

## **MINUTES OF THE SEPTEMBER 13, 2010 BOARD OF SELECTMEN'S MEETING**

**MEMBERS PRESENT:** Chairman David Canada, Selectman Tim Copeland, and Town Administrator Paul Deschaine.

At 7:31 pm, the Chair opened the general meeting of the Board of Selectmen.

**TREASURER'S REPORT:** Kevin Peck reported that he had \$3,562,873.99 in the general checking account.

### **DEPARTMENT REPORTS:**

**Police Department:** Chief John Scippa was present to give his monthly report. He stated he had spoken with Al Williams from the Highway Department in regards to traffic and parking control for tomorrow's election activities at the Municipal Center. He stated there will be extra cones and a "right turn only" sign for the parking lot exit on stand-by in the event traffic starts to become thick. Mr. Copeland stated that in the past, there has been a physical police presence required due to people attempting the left turn out of the parking lot. Mr. Scippa has planned for that if the need arises. Mr. Canada stated that a physical police presence will definitely be needed during the November election. Mr. Deschaine inquired as to having detour signs set up for traffic making the right hand turn out of the parking lot so the route to get back onto Portsmouth Ave. would be clear. Mr. Scippa stated he will talk with Al Williams in reference to posting detour signs if that becomes necessary.

Mr. Scippa stated he had received a letter from Stratham resident Mr. Haven J. Wiggin requesting the Town's assistance in reference to speeding vehicles on High Street. Mr. Scippa stated he has directed members of the Police Department to run stationary radar on that particular section of High Street on several occasions. After reviewing the area on a map, Mr. Deschaine pointed out a cross-jurisdictional issue in a certain area on High Street with Greenland. He also pointed out that the Cornerstone School is now in session and, therefore, the traffic volume has increased. Mr. Scippa stated that he will send a letter to the Cornerstone School to remind parents that this is a rural setting and of the posted speed limit. Mr. Canada asked if a sign can be posted for 15 or 20 mph in a school area during certain times. He stated this would be a huge help during the key times of the school day as the children's safety is of concern. Mr. Scippa replied he will have to check if posting such a sign applies to private schools as opposed to public schools. Mr. Scippa stated that Greenland Police would have to post the area due to the logistics of the area. The road is currently posted at 35 mph.

Mr. Scippa then brought up an outline of Hawkers and Peddlers background checks. Mr. Deschaine stated there is now a state law that permits local authorities to determine whether or not anyone applying for a Hawkers and Peddlers license from the Town would be required to go through a state and/or federal background check. Mr. Scippa stated the more we can learn about the person(s) applying for such a license, the safer everyone is. Particularly when these people are transient in that they are in and out of our community in such a short period of time. Mr. Scippa stated that any resident that has someone come to their door soliciting should be sure to find out exactly what the organization is. If the resident becomes suspicious, then politely ask

the solicitor to leave and if they do not do so, then call the police. Mr. Deschaine stated there are both state and local Hawkers and Peddlers licenses and many times the solicitor will get the state license, but not the local license. In some circumstances the state license preempts the local license, but not always. He also pointed out that this type of licensing has nothing to do with the solicitation ordinance, which is merely the registration of people going out to poll, for example. Mr. Scippa will look into this matter further.

Mr. Scippa then spoke about the Take Back Drug Program. He stated the DEA, along with the state and local police authorities in New Hampshire, are developing a program where people have a safe place to dispose of their unwanted prescription drugs. The DEA has just released information indicating that the abuse of prescription drugs is one of the most serious drug problems that the country and this state is currently facing. Presently, New Hampshire is putting together various locations and police departments that will be staffed 24 hours a day by a police officer and a DEA agent to accept these drugs so they can be properly destroyed. Mr. Canada inquired as to simply flushing the drugs down a toilet to which Mr. Deschaine replied that they have now found there have been ecological problems such as antibiotic resistant bacterias being introduced into the wild. Mr. Scippa stated that once the locations and dates are made available, he will contact the newspaper so the community will be aware of the program.

Mr. Scippa stated that their newest full time police candidate is in the final stages of testing. Once complete, they will be moving forward in filling that tenth position. Mr. Scippa does not foresee any problems and once the candidate has completed the background investigation, Mr. Scippa will formally make the recommendation for hire to the Board.

Mr. Copeland stated he had spoken with Mr. Scippa last week in reference to parking fines. Mr. Scippa stated the discussion was about changing the Town's parking fines to be more realistic than the present \$5.00 fine that the ordinance supports. Mr. Scippa will be contacting the towns of Newmarket and Exeter to make sure that Stratham is within a similar landscape of surrounding communities.

Mr. Canada commented on the large number of people taking their dogs to Stevens Park. Mr. Canada has requested a quote for signs from the NH Department of Corrections Sign Shop. These signs would be posted on either side of the road and then a sign for each hole in the fence that can be passed through. He stated the Town does not currently have an ordinance for Stevens Park and stated this needs to be created. Mr. Canada stated enforcement tools such as an ordinance would be necessary as the signs will not do too much on their own. Mr. Copeland stated he thinks the signs should read "No Animals" as opposed to just "No Dogs" because there have been issues with horses on the fields as well. Mr. Canada has a copy of a proposal from a year or two ago and will send Mr. Scippa the information so he can follow up on this matter.

Mr. Scippa inquired as to an update from NH State Police Communications on the antenna at the Fire Tower. Mr. Deschaine stated he had received an email from Jim Kowalik, the NH State Police Radio Coordinator, approximately two or three weeks ago stating he needed to talk with his commander and he would be getting back to us. Mr. Canada stated he would like a final attempt at contact made and then we may have to give them an order to remove their items. Mr. Scippa will send Mr. Kowalik another reminder email.

Mr. Canada mentioned that back in April there was discussion about Park Ranger Kim Woods having the ability to issue summonses at Stratham Hill Park. Mr. Scippa stated he spoke at great length with Attorney Bill Hart, who is the Police Prosecutor, in reference to this matter. They shared the same concerns regarding Ms. Woods taking any kind of enforcement action for a variety of reasons, but specifically her safety in what could be a pretty removed area. Mr. Scippa stated the Police Department has made some arrests at the Park over the last week based on the police checking the lots pretty significantly. If Ms. Woods can be the eyes and ears for the police and immediately report anything out of the ordinary, the police can respond and take appropriate action. The patrols in the Park have been increased as much as possible. Mr. Scippa stated that Ms. Woods has made the Kubota RTV available to the police in the event it is needed. Mr. Scippa's concern with that, however, is when an officer uses the RTV to go up the hill to patrol an area and an urgent call is received, the response time will increase due to the time it will take the officer to return to their cruiser and respond to the call. He stated if there were two officers on duty, it would be much easier, as one officer could be dedicated to patrol the Park on the RTV for a period of time and a second officer would be on the road ready to respond to incoming calls. Mr. Canada stated this issue had been previously taken off the table as far as her issuing summonses. Mr. Scippa agreed and stated he will try and develop a better plan for dealing with offenders at the Park.

**Fire Department:** Stratham Volunteer Fire Department Association President Dan Crow was present to request that the Association be allowed to use the Town's 10 Bunker Hill Avenue address to receive mail. Mr. Crow also requested the use of the Fire Station for their meetings, which are held twice a month and as needed. Mr. Canada moved to allow the Stratham Volunteer Fire Department Association to use 10 Bunker Hill Avenue as a mailing address and to use the Fire Station at 4 Winnicutt Road for their meetings. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Crow stated that Greg Blood and he will be working at the Stratham Hill Park this weekend on the skating rink. Mr. Crow stated they are going to remove approximately 4-6 inches of topsoil to level off the skating area. Mr. Crow requested the Board's permission to stockpile the soil in the second Gifford Field near the manure piles temporarily and then use it for the bike trails where a culvert pipe will be installed. Mr. Deschaine stated stockpiling the topsoil is not so much an issue, but over the years, the manure pile keeps getting pushed back closer to the pond that is in that area. Mr. Canada suggested mixing the manure in with the loam they want to use. There were no objections from the Board.

Mr. Crow brought up the repairs that need to be completed to the Fire Tower roof. If the Board does not object, Mr. Crow stated he has assessed the project and he would be able to take the roof off with a crane, cut the four posts and lower it to the ground. This way, he can make the roof repairs in his workshop and then replace the roof. Mr. Crow stated this work would be at the current contract price and also stated he does not see a safety issue at all. The Board had no objections.

Mr. Canada thanked Mr. Crow for all of his help he gives to the Town and specifically for building the skating rink. He also stated Greg Blood has spent a lot of time at Stevens Park working on the dugouts.

**CHAIRMAN'S REPORT:** Mr. Canada stated he was remiss in not starting the meeting by saying that Fred Hutton, Sr. passed away this week. The Town will certainly miss his presence and appreciates his service as the former Fire Chief and his general dedication to the Town.

Mr. Canada stated there will be a hazardous waste collection day on October 2, 2010 from 8:30 to 11:30 at the Exeter Transfer Station on Newfields Road. The Conservation Commission will be looking for volunteers and anyone that is interested can contact Pat Elwell, the Conservation Commission Chair. Mr. Deschaine made note to the Board that he will not be present as he will be out of state for a family wedding.

The Chair then reviewed the meetings scheduled for the coming week 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:

Best Buy requested the use of the Park on September 26<sup>th</sup> for a company cookout. The request was approved.

Laura Batchelder from the Stratham Memorial School requested use of the Park on October 1, 2010 with a rain date of October 8, 2010 for team building activities. The request was approved and the Board agreed to waive the fee.

Sarah Robinson requested the use of the Municipal Center on October 9, 2010 for a scrapbooking party. The request was approved.

Amy Edwards requested the use of the Park on October 16, 2010 for an overnight campout and cookout for Stratham Cub Scouts Pack 185. The group will be leaving the Park by 8:00 am on October 17, 2010 due to a scheduled road race. Mr. Copeland moved to approve the request and to waive the fee. Mr. Canada seconded the motion, which passed unanimously.

Mark Sykas from Webster Continuing Care requested the use of the Municipal Center on October 19, 2010 to update the community on the status of the Great Bay Commons project. Mr. Canada moved to approve the request and to waive the fee. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Deschaine stated that he and the Library Director have been working with the contractor to improve the Eventkeeper online reservation system. The system currently keeps records of requests and posts them to the calendar, however, there are still a few glitches in the system. One problem is being able to use it in an automated fashion to communicate with the requesters.

Mr. Deschaine stated that he is disappointed with the responsiveness from the contractor. He stated that if the system is not able to perform in the manner the contractor initially described then the Town will need to reconsider and look into another alternative. Mr. Deschaine stated that if this was necessary, the system would be slightly more money than expected, however, the current system defeats the purpose of efficiency as it is still necessary to send separate emails clarifying everything that should be automated in the approval process. Mr. Deschaine stated that due to these problems, the system has not been rolled out to the public in its entirety. As a result, the Fire Department has not been informed to start using it as the room reservation calendar which has caused several scheduling conflicts. Mr. Canada stated a clear set of windows has been set up for the Fire Department so if they need to bump somebody after the guaranteed window, then they have to come up with a solution. Mr. Deschaine agrees, however, they have made these reservations very early on so they pre-date the requests by these other groups with standing dates. Mr. Deschaine will keep the Board updated on this issue.

#### **Administration:**

Mr. Deschaine brought up the civil rights lawsuit the Town was served with last week by Michael Puia. Mr. Puia is alleging a civil rights violation in concert with the interaction he had with the Police Department. However, this lawsuit also includes the Lee Police Department, the Town of Lee, the Lee Police Chief, two unnamed John and Jane Doe officers, Sgt. David Pierce, individually and as a police officer in Stratham, Officer Richard Wood individually and as a police officer in Stratham, former Chief of Police Michael Daley individually and as a police officer in Stratham, the Stratham Police Department, the Town of Stratham, three individuals who represent his ex-wife and his ex-in laws and their attorney. Mr. Deschaine summarized his action as all of these participants in some way conspired to relieve Mr. Puia of his civil rights as it relates to his custody battle with his wife. The courts will now have to decide if the Town's interaction rose to the level of violating any of Mr. Puia's rights. Mr. Deschaine has turned this matter over to the Town insurer.

Mr. Deschaine then discussed the appeal the Town was served with last week from the Golter's, who are the abutters to the Daigle's, in reference to the settlement agreement for their home occupation. They are appealing the method by which that home occupation and/or settlement agreement was reached. The courts will now have to decide on this matter. The Town has had legal counsel involved in this matter from the beginning.

Mr. Deschaine noted for the Board's public recognition that the Conservation Commission sent a letter of commendation to the Board extremely appreciative of Kim Woods' participation in the trail project that the Timberland volunteers were involved in. The letter stated that her pre-staging and pre-planning of all the materials made it a very productive effort. Mr. Copeland agreed and stated she did a great job and the Town is very fortunate to have her as an employee. This letter will be placed in her personnel file.

Mr. Deschaine stated the Town received a request to perambulate the town boundary between Exeter and Stratham. He stated that of the towns that share a boundary, the city or town with the oldest establishment date initiates the request. Since Exeter is older than Stratham, they have

made this request. Mr. Canada moved to appoint Mr. Deschaine as the agent to perambulate the boundary with Exeter. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Deschaine brought to the Board's attention that this past year, House Bill 1554 was passed, which allows municipalities to establish energy efficiency and clean energy districts. There has been a national movement to enact PACE (Property Assessed Clean Energy) Model Financing Programs. This program states a town will raise money to create a loan fund for energy efficiency projects that homeowners may need or want to do. In the process of doing that, if the homeowner qualifies, the Town would then loan them the money and they repay it as if it was part of their tax assessment. In order to do that, there needs to be betterment models to identify the housing to target to take advantage of the program. There has been one problem nationally where mortgage companies said they would not guarantee any more mortgages that have PACE loans ahead of them. The Federal Trade Commission (FTC) has gotten involved and said that since these are loan transactions, then the FTC regulates them and certain disclosure laws must be met. Mr. Copeland stated the Town would have to raise the capital which would cost the taxpayers money and he does not like that idea. Mr. Canada stated this would typically be used where there are community action funds where they could simply take some of their block grant money and set it aside for this program. The Town of Stratham would have to raise it through taxes. Mr. Canada stated if there was a grant to start the fund, the Town could administer it, but does not agree with having the Town fund the program. Mr. Copeland agreed.

Mr. Deschaine then stated there have been some ongoing discussions between the Town of Stratham and the Town of Exeter about infrastructure needs. Those discussions led to the realization that there may be some commonalities involved and are there possibilities for cooperation. He stated there have been efforts in the past to explore this with varying results, most of which were negative. The towns are at a crossroads where certain decisions have to be made in each community on which they would proceed and, depending on the decisions, if it would be mutually beneficial to work together. The staff had discussions with the Rockingham Planning Commission and they also felt that there were enough commonalities there that they would like to facilitate a meeting between the two communities. A date has been scheduled for October 7, 2010 at the Cooperative Middle School. This would be a community-wide event. Both Boards of Selectmen and others of interest would attend and hear some of the discussions that the staff members have been conducting and get their input and thoughts. Mr. Copeland stated he has been talking with Selectmen in Exeter about this for the last two years and he is excited at the prospect with their moving forward with the idea. Mr. Copeland stated the synergy and the need is there from both communities to work together to build a sewer system so this would be beneficial both to Stratham and Exeter. Mr. Canada stated the Town of Stratham is continuing to research other options just within Town. Mr. Canada stated it is important to continue this research, but we would certainly be remiss if we did not study the possible economies of scale that could be realized by joining with Exeter. Mr. Canada moved to affirm the course and looks forward to the October 7<sup>th</sup> community forum. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Deschaine stated he received an email from Colleen Lake about starting a Fall Festival the weekend of October 25th, 26th and 27th. The Collector's Eye is having their annual craft

gathering and felt it was a befitting event to piggy back certain efforts by the Town to promote the Town Center. The Board agreed that they need some time to look into this.

**SECRETARY'S REPORT:** Mr. Canada moved to approve the amended minutes for 8/30/10. Mr. Copeland seconded the motion, which passed unanimously.

**OLD BUSINESS:** Mr. Deschaine stated that one of the Public Works Commission's actions at the meeting the other night was to affirm their lack of interest to pursue an irrigation ordinance that would limit lawn irrigations during times of drought.

The group discussed the upcoming 2010 LGC Legislative Policy Conference, specifically the matter regarding whether the Selectmen should have the authority to override a decision of the Police Chief on whether a traffic detail is needed or not. Mr. Canada moved to instruct Mr. Deschaine to support the bill that would give the Selectmen the authority to override the Chief of Police when it comes to traffic details. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Canada asked Mr. Deschaine to report on that status of developing a request for proposal (RFP) for outsourcing the Town's computer management needs. Mr. Deschaine stated he does not have a definitive time frame from Mr. Don Andolina as of this time due to Mr. Andolina's absence for medical reasons. Mr. Canada mentioned contacting some people and asking them for proposals and also contacting other municipalities for their feedback. Mr. Deschaine stated that the major component of the RFP that he is missing is the inventory of current town IT assets. If Mr. Andolina has that inventory readily available then this process will move fairly quickly.

Mr. Canada requested an update on the status of the oil in the tank at the Municipal Center. Mr. Deschaine stated that Proulx Oil may have an interest in the tank itself and the materials that go with that. Proulx is contemplating certain options and will respond with a proposal. Mr. Canada stated the Board would like an update on this matter for next week's meeting.

Mr. Canada stated there was a long discussion back in April on the cost that the Town charges for copying documents. The Board had asked Mr. Deschaine to contact the various Department heads to see which documents are commonly asked for and what a recommended fee would be. An example that came up was the cost the Town charges for an assessment list in .pdf format. The Board felt the charge was much too high and reduced it significantly. Mr. Deschaine stated he has received some responses, but is still looking into this matter.

Mr. Canada stated that back in June 2009, there was discussion of having a staff meeting with the Board of Selectmen and noted that Mr. Deschaine is already holding such meetings on a periodic basis. Mr. Deschaine stated it is actually just the Department heads he meets with once a month; it is not an entire staff meeting. Mr. Canada requested that a meeting be scheduled with everyone, not just the Department heads.

Mr. Copeland requested getting the Board of Selectmen meeting agendas distributed on Fridays by noon time. This way, employees can read the agenda before they leave and decide if anything

applies to them where they might want to be on the meeting schedule. Mr. Canada stated it would be beneficial for any questions the Board may have been holding onto for Department heads if they knew ahead of time they would be in attendance.

Mr. Deschaine reported back to the Board on the preemption light at the corner of Winnicutt Road and Portsmouth Ave. This light will only go red when there is an emergency and the Fire Department has activated the light, which will stop traffic in an appropriate manner so the trucks will have the green light to get out. Mr. Deschaine has contacted East Coast Signals again to ensure their proposal of \$41,255 from last December would still be valid. Mr. Deschaine stated he met with the Town Treasurer and reconciled to \$32,817.33 available in the Winnicutt Road Improvement Fund. This would leave a funding deficit of \$8,437.67. Mr. Canada stated that there are still some pending list items for the Fire Department such as shatter proof windows and flooring for the gym. Mr. Canada moved to appropriate \$8,437.67 out of the Fire Department Bond Fund to go with the dedicated funds for improvements at the Winnicutt intersection and to authorize East Coast Signals to perform the work that they proposed at a total cost of \$41,255. Mr. Copeland seconded the motion, which passed unanimously.

At 9:27 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