

MINUTES OF THE SEPTEMBER 14, 2009 BOARD OF SELECTMEN'S MEETING

MEMBERS PRESENT: Chairman David Canada, Selectmen Bruno Federico and Tim Copeland. Town Administrator Paul Deschaine was not able to attend due to his attendance at a conference in Montreal.

The meeting opened at 6:34 PM. Mr. Canada moved to go into non-public session to discuss the potential acquisition of Town property and separately to discuss a personnel issue with the Town Clerk. Mr. Copeland seconded the motion, which passed unanimously. At 7:34 PM, Mr. Canada moved to come out of non-public session and to seal the minutes due to the discussions of personnel issues and the negotiations for the potential acquisition of Town property. Mr. Copeland seconded the motion, which passed unanimously. Mr. Canada then opened the regular meeting.

TREASURER'S REPORT: Town Treasurer Kevin Peck reported that he had a negative balance of \$19,555.49 in the general checking account. He also stated he had \$3,500,000 invested. He will hold checks to prevent overdraft pending the retirement of some investments.

DEPARTMENT REPORTS:

Acting Chief Richard Gendron began by passing out a folder of handouts. The folder included a copy of the TASER SOP; information on defibrillators, a breakdown of violations from year to date through 9/14/09, and an activity report for himself.

Acting Chief Gendron reported to the Board of Selectmen that all but 12 unlicensed dogs have been accounted for. Dogs have not been licensed due to death, relocation, or failure to comply. Acting Chief Gendron told the Board that 3 options are available: 1) do nothing; 2) issue summons to the owners; or, 3) seize the dogs. He inquired of the Board how they wanted to proceed. The Board unanimously agreed that the police should proceed with issuing summons. Acting Chief Gendron will confer with the Exeter District Court on the correct procedure.

Acting Chief Gendron stated that the Department needed 2 new defibrillators for the cruisers. The cost, which he stated is a very good price and available through a State purchase program, is \$757.50 each, \$1515.00 for the pair. The Fire Department has loaned the department 2 defibrillators temporarily but wants them back. Mr. Federico inquired about a possible program at Exeter Hospital, which provides defibrillators at no cost to municipalities or soliciting donations to cover the expense. Acting Chief Gendron replied that the hospital program had ended some time ago. He also replied that he would not solicit donations, but the Selectmen could if they were so inclined. He feels that the department should be funded by the Town. Soliciting from citizens and businesses is inappropriate and leads to expectations of favorable treatment being extended to the donors. Mr. Copeland agreed. Mr. Copeland moved to allow the purchase. Mr. Federico seconded the motion, which passed unanimously. It was agreed that Acting Chief Gendron would hold off on his order until checking with Town Administrator Paul Deschaine to see if he wanted to add a defibrillator for Town Hall to the order. It was noted that funds for a Town Hall unit were included in this year's operating budget but one has not been purchased.

Acting Chief Gendron reported that a cruiser had been damaged by road debris. A piece of steel on the road punctured the transmission oil pan. He feels the accident was unavoidable. Acting Chief Gendron is seeking repair prices from McFarlane Ford. Due to the immediate need for the cruiser, Mr. Canada moved to allow the repair without further Board of Selectmen action, even if the repair cost exceeded \$500.00. Mr. Copeland seconded the motion, and it passed unanimously. It was noted that if the cost exceeded our insurance deductible, Acting Chief Gendron should pursue a claim with PRIMEX.

Acting Chief Gendron reported that he was having motion detector switches installed in the Sally Port, vestibule, and patrolman's room to reduce energy costs. The switches will turn the lights on in those rooms when motion is detected, such as the entry of a person, and will turn off the lights in those rooms if no motion is detected for 15 minutes. The vestibule is currently on the same control as the secretary's office. The rooms will be separated. Acting Chief Gendron reports that the cost will not exceed \$500.

Acting Chief Gendron reported that the "Citizens Academy" was being held again. It will start October 9, 2009, will run for 8 consecutive Fridays, and will be about 3 hours a session. Twenty seats are available. The Board supported this effort.

Acting Chief Gendron expressed concerns with the SOP for the use of newly acquired TASERS. Page 3 of SOP # O-118, *Use of Tasers* under: *Other considerations* states: "... the X26 shall not be used if its deployment would likely result in injuries from a resultant fall or other hazardous situation." Acting Chief Gendron believes that **every** use of the TASER **will** result in a fall and that the language of the SOP makes the Town liable for any injury sustained. He proposed that this section be stricken in its entirety. Mr. Copeland disagreed. He felt that the language was tried and true and has been adopted nationally by recognized police authorities. Mr. Copeland suggested referring the matter to Town Prosecutor Bill Hart, an attorney and a police chief himself. Acting Chief Gendron was agreeable to doing so, but stated he would not deploy the TASERS until the SOP had been vetted by Mr. Hart and/or amended. Mr. Canada suggested a temporary change in the language of the SOP to assuage both Acting Chief Gendron's and Mr. Copeland's concerns.

Mr. Canada moved that the subject sentence be amended so that it reads as follows (change in bold print): "... the X26 shall not be used if its deployment, **in the presence of unusual physical circumstances**, would likely result in injuries from a resultant fall or other hazardous situation." The motion was seconded by Mr. Copeland and was passed unanimously. This change will stay in effect pending an opinion from Mr. Hart and further action by the Board of Selectmen. In the interim, Acting Chief Gendron will continue to deploy the TASERS.

Acting Chief Gendron informed the board that "directed patrols" had been run at the Stratham Traffic Circle. He felt they had successfully slowed traffic and increased compliance with existing traffic control signs. No citizen complaints for that area were received the week of the patrols. Complaints generally are a weekly occurrence. He intends to reinforce these efforts with additional patrols in the future.

Mr. Copeland referenced the activity statistics that had been handed out and asked Acting Chief Gendron if any trends had been identified. Acting Chief Gendron stated that none had been formulated, but that he had reviewed nine years of motor vehicle accident activity and that rates have dropped dramatically over that time period. He attributed the success to the patrol officers.

Mr. Copeland inquired if we charge for fingerprinting individuals who request the service. Acting Chief Gendron said we do not, but that he would support doing so. Acting Chief Gendron and Mr. Copeland agreed to work together to formulate a policy for this.

Next, Fire Chief Robert Law and Captain Derrick Hall reported to the Board of Selectmen. The Fire Department recently had a membership drive, which was successful in recruiting several new members. These recruits need EMT training, as do a couple of former EMTs who wish to recertify. There are a total of nine who need to be sent for training at a cost of \$5,805.00. Mr. Federico inquired if the Stratham facility was being used as a training venue and, if so, was there a discount extended to the town. The answer to both questions was in the affirmative. There will be a limit of about 15 trainees at the class. Mr. Copeland asked if the money would come out of the EMS revolving funds. The reply was in the affirmative. Mr. Copeland moved that \$5805.00, to come from the EMS Revolving Fund, be spent for the training. Mr. Federico seconded. The vote in favor was unanimous.

At 8:17 PM, Mr. Canada moved to go into non-public session to discuss contract negotiations. Mr. Copeland seconded the motion and a favorable vote to do was unanimous. At 8:25 PM, Mr. Canada moved to come out of contract negotiations and to seal the minutes. Mr. Copeland seconded the motion. The vote was again unanimously in favor.

Mr. Canada next announced meetings scheduled for the week by various Town entities. A report was also made on meetings held over the past 2 weeks. Meeting reports included:

- Notice of a meeting scheduled for Tuesday, September 15 with Virtual Town Hall (Co.) at 9:30 AM and throughout the day. They will offer an overview of our new website to department heads at 9:30 AM and will then meet with individual department heads to work on their specific web page. Mr. Copeland agreed to attend the 9:30 AM orientation and to represent the Board of Selectmen at 1:45 PM.
- Construction meeting of the Library Committee: Mr. Canada reported on the September 8 meeting. The Juvenile Room has been vacated and a game plan developed for renovation. The main Library electrical panel upgrade was originally figured into the cost of current construction but will probably be held off until construction begins in the main library. It will be a more efficient means of dealing with the associated mess and access to the wires. The cost of \$1,750.00 will be deducted from the current work and held for next year. Final Phase 1 completion was put off until the week of the 7th. It is now complete.
- Brief second hand report on the Exeter Water conference.
- Report was made that the PWC has a preferred candidate to do the engineering report needed to move our Fire Suppression Water District forward. The name is not being released pending reference checks and terms negotiations.

- Mr. Copeland reported on the September 9th Conservation Commission. A recommendation to replace the late Gordon Barker's position on the Commission was prepared for the Board of Selectmen for consideration later tonight.
- For a list of other meeting announcements, please see this meeting's agenda.

Next, Park and Town Hall Big Room reservations were discussed. The following were discussed and all approved unanimously:

- Stacy Dresser requested use of the Scamman Pavilion on September 26. There will be a First Grade birthday party. Her request to have the fee waived was denied.
- Robert Day requested the front Pavilion for a military picnic on September 29th. We discussed waiving the fee due to the military nature of the gathering (waiver was not requested). Mr. Canada will discuss the issue with Recreation Director Tara Barker and report back for next week's meeting.
- Shannon Fuller requested the Scamman Pavilion on September 27th for a birthday party.
- The Stratham Memorial School requested the front pavilion for 150 kids for a team-building day on Sept 23. The fee was waived although a waiver was not requested.
- Bharat Patel requested the Town Hall Big Room for a Hindu New Year Celebration on October 18 for 100 people.
- Greg Driscoll requested the Town Hall Big Room for 30 – 40 people to hold the annual condominium association's meeting for The Woodlands Condos on October 14.
- Sarah Robinson requested the Town Hall Big Room for a scrap booking function on October 17.
- Angela Brideau requested the Town Hall Big Room for a baby shower on November 21.

Next, the Board approved the expenditure of \$586.45 to Riley's Sports Shop to buy the Police Department bulletproof vests. It was noted that this was not a request but an invoice. There was discussion on whether there was a violation of the \$500 spending cap imposed by the Board on all town departments. The 2 items on the invoice, which together exceeded \$500, were related. Mr. Copeland will speak to Acting Chief Gendron to ensure he understands spending cap requirements.

The Board then approved an expenditure of \$549.70 for a deposit at the Balsams Resort. Deputy Town Clerk/Tax Collector Katherine Kenny will be attending a conference there in October.

Bob Goodrich reported on a meeting of the Rockingham Planning Commission, which he attended as Stratham's representative to that group. He handed out a Power Point presentation, which had been presented at the meeting. It dealt primarily with pollution of Great Bay and what the Southeast Watershed Alliance planned to do to reduce pollution. The Alliance was established by the legislature in 2009. A copy of the legislation, SB 168, was also distributed.

Mr. Copeland brought a recommendation from the Conservation Commission to the Board. Due to the untimely passing of Gordon Barker, there was an opening for a regular member of the Commission. It was suggested that the Board appoint current Alternate William McCarthy to fill Mr. Barker's term, which expires in 2012. Mr. Copeland so moved, Mr. Canada seconded the

motion and a unanimous vote in favor was taken. This leaves an opening for an alternate position.

Mr. Canada directed attention to Crow Construction's proposal to upgrade the hallway between the Library and the Administrative offices of Town Hall. The total price of \$5,106.00 quoted includes painting, carpeting, ceiling tiles in that area plus "walk off" carpeting directly in front of the Town Clerk's service window. Mr. Canada expressed general support but thought that Custodian Charlie Browne could perhaps do the painting to save a little money. Mr. Federico suggested he replace the ceiling tiles as well. It was left for Mr. Canada to discuss this with Mr. Browne and report back next week.

Mr. Canada reported that Dan Connor responded to the letter sent regarding removing the Pepsi machine at the Fire House. Mr. Connor reported that the machine was not his; it belongs to the Pepsi Company. There was some speculation as to why it took a year for Mr. Connor to tell the Board that information. Mr. Canada reported that he had called Pepsi and that the machine was removed promptly.

Mr. Canada brought up the Employee Manuel and asked if everyone was ready for discussion of the revised document. Mr. Copeland suggested waiting until next week so that Mr. Deschaine could participate. It was agreed to wait.

Mr. Canada then asked if everyone was ready to discuss approval of previous meeting's minutes. The minutes, as amended by Mr. Canada, for June 29, July 1, 6, 9, 13, 20, 27, 29, August 3 & 10, 2009 were approved by unanimous vote upon the motion of Mr. Canada, which was seconded by Mr. Copeland.

Mr. Canada asked Mr. Federico if he had looked into a grant opportunity for building energy audits, which had been discussed at the previous meeting. Mr. Federico replied that he had the grant application and was in the process of filling it out. The application is due September 25.

Mr. Canada told the Board that he was getting a quote for reseeding the Fire Department lawn. It had been noted earlier in the year that the grass never really got started.

Mr. Canada then asked if it would be advantageous to invite a Stratham Police Patrolman to join the interview committee for the Chief selection. After some discussion, it was agreed, by unanimous vote on the motion by Mr. Canada, seconded by Mr. Copeland, that Mr. Copeland would extend an invitation to them. He will make it clear that there is not an obligation, but an opportunity to join.

Mr. Canada moved to adjourn at 9:15; the motion was seconded by Mr. Federico and was passed unanimously.

Respectfully submitted

David Canada, Selectman