

**Town of Chesterfield  
Board of Selectmen  
MINUTES  
September 20, 2017**

**CALL TO ORDER**

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

**FOR SIGNATURE**

- Manifest #38
- Selectmen Minutes – September 6, 2017 & September 13, 2017
- Eversource Pole License
- Croteau Correspondence
- Yield Tax Certification
- Timber Tax Warrant
- Land Use Change Tax

**APPOINTMENTS**

• **6:15 p.m. Joe Warhall – Bennett Road**

Diana Warhall read her notes of road issues on Bennett Road. She noted that Richard Diesl approached their hired contractor and threatened a lawsuit against him for any work that was being done by him on Bennett Road. The Warhalls were told by their contractor that he would not be doing further work on that road. Diana stated that the Warhall's have not been able to get another contractor interested in doing the road repairs. She asked the board what the town can do to allow the work to get done. McKeon stated that the town can't control anyone in town for threatening a lawsuit. He noted that he would look into whether the BOS can assist the Warhalls in their desire to get the roadway work fixed.

• **6:45 p.m. Jeff Scott – Old Town Office Building**

Present: Jeff Scott, Barbara Girs and Ron Rzasa

Scott and the committee would like to start the cleanup of the inside of the old town office building to make it presentable to potential buyers. McKeon noted that lead base material can be placed in the dumpster. If the work, removal, it is a voluntary issue and no monetary gain is involved, there is no abatement regulations requiring permit or notification. All volunteers will be asked to sign a liability release form that was drawn up by Attorney Rebecca Todd for the previous work performed on the building and they must wear dust masks and tyvek suits. Chris Lord will be contacted to provide a dumpster at the site for the clean-up committee.

Scott and the committee members will meet with Chris Hardy to get information on how he was able to restore the Harrisville General Store. The committee will also be meeting the Economic Development Committee to get ideas for moving forward on this project. The committee is also looking for more volunteers to work with them.

• **7:00 p.m. Public Hearing – Fireworks Ordinance**

*McKeon moved to open the public hearing to discuss the proposed Fireworks Ordinance for the Town of Chesterfield. Roscoe seconded the motion, which passed unanimously.*

McKeon stated that the board will hear testimony, concerns and questions on the ordinance. He noted that the board has heard testimony and concerns at previous board meetings and requested that testimony will be limited to new material at this hearing.

Cliff Emery: He noted that the 4<sup>th</sup> of July is a tradition for fireworks around the lake and feels that the ordinance restricts fireworks around the lake. His suggestion was to let the people vote on the ordinance.

Merrill Yeaw: He has concerns that the town may not be able to enforce the ordinance.

Bill Tyler: Approved fireworks for the 4<sup>th</sup> of July only and not “every Saturday night”.

Dan Cotter: He asked if there was is “mechanism” to get the ordinance overturned if it passes. McKeon replied that he will get that information to Cotter.

Bart Bevis: He stated that he had concerns of the distance to comply with where the fireworks can be set off and he doesn’t feel that the ordinance can be enforced. McKeon replied that the State already has regulations that debris can’t go off your property without your abutter’s written permission, and it can’t go over the water.

Bob Brockmann: He asked how people were going to know about this (ordinance). McKeon asked how he knew about this hearing. Brockmann replied that he received a call from Rick (Carrier). McKeon stated that the board will discuss what the process will be to get the ordinance out to people.

Mary Mann: She wants some kind of control over the fireworks. She has found debris from fireworks on her deck from her neighbors setting off fireworks from their deck the night before.

Chas Street: A letter was submitted to the board that was submitted prior to the meeting.

Cliff Emery: He noted that most of the residents around the lake are nonresidents and they will need to be notified of the ordinance. He stated that the PD will have to hire five more men.

Lee Brockmann: Brockmann asked who was going to be responsible for the renters being notified of the new rules and regulations. McKeon replied that this ordinance is not any different than any other ordinance in town.

John Koopmann suggested that renters be notified in their rental agreements in that they abide by the town ordinances and the fireworks ordinance can be included.

Steve McGrath: President of the Spofford Lake Association noted that the SLA members are split approximately 50/50 on passing the fireworks ordinance. He added that the SLA can share the responsibility to notify their members to support the town on the ordinance decision. There are approximately 160+ SLA members.

McKeon noted that the board has taken into consideration the people’s rights to use fireworks and people’s rights to have peace of mind. The board also looked into the area of where there are traditions, i.e., 4<sup>th</sup> of July, New Years and the times that people traditionally expected it to be done.

*McKeon moved to close the public portion for public input. Roscoe seconded the motion.*

Vote called: VanCor – Yes; Roscoe – Yes; McKeon – Yes

*The motion passed unanimously.*

McKeon asked if the board members have any changes of the ordinance. VanCor noted that this ordinance has been discussed at a public forum, the invitational meeting and at least four of the selectmen meetings. He noted that the issue of the fire department has come up as to whether they have the authority to issue citations because of this ordinance. McKeon noted that

the fire department has the authority to issue citations on this ordinance. Roscoe noted that this is not a Spofford Lake ordinance but it is a town ordinance.

*McKeon moved to adopt the municipal Fireworks Ordinance for the Town of Chesterfield, NH with the effective date of November 1, 2017. VanCor seconded the motion.*

Discussion: VanCor noted that the split between those who spoke about the fireworks being a heritage and the other people saying that they want to ban fireworks completely is about a 50/50 split. VanCor also noted that this ordinance is not intrusive and it is a reasonable thing to do and is a service to the town.

Vote called: Roscoe – Yes; VanCor – Yes; McKeon – Yes.

*The motion passed unanimously for the Fireworks Ordinance to be effective as of November 1, 2017.*

- **7:15 p.m. Erik Barnes – Parks & Recreation**

VanCor reported that Chris Lord will be installing hay waddles at Wares Grove and North Shore beach, starting within the next two weeks for the erosion issues. Silt fencing will be put in place during the winter months, in anticipation of further erosion at both beaches. Shoreland and Wetland permits will require engineering plans. McKeon noted that the board is working with DES to get the water out of the parking lot and redirect the water runoff from the parking area. Retaining walls will be required at North Shore beach to have water flow to a swale. The road agent will send P&R the bill for the waddles to be installed at both beaches.

#### **FOR DISCUSSION**

- **Suggestion Box**

None submitted.

- **Public Comment**

Bill Hutwelker, local realtor, noted that his realty office is expecting to close on a property in town in approximately a week and wanted direction from the board on the boat slips for that property in conjunction to a home occupation. McKeon noted that in the Spofford Lake District, that is not a permitted use. Zoning Reg. 203.6a lists the permitted uses within that district and that use does not fall under any of those permitted uses. That said, it would be up to the owner(s) to provide documentation to the Planning Board in that the slips have been there as a pre-existing nonconforming use. That documentation would also need to prove how many slips were there, if it were there prior to when the regulation went into ordinance for the Spofford Lake District. If it was there, then it can't be expanded from what was already there at inception of the ordinance. It would also need to stay within that footprint. Roscoe noted that it must be continuous through the years.

- **Selectmen Minutes Review – September 13, 2017**

*VanCor moved to approve the September 13, 2017 meeting minutes as amended. Roscoe seconded the motion, which passed unanimously.*

- **Code Enforcement Reports**

The Code Enforcement activity reports were reviewed for the week ending September 16. The report included permits issued, field inspections, health issues, complaint follow-ups and violations. VanCor sent an email to the Planning Board secretary asking her to be sure that all parties involved in the Lanoue's Planning Board application to look at the new site plan and make comments in writing, because of all the changes that have taken place. Lanoue was instructed by the Planning Board to provide more copies of the new site plan. Those parties

requested to make additional comments are the fire department, police department, code enforcement and conservation commission. Steve Dumont noted that he has instructed Lanoue to go to the Planning Board for approval before Dumont can inspect that site for possible approval. VanCor noted that there is a change in the parking lot, traffic pattern, container locations and doorways.

Dumont reported that the school's boil order has been lifted.

VanCor noted that there was no documentation included on the call from Kray regarding the Crofut issues on the code enforcement report.

- **Wares Grove Bath House Inspection**

The code enforcement report was discussed for the inspection performed at Wares Grove Bath house and concession stand, due to a follow up of a complaint received from a resident of poor conditions and appearance at that location. Barnes stated that P&R will take care of the maintenance items. The road agent will send P&R the bill for the waddles to be installed at both beaches.

- **Town Office Building Cat**

Roscoe noted that the full time resident at the PD is being trained as a working animal. McKeon had concerns that the cat is in the building 24/7 when nobody is in the building. VanCor added that the cat is being used to control the mice issue. McKeon stated that there wouldn't be a mouse issue if there wasn't food available.

*McKeon moved to rescind that approval of the Feline Pilot Program of last week. VanCor seconded the motion.*

VanCor noted that his second to the motion was to further discuss the issue.

It was noted that no vote was taken for approval of the Feline Pilot Program presented at the September 13 meeting.

*McKeon withdrew his motion. VanCor withdrew his second to the motion.*

The current dog policy states that dogs must be under control either by being on a leash or controlled in hand at all times. Under the ADA guidelines, a service animal is required to be on a leash or controlled in hand at all times.

*McKeon moved that the board speak to the police dept. to alter the discussion of last week regarding the cat staying in the building 24/7 and not being a resident, with the possibility when people are not there, as a so-called service animal.* There was no second to the motion and no vote was taken.

McKeon will follow up with the Chief Chickering for not allowing the cat to reside in the building 24/7.

- **Town Meeting Date**

The board set the date of March 17, 2018 to schedule the business portion of the Town Meeting. They will coordinate the start times with the school. Elections will be held on March 13.

- **Building Maintenance Plan**

The board discussed items on the Capital Maintenance Plan through year 2022.

McKeon will review items to be inspected for repairs or replacement. The board will seek quotes for painting the outside of the Historical Society building.

- **Selectboard Draft Rules of Procedures**

The draft Selectboard Rules of Procedures was reviewed and the board will discuss their recommended changes at the September 27 board meeting.

- **IRC 2014 Certification Material**

The board approved the purchase of 2014 IRC materials to be used by the Code Enforcement officer.

### **OLD BUSINESS**

Spofford Place: Grant denied from DES. VanCor will review documents/materials/engineering reports to get history on the project of Phase I and Phase II. John Koopmann will contact J.B. Mack.

Town Hall Annex RFP: ADA bathrooms, town meeting – 3 warrant articles from September 6 meeting. Options: Full design/ADA bathrooms/design study.

Old Town Office Building: 2018 warrant article to demolish. Open for other options.

Committee Memberships: Vacancy in EDC. May have someone interest to serve as representative to SWRPC. Invite interested individual to next board meeting for filling an alternate position to ZBA.

Spofford Hall: Signed 155-B:2 order sent to District Court.

Bruce Beach Settlement: Chris Lord has Knox box and will get it installed.

29 Wildwood Rd.: Bids due November 2.

McKenna Way Ravine: Engineering firm found issues at the ravine.

Improve BOS Notifications: How/when to notify BOS. Levels of emergencies determine phone call/text message or other process of notification. OEM director should be asked for suggestions.

Review Sealed Minutes: To review sealed minutes by BOS. To be scheduled.

### **OTHER BUSINESS**

Roscoe noted that the application for the solar project was pulled at the ZBA meeting of September 12. He stated that the application for ZBA was not required. The recommendation was for legal counsel to be contacted for their recommendation to move forward. VanCor found documentation whereby DES has declared that property to “be clean” at Rt. 63 and Stage Road upon their inspection. Roscoe noted that the estimate cost for solar array installation is approximately \$300,000.

Roscoe reported that the Chesterfield Fire Department voted not to allow a volunteer to join their department as a volunteer during a recent meeting. The reason given was because that person did not live in town, even though they had been working with the other members. The fire commissioners will be looking into this decision.

VanCor discussed a free grant for culverts administered through DOT to SWRPC. SWRPC will take a survey of all road crossing culverts that consists of access, drainage, wetland crossings that the town owns, maintain road segments, create a geospatial, design a map book, identify all of the stream crossings, etc. VanCor suggested that this be scheduled for next year. Chris Lord currently has a list of all the culverts.

VanCor reported that, at the September 18 Planning Board meeting, the PB did not receive the documentation that they requested from the property owner at the Lanoue site with the changes that has been done on that property. That hearing was continued to mid November.

VanCor noted that the Spofford Fire Department has received a copy of the draft Fireworks Ordinance, per their request prior to their meeting of September 18.

VanCor stated that he requested that Ron Bell be invited to this meeting tonight to get more information on the erosion issues. Carrier stated that Bell has been scheduled to be on the agenda for September 27. The board will write Bell a letter to terminate further work with him on this project.

McKeon will contact the State Liquor Commissioner to discuss the proposed changes at the new Route 9 liquor store in that any changes need to go to the Planning Board.

McKeon requested that Carrier provide written safety procedures to be in place for each department and that the departments have alternate means of retrieval. The qualified person must be able to identify safety issues and hazards, have authority to fix them and have authority to shut down the project.

Carrier reported that he attended a recent solid waste workshop for DES. The board noted that it is not necessary for Carrier to be certified for the solid waste program. They noted that Chris Lord oversees the Transfer Station.

A letter from Ken Walton, Chairman of the Chesterfield Library Board of Trustees acknowledged that the trustees unanimously voted to recommend Gail Fleming for a one-year term to serve as Alternate Trustee.

*Roscoe moved to accept the recommendation of the Library Chairman for Gail Fleming to serve a one-year term as Alternate Trustee. McKeon seconded the motion, which passed unanimously.*

Grace noted that, under Article II 203.6c, there is a typo that changes the meaning of that variance. The typo was “portable” which should have been “potable”. McKeon stated that he would look into how that gets changed.

- **Public Comment**

John Koopmann felt that it is not economical for police cars to be used by the PD staff for attending conferences, as discussed during last week’s meeting.

- **Nonpublic RSA 91-A:3 II (e) – Pending Litigation**

*Roscoe moved to go into Nonpublic RSA 91-A:3 II (e) Pending Litigation. VanCor seconded the motion, which passed unanimously.*

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

*Roscoe moved to seal the Nonpublic minutes. VanCor seconded the motion, which passed unanimously.*

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

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

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

*Roscoe moved to seal the Nonpublic minutes. VanCor seconded the motion, which passed unanimously.*

*With no other business to conduct, Roscoe moved to adjourn. VanCor seconded the motion, which passed unanimously. The meeting was adjourned at 10:31 p.m.*

Respectfully submitted,

Patricia Grace  
Secretary

Approved by:

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Jon P. McKeon, Chairman

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Date

\_\_\_\_\_  
Brad Roscoe

\_\_\_\_\_  
Date

\_\_\_\_\_  
Norman W. VanCor

\_\_\_\_\_  
Date