

MINUTES OF THE NOVEMBER 15, 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 \$516,859.88 in the general checking account.

DEPARTMENT REPORTS:

Building Inspection/Code Enforcement: CEO/Building Inspector Terry Barnes was present to report on his Department's activities. He began by handing out a summary of building permits issued to date (see attached). He stated that the renovations at the Industrial Park (Bauer Hockey) are moving right along. The underground plumbing has been completed and inspected. They are now putting all new windows in the building and a silt fence around the outside area to protect the wet area because it was getting very muddy from last week's rain. Mr. Barnes is meeting with the President of Aberthaw Construction to go over Bauer Hockey's fit up for the office space.

Mr. Barnes stated he was in Concord for the NH Building Officials meeting where the legal aspects of code enforcement were discussed with lawyers from Mitchell Municipal Group out of Concord. He stated it was very informative and interesting.

Mr. Barnes stated he met with representatives from Palmer & Sicard, a mechanical contracting firm, at Timberland because they were re-piping gas lines into the kitchen, running gas lines to a new 55,000k generator, and installing a gas grill outside for the employees.

Mr. Barnes received a call from the Facility Manager from H.D. Smith, who stated they installed more storage racks on their premises. Mr. Barnes does not feel they need a permit since these racks can be moved.

Mr. Barnes has been speaking with Jennifer Partridge, who is the Project Manager at Lindt Chocolate, in reference to the truck scales they are installing. They are moving right along and are basically ready for the scales to be delivered and then installed.

Mr. Barnes stated he called J.R. Construction. They have taken out the foundation at 16-18 Cortland Avenue in Sewall Farm where the house burned, and left a hole over six feet deep. Mr. Barnes was concerned that someone could fall in the hole so he had them put up a temporary fence around the area.

Mr. Barnes spoke with Atty. Abby Sykas regarding Mr. Daigle's garage as far as the size because he keeps changing the plans. He can put up a bigger garage, but 400 square feet is all he can use for the landscaping business. He wants as big as he can go without having to put a stamp on the plan.

Mr. Barnes stated he met with Rob Cook on Hersey Lane. They have removed the second floor of his cape style house and installed eight foot walls to add a complete second story.

Mr. Barnes is still working on the Home Occupations and stated they are coming along fine.

Mr. Barnes stated he is still picking up political signs around Town.

Planning: Town Planner Lincoln Daley was present to review some of the Planning Board applications for this month and next month.

Mr. Daley stated that coming up on December 15th, is the 32 Bunker Hill Avenue open yield subdivision plan. Previously, the Planning Board heard the application on November 3rd to determine its completeness. The Planning Board determined that more information was needed and asked the applicant to provide information on doing additional test pits to determine the viability of various lots as part of their yield plan.

Mr. Daley stated this week the Town Center Committee will be meeting to discuss the Town Center Area Master Plan. The goal is to provide a rough draft to the Committee for their review and input going forward. There were various poster board plans on display on Election Day showing traffic design alternatives for the Traffic Circle and the Town Center. Various residents provided comments and offered their input. The Committee will take that input and incorporate it into the recommendations for the Master Plan. Mr. Daley stated the Committee hired a traffic consultant to provide traffic alternatives and they came up with three alternative designs, all incorporating some sort of round-about around various locations of the Traffic Circle itself. The goal is to slow down traffic and to add an element of additional safety for vehicles and pedestrians who enter the Town Center area. Mr. Daley will provide a summary of all the resident comments to the Town Center Committee and they will incorporate that as part of one element of the Town Center Area plan. Part of the discussion is reaching out to the Department of Transportation (DOT) and also the Police Department to find out what they think and offer an opportunity for them to make comments on the selected alternative. One positive aspect is seeing a gradual acceptance of roundabouts as an alternative to traffic lights or as a way to mitigate traffic to add safety to pedestrians and vehicles traveling in that area. Mr. Copeland stated they had previously discussed the problems with the round-about and having the emergency services building and emergency operations center there. In the event of a major catastrophic accident at a Winnicutt Road/Portsmouth Avenue roundabout, the emergency operations center and Fire Department could well be immobilized. Mr. Daley stated the Committee understood the various concerns raised by the Board and other emergency management individuals about the intersection but that current discussion revolved around a roundabout at one or more points at the existing traffic circle.

Mr. Daley stated the Economic Development Committee has enlisted the services of the UNH Data Collection Center to create a guidance document for the Committee to use to conduct focus group sessions. The purpose of the focus groups is to pose questions to business owners and residents regarding what resources the Town is providing or failing to provide. Other areas include looking at business retention and outreach as a function of the focus group sessions. The

Committee will be visiting various business and property owners along the commercial corridor to introduce themselves to gather input. This input will be included as part of an overall plan to encourage a high level of communication between the Town and the various business and property owners.

Mr. Daley stated the Municipal Software Evaluation Committee is continuing to evaluate several software systems. They are meeting with a company called Business Management Systems, Inc. (BMSI) tomorrow to better understand what services they can offer to the Town. In addition, they are continuing to work with Avitar to learn if they can actually create a system that better suits the needs of the Assessing, Planning, Zoning and Building Departments.

Mr. Daley stated the Planning Board is in the process of preparing for Town Meeting, which includes various zoning amendments. At this week's meeting, the process will begin by actually reviewing the draft language for the various zoning amendments. Additionally, they will continue to look at municipal water and sewer studies. They have been ongoing and additional monies are needed for further studies for Town approval come next March. Mr. Canada asked Mr. Daley what sort of amendments they are entertaining. Mr. Daley stated that one is looking at the criteria involving the issuance of a variance. The State made some changes to the criteria for denial or approval of a variance and the language will reflect those changes. Also, State law requires that growth impact ordinances contain a termination date and the Town lacks that right now. They will review that information and determine what an appropriate termination date may be, at which point in time, it may require the Town to approve the Growth Management Ordinance going forward on a yearly or bi-yearly basis. Other amendments include simple changes such as looking at definitions to make them more relevant and to contain information that pertains to the changing uses we are seeing today. In addition, the Planning Board is considering language dealing with signs in the Gateway Commercial Business District to further supplement the current Gateway language that was approved earlier this year.

Mr. Federico stated in the Town Center Plan, his three areas of concern are walking, crossing the street and parking. Mr. Daley stated part of one of the big elements is looking at the traffic analysis to include putting a round-about in the area to slow traffic down along Route 33 entering the Town Center. Additionally, as part of the Master Plan, they are looking at putting in pedestrian elements or traffic mitigation measures to allow for proper crossing of the streets to ensure safety of pedestrians. Mr. Copeland asked if the new pre-emption light could be used for people that want to walk across the street. Mr. Daley stated part of the analysis done by the traffic consultant was to make that a signaled intersection at some point. Mr. Deschaine stated it remains to be seen how well recognized the pre-emption lights are and whether any added element needs to be put in place. Mr. Deschaine stated if the light is going to be activated on a different cycle other than emergency vehicle use, it may introduce other undesirable effects before building it out as a full-fledged signalized intersection.

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:

Kranthi Kantipudhi requested the use of the Municipal Center for a baby welcoming on November 20, 2010. There have been a couple of issues with this group using the room, so they have been put on probation. This request was approved.

Administration: Mr. Deschaine brought up a request by COAST for support regarding proposed changes based on new Census information. Depending on how the Census Bureau splits up their analysis of the 2010 census, the Town could be included in a huge metropolitan district extending from Rochester, NH all the way down to Washington, DC. In doing so, the federal funding COAST receives can no longer be used for operational expenses, but only towards capital expenses. Currently, because they are in a semi-rural metropolitan district, which is just the Portsmouth/Rochester general area, they can use those funds for both operations and capital. The Census Bureau had a meeting a couple weeks ago, which Town Planner Lincoln Daley attended. As a result of that, COAST has approached various supporters, including the Town of Stratham to see if we and others would write to the Census Bureau and advocate they maintain the current district definitions. Mr. Daley returned to the meeting to discuss the pros and cons of this with the Board. Mr. Daley stated the seminar basically summarized the changes to how the urbanized areas are defined and how it actually affects the Seacoast area. Mr. Daley stated he could not provide the pros and cons at this time. Mr. Daley stated he could draft a letter and email it to the Board for their review and signature in support of COAST. Mr. Daley stated he will speak with the Rockingham Planning Commission to get a sense from them what their thoughts are since they are a little more heavily involved in this situation. The deadline for this letter is November 22, 2010.

Mr. Deschaine presented the warrant for the tax bills that will be produced based on the new tax rate that just came out and requested the Board execute that document. Mr. Deschaine stated that the property of the Roman Catholic Church Diocese of Manchester went into Current Use earlier this year, but after the first semi-annual tax billing went out. That then resulted in a negative tax bill because they overpaid on the first bill as compared to what their tax liability is in Current Use status. Mr. Canada stated he remembered that they missed the deadline for this year so this would fall under Current Use in 2011. The Board had rejected waiving the filing deadline established by law. Mr. Federico and Mr. Copeland concurred. Mr. Deschaine will work with Town Assessor Andrea Lewy to rectify this matter.

Mr. Deschaine presented a letter to the Board for their signature. This letter is addressed to the State Police advising them that the Town requests their help maintaining the Fire Tower, which they use for a communication tower. The Town has asked for an agreement to be in place by January 1st asking for \$1,000 per month in rent, and lacking that agreement, to please remove their equipment.

Mr. Deschaine stated he revised the website user policy as discussed at last week's meeting regarding posting external links on the Town website. The Board had decided that only those who had a current relationship of some kind with the Town would be allowed links on the

Town's website. Librarian and Webmaster Lesley Kimball had asked for clarification on who determined which organizations qualified. Mr. Copeland commented that it is the Board's responsibility to review any requests on a case by case basis and to decide if they fit the parameters of allowing them on the Town website or not. Mr. Canada moved to approve the proposed policy change on posting external links on the Town website with Mr. Deschaine's suggested amendments to be made and that the final decision on adding links is to be made by the Board of Selectmen. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Deschaine reminded the Board that the Comprehensive Economic Development Strategy (CEDS) project update is due on December 15th and the Public Works Commission will be discussing it for added input.

OLD BUSINESS: Mr. Deschaine sent the proposed Animal Control Ordinance for Stevens Park over to the Police Prosecutor and the Police Chief this afternoon for their review.

NEW BUSINESS: The Board opened the sealed bids for supplying the Town with propane and/or oil for the 2010/2011 heating season. Mr. Canada moved to instruct Mr. Deschaine to clarify all the terms with Palmer Gas from North Salem, NH, confirming that the price would be fixed at \$1.68 per gallon for propane through the heating season and they will provide all the equipment. Upon confirmation, we will award them the bid. Mr. Canada also moved to authorize Mr. Deschaine to negotiate with Proulx to be the oil provider, which they may or may not be willing to do. Mr. Canada's concern with Palmer Gas as our fuel oil provider is having a company at a long distance taking care of our fuel needs in the event of an emergency because we need daily service for our generators. Mr. Copeland seconded the motion, which passed unanimously.

Other bidders were:

- Buxton Oil: (oil only) \$2.599 per gallon.
- Energy North Propane: Propane, 35¢ over variable laid in costs, currently computing to \$1.859 per gallon.
- Proulx Oil and Propane: Propane, 66¢ over benchmark Texas price (current cost not provided) or fixed at \$1.8862 per gallon. Oil, fixed at \$2.5644.
- Amerigas: Propane, Variable at 29.9¢ over wholesale (undefined and no current price computed); no fixed price offered.
- Downeast Energy: Propane, fixed at \$2.699 per gallon. Oil, \$2.949 per gallon, fixed.

Mr. Deschaine told the Board that Town Clerk Joyce Charbonneau has been approached by a local non-profit agency to place a "goody basket" with a donation box in the Municipal Center lobby. Mr. Canada stated there is limited counter space and the Board agreed to deny the request.

Mr. Copeland wanted to discuss the Local Government Center's (LGC) recent negative press and some of their accounting practices. He asked why the Town is using them if even a portion of what the press is saying is true as far as them withholding town funds to make their own investments that should have been rebated back to the towns. Mr. Canada stated he is concerned about it as well. He stated the LGC certainly performs a lot of beneficial functions for the towns

and cities in the State and agrees that we should give some serious thought to our relationship with them. Mr. Canada stated he would prefer a definite answer from the Secretary of State as opposed to just going by what is printed in the press. Mr. Copeland asked if the Town were to stop using LGC, would it be possible to go with Primex and at what additional cost. Mr. Deschaine stated that LGC provides the Town with employee health benefits, training and they support many affiliate groups. Primex provides the Town's unemployment, worker's compensation, and property liability insurances as of this time. The Board agreed to table this matter for the time being.

Mr. Canada wanted to bring up a problem from earlier this year with getting permission from the NH Fish and Game Department to treat the marshes by the Swampscott River with mosquito larvicides. In the past, the problem was the Department of Health and Human Services had not timely declared a health emergency in the Town, so NH Fish and Game said they would not allow spraying. Mr. Canada asked Mr. Copeland, in his capacity as a new State Representative, to consider supporting some changes to the policy, which would give any community who had ever had a mosquito related health threat declared an affirmative, right to treat state owned land with larvicides.

Mr. Canada asked as to the status of the Capital Improvement Plan (CIP) requests from the department heads. Mr. Deschaine is still working on that and should have it completed by next week.

Mr. Canada stated he wanted to set a date for the staff to meet with the Board of Selectmen. Mr. Deschaine proposed a date of Friday, December 3, 2010 at 12:45 pm.

The Board announced that the new tax rate has been set at \$18.73, which is a \$.067 increase from the previous year. The breakdown is: \$11.96 local school rate, \$2.25 state school rate, \$3.51 town rate and \$1.01 county rate.

SECRETARY'S REPORT: Mr. Canada stated that the Board of Selectmen minutes have not been getting posted to the Town website in a timely fashion. Mr. Canada proposed that Mr. Deschaine be prepared to discuss the minutes at the Board meetings as presented and proposed to have Executive Assistant Stacey Grella send the approved minutes to Library Director Lesley Kimball to be posted on the Town website by 12:00 pm every Wednesday. The Board agreed.

At 9:25 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