

**Town of Chesterfield
Board of Selectmen
MINUTES
September 19, 2018**

CALL TO ORDER

Chairman Jon McKeon called the meeting to order at 6:00 p.m. Also in attendance were Norman VanCor and Alissa Fox, Town Administrator.

Selectman Jeanny Aldrich requested to join the meeting via Skype. Aldrich was unable to attend this meeting because she was working out of the state. No one was in the room with her.

McKeon moved to allow Aldrich to join the meeting. VanCor seconded the motion, which passed unanimously.

- **Selectmen Minutes Review**

VanCor moved to approve the minutes of September 12 as amended. Aldrich seconded the motion. The motion passed by unanimous vote.

GUESTS

6:15 p.m. - Chris Lord – Non Public RSA 91-A:3 II(a)

VanCor moved to go into nonpublic RSA 91-A:3 II(a). Aldrich seconded the motion, which passed unanimously.

VanCor moved to come out of Nonpublic. Aldrich seconded the motion. Motion passed unanimously.

6:30 p.m. - Chris Lord & Julianna Chickering – Transfer Station

Stickers: New stickers will be issued starting January 1, 2019. This is to help eliminate the misuse by non-residents. There was a discussion on what can be done to be sure that residents only are using the Transfer Station. The new stickers will be placed on the passenger side windshield of the vehicle. Also a decision was made that the practice of stickers on plexiglass in the vehicles will no longer be allowed. The use of the sharing shack is for residents only.

7:00 p.m. - Parks & Rec

Present: Joe Hanzalik, Dewey Auger and Fran Shippee

McKeon noted that better communication between the BOS and the P&R Commission is needed for clearer understanding of what is needed to get a plan moving forward.

VanCor noted that the BOS and P&R Commission were not notified in advance that lifeguards were not available at a critical time at the beach. The BOS and P&R Commission agreed to set up signs noting that there would be no lifeguards available and the beach would not be shut down. Arrangements were made by the P&R Commission chair on the newly purchased truck for the P&R. The BOS didn't get involved until after it was discovered that the truck was purchased. The truck came with several issues.

The P&R Commission asked about the review process for the director. The BOS stated that it is the responsibility of the P&R Commission to perform an evaluation of the P&R director of her job performance. The BOS will review that evaluation and recommendations from the

Commission. The Commission and the BOS will meet and discuss this prior to the presentation to the Director. At the presentation the Commission will present with support from the BOS. The new public works director will work from a list of maintenance items moving forward at North Shore and Wares Grove Beach. McKeon suggested that the P&R Commission meet with the BOS on a monthly basis. P&R will meet with BOS on October 17 to go over the budget.

The BOS has been working toward a resolution for the drainage issues at both beaches and an RFP will be going out for that work.

8:00 p.m. - Elizabeth Benjamin

Present: Elizabeth Benjamin and Attorney Michael Bentley

Benjamin was asked to attend this meeting to discuss a complaint that the Selectmen received. Attorney Bentley, representing Benjamin, asked that the board go into a nonpublic session to discuss the complaint. Bentley stated this must be done as it may relate to the discipline of an employee and adversely affect the reputation of a person under RSA 91-A:3 II (a&c). He stated Benjamin is not requesting a public hearing. McKeon stated that the Board of Selectmen have received legal advice from the town attorney and NHMA on the needs for a non-public session for discussion of a complaint involving the Tax Collector. Both stated the discussion should be in public session with the NHMA stating it MUST be in public session.

VanCor asked Bentley why he thinks that the Tax Collector would be protected under nonpublic. Bentley stated that if Liz said she wanted it in open session, then it's a non issue. He added that, to the contrary, she wants the benefit of the nonpublic session because, what we understand that there was a complaint. Bentley stated that he felt that the purpose of the meeting would be to have a full, fair and open discussion of the subject matter, which he is prepared to do in nonpublic session. Bentley continued that under Subsection "c" "matters that, if discussed in public, would adversely affect the reputation of someone" and that's the Tax Collector. McKeon noted that Benjamin is an elected official and therefore is not an employee. The statute that Bentley is citing does not specify elected officials, only employees.

VanCor stated that the BOS should do what is right for the town and to go into nonpublic would be a disservice to the town. Bentley stated that he did not have a problem for this discussion to be postponed for the purpose of the town seeking legal advice as to clarification. He wants to have a fair and open discussion and there is a disagreement as to what form that should be. McKeon state that, in fairness to Liz, the Mainhoods and to the Town, that we postpone this until September 26. At that point the BOS will have the RSA from the town's legal counsel.

WEEKLY REVIEW

SUGGESTION BOX

Two suggestions:

1. Town pool – no action taken
2. Was the large inboard powerboat sinking and recovery on Lake Spofford reported to DES? If not, why not? It's State property and there had to be some direct or some incidental pollution – save Spofford Lake.
Chris Lord noted that Chesterfield Fire Chief Rick Cooper was there and reported the incident.

• Code Enforcement Report

The Code Enforcement activity report and violation tracker was reviewed by the Selectmen for the week ending September 15. The report included permits issued, field inspections,

complaints and violations. It was noted that the tracker is easier to follow the processes but there didn't appear to be any movement on the items.

- **Public Comment**

Darlene Smith of 410 Pond Brook Road stated that this year was the worst beach conditions that she has seen and the staffing was down. She was also concerned that the P&R director was not a certified lifeguard. She reported that on August 27 the beach had 150 people, the temperature was 90 degrees and the bathrooms were locked. The director stated that she had no staff to clean them.

OLD BUSINESS

- **Town Hall Annex Plans**

The BOS will discuss the proposals at their meeting on September 22.

- **Former Town Office Plans**

The Select Board decided to postpone the ZBA Rehearing for Clarification on the variance until the October 9 ZBA meeting because there were only four ZBA members present at the September 11 meeting.

- **Progress on Erosion Issue on Town Owned Beaches**

VanCor stated that he has left messages for David Mann to get the boundary lines on Wares Grove. A print showing the boundary lines will be required by NHDES when applying for permits. A new survey may be required. A budget number will be needed for remediation.

- **Parks & Rec Cottage (HVAC, Insulation) and Beaches Condition**

Osterman has installed one unit and will be installing the other unit next week. Spray foam insulation will be used below the floor deck. Hanzalik is working on getting quotes for the North Shore roof. McKeon will try to get a price on the spray foam system by September 22.

- **Town 3-D Topo Map, Roads, Zoning, Features Update**

Tabled.

Camp Spofford Agreement

VanCor has a map of the property as it is today. The BOS will meet with legal counsel for a non meeting on September 26 at 5:00 p.m. at the Town Offices.

- **Article 21 – Painting and Maintenance Historical Society – RFP Deadline Sept. 26 at noon**

An RFP has gone out for this project.

- **Transfer Station**

- Stickers, renewal time frame, display area – Was discussed earlier at this meeting..
- Over all view of Transfer Station, fees, cost revenues and expenses – Chris Lord will prepare a budget one week prior to meeting with the BOS.

- **Capital Maintenance Plan – To Do List**

The plan will be reviewed at the September 22 meeting.

NEW BUSINESS

- **NH Association of Assessing Officials Election Ballot**

There is only one contested ballot (Hillsborough Director).

McKeon moved to have Alissa Fox check the boxes for voting on the election ballot. VanCor seconded the motion, which passed unanimously.

- **Letter from Scott Rolfe – Timber Harvesting on Pisgah**

Scott Rolfe is the Regional Forester for the timber harvest in Pisgah. He has requested to be on the October agenda for the Conservation Commission to explain the process. The forester is required to supply the BOS with the information of the road having been discontinued.

- **Town Administrator Evaluation Review – Nonpublic RSA 91-A:3 II(a)**

VanCor made a motion to go into nonpublic per RSA 91: II (a) Seconded by Aldrich.

Vote: VanCor - yes, Aldrich - yes and McKeon - Yes.

McKeon moved to come out of Nonpublic. VanCor seconded the motion. Motion passed unanimously.

OTHER BUSINESS

The BOS requested permission from the property owner, next to the boat launch on Spofford Lake, to hang a banner that states the fireworks is by permit only. The owner did not grant the approval.

Fox reported that there is nothing of concern by the State of New Hampshire regarding the dam at the lake and there will not be an inspection made by the State until next spring. The water levels will be documented on a weekly basis.

The Board hasn't received a response from the North Shore abutter on removing their utilities to date.

McKeon will follow up on the sign that was placed at the corner of Poocham Road and Route 9.

There was a question of cost for builders risk insurance for the Annex project. Primex answered that there is no additional charge for the builders risk for the Town Hall Annex.

The Gateway developer must provide the BOS with the required documentation laid out in the Zoning and Land Use Regulations for Gateway Drive before a review for the bond type can be changed to a maintenance bond.

The Spofford Fire Precinct has a replacement boat. They discussed raffling the older boat. McKeon noted that if it's precinct property. It is town owned property and must be accounted for in that manner.

VanCor met with Chris Flagg on mowing Wares Grove. Any additional work for his group would become a burden in that they are currently scheduled to work 21 hours per week. Chris will look at the mowing possibilities of the P&R.

Bruce Beach has inquired when the town stopped maintaining a portion of Glebe Road. It doesn't mean that he owns the property where the road has been discontinued and the road has not been abandoned.

McKeon moved to strike the three words "for their generator" from the meeting minutes of July 25, 2018 as it was an error. VanCor seconded the motion, which passed unanimously.

McKeon noted that the Planning Board is working on making four adjustments to the sign ordinance. The PB has approved to have a public hearing on the changes. The PB would also like to increase their budget for training. The BOS feels that the training budget line item should be increased to \$1,000. The PB is also be looking to replace their computer. The Planning Board will send a letter to the ZBA requesting that the ZBA review the Zoning Regulations and make suggestions of what they feel needs changes for making the regulations clearer for understanding the ordinances and any added regulations they feel should be considered.

The change in Chris Lord's position was explained during the Budget Committee meeting and the thought by the Selectmen that the cost will be offset by the savings of maintaining as opposed to replacement. The BOS is considering making the ZBA secretary position be a separate part-time position within itself.

- **Public Comment**

Jill Diesl asked if there has been any discussion between the fire and police departments for using the boat for enforcing the fireworks ordinance on the lake.

Jeff Scott encourages that the job descriptions for the P&R director and the commissioners be made clear so that everyone understands their responsibilities.

Scott also noted that he has heard comments made as to why the gazebo was not placed in the center of town. VanCor noted that the property line between the school and the town is not defined and there was a concern of the children using the gazebo during recess.

Fox reported that she received two complaints this week about the town clerk from the police department and the Planning Board secretary.

Non Public RSA 91-A:3 II(a) – Employee Review

Vancor made a motion to go into non public Per RSA 91: II (a) seconded by Aldrich.

Vote - VanCor yes, Aldrich yes and McKeon Yes. Motion passed unanimously.

McKeon moved to come out of Non Public Session, seconded by Aldrich.

Vote - VanCor yes, Aldrich yes and McKeon Yes. Motion passed unanimously.

With no other business to conduct, Aldrich moved to adjourned at 11:25 p.m. VanCor seconded the motion, which passed unanimously.

Respectfully submitted,

Patricia Grace
Secretary

Approved by:

Jon P. McKeon, Chairman

Date

Jeanny Aldrich

Date

Norman W. VanCor

Date