

# Board of Selectmen's Meeting

## MINUTES

March 4, 2020

Jon McKeon, Chair, opened the meeting at 6:03 P.M. Also, in attendance, were Norm VanCor, Jeanny Aldrich, Alissa Thompson and Dara Carleton.

**SUGGESTION BOX: McKeon read note left in box.** The note stated that the author just moved to Spofford, does not like the hours of operation for the BOS, Town clerk or tax collector. They made no suggestions.

### **WEEKLY REVIEW:**

#### Code Enforcement

McKeon sent out an email to staff with a document attached, The ZBA decision on the Lanoue . He noted that the Planning Board received a citizen petition from Mark Lanoue to change the zoning on his property to commercial. McKeon noted that the Zoning Board of Adjustment variance decision of August 9, 2016 states Lanoue agreed he will not go before the Town to ask that his property be zoned as commercial.

#### Parks & Rec Executive Director Report

The Board of Selectmen reviewed the report from Samantha Hill, Director of Parks and Recreation.

### **PUBLIC COMMENT:**

Jeff Scott asked if the Board of Selectmen have a date of the ZBA decision on Lanoue. Aldrich stated that the decision came out on August 9, 2016

### **GUESTS:**

#### 6:30 PM Christopher Oot, Conservation Commission

Oot was invited to speak with the Board of Selectmen. Pam Walton, member of the Chesterfield Conservation Commission, recommended Oot. She stated to Oot that she would like him to join the Conservation Commission if there's an opening. Oot stated that if the Town wants him, he would be happy to be considered. McKeon questioned Oot's background in conservation. Oot stated that he has degrees in civil and environmental engineering. He also stated that he worked for a large and well-known consulting firm whose core business was sanitary engineering and environmental services. Oot stated his role was as a manager but his work was comprised of a lot of projects involving watershed protection and he noted that he understands the science. Oot stated he had familiarity with septic systems, erosion, water quality issues, etc.

McKeon stated that one of the things the Board of Selectmen is asking the Conservation Commission to be more involved in is assisting the Planning Board with submitted plans involving wetlands. Oot stated that he feels he understands the issues and could contribute to the discussion.

Aldrich stated that she wanted to make sure Oot would be able to commit to this as the Board of Selectmen wants to make sure the Town protects its natural resources. Aldrich stated she thinks Oot would make a great partner for the Conservation Commission and what he doesn't know he knows how to learn. Aldrich questioned if Oot will have the time to dedicate. Oot stated yes, and that he is doing it voluntarily at this point anyway. Oot stated he is currently an intermittent employee and that he could get busy for a brief period, but generally has the time.

VanCor questioned if the Planning Board provides the Conservation Commission with applications that have maps etc. and made reference to the recent Lucky Evans easement through the Monadnock Conservancy. VanCor suggested providing residents of Chesterfield with more detail on all open space in town with instruction on when you can go and how. VanCor wants a map and something to distribute and stated the purpose of this land is to save it and enjoy it.

VanCor stated to Oot that the Conservation Commission meets on the last Monday of every month and asked Oot if that would work for him. Oot stated yes. VanCor suggested Oot go to the next meeting before committing. Oot stated that he has read the minutes but would want to attend a meeting first. He stated that he has plans on going to the next meeting and would like to meet the other members.

Aldrich questioned if Oot has taken a Right to Know class? Oot stated he had not. Aldrich wants him to take one and noted that the class is offered several times a year.

#### 6:45 PM Police Chief, Duane Chickering's Quarterly Report

Duane was invited to speak with the Board of Selectmen for his quarterly meeting. Chickering stated that he wanted to notify the Board of Selectmen that there will be some changes to personnel within the Police Department. He stated that there needs to be a frank discussion on pay and benefits to encourage officers to stay here. Chickering noted that he created a PowerPoint presentation in 2011 that speaks to breaking down the actual costs to hire an employee from the start with advertising, to finish, which would be when officers are out on the road. He thinks it is important that the new Board review that presentation. Last time he gave the presentation it was an eye-opener and feels this is important for the new Board to view.

Chickering presented statistics on quarterly topics. He stated that his department pulled 38 criminal cases ranging from sex assault to theft to death investigation, and he doesn't see any real trends. Last year at this time they had 33 criminal cases. Calls for service do not constitute criminal cases, but the police department must document them. There have been 191 so far compared to 143 last year at this time. There have been 11 motor vehicle accidents so far this year, which was the exact number from this time last year. Chickering stated that he had no pressing needs and was also not in need of any resources.

On the topic of assistance from the Board of Selectmen Chickering expressed Voight, for phone service, would be beneficial.

As far as training and goals, Chickering stated that he and Lieutenant Michael Bomba attended a 2-day training by Caliber Press with some real-world up-to-date speakers. Some of the topics included were

Legally Justified Force, Impact of Bias on Objectivity and Trends in Officer Suicides. Bomba had never been to a training where it was this frank and appreciated the opportunity.

Chickering stated he had been to several trainings including a Primex training on officer involved shootings and a training in New Hampshire for mass school shootings. He also attended a POD (Point of Distribution) training as Chesterfield is a POD location. Chickering noted that Mike Chamberlin, OEM Director, is in charge of PODs which are locations that provide medications to the Town. Aldrich questioned what steps are being taking for corona virus precautions. Chickering stated not to believe the hype about masks and wash your hands a lot. Chickering stated that most importantly we are trying to ensure that people do not panic. Chickering will touch base with Sharon D'Eon at the school, but nothing shows we are facing issues.

VanCor noted that the Board of Selectmen signed the agreement with the Hinsdale Police Department tonight. Chickering stated that there is a series of processes happening, but we still need to go forward. We have changed the parameters on coverage and are waiting for their new Chief to be hired.

Chickering noted that what he found in the Town Report final product was greatly changed without his permission. He noted that he approves all reports in the police department with a red pen and is used to proofreading. He stated that he does not allow anyone to make corrections or change the work product without permission. McKeon noted that they had to move forward due to lack of time at the printer. Chickering suggested moving forward we take the report deadline and move it up. Chickering stated if his name is on it, it should be his work. The page in the Town Report was not the flavor he wanted to put out. VanCor stated that next year he and the Town Administrator will do differently. They will start compiling the Town Report earlier. Chickering stated one of his issues was the length of the new report. VanCor stated that he did remove some verbiage. Chickering suggested that guidelines for next year include length specifications.

Duane requested to meet with the Board of Selectmen next month for the above-mentioned Power Point presentation. Aldrich said yes. VanCor thought it would be helpful.

#### 7:15 PM Chesterfield Preservation Group – Marsh House

Jeff Scott spoke for the group and provided plans to the Board of Selectmen. Barbara Girs and Ron Rszasa were in attendance as well. Rszasa stated that he is aware Mr. Jenkins is purchasing the Marsh House but wanted to put in a proposal just in case things fell through. The Chesterfield Preservation Group's initial goal was to save the house from being destroyed. Jenkins buying it reaches our goals. In case he backs out, folks in town would love to see a café on the first floor and a community room. Rszasa stated that the group has filed for their state non-profit certificate, have a business plan, and are ready to launch but this would involve an investment. The 11 x 17 plan you have in front of you is an actual accurate layout. McKeon thinks it is a great idea and asked if Rszasa would mind if McKeon took this the plan and provided Jenkins with a copy. McKeon stated that he knows what Jenkins wants to do but maybe he would see it differently after reading the letter from the Chesterfield Preservation Group. Jeff Scott thought that was a good idea. McKeon stated that code issues could come into play with the proposal as the March House is not zoned as residential.

## **OLD BUSINESS:**

### Town Hall Annex Plans

McKeon thanked VanCor for going to inspect what had been done by DA Brothers to complete the punch list. Although there has been progress, there is still a lot to be done. McKeon stated there are avenues to get the work done. McKeon suggested sending a notice to cure from Attorney Ratigan, who will word things correctly if that is what the Board of Selectmen wants to do. McKeon noted that the Board still reserves its right to inspect the exterior of the building in the spring. We can include all or some of the items to be completed in the notice to cure. The disconcerting part to McKeon is that the punch list was sent to DA Brothers with an expectation and McKeon received no correspondence back from them to indicate that there was an issue in their understanding or ability to complete. It is now 2 weeks since the deadline to finish.

VanCor stated there is a great deal of painting to be done, but the prep work (sanding etc.) is done. DA Brothers is now waiting for sub-contractor to come and paint. VanCor would give them the benefit of the doubt on that. Unfortunately, stated VanCor, there is a lot that has not been done.

VanCor questioned the kitchen south wall where all the sinks are. McKeon stated that DA Brothers was asked to have the sink drain trap turn back directly to the wall and not travel outside the basin of the sink to get back to the wall. VanCor stated that DA Brothers put a sweep in there and did not do as McKeon requested. Instead of a 90-degree pipe, they put a sweep in (it jogs out). Aldrich would think it would be run differently as a matter of course and be something the Board of Selectmen should not have to explain. VanCor stated that item should stay on the punch list.

McKeon asked the other members of the Board how they wanted to proceed. VanCor stated that if DA Brothers contacted McKeon and gave some kind of assurance, he would feel better, but to do nothing is disconcerting. Aldrich pointed out it has been almost four weeks with no contact. The Board of Selectmen agreed to send a notice to DA Brothers stating that the Board is giving them 1-2 weeks to complete the work. McKeon noted the Board should be using all remedies at their disposal in the contract to remedy these issues notwithstanding the notice to cure. Aldrich thinks a week is ample time for DA Brothers to contact the Board of Selectmen.

### Former Town Office Plans

McKeon stated there will be nothing to report until after Town Meeting. At that point there will be a final draft of the purchase and sale agreement and a closing. The only change at that point would be the length of the lease.

### Progress on erosion issue on Town owned beaches

VanCor stated the request from Ratigan is that the Board of Selectmen needs to hear from Anthony Martini by March 1 in reference to stream maintenance to be done on his property. It was noted that there has been no communication from Martini. VanCor noted that there is no urgency for work to be done before they start pulling stone away from that stream. VanCor also noted that the Board of Selectmen are required to put six plants at the end of stream per the agreement. VanCor has them in the ground temporarily and stated that it will be easy to dig them up and transplant them.

### Key Policy

McKeon had Attorney Ratigan review the new Town Key Policy. Ratigan made a few changes. Aldrich stated that she is fine with the policy. Nothing in the policy troubles VanCor. Thompson was asked to come up with guidelines/a threshold for someone to have a key. Thompson stated that Samantha Hill, Parks and Recreation Director, and Bev Wolfe who runs Age in Motion would need a key as they run programs regularly at the Annex. Aldrich questioned the threshold. Thompson explained that Hill uses the space for Zumba every week and for vacation camps which run several days in a row. Age in Motion runs three times a week but would have only have a key from January through April, and then September through December as Age in Motion does not hold classes in the summer. Aldrich questioned if you would be entitled to a key if you are a Town employee. Thompson said the criteria would be continuous use of the building, and not just the fact you are a Town employee. The threshold for groups would be meeting more than once per week. Aldrich requested the criteria be transparent and be added to the form. Thompson noted that the cleaning service has a key so that they could be on-call to clean between functions. McKeon stated the criteria should be added by next week so the Board of Selectmen can approve the policy at next week's meeting.

#### Town Building Rental Policies

Aldrich noted that everything else in the rental policy was voted on and agreed to and it was just the rental fee that was changing. The Town rental policy will now be \$20.00 per hour for residents. Aldrich pointed out the schedule of fees. Thompson stated that use of the kitchen will require a \$50 non-refundable fee.

*Aldrich moved to accept the Town Hall schedule of use fees as amended. VanCor seconded and it passed by unanimous roll call vote.*

#### Wastewater Disposal System Regulations

McKeon wanted to discuss the new regulations pertaining to wastewater disposal systems located in the Spofford Lake district. McKeon requested James Corliss, chair of the Planning Board, speak on this subject as he is the prime author of the regulation.

VanCor noted that he is looking for a map of the Spofford lake District. Corliss stated that he created that map and VanCor could find it on Tricia Lachenal's desk.

McKeon thanked Corliss for getting us to this point. It was noted that although this is not a Planning Board document, the Planning Board was asked to review the document at their last meeting as the Board of Selectmen asked for commentary. At the end of the review the Planning Board was polled and unanimously agreed it would be a good thing to do and encouraged the Board of Selectmen to pursue it. As a result of meeting there were some changes made to the December draft. Town council has looked at the regulation as well. VanCor, who attended the meeting stated that changes were made to some of the verbiage and the form was given a new name to try to make the intent clear.

Aldrich wants to know if the Health and Safety Officer has seen this and what his thoughts were. Aldrich also noted that she wants to see the document with revisions. Corliss noted that the involvement of the Health and Safety Officer, Steve Dumont, is not intended to be intense. The point of the regulation is to move people with dwellings around the lake to have a state-approved septic system. Corliss could see adding some informational pieces to property cards noting if the property is in the Spofford Lake District and whether or not it has an approved septic system. Corliss stated that notification should go to homeowners that have to take action. A refusal too comply would come from

Dumont. Dumont would obtain the plans, look them over and send them to the State who has final approval. Aldrich questioned how this would be enforced. Corliss stated that the Town's involvement would be primarily clerical. McKeon stated that we know what the intent is and one of the issues we need to look at as we move through the process is getting feedback from Dumont. In reference to implementation and notifications McKeon questioned what the impact will be as far as involvement in time.

Dumont questioned making them full systems with leach fields and asked what happens if there is no room for a leach field. It was noted that the State will allow a holding tank if there is not enough room for a leach field. A New Hampshire State-approved system is what we are looking for stated McKeon.

It was noted that the letter requires an inspection every four years of non-approved systems. If it is a new transfer, the current system must be state approved. This will transition properties to come into State compliance.

Realtor, Judy Idelkope, questioned what is required for property transfers. Idelkope stated that in New Hampshire, if you own waterfront property, you have to have a review done by a certified septic installer to determine whether the existing system is viable and if it fails a new system could be put in. It doesn't require a replacement of the system. That is the option of the buyer. Most people have a septic inspection done on a property they intend to purchase. If it is in failure most buyers would not purchase that property. Idelkope stated that there are systems that are 40 years old running better than some 3-year-old system. It depends how people take care of their systems. Bacon grease could cause a 2-year-old system to fail. She noted that she has been out to homes with 40-year-old systems that are functioning just fine.

Idelkope noted that that the Board of Selectmen are talking about \$100.00 recertification fee every four years and \$300.00 - \$400.00 for an inspection plus paying to pump out their system every three years even though the system may not require it. If you have one person in a house using their system lightly there is no reason to require pumping every three years. If you have seven people in house than three years is not enough. It depends on the usage. The same could be said for a cottage that is only used a portion of the year.

McKeon stated that is only for a system that is not New Hampshire State-approved. Idelkope stated that another scenario could be if a system is not certified and functions well, but has a tank less than 750 or 1000 gallons, the tank will not be state approved and the owner may have to pay for the installation of an entirely new system. Corliss stated that he could address some of those questions and that State-approved systems around lakes has been required since 1967.

Idelkope states this will affect property values negatively. McKeon stated that this will preserve property values on Spofford Lake from the Town's point of view and that lake homes account for 24.9 % of taxes collected. Idelkope stated clients will find other lakes more attractive because there are no restrictions. Restrictions don't raise value. You'll become a town known for restricted property. People are incensed and think this is more onerous than it has to be. McKeon thanked Idelkope for her input.

Corliss stated that the proposed regulation accomplishes new requirements that lake properties have State-approved septic systems. The Town is trying to improve pre-1967 systems so that they are not draining into Spofford lake.

Dumont stated that he sees both sides of this issue and that he would just be the enforcer of this regulation. Dumont asked if the regulation affects properties just on Spofford Lake. McKeon stated yes.

Aldrich stated that she is looking at the regulation but what are the consequences for being out of compliance and wants to know what support is needed and how the Town is going to enforce the regulation. She questioned how we will know when people are not in compliance and how much man-time would be required. McKeon stated the Town would send notices to those folks identified by the State. Aldrich questioned who will do this. McKeon stated that would fall under code enforcement.

Aldrich stated she will require more time to review the matter. Vancor agrees. Aldrich stated that the regulation is not a bad thing, but it needs to be looked at it as we do not want a regulation we cannot enforce. McKeon stated that we can hold off on implementation until we have everything in place.

VanCor stated that he supports the plan and that when we look at this next, he wants more feedback on downfalls from Dumont and in the real world if this passed VanCor does not see a path to implement it. The document is good and solid stated VanCor but does not take into account the hours of staff people to monitor 400-500 owners. VanCor questioned the point of regulations we cannot implement. VanCor noted that Dumont may have to triple his hours and questioned who would send out letters, notify realtors, notify property owners, follow up, create and maintain a database, and then what happens if people do not comply. McKeon stated that notification is a form letter every 3 years. Dumont stated that realtors would need to be notified and said that involves getting to know new realtors and going to meetings and that would be time consuming between realtors here and in Brattleboro.

Corliss stated that ideally there should be notes on the property cards. He also stated that once you have a database you would have two kinds of letters to send out for both the unapproved and approved systems. There would then need to be follow-up. Idelkope stated another scenario could be an elderly property owner that lives on Spofford Lake for 40 years and now has to pay thousands of dollars to upgrade. They will they be forced to sell their property. Corliss stated that they are not required to replace a system until the property is sold or transferred and when it is sold, the owner would need State-approved system. McKeon thanked everyone for their participation.

McKeon stated that he will try to devise a plan for implementation before the Board of Selectmen meeting next week. Aldrich wants to look at the possible percent of owners that would not comply. And noted that she does not have a problem with the document but may have an issue with the implementation. Aldrich needs to know how it will be implemented and wants that all to be in place before moving forward. VanCor requested Dumont's comments in writing as they would be helpful. This item is tabled till next week.

#### **NEW BUSINESS:**

#### **OTHER BUSINESS:**

The Board of Selectmen had a brief discussion about the budget being presented at Town Meeting.

VanCor noted that he used WD-40 and silicone on the big doors at Town Hall and noted that did not help fix the issue. McKeon noted that he asked Jeff Scott if he could put two 3.5" spring hinges on those doors.

It was noted that the Mill Privilege land, off of Gulf Road, may remove their conservation easement on the land in order to sell it. The Board of Selectmen stated a while back that the Town would take ownership of the land. They just need to draw up paperwork and deed it over to the Town.

The Town received a letter John Pieper requesting to transition from being an alternate member to a full member on the Planning Board now that Davis Peach resigned. This item was tabled until next meeting.

Cheshire County sent a 10% penalty fee because the Town payment was late by one day. Thompson stated the Town can abate the fee. McKeon requested Thompson follow through with the paperwork for abatement.

The subject of the Library Summer Program was brought up. McKeon requested that Karen LaRue speak with him about the location of the program.

*McKeon moved to enter into non-public session at 8:43 PM for RSA 9-A: III (a) compensation. VanCor seconded and it passed unanimously by roll call vote.*

*McKeon moved to come out of non-public session at 8:56 PM for RSA 9-A: III (a) compensation. VanCor seconded and it passed unanimously by roll call vote.*

*Aldrich moved to enter non-public session at 8:59 PM for RSA 9-A: III (c) reputation. McKeon seconded, and it passed unanimously by roll call vote.*

*McKeon moved to come out of non-public session at 9:11 PM for RSA 9-A: III (c) reputation. Jon Aldrich seconded, and it passed unanimously by roll call vote.*

*McKeon moved to seal the minutes to this non-public session. VanCor seconded, and it passed unanimously by roll call vote.*

*McKeon moved to enter into non-public session at 9:13 PM for RSA 91-A III (e) for purposes of discussing possible litigation. Aldrich seconded, and it passed unanimously by roll call vote.*

*McKeon moved to come out of non-public session non-public session at 9:19 PM for RSA 91-A III (e) for purposes of discussing possible litigation. VanCor seconded, and it passed unanimously by roll call vote.*

## **PUBLIC COMMENT**

Fran Shippee questioned if most people understand the Town rate is only a portion of the taxes and know that the school rate factors in as well. Shippee questioned if the school or other entities put out an explanation sheet like that. Aldrich stated that our responsibility is to the Town and the Board of



Selectmen should not be speaking to the School information or the Fire Department's info. VanCor stated the Board does make it clear that this is the town portion only.

**ACCEPTANCE OF MINUTES**

*Tabled until next meeting. A request was made to have all three Selectmen's changes printed for the next meeting.*

**ADJOURN**

*McKeon moved to adjourn at 9:21 PM. VanCor seconded the motion, and it was approved unanimously by roll call vote.*

Respectfully submitted,

Dara Carleton  
Secretary to the Board of Selectmen

Approved by:

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Jon P. McKeon, Chairman

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Date

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Norman W. VanCor

3/18/20

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Date

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Jeanny Aldrich

3/18/20

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Date