

MINUTES OF THE AUGUST 30, 2010 BOARD OF SELECTMEN'S MEETING

MEMBERS PRESENT: Chairman David Canada, Selectmen Bruno Federico and Tim Copeland, and Town Administrator Paul Deschaine.

At 7:32 pm, the Chair opened the general meeting of the Board of Selectmen.

TREASURER'S REPORT: Kevin Peck reported that he had \$3,601,376.55 in the general checking account.

DEPARTMENT REPORTS:

Police Department: Chief John Scippa was present to update the Board on the Dog Warrant for Civil Forfeitures status. He stated that there are only three dog owners remaining that the Police Department could not make contact with for licensing purposes. Mr. Scippa stated that working with the Town Clerk, Joyce Charbonneau, was fantastic. Ms. Charbonneau did a lot of work to narrow the list down for the police officers who then went out and hand served the remaining letters, as well as confirmed that the residents did indeed own a dog. Mr. Scippa reported these three residents own dogs they have not yet licensed and they have subsequently been served with civil letters and will be given a summons to appear in court.

NEW BUSINESS:

Emergency Management Director David Emanuel was present and reported that the Emergency Operation Center (EOC) applied for and received a Fiscal Year 2009 Emergency Management Performance Grant in the amount of \$50,727.70 from the State and Federal government. Over the past several months, they have put together lists of equipment to make the EOC complete. Of this amount, the EOC received a 50% match from the State government and received a check for \$25,363.85 to the Town. Upon acceptance of the grant, the Town must agree that the project grant period ends September 30, 2010 and that a final expenditure and performance report be submitted to their office by October 31, 2010.

Mr. Emanuel presented a contract from Executive Furnishings, Inc. in the amount of \$14,612.29 for EOC furnishings to include tables, chairs, a podium and cabinets. Mr. Emanuel then presented a contract from Howard Systems in the amount of \$33,000 for all telephone and audio visual based monitors and distribution system. Mr. Emanuel stated they would like to move forward with purchasing a few items not included in either of the contracts. These items would include flags for \$359.60, seals and decals for \$300 and shelving for the outside storage area for \$450.00. Mr. Emanuel stated that they would also like to integrate the media center and EOC with one system to be able to communicate to others without breaching security.

Mr. Emanuel stated they originally asked for video projection in the EOC and media room. Howard Systems stated it would be more beneficial to have monitors around the room or an LCD monitor that you can see in regular lighting as opposed to having to dim the lights. Due to the current lighting in the EOC, a video projector would be projecting through all the lamps. Howard Systems recommended four 42" flat panel monitors to be mounted on the walls, for the

EOC and one 42" panel for downstairs in the media room. Mr. Emanuel stated that during their normal budget allocation process they can either increase the size of these monitors or install additional monitors in either one of the rooms to accommodate any future needs.

Mr. Federico moved to allow the Chair to sign the contracts to Executive Furnishings for \$14,612.29 and to Howard Systems for \$33,000.00 as provided by the EOC Director. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Federico moved to authorize an expenditure up to \$3,110.00 to include the remaining items there were not included in the above two contracts. This would be for the flags, seals and decals, the equipment installation and the shelving for the outside storage area. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Canada inquired as to the updating of the roster. Mr. Emanuel stated it was revised in January 2010 and distributed to the entire staff electronically.

OLD BUSINESS:

Mr. Canada introduced the Town's new Recreation Director, Seth Hickey. Mr. Deschaine stated that Mr. Hickey's background and all of his references proved very favorable. Mr. Hickey stated he is very much looking forward to starting on September 7, 2010.

Mr. Canada thanked the Library and the Recreation Commission for their help, particularly Tracy Abbott and Stephanie Ilberg-Lamm, during the absence of a Recreation Director.

A discussion took place in reference to the 2010 LGC Legislative Policy Conference initiatives. The LGC is looking for input from towns. Mr. Deschaine stated there is a proposal by the Board of Selectmen of New Ipswich whereby they want the authority to supersede the Police Chief in making the final decision on when a detail must be hired. There have been conflicts where the Police Chief made a determination on the need for a detail or not and there was disagreement on that decision. Under the statute right now, there is no appeal or element of review of that decision. The Board agreed to gather more information from Chief John Scippa before advising Mr. Deschaine on how to vote on this matter at the conference.

Mr. Canada stated that the Town of Conway proposed that any new rules from a state agency that comes to the Joint Legislative Committee on Administrative Rules has to be returned to the original Policy Committee, which approved legislation authorizing the creation of the rule to insure the intent of the legislation was not amended in any way after it leaves them. As of now, the legislation goes to the Joint Legislative Committee, however, sometimes the rules amend original intent of the law. The Board agreed to have Mr. Deschaine support this legislation.

Mr. Canada stated that the City of Lebanon propose a law which would require rental owners to provide financial information to assessors. They state that sales are not a fair or accurate way to determine property value but Mr. Canada contends that this bill would do exactly that. Currently, the State sets the Capitalization rate for each community. Mr. Canada contends that

the only way to set a legitimate cap rate is to have sufficient sales data, and that if such data is available, the selling price should set market values, not income. The Board agreed to have Mr. Deschaine oppose this legislation.

Mr. Canada stated the Town of Sharon wants to eliminate local health officers. The Board agreed to have Mr. Deschaine oppose this legislation to eliminate health officers.

Mr. Deschaine stated there is a proposal by the Town of Moultonborough asking that legislation be created to allow the governing body of a community to adjust the partial payment of taxes due at half year in communities that bill twice a year. Currently the half year rate is ½ the prior year's actual tax amount. Moultonborough would change the law so that if the governing body of a town identifies expenses which will significantly increase the tax rate for the current year, they will be allowed to adjust the half year bill accordingly. The Board agreed to leave the decision up to Mr. Deschaine after hearing the discussions on this matter at the conference.

Mr. Deschaine stated he does not have a big interest on the Excavation Tax Proposal by New Ipswich as it does not affect the Town of Stratham since there are no more gravel pits. The tax is not part of the property tax. The Board agreed to leave the decision up to Mr. Deschaine after hearing the discussions on this matter at the conference.

Mr. Deschaine stated the Town of Seabrook is requesting home rule legislation which would allow towns to permit gambling on their own initiative and without further action by the legislature. Mr. Canada stated this will be highly debated at the State level. The Board agreed to have Mr. Deschaine oppose this legislation.

The Board then discussed the Town's Employee Manual. Mr. Canada stated the Board has already approved the manual, however, there were some subtle changes he would suggest making. Mr. Canada asked for confirmation that the section entitled "Employment Authority" is the management's rights statement Mr. Deschaine had suggested. Mr. Deschaine stated that it was. Mr. Canada suggested amending the current wording on the "Vacation Policy" section to read "...request to use more than three consecutive days of vacation time is generally to be made in writing to your supervisor at least 30 days prior". The reason for this was the Board often wants to deal with circumstances that arise quickly and Mr. Canada's concern was when the manual is not adhered to, it starts to negate the entire manual. He stated that by inserting "generally" into the language that this provides for exceptions. The Board agreed to insert the word "generally" into the "Vacation Policy" language.

Mr. Canada expressed a concern that under the "Drug and Alcohol Abuse" section that there may be an issue with the ADA policy in the event an employee is taking legally prescribed medication. Mr. Canada would like to change the wording to read: "If the employee is unable to work due to taking legally prescribed medications, then the employee would be considered sick and must take a sick day(s)". The Board agreed to suggest it to legal counsel and see what their input will be.

The Board then discussed the location of confidential personnel files, specifically for the Police Department. Mr. Copeland expressed a concern of the security of the files themselves, being that

the police background is extremely extensive. Mr. Copeland thought the files would be more secure at the Police Department as it is monitored at all times. Mr. Deschaine recommended obtaining a legal opinion on whether or not there is a requirement to have a single personnel file or not. The Board agreed to inquire with legal counsel and see what their input will be.

The Employee Manual will be sent for review to legal counsel with the new revisions.

PUBLIC COMMENT:

Stratham resident Ron Deane and Dr. Rzepa of Stratham Health Center were present in reference to abatements filed with the Town. Mr. Deschaine stated that in order to preserve the right to sue the Town in regards to abatements, an action must be filed with the State by September 1. Mr. Deschaine stated they would need to fill out the appropriate form and submit the \$65.00 fee. After July 1st, the presumption is the abatement was denied, even though the Town may not have taken any action on the case. Mr. Canada expressed his disappointment that they did not complete this by July 1st, however, the Town Assessor, Andrea Lewy, due the recent re-valuation, was overwhelmed with abatement requests and, additionally, was out on medical leave for three weeks. Mr. Canada stated to Mr. Deane and Dr. Rzepa that they had not necessarily been denied; the Board just has not voted on it yet. Mr. Canada stated they will continue to work with them in good faith and come to something that is reasonable and, hopefully, acceptable to everyone. Mr. Canada also stated that the Board's and the Assessor's only goal is to get assessments correct. Mr. Canada stated that the Town Assessor will continue to work on this and the Board apologized for the backlog. Mr. Canada stated they will communicate with Mr. Deane and Dr. Rzepa as far as discussions of their assessments at a future meeting.

Mr. Federico had stepped out for approximately five minutes.

SECRETARY'S REPORT: Mr. Canada moved to approve the amended minutes of July 12, July 19, July 26, August 16 and August 23, 2010. Mr. Copeland seconded the motion, which passed unanimously. Mr. Canada expressed relief and gratitude that the Board of Selectmen's minutes were now up to date. He expressed thanks to Executive Assistant Stacey Grella for working diligently on the backlog and getting the minutes current in the relatively short time she has been with the Town.

The Chair then reviewed the meetings scheduled for the upcoming two weeks due to the Labor Day holiday, and reviewed the meetings held this past week.

PARK PERMITS/MUNICIPAL CENTER RENTALS:

The following park permits and municipal center rentals were discussed and acted upon:

The 300th Anniversary Celebration Committee requested the use of the Park for a yard sale fundraiser on October 16, 2010. Mr. Copeland moved to approve the request and to waive the fee. Mr. Canada seconded the motion, which passed unanimously.

The Muirfield Association requested the use of the Municipal Center for a meeting on November 30, 2010. The request was approved. It was noted that fees for annual condominium meetings were generally waived. In this instance, this is the second meeting of this group this year. Accordingly, the fee was not waived.

Administration: Mr. Deschaine stated that the Town's payroll, which is normally done on Monday, will be completed on the previous Friday instead due to the Labor Day holiday. He asked the Board if they will be in the area in order to sign the underwriting check that funds the payroll. Mr. Canada stated there will be at least two Selectmen available. The target is to have payroll completed by 3:00 pm on Friday.

Mr. Deschaine presented a revised contract from the men's group that requested to use the soccer fields at Stevens Park. Mr. Canada has signed the contract per the August 23 vote on the matter.

Mr. Deschaine presented a proposal from the Dowling Corp. to repair one of the air conditioning units at the Fire House. The repair will be covered under warranty; however, the warranty only covers the parts and shipping, not the labor to install. The proposal is for \$1,023 to cover the labor costs. Mr. Canada moved to approve Dowling Corp. to provide the labor to repair the air conditioning unit at the Fire House at the cost of \$1,023. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Deschaine stated that Mr. Canada has been gathering quotes for the internal signage still needed for the Town Offices. Mr. Deschaine stated he and Mr. Canada have been trying to minimize the verbiage as much as possible. One quote was from the NH Department of Corrections print shop and a second quote was from Vinyl Tech Graphics. Mr. Canada moved to approve the proposal from Vinyl Tech Graphics to provide the internal signage at the Town Offices for the price of \$1,174.50 installed. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Deschaine spoke in reference to the Crockett Farm performance bond. The Town is still a party to the lawsuit the homeowner's association has against the current developer of that site. A resolution to that lawsuit via a settlement agreement is imminent and as part of that agreement, all of the real estate taxes owed will be paid. A second developer will come in and pay the taxes that are due to the Town and will post a performance bond for the roadway and the drainage for the second phase. However, there is still the issue of their lack of performance in constructing the first phase of the project as approved. All of the requirements for the road and drainage are complete, but the trail system that was approved and required by the Planning Board was never constructed. When Mr. Deschaine attempted to move forward and try to ascertain what it will cost to build the trails, every individual approached was not interested because the design or layout is so rudimentary that it's almost non-existent, or they wanted a fee to design it. The most recent response to requests for proposals was from the Appalachian Mountain Club (AMC). Mr. Deschaine read a letter from the AMC as to their findings stating there is little or nothing on the ground to show that a trail system had been constructed in the past. The AMC then came forward with a proposal to design and layout the trail system at a cost of \$1,350. Of concern to the Town is that there would be a resolution or relief of the obligations of True North Development, the first developer in question, that would go with the settlement and that it would

finalize phase 1, which includes the trail requirement. That would necessitate using, or refunding the existing bond guaranteeing performance or possibly negating any opportunity of having the trail system built. Mr. Deschaine has spoken with Attorney Peter Loughlin and he will determine how best to approach the problem prior to any settlement agreement. The Board agreed with Mr. Deschaine's assessment of, and approach to, the situation.

Mr. Deschaine then spoke in reference to the 2009 Capital Accounts encumbrances. The auditor needs the Town to review all the capital items and the balances that were available as of January 1, 2009. There were several items (see attached) that were budgeted for which had an unused balance that would be carried over from 2009 into 2010 in the amount of \$107,179. In addition to this amount, there is also \$7,512 still remaining in the ambulance purchase fund. Mr. Deschaine explained that what is unencumbered is the total approved but unspent capital appropriations reported at the end of the year. At the end of the year, the Town can let remaining balances lapse or the BOS may elect to carry them forward to the next year. Mr. Canada moved to carry over all items on the Town of Stratham Special Appropriations spreadsheet as presented. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Deschaine reported that due to the wind storm back in February, the Town has received payment from FEMA and the Town's insurance company. Mr. Deschaine had requested Park Ranger Kim Woods to obtain price quotes to repair the damages from that storm. The first item is the repair to the Fire Tower roof. One quote is from Crow Construction to replace the roof for \$7,225. The insurance estimate was \$7,854. This quote would include removing and disposing the damaged metal roofing and install new roofing using original specifications to include a 65 foot tower man lift. The proposal also includes all containment and cleanup and repair to the bird screen as required. A second quote was from Michael Nichols from Custom Residential Carpentry, which was for \$10,600. Mr. Canada moved to accept the proposal from Crow Construction to replace the roof on the Fire Tower at a cost of \$7,225 as quoted. Mr. Copeland seconded the motion, which passed unanimously.

The second item to be repaired is the roof to Concession Stand #2 (also known as the Sausage Shack). Ms. Woods made some temporary repairs, but the whole roof needs to be replaced. Mr. Deschaine presented a quote from Crow Construction for \$5,250. The insurance claim estimate was \$5,677. Mr. Canada moved to accept the proposal from Crow Construction for \$5,250 to replace the roof on Concession Stand #2. Mr. Federico seconded the motion, which passed unanimously.

The next items to be repaired are the roofs on the open horse shed/cow barns. Mr. Deschaine presented a quote from Crow Construction to remove and dispose of damaged metal roofing and replace individual sheets to match as closely as possible for \$1,025. Also presented was a second quote from Custom Residential Carpentry for \$1,575. The insurance estimate was \$1,115. Mr. Canada moved to accept the proposal from Crow Construction for \$1,025. Mr. Federico seconded the motion, which passed unanimously.

The last items to be repaired are sections of the chain link fence along Jack Rabbit Lane that were damaged. One quote was from 125 Fence of Barrington for \$800. A second quote was from GC AAA Fencing of Dover for \$990. A third quote was from Urgent Fence of Portsmouth

for \$1,095. The insurance estimate was \$2,099. Mr. Federico moved to accept the proposal from 125 Fence for \$800. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Deschaine reported that the last remaining item that is pending under the insurance claim that was paid was for repairs to the slate roof at the Historical Society. Mr. Deschaine stated that Ms. Woods stated she could see a few pieces of slate missing and she has an interest in trying to repair it herself on a contract basis. The insurance estimate was \$2,307. The Board requested a quote from someone that has experience doing slate work before making a decision on this matter.

Mr. Deschaine explained to the Board that Unutil bought Northeast Utilities, most particularly their units in Maine, and in that acquisition, they also acquired Granite State Gas, a subsidiary of Northern Utilities. Granite State Gas runs a transmission line through Town, which runs parallel to Maritime Northeast's gas line. Apparently, the company that did the initial installation went bankrupt when they hit Exeter, and there are pipes that run 8", 10", 12", 15", which makes maintenance very difficult. Unutil is anticipating in the coming years replacing the sections in Stratham and Greenland to make it a uniform size. In anticipation of that work, Unutil is contemplating completing some of the road crossings this year in September or October. This presents an exciting opportunity for the Market Basket plan, as Unutil expressed a willingness to lay down the line in that section with a road crossing grade pipe. This would prevent having to dig up the road at the time the road connection is installed. This matter is in preliminary discussions at this time. Mr. Deschaine will provide the Board with more information as it is received.

Mr. Federico stated he had a conversation with John Hutchinson, pastor of the Cornerstone Baptist Church. Mr. Federico stated that Mr. Hutchinson wanted the Board to be aware the Church property is for sale and that several different people are looking at it with interest.

Mr. Deschaine stated he has not yet sent the denial letter to Colleen Lake in reference to her request for reimbursement for expenses incurred in establishing the Fire House well as a non-transient, non-community public water system. Mr. Deschaine should be able to do so in the next two or three days.

Mr. Canada asked Mr. Deschaine for an update on the RFP for an IT company. Mr. Deschaine stated he has been receiving input from Don Andolina, but it has been a bit limited due to ongoing issues with the computer system since the server crashed. The Board asked Mr. Deschaine to speak with Mr. Andolina and see what time line he can commit to and report back to the Board by September 13, 2010.

Mr. Canada asked about the oil tank at the Municipal Building that has about 4,500 to 5,000 gallons of oil in it that is no longer being used as a heating source for the building. The Town is attempting to market the oil and then the tank can be closed and abandoned. Mr. Deschaine has sent Proulx Oil an email soliciting ideas for disposal but has yet to hear back from them.

Mr. Canada said that at the joint meeting with the ZBA and the Planning Board this coming Wednesday, he would present a letter of approval for the Subaru dealership as a citizen. The

Board had previously agreed to support the effort collectively although without Mr. Federico's participation due to his being a member of the Planning Board. Mr. Copeland reversed his position and declined to endorse Subaru's application for installation of a solar power array.

At 10:26 pm, Mr. Canada moved to go into non-public session to discuss a personnel matter. Mr. Federico seconded the motion, which passed unanimously.

At 10:30 pm, Mr. Canada moved to come out of non-public session and to seal the minutes due to the personnel matters discussed. Mr. Federico seconded the motion, which passed unanimously.

At 10:31 pm, Mr. Canada moved to adjourn. Mr. Copeland seconded the motion, which passed unanimously.

Respectfully Submitted,

Reviewed By,

Stacey J. Grella
Executive Assistant

Paul Deschaine
Town Administrator