on a memorial bench in memory of Carol Ross. Keene Monument has come up with the best pricing.

Carrier reported that Lester Fairbanks has indicated that he may continue to work part time at the police department.

Carrier stated that the tax deed were supposed to be posted in May. NHMA recommended that the posting get renoticed so that the deeds get sent out.

Carrier reported of a tree falling behind the cottage and was removed by the Highway Department.

Carrier stated that at the last board meeting, it was mentioned that the draft minutes of the Town Hall Annex be posted on the website. NHMA reported that there is no bill reflecting that requirement. McKeon stated that there is an active bill whereby, if the town has an active website, the approved minutes have to be up within five days and will look into that further.

Carrier reported that beach wi-fi has been enabled and is a short range, which has been donated by Argent. A sign has been requested in that the hot spot is provided by Argent.

- **Nonpublic RSA 91-A:3 II (a&c)**

Levlocke moved to enter into Non-Public session pursuant to RSA 91-A:3 II (a&c). Larkin seconded the motion, which carried.

McKeon moved to adjourn from Non-Public session and seal the minutes. Larkin seconded the motion, which carried.

- **Nonpublic RSA 91-A:3 II (a&c)**

Levlocke moved to enter into Non-Public session pursuant to RSA 91-A:3 II (a&c). Larkin seconded the motion, which carried.

Levlocke moved to adjourn from Non-Public session. Larkin seconded the motion, which carried.

With no other business to conduct, Larkin moved to adjourn at 9:15 p.m. The motion was seconded by Levlocke, which carried.

Respectfully submitted,

Patricia Grace, Secretary to the Selectboard

Approved by:

Jon P. McKeon, Chairperson

Date

Elaine H. Levlocke

Date

James M. Larkin

Date