

**Town of Chesterfield
Board of Selectmen
MINUTES
November 4, 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.

McKeon opened the meeting by asking the public to raise their hands to be called upon when requesting to speak.

FOR SIGNATURE

- Manifest #46
- Selectmen Minutes – October 28, 2015
- DRA MS-1 Summary Inventory of Valuation
- Property Tax Warrant

APPOINTMENTS

- **6:30 p.m. Joe Warhall – Bennett Road**

Warhall requested a follow up on the Bennett Road issues. McKeon replied that David Mann has talked with Joe Dibernardo and has received his report but has not reviewed the report in detail. McKeon stated that deeded driveway/deeded entry provides the owner the ability to enter the property and it doesn't dictate to the owner that that is the only place that they can enter their property. He added that the driveway may have been established before driveway permits were required.

McKeon stated that the board discussed items that may need to be removed and all board members agreed to go to the site individually to look at the site. Richard Diesl had also provided photos of the area that weren't recently taken but were taken a while ago. Cotter stated that the photos may have been taken in the mid 80's. McKeon noted that the area from the first driveway to Route 63 is the most concentrated area where there are items on the town side of the right-of-way, being a retaining wall, there are trees within that and the photos did not have any trees in them but the retaining wall was in the photos. The cut of the road may be one foot or more further to the south than what is there. We would not have the trees removed within the retaining wall. Cotter noted that the most easterly tree may be growing into the right-of-way.

Warhall stated that he plans to widen the road by putting tar in the right of way. McKeon noted that the sand barrel can be moved out of the town's right-of-way and there is a short section of the retaining wall on the west side of the driveway that is also in the right-of-way.

Roscoe stated that trees have grown along the wall because no one is keeping them cut back. He added that if the trees are blocking the passage of the road, they should be trimmed back and there is no need to cut them down. Cotter indicated that the trees were planted.

McKeon noted that wall in Warhall's photos the inner wall has been there for quite a while and is the only wall that is there now. Diesl has agreed to make another set of his 1980's photos of his property for the board to have in their files. McKeon stated that the board wants everything removed in the town right-of-way up to the existing retaining wall that is closest to the south wall of the garage, including the easterly most tree and the sand barrel. The west side of the driveway where there is a 2-3 ft. section of retaining wall is within the town right-of-way also and needs to be removed.

Jill Diesl asked if Warhall had approached the town previous to Richard Diesl purchasing the property (in August 2011) about any issues in the road. Warhall answered that he hasn't had any issues for 21 years in prior years. Warhall added that the issue isn't the road but is the owner (Richard Diesl) putting items in the road and taking control of the road.

McKeon stated that the Bennett Road issue in this case is that the town property was altered and the board is trying to resolve the road issues. He added that Bennett Road has been and is a Class VI road.

Richard Diesl stated that he is not doing anything to the road until the board talks with his attorney.

The board will request that the town attorney write a draft letter asking that the items be moved, i.e, one tree most easterly on the west side of the driveway and anything removed up to the innermost retaining wall closest to the garage on the south side, the eastern most tree, the sand barrel and a piece of wall west to the driveway. The letter from the attorney should also state that in RSA 236:11 that the board requires that the road be restored to the agreed upon resolution between the selectboard, road agent and Mr. Diesl as described in a letter dated October 22, 2015.

The board instructed Warhall that he must get approval by the board before any work is done to the road. The board informed Warhall that he would not be reimbursed by the town for any work that is done on the road.

FOR DISCUSSION

- **Suggestion Box**

There were no suggestions in the suggestion box.

- **Preliminary Tax Rate**

Carrier noted that the town tax rate was going to go up to approximately 7% which is the cost of the library parking lot. The local school went down -6.2%, which was up 10% for last year. The school state rate is at -2.4% and the county rate is at 5.7%. The overall tax rate, when adding in the fire precinct, is at an approximate decrease of -1.2% for either Spofford or Chesterfield. The prediction at the March 2015 town meeting was 10%. The official tax rate will be available by noon on November 6.

McKeon moved to give Rick Carrier authority to sign the tax rate form for any change up to a 3 cent increase, which will include any decrease. Roscoe seconded the motion which passed unanimously.

- **Employee Luncheon**

The board approved the purchase of 43 turkeys to be distributed to part time and full time town employees and officials to be distributed at the holiday employee luncheon on December 9. Arrangements must be made to have the turkeys picked up before 3:00 p.m. on December 9. Any turkeys not picked up before 3:00 p.m. will be donated to Joan's Pantry.

- **Tax Deeded Property – Forestview Drive**

The locks have been changed, the heat has been turned off and the house will be winterized this week. The former owner will be notified that she needs to make arrangements to remove personal items from the house by December 6, 2015. Arrangements will be made to plow snow at the house until December 6, if needed.

Cotter moved to authorized Carrier to send the letter to the former owner, with the correction of changing the date of the letter. Roscoe seconded the motion, which passed unanimously.

- **Building Maintenance Funds**

McKeon noted that the furnace in the library is scheduled to be replaced in 2018. The library trustees are responsible for the care and custody of that building and its grounds and it will be up to the trustees as to whether they want to be included in the building maintenance plan. The board will contact the trustees to discuss the funding when they come to the board meeting to discuss their budget.

A budget is being set for the Town Hall for 1,600 gallons of kerosene for the furnace in the Annex and 1,400 gallons of #2 heating oil for the boiler off of the big hall.

- **Transfer Station Vacancy**

Employment was offered to an individual for the Transfer Station part time position and that offer was turned down. The board will advertise the position in the local newspaper and the town's website. The board will review the starting pay for that position.

- **Nine A/Spofford Hall**

The board reviewed recent photos taken of the broken windows of the building. Roscoe will take additional photos by using a telephoto lens. There has not been any further communication from the property owner since the letter of October 19th.

- **Wares Grove Cottage Repairs**

The board will contact Primex to determine if Workmen's Compensation will be required to have work performed on the cottage. Jeff Scott has received a list of repairs required for the cottage. The board requested that the repairs be completed by April 1, 2016.

- **Coachman Road**

On June 17 the board requested a deed with metes and bounds instead of plan description. They were also looking for the cost to improve the road to town standards. The board will hold the performance bond for one year, that to be 15% of the original performance bond. McKeon stated that once the board approves the road, a performance bond will be required. Carrier

suggested that David Mann look at the road again. McKeon noted that trailers sitting in the road are creating pockets in the road. Mann will approve what is required for the road and the condition. Roscoe suggested that the town's road agent should be included in the inspection of the road. Carrier will contact JR Davis to be sure that he will pay for the expenses of the inspection.

- **Forest Avenue**

The road agent will be instructed to look at the driveway to see if it connects to another lot and to take measurements to be clear on where the boundaries are. If it connects, the driveway may be in violation of the Zoning Ordinance.

The board approved John Koopmann to receive a copy of the email from town counsel.

Koopmann noted that the original DES application was for disturbing 520,000 square feet of wetland. An old tax map for property #4 and #6 shows an intermittent stream running through that area. That area had been graded, drained, trenched, ditched and dried out. Koopmann added that there had been gravel added on both side of the road and is in violation of the permit. No resolution was made and no formal notice was given to DES before the property was sold.

- **Town Report Dedication**

Carrier will provide a list of people who have had the town report dedicated to and a list of those who have made a positive impact on the town.

- **Logging Operation – Class A Trail Old Swanzey Road**

The Dennen property on the Class VI trail on the Swanzey town line has recently been sold to Hampshire Timber and no logging was done prior to the sale.

- **Next Week's Meeting - Tuesday**

The next board meeting is scheduled for November 10 in the OEM Room due to Veteran's Day of November 11.

OLD BUSINESS

Wares Grove Cottage: McKeon provided a brief description to Jeff Scott of the work that is required at the cottage.

Rudolph Junkyard: No follow up has been received from Code Enforcement.

Town Email Addresses: Roscoe reported that Sovernet does not supply many features or help with options. An option would be to move the website to Network Solutions to host the site at a fee of \$120 per year which would include 1,000 email addresses. Prospect Communications will take care of the website. The board agreed to pursue the options with Network Solutions.

Hosting NHMA Workshop: Coffee and bottled water will be provided by the board at the workshop.

OEM Siren: Vermont Yankee will be testing the sirens on November 7 for the last time. Spofford and Chesterfield Fire Departments will be taking over the maintenance of the sirens that will be donated to Chesterfield.

ZONING ISSUES

EJP: EJ Prescott came to the Planning Board for consultation on November 2 and they will be coming back to the Planning Board at the next meeting to discuss the second business on one lot on Route 9.

Jason Goldsmith: A letter was sent on November 4 to Goldsmith by Code Enforcement regarding the junk cars on the property.

Doug Foster's Canoes: McKeon will bring the concerns of the noncompliant lot to the Planning Board.

Highlander Arms: Robert Hodgkins plans to apply for a variance from the ZBA to update the home business. The Zoning Ordinance was discussed as to how the wording was written for the number of employees and the ZBA needs to interpret how the ordinance was written.

Charles Paquette – South Shore Road: The decorative handrail is in the setback and the ZBA decision states that their approval does not include a deck and that the house already is in the setback.

UNFI Sign: The board agreed that the Route 9 property owner should be going to the ZBA for relief of the sign ordinance. The Chesterfield Police Chief Chickering sent a memo to Code Enforcement regarding safety issues of the trucks being parked at the location.

OTHER BUSINESS

Cotter noted that the Budget Committee had concerns that if the Highway Department needed to replace the current pickup truck, they should consider the purchase of a better quality truck to offset the cost of repairs.

The new owner of Gateway project on Route 63 applied for a building permit. The code enforcement officer noticed that the plans had been changed and he decided that the new owner will need to go to the Planning Board. The original plan was for 11 buildings, 9 of which were to be for single story living and 2 would be two-story buildings. The presentation to the Planning Board on Monday was 11 two-story buildings. The Planning Board gave the developer the option of starting all over from square one on the project and he decided to go with the 9 single-story houses and 2 two-story buildings. The developer will be at the November 16 meeting with the final elevation plans and the limit of trees cut will be reviewed.

Joanne Condosta was denied fees waived of Transfer Station fees for disposing of furniture.

Barbara Girs noted that people that sit at the head table when given appointments during board meetings tend to give the appearance that the board is in favor of the appointee. The person who sits in the audience is the one who has to fight harder.

Girs also stated that she has heard positive comments of Road Agent Chris Lord. She has noted that there has a difference of how the town trucks are being utilized and driven. He also shows an interest in improving procedures for the Town Highway Department.

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

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

Cotter moved to come out of Nonpublic. Roscoe seconded the motion, which passed unanimously.

McKeon moved to seal the Nonpublic minutes. Roscoe seconded the motion which passed unanimously.

With no other business to conduct, Cotter moved to adjourn the meeting at 9:15 p.m. The motion was seconded by Roscoe, which carried.

Respectfully submitted,

Patricia Grace
Secretary to the Selectboard

Approved by:

Jon P. McKeon, Chairman

Date

Brad Roscoe

Date

Dan Cotter

Date