

**Town of Chesterfield
Board of Selectmen
MINUTES
October 7, 2015**

CALL TO ORDER

Chairman Jon McKeon called the meeting to order at 6:11 p.m. Others in attendance were Brad Roscoe, Dan Cotter and Rick Carrier, Town Administrator.

FOR SIGNATURE

- Manifest #41
- Selectmen Minutes – October 1, 2015, September 9, 17, & 24, 2015
- Veterans' Credit Application
- Nine A LLC Hazardous Building Follow-up

APPOINTMENTS

• **6:00 p.m. Chris Lord – Bennett Road Update**

Road Agent Chris Lord visited the Bennett Road site and observed that the swale was catching the water runoff during the recent storm. Lord also explained to Richard Diesl that the selectboard have requested that he remove a portion of the asphalt above the swale in the road to allow easier travel and restore the road to its previous condition. McKeon stated that Diesl will need to remove the elevated area above the swale. Lord will meet with Diesl with details of road repair requirements and to be completed within two weeks.

• **6:15 p.m. Christopher Oot – ZBA Membership**

Christopher Oot has expressed his interest in serving on the Zoning Board of Adjustment and provided a summary of his work and educational background. Oot has held positions as project engineer, project manager, personnel administrator and technical recruiter and manager of business development and is Senior Vice President of a major consulting firm. McKeon will contact Oot following a discussion that he will have with both the ZBA and the Planning Board.

• **6:30 p.m. Erik Barnes – P&R Budget Expenditures**

Present: Erik Barnes, Dewey Auger and Joanne Condosta

Barnes explained that Parks & Rec are currently \$3,900 over their projected loss and it will be increasing, due to the stipend that is being paid to the director for housing. Barnes estimated that that amount will increase to \$14,000 over budget from what was originally projected. Barnes noted that there were approximately 1,500 more cashier hours than what was used in 2012, 2013 and 2014, due to the fact that there were two cashiers on duty at all times. McKeon noted that the Selectboard had made a request to have P&R look at ways to curb expenditures and not increase them.

Auger stated that there was a concern for only cashiers to be handling cash and not having the lifeguards performing the cashier duties for the sake of controlling the cash.

Barnes noted that the P&R income is at \$106,000, with the budgeting income estimate at \$99,500 with ticket sales at \$64,000. The rec program revenue was up at approximately \$4,600.

Auger reported that Kevin Vonderhorst has offered to install a standing seam roof on the concession stand this winter, at no cost, and has asked that the selectboard choose the color of the roof. A certificate of insurance will be provided to the Town before the work is started.

Barnes stated that the Revolving Fund consists of soccer, baseball and basketball of which the funds are only expended for those programs. Barnes also noted that new rates will be set at the half day rates, starting at 4:00 p.m. in 2016. The Commission is also looking into purchasing kayaks and paddle boards to rent out by the hour for next year.

McKeon explained the process of how the P&R budget is presented to the Budget Committee for 2016.

Cotter moved to go into nonpublic per RSA 91-A:3 II (a&c). Roscoe seconded the motion, which passed unanimously.

Cotter moved to adjourn the nonpublic session and seal the minutes. Roscoe seconded the motion, which passed unanimously.

- **7:00 p.m. Dan Scully Architects – Town Hall Annex**

Present: Dan Scully and Jim Duffy

Scully and Duffy went through the Town Hall Annex with WB Engineering and reported that the foundation has rotted and much of it is not connected to the floor above the foundation. Scully said that it would not be easy to reproduce the old foundation and recommended that a new structure be built. To replace the structure would require a new foundation, move the kitchen area to where it can be serviced and get a central mechanical system in the Annex part of the building.

Scully received an estimate from a local construction firm of \$339,000 for the simplest fix and \$483,000 for a new structure. The preliminary figures for a minimal solution would be \$232 per square foot and a new structure is \$294 per square foot.

The board will review the drawings, construction estimates and will reschedule more discussion at next board meeting. Scully noted that the board had asked for the Annex drawings to be available early in December.

FOR DISCUSSION

- **Suggestion Box**

A note was left in the suggestion box from Joe and Diana Warhall with some old and some new concerns of Bennett Road. McKeon stated that Bennett Road is a Class VI road. The board has voted to declare Bennett Road for emergency lane status and to be sure that the road is passable for emergency vehicles, and that is the extent that the town can spend money for that road. The board also recognized that whoever made alterations to the road must bring the road back to where it was or the town would do the work and the person responsible for the alterations would be responsible for the expenses for the work. The board also recognized that items in the town's right of way are no longer there. The town has hired David Mann to survey the road. McKeon added that the survey being requested of Joe DiBernardo were property

surveys and was not for the purpose of doing a roadway boundary. Roscoe stated that the remaining issue of the town is to address the swale.

The board will send the Warhalls a note asking them to provide road width documentation of the road becoming less wide, as indicated on their note.

- **Budgets – Code Enforcement Update**

Carrier noted that there was an increase of \$100 for supplies, based on the cost of the books that will be needed for Code Enforcement. The new supply line item is \$600.

- **Inspector of Elections Follow-up**

Carrier gave a report on his discussion with David Scanlan, Deputy Secretary of State regarding the new language in the Inspectors of Elections statute under RSA 658:2. For the general election in November 2016, on or before July 15th, the chairmen of the political committees shall notify the town clerk of the appointments. If that is not done, Scanlan stated that the Board of Selectmen will appoint the inspectors for elections for the Presidential Primary. The Secretary of State's office is not involved in notifying the town.

- **Timber Value Setting**

The suggested rates from the Department of Revenue were reviewed for timber tax rates.

McKeon moved to use the average rates for Chesterfield's timber tax. The motion was seconded by Roscoe, which passed unanimously.

- **NHRS Audit Report**

Carrier has been working with Brandon Adams of the New Hampshire Retirement System on resolving auditing issues. There is one issue still outstanding which is how Carrier was compensated and returned the checks to the town for Workmen's Compensation. Adams will be reviewing that issue with the NHRS board's and will contact Carrier with their decision.

The audit report also indicated that when Penny Cooper was hired full time in 1997 she was not put on the NH Retirement System for 90 days, which didn't require a probationary period at that time.

Another issue on the audit pertained to reporting part-time employees, of receiving pensions. Carrier noted that the figures were sent into NHRS but were not recorded. He discussed the process with NHRS to eliminate the error in the future.

The audit report also noted that one of the part-time library staff members had worked at least one week of 35 hours. Part-time employees cannot be scheduled for 35 hours in one week.

Combined Job Description Highway/Transfer Station Supervisor

Cotter asked as to which level of licensing and certification was required to operate the Transfer Station facility. Carrier noted that the requirement now is for a Certified Solid Waste Facility Principal Operator through the NH Department of Environmental Services.

McKeon moved to adopt the job description for the Combined Highway/Transfer Station Supervisor, dated October 7, 2015. Roscoe seconded the motion, which passed unanimously.

- **Nine A LLC ZBA Legal Services**

The board reviewed the attorney's itemized bill for services through May 27, 2015 in connection with the appeal of the ZBA's decision granting Nine A LLC a variance. The Starbucks signed a written agreement to pay the legal fees for the Town on the matter. McKeon stated that Attorney Silas Little was requesting the acceptance of the billing to inform the Starbucks of the balance due. Carrier will inform Attorney Little and the Starbucks that the Board of Selectboard has approved the statement.

OLD BUSINESS

Hosting NHMA Workshop: Some members of Planning Board and Zoning Board will be attending the workshop of December 3. Cotter will remind the Budget Committee that they should contact Carrier to make their reservations. McKeon reported that NHMA will be conducting their fall seminar on November 19 & 20 at the Radisson Hotel in Manchester with keynote speaker, Captain Richard Phillips.

Town Center Tree Committee: Roscoe reported that Steve Hardy will be working on the committee.

Economic Development Committee: The committee is still looking for a volunteer to work on the committee.

Board/Committee Term Expirations: John Koopmann and Joe Parisi have agreed to stay on the Planning Board for another term. Members Pam Walton, Steve Hardy and Jeffrey Newcomer have agreed to stay on the Chesterfield Conservation Commission for another term.

Cotter moved to continue the appointments as noted. Roscoe seconded the motion, which passed unanimously.

ZONING ISSUES

EJP: 564B Route 9 – 2 businesses/1 lot: EJP has recently contacted the Planning Board to get information on the process for submitting the site plan.

Saba/Big Deal: Deck, Parking Lot, Landscape Issues –Code Enforcement Officer submitted the wrong drawing plans to the contractor this summer for the deck permit at Big Deal. McKeon noted that this is in a commercial zone and the owner may be required to bring the property into compliance and that will require a variance approval by the ZBA.

Ells Electric: Building without a permit – Photos were given to Assistant Code Enforcement Officer for his review.

Salz Junkyard: Route 9 - Junk on property/has had issues in the past – Code Enforcement Officer will visit the property.

Jason Goldsmith: Route 63 - Repair garage & sales – Assistant Code Enforcement Officer instructed Goldsmith to have the second unregistered car removed from the property. It was noted that no business sign was on the property and Goldsmith indicated that car repairs is his hobby only. A follow up visit will take place within 30 days to be sure the second unregistered car is removed.

Doug Foster's Canoes: Route 9 – Noncompliant Lot – McKeon will review the Planning Board documents on the request to conduct a business in a Residential Zone.

Highlander Arms: Rt. 63 – More than three employees – Robert Hodgkins, business owner, has acknowledged that he has more than three employees, which include himself and his spouse. Hodgkins will be required to apply for a variance from the ZBA.

OTHER BUSINESS

Robert Hodgkins stated that the building inspector came to his Spofford business because of a report that he received from a town resident. Hodgkins noted that a person has recently been arrested at their Massachusetts facility because they were taking photos and videos of him and his employees and allegations were made to a local newspaper.

McKeon stated that a report was given to the Planning Board in that Hodgkins has more than three employees working at his business, therefore, the code enforcement officer was instructed to investigate that concern.

There have been two applications submitted for the part-time Transfer Station position. The board recommended Road Agent Chris Lord schedule and conduct the interviews for that position and to bring his recommendation back to the board.

Carrier will contact Lord to be sure that the snow guards be installed at the Transfer Station.

McKeon reported that the Planning Board has received an application from the Grace Evangelical Church for a parking lot expansion. There were some minor site changes, due to review by a third party. The Planning Board has signed off on Area 51.

Police Chief Duane Chickering provided a written request to use counter top and cabinets from the storage room to be used in the I.T. room at the Police Department. The board approved Chickering's request.

Carrier reported on the revenue update through August. The town portion of the tax rate will go up 7.4%, as it stands now. Carrier is still waiting for the utility values that are set by the Department of Revenue. More board discussion will be required at the October 14 meeting as to determine the final tax rate figure.

John Koopmann reported that the new house on Glebe Road, in the wetlands area, is close to being completed. He expressed his concern for the lack of response from the building inspector on Koopmann's wetland process issues.

Koopmann stated that he visited the development of the new driveway off Forest Avenue today and stated that it appeared that the Army Corps of Engineers was installing the driveway. He added that there were substantial DES violations to the wetland area on both sides of the driveway. He stated that there is now a massive gravel drainage ditch running along the side of the driveway and draining the wetlands that the DES had previously rejected and had given a summons for. Koopmann added that in 2005 the town commissioned David Mann to do a survey of that situation. There are substantial differences between that survey and the survey that has been recently presented.

McKeon noted that the board did not go into nonpublic at the September 30 meeting to discuss the legal advice from legal counsel on the driveway issue. The board members stated that they had no objections to discussing the issue in public session. McKeon proceeded to read the

response from legal counsel in that the application was only an application for Lot 8 A-4 and the lot would not be shared with Lot 8 A-6. The road agent can lawfully issue the permit without any action by the selectmen or the ZBA and that the road agent specify, as a condition of approval, that this driveway must serve only Lot 8 A-4. If it were to turn out that it serve Lot 8 A-6 as well, then that would be a violation of RSA 674:41 because Lot 8 A-6 does not have selectmen permission under RSA 784:41Id to have its access by way of a private road. Another issue was whether Lot 8 A-4 meets the frontage requirement, even though it does not have 400 feet of frontage on Forest Avenue, it does have more than 400 feet of frontage on Route 9 and there is nothing in the Zoning Ordinance that requires that a lot must have its access on the same road where it has adequate frontage.

McKeon stated that Koopmann has issues about access from the roadway being across land that isn't the property owners of Lot 8 A-4. ZBA Chairman Burt Riendeau confirmed that that issue was not brought before the attorney at other meetings.

McKeon noted that the board will look at the two surveys were done by David Mann in 2005 and 2013.

McKeon noted that the road agent will follow the inspection process by inspecting the driveway while it is under construction.

Roscoe moved to go into nonpublic RSA 91-A:3 II (a&c). Cotter seconded the motion, which passed unanimously.

With no other business to conduct, Roscoe moved to adjourn at 9:45 p.m. The motion was seconded by Cotter, which carried.

Respectfully submitted,

Patricia Grace
Secretary to the Selectboard

Approved by:

Jon P. McKeon, Chairman

Date

Brad Roscoe

Date

Dan Cotter

Date