

## **MINUTES OF THE OCTOBER 25, 2010 BOARD OF SELECTMEN'S MEETING**

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

At 7:08 pm, the Chair opened the meeting and moved to go into non-public session to discuss a personnel matter. In addition to the members, Town Clerk Joyce Charbonneau was present. At 7:25 pm, Mr. Canada moved to come out of non-public session and to seal the minutes due to the nature of the discussion, consistent with RSA 91-A.

At 7:35 pm, the Chair opened the general meeting of the Board of Selectmen.

**TREASURER'S REPORT:** Kevin Peck reported that he had \$782,722.05 in the general checking account.

**NEW BUSINESS:** Stratham resident John Moriarty from 53 River Road was present at the meeting to discuss the removal of a broken tree limb on their property. Al Williams from the Highway Department was also present to discuss this matter. Mr. Moriarty stated that during the storms last spring, there was a large pine tree along the road in front of his property with a very large branch that broke and didn't come off completely. Mr. Moriarty called the Highway Department and at that time, Fred Hutton stated they would take care of it, but since a bucket truck was needed for this work, he would have to get approval first. Mr. Moriarty stated they received a message in August that the bucket truck was approved and available and the Highway Department would be out to their residence to take down the tree branch within the next two weeks. Mr. Moriarty stated after a couple weeks went by and the branch was still there, he called the Highway Department again to follow up. At that time, he was informed that the Highway Department made a mistake in that they forgot about the tree branch when they had the bucket truck available.

A discussion then took place on whether or not the branch was considered part of the Town's property. Mr. Canada stated that in reference to the ownership of trees, according to the statutes in the State, it is quite clear that the trees are owned by the person that owns the right of way or the land. Obviously, if it impeded the flow of traffic, the Town would have a responsibility to take care of it, but that is not the case. Mr. Moriarty stated that once the commitment was made that the Town would take care of the tree branch, he did not pursue it any further. Mr. Canada stated that he felt bad about the representations made by a Town employee; however, that employee does not make the monetary decisions for the Town. Mr. Canada stated the Town does not want to set precedents that will not be honored in the future.

Mr. Deschaine stated that after first speaking with Mrs. Moriarty, she expressed that they had an opportunity to have the tree limb removed, on a cost share basis, through a neighbor who was having tree work done, but based on Mr. Hutton's representations, they forewent having it done at that time.

The cost for Pace's Tree Service to come in is \$800 per day and, according to Mr. Williams, this particular job should not take more than a couple of hours. Mr. Canada stated that \$200 would

support Mr. Moriarty's share of the truck for the day, which Mr. Moriarty said he would be willing to pay. Mr. Canada moved that based on Mr. Hutton's representations to the Moriarty's, and based on Mr. Moriarty's willingness to contribute \$200 for his share of the time, to authorize the Highway Department to have Pace's Tree Service cut the limb down and remove it the next time tree work is being done. The action is not to set precedent, but is taken because Mr. Hutton did make a representation and also it is a shared cost. Mr. Federico seconded the motion, which passed unanimously. The Town will be in touch with Mr. Moriarty to inform him of when the work can be performed.

#### **DEPARTMENT REPORTS:**

**Fire Department:** Chief Stan Walker was present to discuss the purchase of a new tanker truck. He stated he has two pricing quotes so far, but is waiting on a third quote. Mr. Walker stated he does not have enough information to report to the Board at this time. Mr. Walker stated he will have a Capital Improvement request for a tanker trunk and will get numbers to the Board as soon as possible.

Mr. Canada asked how the Fire Association business is progressing. Mr. Walker stated he spoke with Dan Crow today and he stated he had another meeting with Attorney Abby Sykas.

**Town Clerk/Tax Collector:** Town Clerk Joyce Charbonneau was present to discuss the upcoming election. Also present was the Town Moderator, David Emanuel, and Supervisor of the Voter Checklist, Melanie McGrail. Ms. Charbonneau reported to the Board that 190 requested absentee ballots were mailed out and 130 have been returned as of this time. Next Monday, the day before the election, should be fairly busy since residents can come in and request an absentee ballot and vote at that time. Ms. Charbonneau's estimate of a total count would be about 250. She stated that during the 2008 Presidential Election, there were 684 absentee ballots with a 75% turnout. For the recent election in September, there were 64 absentee ballots with a 24% turnout. Ms. Charbonneau thinks there may be a 40-50% turnout, somewhere in between the State Primary and the Presidential Elections.

The question of the number of check in tables was discussed. Mr. Canada stated that for the 2008 election, there were hall monitors, expeditors and ushers at the Town Offices. He stated we would not necessarily need all of those people except someone right at the door to help direct people. Mr. Emanuel commented that we are not under construction right now as opposed to the 2008 election, so access and egress should be easier all the way around. After much discussion, Mr. Emanuel stated that he believes everyone is in agreement that three tables is the best way to go for this election. Mr. Canada would rather err on the side of caution in order to give the residents a good voting experience and stated the State guideline or recommendation is that voters wait no more than 15 minutes to place their votes. Ms. McGrail stated she agrees with Mr. Canada in making it a good voting experience.

Discussion then turned to the number of polling booths that are required. Ms. Charbonneau stated the total number of voters on the checklist is 5,800. For this kind of election, the statutes state one booth or screen needs to be available for every 125 voters. This would, then, require 46 polling booths or screens or a combination of both. Mr. Deschaine stated for the 2008

Presidential Election, the Town was able to put out approximately 60 voting locations and that amount will not be necessary for this election. Mr. Deschaine stated the Town has about 42 booths and recommended putting up as many booths as we have for privacy purposes, using screens on tables for the balance required by statute.

Mr. Deschaine then discussed whether the Supervisors will be in the polling area or in the Hutton Hearing Room. Mr. Emanuel thinks it is most preferable to have the supervisors in the same room with everyone else if able to physically make it fit. Mr. Canada stated there will be more room during this election than the Primary because voters cannot change parties at this election so a table is not needed for that function. He stated that the Town should set up at least the minimum number of booths required, and from there, it would just be a matter of figuring out the layout of the room. Ms. McGrail stated it is important to have the Supervisors in the same room because there is going to be more than one person that somehow was not on the list that was supposed to be and instead of them getting upset and having to look for the supervisor(s), it would be easier having them right there.

The group agreed that there will be three check-in tables and the Supervisors will be in the same room. Mr. Emanuel stated he would like the checklist reviewed and would like to make sure that there is six feet clear to the rail so nobody is within six feet of any of the voting booths, and would like to make sure that the required egress is still maintained.

Mr. Canada stated that on October 4<sup>th</sup>, the Board discussed not allowing free standing signs outside Town Hall on Election Day. Mr. Canada drafted a letter saying the candidates must remain behind barricades set up at the polling location at the entrance to the Town Hall. The letter also stated that the signs must be hand held at all times and any other poles, signs, and any other paraphernalia attached to barricades or installed as a free standing sign by any means will be removed. Mr. Emanuel stated that according to the State Moderator Handbook, "...the Moderator must set up an outdoor area at least ten feet wide and extending out from the entrance from the polling place as far as the Moderator deems appropriate where distributing of campaign literature will be prohibited". It also states that "Towns may enact ordinances or bylaws concerning electioneering that are more stringent than the State law except with the display of materials attached to motor vehicles or wholly on private property cannot be regulated". Mr. Canada stated the Moderator has a lot of authority, but it does not usurp the Board's authority for rules pertaining to the building and the grounds. Mr. Emanuel stated that in the past, people have brought a hay bale with them to support the sign in the hay bale so they are not affixed to the building or Town property. Mr. Canada stated that such placement is an installation because the bale is on Town property. It may be temporary, but it is an installation. The Board does not want any unattended signs in the small area at the entrance to the Town Hall on Election Day. Mr. Copeland does not agree with the language in the letter, specifically the term "hand held", and prefers the term "unattended". Mr. Federico agrees with Mr. Copeland. After further discussion; however, it was decided that the Board is mandating that nothing can be affixed to Town property and signs need to be hand held. Mr. Canada stated his letter is drafted and will go out tomorrow morning.

Ms. Charbonneau inquired as to mapping out the room. Mr. Canada stated that Mr. Deschaine and Town Custodian Charlie Browne will put that together.

Mr. Emanuel stated that he and Ms. Charbonneau spoke earlier about making sure there is adequate staffing once the polls close to physically process everything. Ms. Charbonneau stated that she was involved in a conference with the Secretary of State's office and it was decided that the form for counting the checklist will be due on November 15<sup>th</sup>. This will allow two weeks to complete the process as opposed to previously being just one week.

**Emergency Management/EOC:** Since Mr. Emanuel was present at the meeting, he spoke in reference to the Emergency Operation Center (EOC). He stated they have received the new furnishings for the EOC and they have been paid for from the Emergency Management Performance Grant that was received earlier in the year. The only item still outstanding is the installation of the audio visual components by Howard Systems. They are aware that the work needs to be completed by the end of the month. Mr. Emanuel is very happy with all the furnishings thus far.

**Assessing:** Town Assessor Andrea Lewy was present to report to the Board on her recommendations for actions on various abatement applications (please see attached).

A discussion took place in reference to an abatement request from 56 Stratham Health Center. Ms. Lewy stated she did all the adjustments as far as all of the physical changes to the initial assessment of the property. As for the land, .42 of this acre lot is in poorly drained soils. There is another 3,000 square feet that is a portion of the setbacks. This lot also receives drainage from the car dealership next door. Mr. Federico states there is a stream on the property and, therefore, water from the storage area in the back comes down and crisscrosses the property because of this stream and then it goes under the roadway. Mr. Federico stated this property has wetland setbacks because of the stream and has received a lot of relief already. Mr. Deschaine stated the property owner received waivers for 50% of the lot and he did not have to go to the Zoning Board because he wasn't increasing or changing the footprint of the building. Therefore, there was no variance as it was all grandfathered. Ms. Lewy stated there are going to be setbacks on a normal one acre lot, but not with all the wetland issues. Mr. Federico stated it is a one-acre lot, but it is only half usable due to the wetlands and the stream. Ms. Lewy stated if it is wet, it makes the setbacks even further in because of the wetland issue. Mr. Deschaine stated that yes, others may have the same impingement upon their properties, but the residual property left over is much different. The residual property here at 56 is basically non-standard in that you have to use the footprint that you have because you may not meet current zoning requirements. Others may have that same constraint, but the residual property left is buildable and there is more area to it and therefore, there are more options available. Mr. Canada stated the main issue is if the property owner is getting the full acre's use there or not and it sounds like he is. He cannot expand because he is already maxed out on the usage that is allowed on any 1 acre lot. Ms. Lewy stated the new assessment is currently at \$933,800. After doing all the appropriate adjustments to the building, with no adjustment to the land, her recommended assessment is now \$848,400. The land is currently valued at \$703,000. Ms. Lewy stated the property owner feels the entire parcel is worth \$650,000.

At 9:30 pm, Mr. Canada moved to go into non-public session to discuss a matter involving negotiations, pursuant to RSA 91-A. Mr. Copeland seconded the motion, which passed unanimously.

At 9:35 pm, Mr. Canada moved to come out of non-public session and seal the minutes due to the nature of the discussion. Mr. Copeland seconded the motion, which passed unanimously.

After review and comment by the Board, Mr. Canada moved to approve Ms. Lewy's recommendations on the abatements as presented, including 56 Stratham Health Center at \$848,400. Mr. Copeland seconded the motion, which passed unanimously. Please refer to the attached list for all abatements granted.

Ms. Lewy then presented two Veteran's Credit requests to the Board with her recommendation to approve both requests for 2011. Mr. Canada moved to approve the Veteran's Credit for Joseph & Helaine Hemingway and also Robert & Sharrie Lynn Piotrowski. Mr. Federico seconded the motion, which passed unanimously.

Ms. Lewy then presented an MS-1 form (Municipal Services form that establishes and approves municipal tax rates) to the Board for their signatures.

**Parks & Recreation:** Director Seth Hickey was present at the meeting to discuss his Department's activities. There was a continuation of a discussion from last week regarding the Eastman Bench at Stratham Hill Park (note: the 10/18//2010 minutes incorrectly identify this as the Stevens bench). Mr. Canada referenced a conversation the Board had about a year ago regarding trees and benches donated to the Town. The question of concern is if a donated tree dies, or if donated property is damaged, is the Town responsible for the cost for replacement. A discussion on possible repair alternatives ensued. Mr. Deschaine stated that the Park Association actually paid for the bench. Mr. Canada suggested checking with the Park Association on how they would like to handle this matter. All agreed.

Mr. Hickey then brought up the ski program and the hiring of a part time coordinator for that program. Mr. Hickey presented the Board with a resume for Lisa Rohr, the individual who has been running the program for the past four years. He stated that the ski program sold out in the first hour for the High School program and there is talk about adding another bus. Sufficient money has been added to the charge for the program (\$15.00 per person) to cover the coordinator's stipend. He stated the amount of pay would be \$1,500 for the season which he has posted to the ski account included in the Recreation Revolving Fund. Mr. Hickey has discussed this with the Recreation Commission as well as Mr. Deschaine. Mr. Canada moved to authorize Mr. Hickey to hire Lisa Rohr at a cost of \$1,500 to coordinate the ski program for this year. Mr. Federico seconded the motion, which passed unanimously.

Mr. Hickey brought up the Revenue School discussed last week that he would like to attend. He explained this is a two-year program. The main focus of this training is on how to generate revenue for the programs without having to rely on tax dollars, and creating more sustainable programming, whether it is through sponsorship or other methods. Mr. Hickey stated he is able to pay for this first year now for the March 2011 date because he did not attend the National

Conference which had been budgeted for. This would include airfare, tuition and transportation to and from Logan Airport. A little money could be saved by paying for the tuition now since the price will go up slightly later on. The total amount is \$1,680. Mr. Federico moved to authorize up to \$2,000 for the expense of training school for Mr. Hickey. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Hickey stated he has been approached by the Soccer Board, who is putting together a jamboree at Stevens Park on November 6, 2010. A lot of parents and kids will be there for the majority of the day. The Soccer Board asked about an outside vendor coming to Stevens Park to sell breakfast and lunch items. This would be a self-contained lunch cart type of operation. This vendor will give a percentage of the overall earnings for the day back to the Town. Mr. Hickey said the Soccer Board is agreeable to this. This would be a one time event. Mr. Hickey will get the vendor's certificate from the Board of Health and insurance coverage information. He will also talk to Building Inspector Terry Barnes about any permits that may be required. Mr. Federico moved to authorize Mr. Hickey to arrange for a coffee wagon for the soccer event on November 6, 2010, after reviewing the permits and insurance, etc. Mr. Canada seconded the motion, which passed unanimously.

Mr. Hickey then brought up the recent problems with the Gifford House water system. Mr. Canada stated that he, Mr. Hickey, Park Ranger Kim Woods, and Charlie Browne looked at the Gifford House water system. He stated the quoted cost from Advance Pump & Filter was \$900 to \$1,000 to provide and install a 32 gallon tank. Mr. Canada stated we are going to replace the pressure tank ourselves, which would save about 75% off the quoted price. Mr. Canada stated a 35 gallon tank would cost \$219, estimated \$10 for fittings and about an hour of labor. At this time, the system is working fine so the pump will not be endangered. The second item is the filter to alleviate the odor the tenants complained of and Ms. Woods will be getting a price quote on that. Mr. Canada stated if we want to just put in a charcoal filter, the housing would cost \$55, plus another \$10 in fittings, about an hour of labor, and the initial cartridge, which is \$34. Total cost for the Town to do this work would be approximately \$100. This is just informational at this time.

Mr. Canada stated that in the past the Recreation Director would put together an activity report and a revolving fund balance report so the Board knows exactly what every program attracts for usage and the various fund balances. Mr. Canada stated he thought the activity/enrollment report was important so they know what the enrollment numbers are for various programs. Mr. Hickey stated they he will provide such reports on a monthly basis. Mr. Canada said the activity reports could be monthly or quarterly as suited Mr. Hickey. Mr. Hickey said he is still working on getting software in place, which will make getting reports on demand much easier. They have a software demonstration scheduled for November 9<sup>th</sup> for another program which is all online based and capable of handling all the registration and creating reports on financials, etc. This will allow him to spend more time on promoting Rec. programs and less on routine paperwork. It will also facilitate the above requested reports. Mr. Deschaine mentioned they are looking to possibly integrate the room reservation system into this system as opposed to having two separate systems. Mr. Hickey has checked with other towns that are using this software and are happy with it. Mr. Hickey will update the Board on this matter after the November 9<sup>th</sup> demonstration.

Mr. Hickey stated he has been working on the background screening process for volunteers. It has been reviewed by the Chief of Police, the Recreation Commission and an outside resource that evaluates background checks, so this is getting closer to being finalized. They are still working on finding the most financially sound way of doing the background screenings, as this can be very costly.

Mr. Hickey stated they are still working on the Dog Ordinance for Stevens Park. This basically had to do with two elements; one is removing the animal excrement and the other is actually having an animal in the Park. This does not require two separate ordinances, but two separate violations within the same ordinance. Mr. Copeland suggested sticking with the fine schedule that is currently proposed for Section A, having the animal at the Park, and for Section B, a separate fine, for not removing any excrement. The fine would be at the Police Prosecutor's discretion. This item will be tabled for a later date. Mr. Hickey said that as long as the Town has an ordinance that is solid, then he is fine with it.

The Chair then reviewed the meetings scheduled for the coming week and reviewed the meetings held this past week.

**Administration:** Mr. Deschaine reminded the Board of a public hearing next week on the acceptance of a proposed donation supporting the construction of the baseball field at Stevens Park.

Mr. Deschaine stated he was informed last Friday of a phone call from the IRS that we are going to be subject to some sort of audit starting November 1<sup>st</sup>. We should be getting a notice or information of that in the mail some time this week. Mr. Deschaine will identify the IRS agent and check their credentials to make sure this is a legitimate audit.

Mr. Deschaine wanted to make the Board aware that the 300<sup>th</sup> Anniversary Committee has posted a couple of Requests for Proposals (RFP). The Committee is issuing a RFP for services to update the Town history. The other RFP is more of an appeal to artists for a local logo competition. There will be one main logo, but there will be 29 others that will be used throughout the next six years. The artist who submits the winning logo will receive a \$250 honorarium and all the second place finishers will receive a \$50 honorarium. All of the money is going to the Heritage Fund and these honorariums would be paid from that fund. Mr. Canada stated he thinks the RFP to update the Town's history is appropriate noting that it is a monumental task for an individual.

Mr. Deschaine stated the Deferred Compensation Plan amendment is an item that Nationwide Insurance is proposing. He stated he is not prepared to present it at this time.

Mr. Canada brought up the propane RFP. Mr. Deschaine stated he has been working on it and we have potential vendors identified. Mr. Canada requested this move forward and the Board set a deadline for 5:00 pm on Thursday.

Mr. Canada asked for an update on the information going out to all Department heads on the "use it or lose it" vacation policy. Mr. Deschaine stated that has been done.

As discussed at last week's meeting, Mr. Canada asked Mr. Federico if he spoke to Rockingham Planning Commission representatives Marty Wool and Lissa Ham about switching places on the RPC. Mr. Wool has been unable to attend many RPC meetings due to his being a member of the Planning Board and this causes a scheduling conflict for him. Mr. Federico stated he did have a conversation with Mr. Wool and he stated he does not have a problem with switching roles with Ms. Ham. The Board will follow up on this issue at a later time.

Mr. Canada stated he will defer the discussion about the NH State Police and the Stratham Hill Park Tower due to the late hour. Mr. Canada stated they received an email from the State saying they were sorry that they would be unable to help with the Tower maintenance and suggested applying for a grant. This matter will be discussed in more detail more next week.

**SECRETARY'S REPORT:** Mr. Canada moved to approve the amended minutes for 9/27/10, 10/04/10 and 10/18/10. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Canada asked about the IT RFP that was being worked on. Mr. Deschaine reported that Don Andolina from the IT Department has been working on that, however, it is coming along slowly.

Mr. Deschaine stated the agreement has been signed with the State and their vendor on the Energy Improvement Grant money. Now the RFP can be pulled together with all terms and conditions and be posted and advertised appropriately. He stated that Town Planner Lincoln Daley has started a draft. Mr. Deschaine stated they just need to finish up that part to be fully compliant and then will review it before issuing it. Not sure on a timeline on this.

Mr. Deschaine stated as far as the oil removal RFP, nothing has moved forward at this time due to the priority being the propane RFP and grant money needs. Mr. Canada stated he will take care of the oil removal RFP.

Mr. Canada stated they are still looking to have a meeting scheduled with the Town staff. Mr. Deschaine will notify the Board when a date is set.

At 11:00 pm, Mr. Canada moved to adjourn. Mr. Copeland seconded the motion, which passed unanimously.

Respectfully Submitted,

Reviewed By,

Stacey J. Grella  
Executive Assistant

Paul R. Deschaine  
Town Administrator