

**MINUTES OF THE SELECT BOARD
MONDAY, FEBRUARY 17, 2015 - 10:00 AM**

Present: Patty Scholz-Cohen, Chair, Lorn Buxton, Selectman, David McGuckin, Selectman and Bette Jane Riordan, Secretary

Also present: Jim Cerny, Reggie Whitehouse, and State Rep. David Borden

Chair Cohen convened the meeting at 10:00 AM, and proceeded to the first item on the Agenda.

1. Minutes of the Select Board Meeting of February 5, 2015.

Selectman McGuckin made a Motion to Approve the minutes of the Select Board meeting of February 5, 2015 with changes. Selectman Buxton seconded, and the Motion carried.

Chair Cohen adjusted the Agenda to consider the item "Sidewalk Warrant Article" and recognized State Rep. David Borden to speak to this matter.

2. NEW BUSINESS.

a. Sidewalk warrant article.

Rep. Borden distributed a handout depicting the location of the proposed sidewalk for the Baker property to connect with the current sidewalk on Rt-1B.. He reported he had spoken with Phil Baker, property owner last summer, and stated Phil had no objection to the addition as long as no federal, state or local funds were used. The project must be privately funded. He has not heard back from the Bakers since the latest drawing was submitted to them. He has discussed the project with Craig Mussleman of the Rye Select Board. Rep. Borden is talking to NH DOT, which has already approved the larger more detailed site map. He noted that sidewalk is almost in the presumptive right of way, and a small portion would be on Baker property. He stated this is less intrusive project than was previously proposed. The next step is funding of the project. He noted that the DOT may insist monies pass through the Town and then Town pay the bills. This may affect the Town's liability.

Selectman Buxton stated the need to create a trust fund. The DRA (Department of Revenue Administration) has already approved. This item will be a warrant for the May 2015 Town Meeting.

Selectman McGuckin stated the Board needed to finalize language for the warrant article. He made a Motion to create the trust fund and place it on the Town Meeting's Agenda as a warrant article. Selectman Buxton seconded and the Motion carried. The proposed language of the warrant article reads as follows:

To see if the Town will vote to create a trust fund under the provisions of NH RSA 31:19 to be known as the Sidewalk Trust Fund, for the purpose of installing new municipal sidewalks and to authorize the Select Board to accept gift, legacies, devices, or grants if any, which may be available for said purpose; to comply with all laws applicable; and

to be the Agent authorized to expend. No public funds are to be solicited, appropriated, or accepted. (Majority vote required.)

Rep. Borden will notify the other Trustees of the Trust Funds.

Selectman McGuckin asked if the Town had to go out to bid with this project. Selectman Buxton replied no, as these will be private funds, and the contributions are tax deductible. Rep. Borden is waiting to hear from Rye Beach Landscaping who may be the contractor for this work. Selectman Buxton noted that when complete, the sidewalk will be turned over to the Town.

2.b. Tree Proposal.

Selectman Buxton reported that local resident Ann Tarleton proposed planting disease free elm trees on the Island, specifically at the corner of Main and Wentworth. Chair Cohen stated she wants to be sure all abutters are in agreement. The Board agreed that a site walk is needed. Selectman Buxton stated that the proposed site would present a traffic hazard and suggested looking at an alternative site for the tree or to consider a lower growing tree or shrub. Selectman McGuckin suggested the matter be reconsidered after the current snow cover melts and potential site locations are easier to determine. Chair Cohen agreed to contact Ann Tarleton and explain why the proposed location for the elm tree does not work. Jim Cerny noted several problems he's experienced with elms on his property.

2.c. Town Hall Renovation Project.

Jim Cerny asked to address a rumor he had heard about building renovations for Town Hall. He expressed concern that this is going forward following on the heels of the school renovation proposal. Chair Cohen stressed that the budget for the Town Hall project is 1.5 million and proceeded to point out all of the public outreach the Town Hall Renovation Committee has been engaged in, including a survey of the Town, presentation at last year's Town Meeting, postings, and public meetings. Selectman McGuckin stated it was unfair to characterize this as a hidden topic. Mr. Cerny was advised that he was welcome to attend the next public meeting of the Town Hall Renovation Committee on March 3rd. Chair Cohen stated that in addition to the 1.5 million, the Town is hoping to offset some of this expense with grant funding, including an LCHIP grant.

Selectman Buxton stated that this project has been discussed at the Budget Committee Meetings, which are open to the public. Selectman Buxton further explained if both the school and town projects pass, there would be two bond payments, neither of which would affect the tax rates until FY 17. . He pointed out that most of the costs for the school and the town projects are in fact deferred maintenance costs.

Chair Cohen recognized Reggie Whitehouse who asked about dates for the Fire Wards Meeting. The Select Board proposed alternative dates for later in the week. This will be an Executive Session with the Select Board.

3. OLD BUSINESS.

a. Hazardous Waste.

Selectman McGuckin stated he is waiting to hear back from the City of Portsmouth about joining in with them for the disposal of hazardous waste, subsequent to withdrawing from the 53-B compact. He noted that the town is still providing the service this Spring thru 53-B. He stated that the Town of Hampton is still not ready to accept New Castle or other towns.

b. Wireless Facility Overlay District.

Selectman Buxton stated that legal counsel had commented on whether this needed to be updated. Selectman Buxton stated he feels it should be narrowed down. Chair Cohen stated she wants the Planning Board to weigh in on this matter. The Planning Board is scheduled to meet next week.

4. Any other business to come before the Board.

a. Snow Removal Issues.

Chair Cohen stated she had received several messages from Janet Tucker on Cranfield Street regarding snow blocking her front door. Selectman Buxton stated that public personnel cannot be used to remedy private residence issues. Chair Cohen agreed to speak with her. Chair Cohen had spoken with Public Works Director Tabbutt. Selectman McGuckin agreed that he and Steve Tabbutt would meet with Ms. Tucker.

Nancy Gulley called about snow being placed in the parking lot of the Portsmouth Yacht Club. She had spoken with police and the problem was resolved. She was very pleased. If the fence got damaged at all, and it is determined the Town did it, the fence will be repaired.

b. 25 Piscataqua Street.

Chair Cohen stated the Board received a letter from residents VJ Horgan and Craig Strehl relative to this property matter indicating displeasure with the Town's filing a Motion for Reconsideration. Selectman Buxton stated he would provide a response which will state the Town didn't initiate legal procedures, the Strehls' neighbors did.

Selectman McGuckin made a Motion to Adjourn, which was seconded by Selectman Buxton. Motion carried.

Meeting adjourned at 11:25 AM.