

**Town of Chesterfield
Board of Selectmen
MINUTES
June 8, 2016**

CALL TO ORDER

Vice Chairman Brad Roscoe called the meeting to order at 6:00 p.m. Others in attendance were Norman VanCor and Rick Carrier, Town Administrator.

Roscoe welcomed everyone to the meeting and reminded them that they need to be acknowledged by the chairman for comments to be addressed to the board.

Selectman Jon McKeon would like to join the meeting via telephone. McKeon was not able to attend this meeting because he was held at work and did not have adequate time to get to the meeting. No one is in the room with McKeon during his call with the selectboard.

VanCor moved to include McKeon to join the selectboard meeting via telephone. The motion was seconded by Roscoe, which passed unanimously.

McKeon noted that he has all the paperwork that has also been provided to Roscoe and VanCor.

FOR SIGNATURE

- Manifest #23
- Selectmen Minutes – May 25, 2016
- Tax Collector Abatement – Leristis
- Appointment Paper – EDC
- Payroll Change Notices – Parks & Rec

APPOINTMENTS

- **6:15 p.m. Tom Duston**

Duston noted that the parking is not currently adequate for visitors at Madame Sherri Forest. The parked cars on Gulf Road are being ticketed. Duston reported that Ann Stokes, who donated the Madame Sherri Forest to the Forest Society, is offering additional parking space to her property at Egypt Road (Map 15, Lot A10), near the current Gulf Road parking area. Stokes is requesting a more permanent solution, which Duston suggested a parking easement to cover a 150 x 60 ft. parking area from the current driveway on Stokes lot and making the town the primary easement holder. Duston noted that the Conservation Commission has a modest amount of money to offset some of the legal expenses required and for the survey work. Ann Stokes has approved the easement if approved by the selectboard. The town will be required to enforce that area to be used for parking only.

VanCor noted that, at a prior meeting, the selectboard has agreed that the town will be the holders of the easement, subject to waiting to read the contract from the attorney. Duston will get a draft of an easement deed and a plan with the survey information that can be recorded in the Cheshire Registry of Deeds. Town council will review the draft before the board signs it.

- **6:30 p.m. Rick Cooper – Chesterfield Fire**

On behalf of the Chesterfield Fire Department, Cooper requested board approval to drive their off-highway recreation vehicle, the Polaris Ranger, over town roads to access emergency calls. If approval is given, CFD can get a permanent registration plate for the accessing Route 63 and to drive it on town roads for emergency calls only. It can be used to cross Route 9.

VanCor moved to approve the request of Chesterfield Fire District for the use of their OHRV on town roads for emergency purposes. McKeon seconded the motion, which passed unanimously.

- **7:00 p.m. Public Hearing – Hazard Mitigation Plan Update**

McKeon moved to open a Public Hearing for the purpose of the purpose of public input for the 2016 Chesterfield Hazard Mitigation Plan update. VanCor seconded the motion, which passed unanimously.

Roscoe noted that a committee came together to update the Hazard Mitigation Plan. The public hearing was set up for the purpose of whether the plan will be accepted. The notification of the draft plan was posted on the website for the public to be able to review the document at the Selectmen's Office. Jeff Scott suggested that there be a longer review period for the public. He also noted that he defers to the board's judgment on whether to accept the plan.

McKeon noted that there hasn't been much change to the plan since the last three revisions. Roscoe stated that the Southwest Regional Planning Commission worked with the committee on the new plan.

McKeon moved to close the Public Hearing. VanCor seconded the motion, which passed unanimously.

McKeon moved to adopt the resolution that is provided in the selectmen's packet. VanCor seconded the motion, which passed unanimously.

FOR DISCUSSION

- **Suggestion Box**

A suggestion was made to create an ordinance to eliminate the use of Jake breaks on Route 63 coming from the Hinsdale area. The note states that there has been an increase in logging trucks in that area, particularly on the weekends, and the noise has become very annoying. The note also indicated that the trucks may also be overweight trucks skipping the Route 91 weigh station, particularly on Sunday mornings.

McKeon noted that Rt. 63 and Rt. 9 are state roads and the Town of Chesterfield does not have jurisdiction over state roads. The board agreed to forward the suggestion to Dept. of Transportation for their consideration. A response from D.O.T. to the board will be requested.

A second suggestion was for a license and a fee to the town be required from Diana's Swim Lessons at Wares Grove Beach and that she not be allowed to use the North Shore beach. Roscoe noted that the board has a license to discuss Diana Warhall's swim lesson at this meeting.

Jeff Scott requested that the availability of the suggestion box be posted on town's website. Roscoe noted that it should also be announced on the monthly newsletter.

- **Religious/Charitable Organizations**

A list was provided to the board of the nine nonprofit organizations in town who have filed the required paperwork for a tax exemption per RSA 72:23, based on their religious or charitable status. There are no additional organizations, no additional properties and no change in status this year. VanCor will review the documents provided by the organizations before the June 22 board meeting.

- **Larkin Way Update**

Jim Larkin has not been able to schedule the paving when M&W is available. Larkin has contacted Savings Bank of Walpole to provide an extension on his letter of credit past the expiration date of July 13, 2016. Carrier spoke with Savings Bank of Walpole and was informed that they will look into the renewal for the letter of credit. This will be placed on the selectmen's agenda in July for the purpose of calling for a bond or a letter of credit to be provided, as required.

- **Broadband Survey Report**

Roscoe noted that the Broadband survey was closed out the end of May. Roscoe has distributed a summary report to the board members. McKeon and VanCor approved the report.

McKeon moved to allow Roscoe to make the report available to the public as presented. VanCor seconded the motion, which passed unanimously.

VanCor was also given approval to forward the report to individuals.

- **North Shore Beach License – Diana's Swim Lessons**

The board reviewed a draft License Agreement for Diana's Swim Lessons so that she can use the North Shore Beach for private swim lessons conducted by Diana Warhall. The Parks & Rec Commission has allowed this event in the past, as a service to the community because the P&R does not offer swim lessons. McKeon noted that Warhall has, in the past, certified some of the lifeguards for the P&R program. Carrier stated that he received a copy of Warhall's insurance policy. The town attorney drafted the License Agreement with blank information to be filled in.

VanCor moved to approve the License Agreement with Diana's Swim Lessons LLC, subject to of town attorney approval. If the town attorney approves the agreement, the board will sign at the next meeting. Roscoe seconded the motion, which passed unanimously.

- **David Gale Building Permit Follow-Up**

The selectboard received a letter from Jen Drociak of NHDES, dated June 8, 2016, noting that David Gale's property on Map 5M Lot 2A was inspected on June 8 by DES. Roscoe noted that DES personnel observed and documented that groundcover had been removed and/or shrubs, in pre-existing conditions with the Waterfront Buffer, were cut to the ground to the water's edge. RSA 483-B:9 V (c) states "No natural ground cover shall be removed except as necessary for a foot path to water and access ways as provided under RSA 483-B:9."

DES requests applicant to allow any shrubs and groundcover within the Waterfront Buffer to naturally re-vegetate to a minimum of at least three feet in height.

Steve McGrath, Spofford Lake Association President, inquired about beach approval from the town and if a beach application was applied for. Jim Phippard, representative for East Wood

Properties LLC, replied that his office prepared the plan for the Shore Land permit, which included a perched beach located in the center of the lot. This will include an area of sand about 25 feet back away from the water and is on a flat terrace area. Phippard noted that this was part of the Shore Land permit application and was approved by the Shore Land permit which covers an area of approximately 800 sq. ft. Phippard stated that the town has copies of the plan. Roscoe stated that this contradicts with the first 50 ft. that is to be left for vegetation and it would be infringing on the first 50 ft.

McGrath stated that one of the assumptions from a discussion with DES is that there are no areas of issue. They are not giving permission to clear it, but are assuming that the applicant has complied with non clearance and were given that grant. McGrath asked if that area is in any more violation within the next 25 ft., because we are talking about a 50 ft. zone? Is the next 25 ft. in the same small growth development that was already cut in the violation area? Roscoe stated that that was his question because it states that the first 50 ft. needs to be left and find it hard to believe that DES would override their own regulations. VanCor added, "Or provide a variance for their own regulations". Phippard stated that the pathway down to the water and the perched beach area is the proposed disturbed area within the wetland buffer that DES permitted. Roscoe noted that the Wetlands Permit is a separate issue from the Shore Land Permit. Phippard noted that the perched beach will be constructed beside the pathway leading from the house down to the dock. All the land between the perched beach and the water will be left in its natural state, now that the trees have been cut, so the ground cover and any small shrubs will grow back.

McKeon noted that there is one portion that there is a violation in front of us and the other issue is that there is a permit that a perched beach can be constructed. The board may have DES to come back to confirm that everything is done before giving a certificate of occupancy for the house.

McGrath noted that this property will be setting a precedence for the Water Shed Protection Program at the lake, which has just started. He asked if there are existing compliance issues, does the permit to build get approval when the growth does not qualify or the policy is being violated. He would like to ask the same question with DES and is it okay to violate this to get access to the perched beaches that they would grant under a normal process. Roscoe added that there is a violation in the DES protect area water buffer area and does that, in any way, affect any other grants issued by DES does that void the other permit for the beach area. VanCor added that the DES letter notes the area which was disturbed and whether this area will grow back natural vegetation. If it is not, the board will require some plantings to be done to restore what was violated. Phippard noted that DES has the option of revoking any permits that they have granted. That is why they investigate a complaint to determine compliance. Phippard added that David Gale has agreed to let the natural vegetation grow back. Phippard noted that Gale has hired him to monitor the erosion control on this property and he has been checking for any erosion or sediment issues and have found none.

Phippard noted that the silt fence on the west side runs uphill and no drainage can pass through that area, even though it is not buried at that section.

McGrath stated that this is an example of what DES does and doesn't do. They don't do a pre-inspection of a site and give grants, based on local feedback, local participation and local documentation and then they react to it. They rarely check compliance until the problems are brought forward. The town is looked upon to help the DES because they react to violations and not compliance, unless the site is a suspect site.

Phippard asked that if anyone has a compliance issue at Gale's property that he be contacted, including DES issues. McKeon requested that David Gale put in writing that Phippard is the contact for the project on that property. Roscoe recommended that Gale also include, in his letter, that he will allow the natural vegetation to grow, as required by DES.

The board found no reason to hold back a building permit on this property, unless code enforcement has any compliance issues, that the note is received from Gale on the vegetation and noting that Phippard is the contact person on the project.

- **Investment Policy**

The board reviewed the Investment Policy for renewal approval. VanCor inquired as to whether the Town Treasurer was performing the duties of the policy and if there are checks and balances for the board to review. Carrier noted that he received a monthly letter from the Federal Reserve Bank noting that the town is covered for above and beyond the FDIC limit of \$250,000. Carrier independently tracks the deposits and expenditures from the treasurer. Carrier and the treasurer meet with the auditor once a year to be sure the money is where the treasurer says it is. Roscoe inquired about the investments, i.e. treasury bonds, etc. Carrier noted that the treasurer wants to keep the money more liquid, because we have to give the school \$500,000+ every month. McKeon noted that the board provide a list of questions of the treasurer to Carrier. Those answers will be provided at the June 22 selectboard meeting.

- **OEM Director Requests**

The OEM director has requested board approval for her to attend the NH Emergency Preparedness Conference in Manchester on June 9. McKeon questioned whether the OEM director will be paid for the time that she spends at this event and while she drives to and from this event. Carrier noted that this has been going on since 2005. Carrier noted that Ruth Van Houten was paid \$20 per hour for OEM and RERP training in 2005 and she was also getting a stipend in 2006. In 2013 Renee Fales was paid the same.

Barbara Girs stated that she spoke with Van Houten who indicated that she was not paid for attending the training and it was part of the stipend. Girs stated that the RERP training was for Vermont Yankee training and the stipend was paid for how many hours were worked or not worked. Girs suggested that OEM provide a written report at each selectboard meeting, just as is being requested of code enforcement. It was noted that funds from Vermont Yankee will be expiring on June 30, 2016.

VanCor suggested that the OEM purpose be redefined and what the intent is before budget time for that position. Roscoe noted that the new director needs to be trained and she needs to stay within the budget with the hours that she charges. McKeon noted that major piece for OEM was for the impending doom of an accident at VY. Carrier noted that the town has been getting reimbursed by the State for RERP expenses. The board has been provided with monthly budget status reports for that department. Roscoe suggested that the board consider going to a stipend after the reimbursement ends and it needs to be addressed. Roscoe added that the OEM director is an employee.

The board agreed to allow the OEM director to attend the conference on June 9 and future conferences will need to be reviewed.

Elaine Levlocke requested the board approve the appointment of Sarah McLeroy as OEM Health Officer as a volunteer position. The job description for that position was reviewed by the board.

McKeon moved to appoint Sarah McLeroy as the OEM Health Officer. Roscoe seconded the motion. Vote called: Yes – Roscoe & McKeon; No – VanCor
The motion passed by majority vote.

- **OEM Director Status**

The OEM director is a town employee, per the town attorney based on the US Dept. of Labor rules. Roscoe will speak with the director to notify her that VY funding ends in June and noted that the board will need to revisit the stipend for this position. OEM Director status will be put on Old Business agenda for future board meetings. McKeon suggested that Roscoe cover the topic of changing the compensation fee from an hourly to splitting it up from June 30 to the end of 2016 with a stipend. With the remaining balance of the budget split for the time frame of June 30 until the end of the year. Roscoe noted that this will also move her from employee status to stipend status.

- **RERP Invoices July 2016**

Starting July 1, RERP (reimbursement for expenses related to Vermont Yankee) will no longer be reimbursed, based on actual expenses. Over the next four years the town will receive a flat fee of \$8,000, then \$3,000, then \$2,000. Starting July 1 Carrier will continue to categorize the RERP expenses through the RERP budget, i.e., phone and heat, but the town will not be reimbursed dollar for dollar.

- **Broadband Studies RFPs**

Roscoe noted that six RFP's were received for the broadband studies from six different companies. Roscoe reviewed them with his committee and they chose Interisle, from Massachusetts, as their recommendation to the board. The committee determined that this was the best fit for the town because the bid was within the budget, he is very qualified and he had no affiliations with companies running other businesses and is strictly a consultant.

VanCor moved to hire Interisle as the consulting firm. McKeon seconded the motion.

Discussion: There were no references given on the RFP from Interisle.

The vote was called: *The motion passed unanimously.*

Roscoe will contact Interisle to get a draft contact.

- **ZBA Lawsuit - Hodgkins**

The ZBA chairman and town clerk were served with a summons for a Zoning Board Appeal brought by Robert Hodgkins III regarding the ZBA hearing held on April 12, 2016. The board will turn the document over to the town attorney and will request reimbursement for attorney fees. The board requested that code enforcement send a letter of the violations to Hodgkins.

- **Code Officer Report**

Highlander Arms: The code enforcement noted that there has not been a Certificate of Occupancy issued for the Brook Street facility.

McKeon noted that at the June 8 Selectboard meeting, there was a discussion on various deficiencies or non-compliances for Highlander Arms on Brook Street, one being a violation for conditions from the State that was noted for the (Planning Board) application. The board agrees that no Certificate of Occupancy be given until all deficiencies or non-compliances have been corrected on the Brook Street property.

The violations have not been corrected at the Rt. 63 property, one of them being the number of employees. The State of NH requires a quarterly report of employees regarding employee taxes. The board will notify Robert Hodgkins that they would like to receive a copy of that report so that it will provide the board as to whether he is in violation of the number of employees at the Rt. 63 location. The remainder of the items need to be addressed also. There should be a letter of violation sent the same as for the Lanoue property.

Gateway Preserve: No certificate of occupancy has been requested, since there is still work to be done on Unit A. Unit B is still not roughed in. Inspected erosion control and plantings per plan. Plantings match plan. No evidence of soil erosion from last storm, although someone reported that drainage ditches overflowed during the storm this past weekend. There was not a significant amount of silt in the silt dams or rip-rap. Suggested the complainant bring photos next time so code enforcement can file evidence in property file to base any enforcement on.

Barbara Girs provided a video to code enforcement of the water flowing off the driveway with the mud going into the culvert under the road and the water going around the dam. The water and mud was flowing into the wetlands. McKeon stated that there should be silt fencing on the toe of the slopes and should remain in place until significant growth has occurred, which is the first cutting of the grass. There should be periodic maintenance of the dams at the silt fencing.

Well Water Testing: All test results for public water supplies at North Beach and Wares Grove came back negative. Tests completed prior to opening of these beaches and all results filed in cabinet near code enforcement desk. Monthly tests will continue through summer (through EAI).

1763 Route 9 – Mark Lanoue Property: Six (unregistered) vehicles are still remaining on the property as of June 8, 2016.

The board requested that code enforcement send a letter of the violation to Lanoue.

Building Permits: Inspections have picked up pace, as projects around town progress. 28 building permit renewal letters were mailed out for expired building permits.

Gale Property (9A – Lake House Application: Third party review and building plans for impermeable surface percentages was completed by SVE and reports were forwarded to the BOS. Permit still on hold, per request of BOS to have DES visit site. DES report received June 8 and forwarded to BOS.

Spofford Lake: Code enforcement has been receiving calls regarding potential projects around the lake and research was done regarding setback, wetlands, shorelands, buffers, etc. or referred several directly to DES for follow-up.

Bob Duso has been performing building inspections as assigned when he comes in on Wednesday.

The board requested the number and type of building inspections being done by Duso.

Jeff Scott requested that copies from the code enforcement officer be made available to the general public at the Selectboard meeting. VanCor noted that he didn't feel that it was necessary because the reports are being read at the meetings.

- **Next Week's Manifest**

The manifest will be ready for the board's signatures on Tuesday afternoon.

OLD BUSINESS

Wares Grove Cottage: McKeon spoke with Ryan Lower on air intake and exhaust. No code issues and no further work needed.

Ambulance Options Comm: VanCor requested a change in the May 25th minutes on the Ambulance Options. No other additional information to report.

Town Hall Annex RFP: McKeon will email drawings to Dan Scully.

Boat Registrations/Town Clerk Budget: Senator Molly Kelly will be looking into this and get back to McKeon.

69 Forestview Property Open House: Open House August 13, 2016 – Time: 9:00 a.m. to 3:00 p.m.

OTHER BUSINESS

VanCor requested that changes be made to a paragraph in the May 25th Selectmen minutes to read as follows:

“VanCor asked for selectmen consensus that the town not approach surrounding towns to collaborate on providing ambulance service at this time. We should evaluate that option after getting more information from outside ambulance service providers. McKeon and Roscoe agreed and McKeon noted that other towns would want costs of service and other information available before they would discuss details.” McKeon and Roscoe agreed to have the paragraph changes be made.

VanCor asked for clarity on a letter that the board will be sending the Zoning and Planning Boards regarding reimbursement for third party review. McKeon explained that the town has the option to hire an independent third party representative, i.e., engineer, historical data, etc. The board can deem a third party necessary to help the ZBA/PB to make a decision and that cost would be at the expense of the applicant. The BOS encourages the ZBA/PB to use that option to allow the ZBA/PB to be able to make a more informed decision. Permits and certificates of occupancy can be held up until all payments are made from the applicant for reimbursements.

The Lions Club voted to approve the purchase a “Welcome To Chesterfield” sign, with a cap of \$1,800. The post and installation will be included in the limit for the sign. VanCor will provide a design layout for the BOS approval. Carrier provided information to VanCor on signage from a previous board’s discussion on signage. The Lions Club has also agreed to pay half the fee for another sign next year.

VanCor moved to approve a payment of \$250 from the Patriotic Fund to be paid to the Lion’s Club for purposes of flags and supports. McKeon seconded the motion.

Discussion: Carrier will review the QuickBooks payments to get information on the John Schlichting pole permit request.

Vote called: *The vote passed unanimously.*

VanCor will provide Carrier with a mailing address for the Lion’s Club.

VanCor inquired as to whether the town will be doing any work on the two beaches where there has been erosion issues. Roscoe noted that he has asked the P&R director to come up with a plan for North Shore and Ware Grove beaches to mitigate the issues for a short term plan for this year.

Jeff Bauer was notified by telephone that the town cannot spend any money on a Class VI road, which will include repairing the fences that are on private property in the boat launch area.

McKeon noted that the RSA reference numbers in the ZBA letter are 673:16 and 676:5.

Roscoe noted that P&R opened the beaches on Memorial weekend. It was noted that the new P&R director is doing well, as discussed at their recent P&R meeting. The P&R Commission will be meeting twice a month.

Jeff Scott provided a newspaper article regarding the Swanzey selectmen meeting with residents for coffee and discussions once a month.

Scott advised the selectmen to visit a Crowningshield Road property that is an eye sore which consists of tree cutting and unfinished projects being done without permits. He asked what course of action can be taken to prevent this from happening within the town.

Scott inquired as to whether any action has been taken to have the trailer removed at the clear cutting area on Route 9 where the Christmas trees were supposed to be planted. Scott was advised to check with the code enforcement. Scott also asked if there was any word from DES on the replanting of the Christmas trees. McKeon replied that the 2012 permit was sent to DES. DES replied that the project was closed and there were no violations found. McKeon stated that there was nothing in writing about Christmas trees, only a verbal conversation from the property owner to the prior code enforcement officer.

Carrier received an updated letter of credit from Brown Ltd., based on what the attorney had asked for. The board approved the wording in the updated Letter of Credit from Brown Ltd. The board agreed that Brown Ltd. must now issue it. It will need the applicant's signature.

McKeon moved to go into non-public session per RSA 91-A:3 II (a&c). The motion was seconded by VanCor, which passed unanimously.

Roscoe moved to close the non-public session. VanCor seconded the motion, which passed unanimously.

Roscoe moved to seal the non-public minutes. McKeon seconded the motion, which passed unanimously.

VanCor moved to go into non-public session per RSA 91-A:3 II (a&c). The motion was seconded by McKeon, which passed unanimously.

Roscoe moved to close the non-public session. VanCor seconded the motion, which passed unanimously.

With no other business to conduct, McKeon moved to adjourn the meeting at 8:53 p.m. The motion was seconded by VanCor, which carried.

Respectfully submitted,
Patricia Grace
Secretary to the Selectboard
Approved by:

Jon P. McKeon, Chairman

Date

Brad Roscoe

Date

Norman W. VanCor

Date