

MINUTES OF THE SELECT BOARD
Monday July 25, 2016 – 7:00 PM

Present: David McGuckin, Chair, Bill Stewart, Selectman, Tom Maher, Selectman and Bette Jane Riordan, Secretary.

Also present: Brooks and Mary Kennedy, Holly Biddle, Judy Hiller, Jim Cerny, Andy Schulte, John Ireland, Normand Houle, Walter Liff, Tom Brown.

1. Approve Select Board Minutes of June 20th and July 11, 2016.

Selectman Maher made a Motion to Approve the Select Board minutes, as amended for June 20th and July 11, 2016. Selectman Stewart seconded and the Motion carried.

2. Public Question and Answer: None.

3. Items.

a. Kittery Point Yacht Club update.

Selectman Stewart stated that the Commodore of KPYC wrote to the Select Board July 20th asking for clarification on compliance of the club's sailing program. After discussion the Board moved and voted to accept the letter and place it on file. Judy Hiller, 18 Manning Street, Portsmouth and board member of KPYC stated she had not seen the letter and asked for the Town's position on the permitting of the sailing school. Selectman Stewart stated the matter was closed. Chair McGuckin stated the Select Board does not see any issue, and she was welcome to file a complaint.

b. Ritson Street Right of Way.

Selectman Stewart gave a summary of the matter of 18 Ritson Road (at the corner of Davison and Ritson) which involved encroachment into the Town's Right of Way. The matter has been resolved via an agreement with all parties. The dock and retaining wall were rebuilt; however it was closer to the boundary line than what was allowed. The Conservation Commission complained to the Select Board. The State (NH DES) is investigating, but this will take some time due to being understaffed. Selectman Stewart noted that the agreement was very specific, and now there is obvious non-compliance. The Select Board needs to decide the next step.

The retaining wall is slightly over the line, the dock more so. The dock stairs are the primary concern. Selectman Maher asked if in fact the retaining wall was non-compliant. Chair McGuckin stated the Town had given up some of the ROW, but now it is even smaller due to the encroachment. Selectman Maher stated this needs to be corrected. Chair McGuckin opened the matter to the public.

Brooks Kennedy of Davidson Street and an abutter to the site stated that the new dock is eight feet closer to his dock and is concerned about likely interference with his area. He stated the dock should be moved to where the plans specified it should be. He did not have any complaints about the retaining wall or steps. Brooks confirmed that he had spoken

with NH DES Eban Lewis, who concurred that there were violations. Mary Kennedy stated she and her husband had notified the Select Board in January of the problem.

Selectman Stewart asked if the Select Board should write to the State concerning this matter, as there were a variety of concessions previously made, and the construction was not done according to specified plans. Both the State and the abutter need a response from the Select Board. After further discussion, Selectman Stewart agreed to draft a letter to the State, with copy to the abutter, and have legal counsel review.

Jim Cerny, Town Historian stated he has been researching Town right of ways and noted he could not find a survey commissioned by the Town. Selectman Stewart stated that in fact James Verra had done a survey. Andy Schulte noted that zoning violations have penalty fines of \$275.00 per day. Holly Biddle questioned if the other abutter was notified of this meeting's agenda. Chair McGuckin stated it was on the posted Agenda. Mary Kennedy stated she had invited the Benways to come to the meeting.

Chair McGuckin made a Motion to have Selectman Stewart draft a letter to the State, Benways and Kennedys regarding the encroachment. Selectman Maher seconded, and the Motion carried.

c. Water and Sewer rates.

Chair McGuckin stated that effective July 1 the sewer rate is up 4%. Effective January 1, 2017 the water rates will increase as Portsmouth's prior charge of \$.81 is going to \$3.35. With that in mind, Chair McGuckin stated Normand Houle and others from Water and Sewer Commission have been working on what the billing process would look like for consumers.

Normand Houle began his presentation indicating he had been working 2 years on this project of "zero-based" billing. He researched what it would cost the Town to run a water and sewer billing process. In order to do this a full knowledge of depreciation was critical. His figures: \$58,123 to run water utility and \$81,134.00 for sewer. As to the "Why and When" he recommends eliminating the current 20 unit minimum starting with the December 2016 bill. This would avoid sticker shock with the next April 2017 bills. All of Norm's research is available at Town Hall. He explained that much of the rise in costs are due to the prior Town government's woefully inadequate actions regarding depreciation and setting aside sufficient reserves over a number of years. Now they need to make adjustments on a yearly basis, and the Water & Sewer Commission will have to scrutinize the budget. Norm suggested placing a note of explanation in the August bills. Norm stated that the Town Accountant has recommended establishing a fund, a line item in the budget for set aside. He noted that former Selectman Lorn Buxton and Deb Knowles (Town Accountant) had good insight on the numbers involved to be revenue neutral. Chair McGuckin thanked Norm, Walter Liff and John Ireland for all of their efforts. He explained that the Town had gone twenty years without a contract with Portsmouth leaving the \$.81 unchanged. Instead of having a 300% increase, he approached Portsmouth to allow a graduated stepped up billing cost, however Portsmouth said no.

Walter Liff Chairman of the Water & Sewer Commission stated the Commission is 100% in favor of zero based billing. John Ireland agreed and stated that zero based billing will be more accurate in terms of budgeting. After further discussion, Chair McGuckin stated there was no urgency tonight but the matter will be reviewed. It may be that Island Items will be delayed until after the next Select Board meeting so that information can go out to consumers once a final decision is made. Norm stressed how important it would be for consumers to view the new bills.

d. Accountant Position.

Chair McGuckin stated how important this position is and when Deb retires in March, her replacement needs to have municipal accounting experience. Selectman Stewart stated the Board has already begun recruitment and are progressing with the interview process. Selectman Maher explained the Board is proceeding sooner rather than later, so that the successful candidate can be brought on board. Jim Cerny asked if there could be overlap between the two individuals (outgoing and incoming), and Selectman Stewart stated he hoped to have the necessary funding to allow for the overlap for training purposes.

e. Personnel Reviews.

Chair McGuckin explained that this process has begun. Employee self-evaluation forms have gone out to the employees and all have been returned with the exception of the Fire Department. Selectman Stewart will follow up. Selectman Stewart explained that each employee will meet with the Select Board to discuss their evaluations and performance.

f. Police Grant public hearing.

Chair McGuckin outlined the new grant for \$49,000 for 9 police radios, and the need for a public hearing on whether to proceed. After discussion, the Select Board agreed to have a public hearing on Wednesday August 3 at 10:30 AM.

4. Old Business.

a. Comcast contract.

Selectman Maher stated the Town has signed a six-month extension. He suggested the Town consider charging Comcast for the right of way.

b. Underwood Engineering Study

Selectman Stewart updated the Board on the progress of the studies. The Town has received the Sewer report addressing the set up bypass systems in case of sewer pump failure. He noted that New Castle has applied for a Coastal Resiliency Grant. As for the Water study, he stated a good portion of the flow study has been completed and mapping is ongoing. Overall the Town is on schedule.

c. Fire Boat.

Jim Cerny asked about the Fire Boat acquisition. Chair McGuckin stated the Town was expected to take delivery this week.

d. Extension of the 20 miles per hour speed limit.

Chair McGuckin stated he had received a request from resident of Goat Island to extend the 20 mph limit for safety concerns. Selectman Maher was in favor, but Selectman Stewart was not ready to commit, pending receipt of further data. Tom Brown stated how congested and dangerous the area is near his home, and would be in favor of the extension. John Ireland stated he liked the new electronic sign. After further discussion no final decision was made.

There being no further business to come before the Board, Selectman Stewart made a Motion to Adjourn. Selectman Maher seconded, and the Motion carried.

Meeting adjourned at 8:30 PM.