

MINUTES OF THE OCTOBER 4, 2010 BOARD OF SELECTMEN'S MEETING

MEMBERS PRESENT: Chairman David Canada, Selectman Bruno Federico, and Town Administrator Paul Deschaine.

At 7:37 pm, the Chair opened the general meeting of the Board of Selectmen.

TREASURER'S REPORT: Kevin Peck reported that he had \$2,042,789.33 in the general checking account.

NEW BUSINESS: Travis Thompson, who is the Chairman of the School Board for the Town of Stratham, was present to discuss setting a date for the School District meeting. Mr. Thompson stated they are obligated to have the School District meeting between March 1st and March 25th. Historically, the School District meeting has been on the Friday prior to Town Meeting, which has been scheduled for March 11th. He stated that school vacation week is February 28th through March 4th, and the date they would normally schedule the District meeting for is during that time. Another factor is that March 8th is Election Day. Therefore, they are looking at either Monday, March 7th, or Wednesday, March 9th, to hold the School District meeting. Mr. Thompson stated he would like to stay as close to precedent as possible as far as being prior to Election Day because the voters will have made a decision on the School Co-Op teacher's contract as well as the Stratham Memorial School teacher's contract prior to the Stratham vote. Mr. Canada stated they certainly appreciate the courtesy of Mr. Thompson coming before the Board to discuss this matter.

Mr. Canada stated that the Board of Selectmen could cancel their meeting on March 7th. Town Clerk Joyce Charbonneau was present at the meeting and stated there would have to be supervisors there on that Monday night to check in voters and who would then have to be at Town Hall again on Tuesday (Election Day) morning. The solution would be to have one supervisor there with a couple of alternates and then that particular supervisor could come in late the next day. Neither of the Selectmen present had an issue with canceling their meeting for Monday, March 7th. Therefore, the School District meeting will likely be scheduled for March 7th by the School Board.

DEPARTMENT REPORTS:

Town Clerk/Tax Collector: Joyce Charbonneau was present to discuss with the Board preparations for the upcoming November 2nd elections. Ms. Charbonneau stated she was at the meeting to discuss the number of ballot clerks needed for the election. She stated there are a lot of indicators that she looks at to predict voter turnout including the number of absentee ballot requests received. At the last Presidential election in 2008, there were 684 absentee ballot requests and a 75% turnout and it was necessary to have three tables to check voters in. She stated at the recent State primary, there were 64 absentee ballot requests with a 24% turnout. There was a lengthy discussion as to who makes the final decision on how many ballot clerks are needed on Election Day. Ms. Charbonneau was concerned that the Board of Selectmen's directive to have 3 check-in tables was usurping the Moderator's prerogative. Mr. Deschaine pointed out there is an actual formula in the statute as to how many clerks are needed. In

Stratham's case, three sets of clerks would be the number indicated. Initially, political parties are given between September 15th and October 15th to appoint or nominate Election Inspectors. If after October 15th, those appointments have not been made, then it falls to the Selectmen to make those appointments. The Moderator then assigns duties to those appointed including the job of Ballot Clerks. Mr. Canada stated that the Board of Selectmen is ultimately responsible for the overall safety of voters on Election Day. He feels that if a bottleneck develops at the voter check-in, traffic will back up on Bunker Hill Avenue. During the 2008 Presidential preference Primary, traffic extended out onto Portsmouth Avenue. Ms. Charbonneau will meet with the Board on October 25th to report on the predictions and absentee ballot request numbers at which time a final decision on the number of check in tables will be set up.

Ms. Charbonneau stated that at the last November election, there was a third table, but also a dozen hall monitors and ushers in addition to the Town employees. There was a miscommunication in that it was believed by the Selectmen and the Town Administrator that the ushers and hall monitors were volunteers. Ms. Charbonneau assumed that they would be paid the same as ballot clerks and had so indicated to those whom she had asked to serve. The Board subsequently authorized paying them for their services based on Ms. Charbonneau's representations to them. Ms. Charbonneau stated she does not see the need for hall monitors or ushers at this point, so there would just be the six extra ballot clerks to man the third table, and they would all be paid for their services at a total of approximately \$250.00. Ms. Charbonneau will update the Board on this process at the October 25th meeting.

Mr. Canada stated that at the election in November of 2008, there were problems with candidates and/or their representatives affixing signs to the barricades ahead of time and then leaving the area. This created a huge 8-10 foot high "wall" of signs. Mr. Canada had spoken with Dave Emanuel and he has no problem with prohibiting the posting of any signs. Mr. Canada moved to prohibit any signs that are not being physically held by a person at the election polls. Mr. Federico seconded the motion, which passed unanimously. Mr. Emanuel had asked that the candidates be notified of same. Mr. Canada will personally take care of this by emailing each candidate with their decision.

Parks & Recreation: Seth Hickey was present to inform the Board that Saturday was a very successful day at the new softball field. Mr. Hickey presented updated quote information for the work to be done at the softball field. He stated that due to these updated quotes, there is now a savings of \$6,730.00 over original quotes for various jobs to be completed this year. Mr. Hickey is requesting the Board's approval to move forward with the furnishing and installing of infield mix, at a cost of \$10,900, as well as giving Hillside Landscaping the go ahead on the seeding and fertilizing of the field at a cost of \$1,728.00. This brings the cost for all work, year to date, to \$24,613.00. He stated the balance in the Capital Improvement Plan for 2010 after expenditures at the Babe Ruth Field is well over that amount and there will be a remaining balance after the proposed additional expenses of \$7,112.00. This will be applied to work next year to finish the project. Still needed is irrigation and fencing, which includes the back stop. Road Agent Fred Hutton was present at the meeting. Mr. Canada thanked Mr. Hutton for supervising the entire project on Saturday and stated it looks very nice there. Mr. Hickey stated they were able to cut in the infield already, which was originally going to be done at a later date. Mr. Hutton informed the Board that \$5,000 would be needed to cover the cost of the infield mix. He stated at that

point, all of the infield mix would be in and graded, and it would not be necessary to go back over the new grass that has been planted. Mr. Canada moved to allow Mr. Hickey to spend \$10,090.00 to furnish and install the infield mix, the work to be done by Bell & Flynn, and to have Hillside Landscaping seed the area at a cost of \$1,728.00, all to be paid from the Capital Improvement Plan funds for Stevens Park improvements. Mr. Federico seconded the motion, which passed unanimously. Mr. Hickey thanked Mr. Hutton for his patience in answering a lot of questions and all of his hard work on Saturday.

Highway: Mr. Hutton then reported on Highway Department activities. He stated they hope to install the pipe to the catch basin on Frying Pan Lane this week if the weather cooperates.

Mr. Hutton reported that they pulled the fuel tank off of one of the trucks and all of the paint came off with it. He stated this is the newest dump truck and this is the second tank on it. He stated the truck has been repainted and this will hopefully keep it from rusting through.

Mr. Hutton stated that Highway Department members Al Williams and Tim Slager will be going to Concord tomorrow to renew their Transfer Station certificates. Mr. Hutton stated he will be attending a meeting at the Exeter Hospital to be updated on the new Department of Transportation (DOT) rules and regulations that are coming out for municipalities.

Mr. Hutton stated the Highway Department spent a day last week in Exeter attending a "Plow Rally". They looked at new sander controls and GPS units that Exeter has implemented. Mr. Hutton stated it is a very nice event and they are going to try and do it every year and invite area towns.

Mr. Hutton stated they have replaced some road signs that were faded.

Mr. Deschaine asked Mr. Hutton if there were any potential roads that would benefit from crack sealing this fall. Mr. Hutton stated he would like to, but there is a "crumb" (asphalt and rubber mixed together used to make the sealer) shortage. Mr. Hutton stated there has been a big problem with getting the sealer.

Mr. Hutton stated he would like to put what is left in the Paving Operating Budget into the Capital Improvements fund so whatever is leftover can be put towards next year. He felt that the allocation of funds for work at Union Road took too much from the Capital Improvement budget and too little from the Operational Paving budget. Consequently, funds that will not be used this year, but were intended as long term, non-lapsing appropriations will lapse at the end of this year if a bookkeeping correction is not made. Mr. Deschaine stated there are no problems with doing that.

Mr. Canada stated last year it was decided to have Town Custodian Charlie Browne check all the exit lights and the fire extinguishers at Town buildings and asked if this had been done. Mr. Deschaine stated Mr. Browne did get all of the buildings done.

Mr. Hutton informed the Board that the generator may need some minor work done to it soon.

Mr. Canada asked if any of the Highway employees have any problem losing vacation if they do not use it. Mr. Hutton stated they do not have a problem with that since most of their vacation has been used at this time.

Mr. Hutton stated one of the part-time employees from last year is returning this winter to help plow. There may also be an additional part time employee returning, but Mr. Hutton needs to double check on that.

Mr. Hutton stated he has ordered the road salt and it should be here in the next couple of weeks.

At 8:43 pm, the Board took a short ten minute recess.

At 8:50 pm, the Board reconvened.

Mr. Canada stated that during the break, he and Mr. Deschaine agreed that Mr. Deschaine would contact all the department heads and make sure they remember to act on the "use it or lose it" portion of the vacation policy.

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:

Lori Rocha requested the use of the Park for a Halloween party on October 31, 2010. The request was approved.

Bruno Federico requested the use of the Municipal Center for a family gathering on November 7, 2010. Mr. Canada moved to allow the use and to waive the fee. Mr. Federico seconded the motion, which passed unanimously.

Administration: Mr. Deschaine presented an abatement from last week that did not get signed. The Board signed the abatement.

Mr. Deschaine stated they started the roof work at the Library to replace the air conditioning units. A lot of progress has been made and hopefully by the end of this week or next week, weather permitting, three of the new units will be back in place and then two more will be lifted off this week.

Mr. Deschaine presented a Reservation of Rights letter from Primex, which introduces the Town to possible exclusions that are in the current policy relative to the Michael Puiia lawsuit. Mr. Deschaine stated he was hesitant to sign the letter due to a portion of the letter that states "...acknowledge your understanding of *this agreement* of this letter by signing the attached copy and returning it in the self enclosed envelope". Mr. Deschaine has no problem acknowledging receipt of it and understanding its contents, but "agreement" seemed to go an extra step of the

reservation of right. Although they have defense costs, Primex would not necessarily pay the punitive damages or the other associated damages for that type of coverage for the individual named. Mr. Deschaine is comfortable signing it if the "agreement" sections are crossed out. Mr. Canada moved to authorize Mr. Deschaine to strike the words "of this agreement" and sign and return the letter from Primex regarding the Puiia lawsuit. Mr. Federico seconded the motion, which passed unanimously.

Mr. Deschaine stated he had received an email from Park Ranger Kim Woods that on September 17th, the tenants at the Gifford House reported to Ms. Woods that there was no water. Ms. Woods responded immediately and attempted to troubleshoot it, but could not ascertain for sure what the problem was. She suspected that the controller had burned out. Ms. Woods then called Advanced Pump and Filter to take a look at it and they did indeed identify that to be the problem and replaced the controller. However, they noticed that the pressure tank from that system was extremely corroded and probably not keeping its pressure, which resulted in the pump short cycling, which then resulted in the controller burning out. They have proposed an estimate to replace the expansion tank at a cost between \$900 and \$1,000 with a five-year warranty. Mr. Canada stated that price is a bit high and stated that he and Town Custodian Charlie Browne will look at it, along with the filtration system, and report their findings back to the Board at their meeting on October 18th.

Mr. Deschaine stated that he received a report of grubs at the Historical Society/Fire Department lawn. He had asked Ms. Woods to see if it was something that she could treat and she stated that the timing would be against us to effectively treat the grub problem. This is something that will need to be treated next spring.

Mr. Canada stated he had been speaking with Mr. Hutton about fertilizing the fields and stated that now that Ms. Woods is licensed, she can put down fertilizer with weed or grub control. Mr. Hutton commented to Mr. Canada that the Town would need to get her an insurance policy. Mr. Deschaine stated that when Ms. Woods went for the licensing, the insurance company stated she was covered.

A discussion took place on the status of the removal of the unused tank and the 4,000 gallons of oil in it at the Municipal Center. Mr. Deschaine stated the offer from Proulx Oil for the fuel oil was fifty cents a gallon, net. They would leave approximately 500 gallons in the tank which would be removed as part of the tank removal process. Mr. Canada stated the oil left behind should be removed from the tank and brought to the Highway Garage as the waste oil heater will burn fuel oil. If the oil is left in the tank and someone has to be called in to remove it and haul it away, it would be considered hazardous waste. Mr. Canada asked if there is a request for a proposal (RFP) from Proulx. Mr. Deschaine's concern is if the oil is left in the tank that it will go bad, and cause the tank to degrade that much quicker if it is removed. We would then be forced to remove the tank before we are ready to re-do the Municipal parking lot, which ideally would be the time to remove it. Mr. Deschaine stated that most RFP's in the past that we have had for tank removals included disposal of the residual oil. Mr. Canada suggested issuing a Request For Proposals (RFP) for both removal of the oil and removal of the tank.

Mr. Canada asked for the status of the Town's involvement in the Energy Buying Group. Mr. Deschaine stated his concern is their management of the buying group comes with an administrative fee of \$3,500, which is very high. If everyone agreed to the same RFP for propane, electricity or fuel oil, then there would be a very minimal administrative up charge for just that commodity. However, if it needs to be customized at all due to different tank sizes or different delivery demands, then there would be a higher up charge on that. Also, the idea of the buying group was the more participants you have in it, the cost would be lower; however, there is a fixed entry fee to this group. Mr. Deschaine has not seen a formal proposal in writing yet, but is not satisfied with what he has heard so far. Mr. Canada stated the Town would need special consideration of delivery of fuel oil and propane to the generators during emergencies. Also, welfare customers would need to be considered. Currently, in an emergency situation, for a cash customer, the Town will call Proulx Oil because they will deliver immediately. For customers on a budget plan, the Town will issue a voucher. Mr. Canada recommended putting this out to bid in the meantime and stated if the buying group ends up being more beneficial in the end, then the Town could go with the buying group. Mr. Canada asked if it would be possible for Mr. Deschaine to put out an RFP in the coming week. Mr. Deschaine is expecting to get the Town's financial audit any day now, which will take up some time this week, but will do his best to get this done and report back to the Board at a future date.

At 9:35 pm, Mr. Federico moved to adjourn. Mr. Canada seconded the motion, which passed unanimously.

Respectfully Submitted,

Reviewed By,

Stacey J. Grella
Executive Assistant

Paul Deschaine
Town Administrator