

Board of Selectmen
TOWN OF CHESTERFIELD, NH
SELECTMEN'S MEETING MINUTES

October 6, 2021

6:00 PM

Chairman Gary Winn called the meeting to order at 6:05PM. Also present were Fran Shippee, Kelli Hanzalik, and Jim Barey.

PUBLIC HEARING-ACCEPTANCE OF DONATION FOR POLICE DEPARTMENT

Winn opened the Public Hearing for the acceptance of a monetary donation from Grace Community Evangelical Free Church in the amount of \$35,000 to be used in the construction of a garage for the Chesterfield Police Department. Winn outlined the plan that Lieutenant Bomba had presented a few weeks ago. Winn asked Chief Chickering if there would be minimal electricity for the building. The Chief stated it does not encompass electricity at this point; the intent is to use the four bays for the three cruisers and two mobile speed signs to keep them out of the weather for quicker response times as well as longevity of equipment.

Winn noted that runoff drainage would be addressed in this project as well.

Winn opened the floor to public questions. Don SanSouci a resident of North Shore Road, asked about the drainage. Chief Chickering responded that this would be a permanent fix. SanSouci stated, "Build it."

Jeff Scott asked if it would be on an Alaskan slab. Winn stated from the presentation he believes it will be. Bob Audette, attending virtually, asked if the funds would be coming only from the donation or from the Town as well. Winn stated the Town did not have any money allotted for this project; all of the funds would be fueled by this donation.

Bob Sugarman asked about heating the building. Winn stated there is no heating or cooling, the intent of the building is to keep the weather off the vehicles and equipment.

SanSouci asked about whether the Police Department had spoken with any contractors; Winn responded that they had.

John Koopmann asked what the projected life of the building is; Winn responded that it would be a metal building like the Highway garage, which is holding strong. Winn stated he would hope that this building would not be subjected to the salt slurry like the Transfer Station office, causing more rust.

Winn noted that the intent of the donation is to pay for the building, there is no plan by the Selectboard to add any money to that fund and if any developments like that occur it will be through a Town meeting process.

Winn closed the Public Hearing.

Winn opened the Selectmen's meeting at 6:19PM.

PUBLIC COMMENT

Barbara Girs stated she is not here next week, but Kristin McKeon (Deputy Town Clerk) will be; if the Selectboard or public have any questions they should ask her tomorrow by 1PM.

John Koopmann stated he had concerns about town records or archives and the inability to periodically locate things that are of substantial import for documentation. Koopmann continued, stating over the last 10 years there have been concerns expressed on the subject and the Selectboards over the years have attempted to gain initiative and then lost it. Koopmann stated the Town should support any expenditure to have this legal problem recognized and repaired; he is urging the board to address it. Koopmann stated it would be worth it to spend money or provide temporary staffing to help.

Bob Sugarman asked how far back the Town records go. Winn stated it depends on the records, some of them go back to the founding of the town or as far back as it is capable to track. Winn asked Girs if there were handwritten Town reports. Girs responded that there are certain records that date back to the 1600's, but they are not town reports as we know them. Koopmann stated the Town reports are digitalized at UNH (University of New Hampshire) but there are records that need to be organized and located.

GUESTS-Bob Sugarman-6:30-Watershed Committee & Appeal of Ordinance

Winn recognized Bob Sugarman who stated he hoped not to take too long this evening.

Sugarman requested to have a handout included in the meeting minutes.

Sugarman stated he would like to open a dialogue on fixing the problem with his impermeable pavers. Sugarman outlined the proceedings since installing the pavers in April of 2019, including taking the case to the Supreme Court level. Sugarman stated in the judges' analysis, there was an impossibility of complying with the Town and DES description of impervious surfaces.

Sugarman asked retrospectively how to comply with both. Sugarman stated he attempted to present this open dialogue to the Chesterfield Planning board to present a warrant article to fix the problem, noting that the presentation did not go well. Sugarman stated that he and his wife are not bad people; they did not realize they were not in compliance and went ahead with everything thinking they only needed DES approval. Sugarman stated that the costs of installing the pavers and updating the house came at an astronomical financial cost, but they were concerned about the lake and relied on the contractor they used for the necessary permits. Sugarman stated that they thought they were totally in compliance.

Winn stated he would hesitate to enter discussion at this point without legal counsel. Koopmann stated that the Planning Board was urged by counsel to not make any comments regarding this procedure. Sugarman continued that they were very uncomfortable with the situation and the anxiety levels are tremendous. Sugarman stated that by replacing the driveway with pavers, they effectively reduced the impermeable coverage, noting tremendous benefit to the lake and

effectively reducing runoff by well over 90%. Sugarman stated their property could be a model for the town rather than a problem. Sugarman stated that they have gone before the Planning and Zoning Boards and now come to the Board of Selectmen to ask for open communication and possible resolution. Sugarman noted that he needs everyone comfortable to engage in a dialogue without the fear of speaking outside of legal counsel. Sugarman stated that if a compromise is reached, he pledges to remove his motion from the Supreme Court, noting that he was looking for any way to delay the process and let the Board of Selectmen know that they were doing the right thing. Sugarman continued, stating that he is not looking for an answer right now and the Board of Selectmen should agree without forcing the Sugarmans to go back to the other boards. Shippee stated she does not think the Board of Selectmen can answer the question of overruling any of the land use boards decisions in Town. Winn stated he agreed with Shippee and noted that this should be done on a structured basis and the Board of Selectmen needs legal advice as well. Hanzalik stated she would need to hear from the Code Enforcement Officer, the Zoning Board, and the Planning Board to understand more about what is going on before providing any further input. Cynthia Sugarman stated the Board of Selectmen will have to deal with this problem at some point. Winn stated they would take Sugarmans presentation under advisement. Winn stated once it left the hands of the Code Enforcement Officer, it has been out of the Board of Selectmens hands, noting that they would have to ask quite a few questions themselves before providing the Sugarmans with an appropriate response. Sugarman stated tonight, he wanted to extend an olive branch, he was not expecting any answers, but he understands completely. Sugarman continued, stating that trying to start a Watershed Committee is a step in the right direction; it is his firm belief is that the committee will recommend a system like the Sugarmans and it would be a terrible thing for them to remove all of the pavers and then for someone to come back and say it was what was best for the lake. Winn thanked the Sugarmans for their time and reiterated that they needed to ask several questions themselves with legal counsel before making an appropriate response.

OLD BUSINESS

Annex Door-Winn noted the board does not currently have any new information to go on.

Shippee noted she was at the Annex and the oven has a gas leak; she is waiting on a quote for fixing it and cannot guarantee that this would be the only thing to fix. Shippee noted she is also waiting on a quote for a new oven and she suggested a quote for a 6-burner stove and a separate griddle, as well as a quote to fix the dishwasher, which is inoperable as well or new dishwasher. Shippee noted it is more important to fix these things than worry about a new door lock or new tables. Winn asked about electronic ignition versus pilot lights. Shippee responded this would not fix the problem. Winn noted discussion on a new door lock and tables for the Annex would be tabled until the next meeting.

Annex Rental Rates-Shippee stated she is not prepared to discuss this tonight but would like to revisit that. Hanzalik suggested discussing further at the next Board of Selectmen meeting.

Updated Highway Dept Budget-the board noted that the salt price is what changed the budget. Hanzalik stated it moved up to \$98,113. The board decided to discuss this budget further before making a final approval.

Watershed Committee-Winn asked if there were any motions or suggestions for the make-up of the committee as well as its scope.

Gary Winn moved that the membership of the watershed committee be Charles Paquette, Bayard Tracy, Brad Roscoe, Ron Coburn, and Dan Syvertsen. The motion was seconded by Kelli Hanzalik.

Discussion: Winn stated he was looking for individuals who are as close to neutral as possible, noting that one of his recommendations for the scope would be to start with the lake. Winn stated the committee will need to look closely at what affects the lake, noting that he feels that these five are most in line with what the Board of Selectmen are trying to accomplish with this committee; the purpose is to define the priorities around the lake that need to be addressed such as fertilizers and storm drainage. Shippee noted not only outlining priorities but recommendations as well. Winn agreed and included suggestions for prioritization. Winn continued, stating education for the public had a part to play as well. Hanzalik stated everyone on this group that applied wants to help the lake, which is a much broader issue than just water runoff. Hanzalik stated she believes they need a group that can do their research; there was a water shed report from 2018 and that needs to be looked at as well as steps being done regarding septic systems. Hanzalik noted that this will not be the group that decides what will be done but one that makes recommendations. Hanzalik continued, stating it was tough to choose from all the applicants and noted how well each member would work together rather than any specific skill sets or area of expertise that could be brought to the group. Hanzalik stated she believes all the individuals matched all requirements for the committee.

The motion passed unanimously.

Gary Winn moved for the purposes of getting the Watershed Committee meeting scheduled, to appoint Charles Paquette as the chairman until the committee is formed; and then they may choose to vote accordingly. The motion was seconded by Fran Shippee

Discussion: Winn stated this suggestion was made during the committee interviews and he agreed that the Board of Selectmen should put someone in charge of initiating the first meeting; then beyond that they should be able to feel confident choosing their own chairman. Shippee asked if they were aware that they needed to take minutes. Winn stated the Board of Selectmen have not made provisions for a secretary so the committee members will need to keep minutes. Hanzalik stated she is not sure she agrees that the Board of Selectmen naming a chairperson would be best, noting that the Board of Selectmen should contact the members to initiate the first

meeting then the members can vote for their own chairperson. Shippee asked if Paquette even wanted the position. Winn responded that he has not yet spoken to Paquette about it. The motion failed by majority vote (H:N, S:N, W:Y).

Winn noted the Board of Selectmen will take a consensus on getting a meeting date for the Watershed Committee. Shippee and Winn stated they should draft a letter to those who were not chosen to serve. Winn stated the public should be aware that they should feel welcome to include their perspectives to this new committee for discussion.

Camp Spofford Agreement-Shippee noted Alissa Thompson had met with Eric Maher and Dave Marazoff and will update the Board of Selectmen when she returns to work.

NEW BUSINESS

Police Dept Garage- Fran Shippee moved to accept a \$35,000 donation from Grace Community Evangelical Free Church for the purposes of building a Police Department garage by monies to be deposited into the new Police Garage Expendable Trust Fund with the Board of Selectmen as agents to expend; the use of funds will be unrestricted.

The motion was seconded by Kelli Hanzalik and passed unanimously by roll call vote.

OTHER BUSINESS

North Shore Erosion-Hanzalik stated this should be brought up in the Watershed committee discussion.

PUBLIC COMMENT

Don SanSouci stated he is not related to Sugarman, noting that the lake is the issue and what Sugarman did impressed the hell out of him, the drainage is great and what Sugarman did is for the lake and the rules sometimes get in the way of progress. SanSouci stated what he has witnessed between the Zoning and Planning boards is that some individuals get caught up in their own agenda and their own authority.

Sugarman stated, concerning the Watershed Committee, the Watershed Plan set the scope for the committee, noting that his biggest concern with setting the committee up is how long it will take before results are reached. Sugarman stated the Watershed plan was published in 2018 and it has been three years since it was implemented without any noticeable results. Sugarman continued, stating that words are great, but this committee must act quickly; they can make significant suggestions, rather than think it will take a couple months to come up with a scope, the Board of Selectmen should just look at that management plan. Hanzalik noted for the record that about 75% of that watershed plan has been completed already, including the town taking on the septic ordinance which will have a significant effect and this really came to a head with Steep Slopes and a decision was made to try and get the rest of the Watershed plan done.

SanSouci stated he is impressed with the Board of Selectmen for taking such initiative in helping

to preserve the lake quality.

Jeff Scott stated he believes it was inappropriate for the Sugarmans to make this presentation since it was a legal matter asking the Board of Selectmen to make legal based decisions. Girs noted that it is illegal for the Board of Selectmen to comment on a legal proceeding while the proceedings are in process.

ACCEPTANCE OF MINUTES

09/22/2021-Fran Shippee moved to accept the 09/22/2021 minutes as amended. The motion was seconded by Kelli Hanzalik and passed unanimously by roll call vote.

09/22/2021 Non-Public #1-Fran Shippee moved to accept the 09/22/2021 Non-Public Session #1 minutes as written. The motion was seconded by Gary Winn and passed unanimously.

09/22/2021 Non-Public #2-Fran Shippee moved to accept the 09/22/2021 Non-Public Session #2 minutes as amended. The motion was seconded by Kelli Hanzalik and passed unanimously.

09/22/2021 Non-Public #3-Fran Shippee moved to accept the 09/22/2021 Non-Public Session #3 minutes as written. The motion was seconded by Kelli Hanzalik and passed unanimously.

10/01/2021-Kelli Hanzalik moved to accept the 10/01/2021 meeting minutes as written. The motion was seconded by Fran Shippee and passed unanimously.

Barey noted that Erin Citron had begun training with him in the Selectmen's office on Monday and was doing a wonderful job so far.

Gary Winn moved to enter Non-Public session #1 per RSA 91-A:3II(a) for the purposes of discussing matters pertaining to the dismissal, promotion, or compensation of any public employee. The motion was seconded by Fran Shippee and passed unanimously.

Gary Winn moved to come out of non-public session #1. The motion was seconded by Fran Shippee and passed unanimously.

Gary Winn moved to seal the minutes of Non-Public Session #1. The motion was seconded by Fran Shippee and passed unanimously.

Gary Winn moved to enter Non-Public session #2 per RSA 91-A:3II(a) for the purposes of discussing matters pertaining to the dismissal, promotion, or compensation of any public employee. The motion was seconded by Fran Shippee and passed unanimously.

Gary Winn moved to come out of non-public session #2. The motion was seconded by Fran Shippee and passed unanimously.

Gary Winn moved to seal the minutes of Non-Public Session #2. The motion was seconded by Fran Shippee and passed unanimously.

Fran Shippee moved to increase the revised Highway Budget for 2022 by \$200 to \$849,523. The motion was seconded by Kelli Hanzalik and passed unanimously.

The next meeting will be held on October 20th, 2021 at 6PM.

ADJOURN

Fran Shippee moved to adjourn the meeting at 11:45PM. The motion was seconded by Kelli Hanzalik and passed unanimously.

Respectfully Submitted,

Jim Barey
Board of Selectmen Secretary

Approved by:



Gary Winn, Chairman

11/2/2021

Date



Fran Shippee

11/2/2021

Date



Kelli Hanzalik

11/3/2021

Date