

## **MINUTES OF THE FEBRUARY 17, 2014 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, Mr. Copeland moved to go into a non-public session to discuss a personnel matter. Mr. Federico seconded the motion, which passed unanimously.

At 7:22 pm, Mr. Canada moved to come out of the non-public session and to seal the minutes due to the nature of the matters discussed. Mr. Copeland seconded the motion, which passed unanimously.

At 7:30 pm, the Chair opened the general meeting of the Board of Selectmen.

**SECRETARY'S REPORT:** Mr. Copeland moved to approve the amended minutes from the regular meeting on February 10, 2014. Mr. Federico seconded the motion, which passed unanimously.

### **NEW BUSINESS:**

At 7:32 pm Mr. Canada reconvened the public hearing on the proposed 2014 Town Warrant as previously posted. (Please note that the Warrant Article numbers have been renumbered since last public hearing. The four Petition Articles that were not discussed February 10, 2014, will be discussed tonight).

ARTICLE 18: By petition of Michael J. Welty and 32 other registered voters of the Town of Stratham, to see if the Town will vote to raise and appropriate the amount of \$2,500 for support of Annie's Angels Memorial Fund, Inc. The funds will be used to continue support for Stratham residents struggling financially through life threatening disease, illness or disability. Annie's Angels is a 501(c) (3) charity.

Resident Michael Welty shared with the Board about Annie's Angels, how and why it began, who they help and how they help, and the successful fundraisers they have annually. (See attached Annie's Angels brochure and statement read by Mr. Welty.)

Mr. Copeland expressed his high recommendation for supporting Article 18, saying that Annie's Angels is a great organization that helps many hurting families. Mr. Copeland moved to recommend Article 18. Mr. Federico seconded the motion, which passed unanimously.

ARTICLE 13: By petition of Everett Lamm and 27 other registered voters of the Town of Stratham, to see if the town will vote to urge:

That the New Hampshire State Legislature join nearly 500 municipalities and 16 other states, including all other New England states, in calling upon Congress to move forward a constitutional amendment that: 1) guarantees the right of our elected representatives and of the American people to safeguard fair elections through authority to regular political spending, and 2) clarifies that constitutional rights were established for people, not corporations.

That the New Hampshire Congressional delegation support such a constitutional amendment.

That the New Hampshire State Legislature support such an amendment once it is approved by Congress and sent to the State for ratification.

And furthermore, that this Town Meeting vote be a record that We the People want Congress and our state legislature to:

- Institute full, effective and immediate electronic disclosure of all election-related spending by any individual, group, corporation, party or institution;
- Provide for fair, nonpartisan and vigorous enforcement of existing campaign laws and regulations by federal and state agencies;
- Enact an absolute ban on campaign contributions by foreign governments, foreign agencies, foreign corporations or their subsidiaries and employees in the United States;
- Enact legislation that would cut down the influence of big bankroll donors by multiplying the power of small donations through the use of voter vouchers, tax credits, and matching public funds.

The record of the vote approving this article shall be transmitted by written notice to Stratham's congressional delegation, and to Stratham's state legislators, and to the President of the United States informing them of the instructions from their constituents by the Board of Selectmen within 30 days of the vote.

Resident Jonathan Caldwell expressed his support for this Article saying that if enough Municipalities support this, it will make a difference.

Resident Lester Cuff supports this article saying that he gets about 30 emails a month from his representatives asking for money. He said 70% of our Government officials use their time asking for money instead of doing the job they were elected to do. It is time we put a stop to that.

Mr. Federico said that he supports limits on the elected representatives. Mr. Copeland moved to remain neutral on this article and let the voters decide. Mr. Canada seconded the motion, which passed unanimously.

ARTICLE 10: By petition of Tana Ream and over 25 other registered voters of the Town of Stratham, to see if the Town will vote to adopt an ordinance that will ban hunting on those lands shown and described on Town of Stratham 2013 Tax Map 22, Lot 83, known and referred to as Stratham Hill Park and the Noyes Property, and 2013 Tax map 22, Lot 85, known and referred to as the Gifford property, said ban to be enforced by the Stratham Police Department in accordance with Chapter 1-01 of the Town of Stratham Code of Ordinances, with the exception of the provisions within a written wildlife management program for the stated properties. Should this Article pass, Article 11 is null and void.

Resident Matthew Gunn expressed that he strongly feels the public park is an inappropriate place for the discharge of firearms. The park is heavily used by school children; in fact the school abuts to the park. Mr. Gunn expressed that although no one has been injured, it isn't worth the

risk. Mr. Gunn also mentioned that he is a hunter and has no problem with hunting, but not in a heavily utilized park.

New resident Mark Roberts told the Board that he uses the dog park adjacent to the forest every day. When he learned that discharging firearms was allowed it alarmed him, especially since it is a densely used recreational facility – he expressed that it doesn't pass the "common sense" test.

Resident Lester Cuff mentioned that the park is open to everyone, but there are certain rules that need to be followed. He then asked if we can set regulations for the users of the park facilities, such as no riding motorcycles on the hiking trails, then why can't we regulated no hunting in the park. Mr. Canada answered that the Board of Selectmen can set regulations for the park users but they wanted the Town to weigh in on the discussion. Mr. Copeland said that he wants to make it clear that Article 10 would ban discharging of firearms but does not ban a person from carrying a firearm in the park.

Mr. Cuff then asked if he could get clarification that the Board of Selectmen can make and set regulation for this issue. Mr. Deschaine explained that is it a very complicated issue – first of all Article 10 is based on a different set of statutes than Article 11 – so he will need to address them separately. Article 10 is basically the Town acting as a property owner – if a property owner wants to post for no hunting, the statutes permit for you to do so. There is no "home rule" in the State of New Hampshire. When a town wants to enact something, the Town would need to look for a statute giving it authority to act on it – there is no statute that permits the Town to regulate hunting – the State already has several statutes that regulate hunting – that is what is called "preemption." If the State has regulated it, you, as a municipality are not able to regulate it differently. The Town is the owner of Stratham Hill Park and the Gifford property – and as the "owner" you can allow or not allow hunting on your property based on state statutes.

ARTICLE 11: By petition of Tana Ream and over 25 other registered voters of the Town of Stratham, to see if the Town will designate as a "Compact Zone" under RSA 644:13 II (b) the lands known as Stratham Hill Park, shown and described on the Town of Stratham 2013 Tax Map 22, Lot 83, known and referred to as Stratham Hill Park and the Noyes Property, and 2013 Tax Map 22, Lot 85, known and referred to as the Gifford Property, which results in a person being guilty of a violation if such person fires or discharges any cannon, gun, pistol, or other firearm on said lands except by written permission of the Chief of Police or governing body.

Mr. Deschaine commented that 'compact zone' would ban all discharging of firearms, but you could still bow hunt – citing RSA 644:13 II (b).

With no further questions or comments, Mr. Canada adjourned the public hearing at 8:05 pm.

Mr. Copeland asked if Article 10 passes would it be a violation, misdemeanor, or a felony. If it was violated, what would the penalty be for that person? Police Chief John Scippa said that it would be up to the Board of Selectmen to create the penalty. It would be a Town ordinance violation level offense, up to a \$1,000 fine plus 20% of the penalty assessment.

Mr. Canada said that in the past we did not take a position on this, we referred to the Town. We had the authority, but wanted to hear what the Town wished. Mr. Canada moved to not take a

stand on Article 10 and Article 11. Mr. Copeland seconded the motion, which passed unanimously.

Boy Scout Andrew Kirby is working on an Eagle Scout project that he proposed to the Board. He wants to build 10 storage lockers in the Garage Bay at the Police Department for the officers to store their gear. (See attached proposal and plans for the lockers)

Chief Scippa asked that the Board support this project and accept the donation. Chief Scippa has known Andrew since he first became a Boy Scout. These lockers are something the officers can really put to good use. They can store their jackets and cruiser bags in the lockers.

Mr. Copeland moved that the Board accept the donation and project, with thanks. Mr. Federico seconded the motion, which passed unanimously.

Town Planner Lincoln Daley introduced John Diaz from GPI, who is here to present options for the conceptual design for the enhancement improvements scheduled for the Stratham Town Center.

Mr. Diaz gave a PowerPoint presentation for the Board showing four streetscape improvement design alternatives for the Town Center. He stated that the preferred alternative was Option 4. However, that option was dependent upon available funding.

Mr. Copeland asked why a bus stop is proposed near the fire station when having it there could hinder the emergency access route and would not be safe for the residents nor the emergency response teams. Mr. Copeland stated that he does not support having a bus stop at that location. Mr. Diaz explained that the elements of the design alternatives are conceptual and that the bus stop could be moved to another location if the Board wants to have a bus stop during final design.

John Sapienza also stated that he is against having a bus stop near the fire station for safety concerns and internal circulation of pedestrian, vehicles, and emergency services.

Mr. Canada said that he supports Mr. Copeland's position – we need to see proof that it would not be a safety hazard and until then, it should be removed from the conceptual design.

Mr. Copeland moved to take the bus stop off the conceptual design. Mr. Canada seconded the motion, which passed unanimously.

Resident Michael Keene asked about a slide in the presentation where a road cross-section had the travel lanes, sidewalks, curb and green space beyond – how does that compare with the original zoning plan? Mr. Diaz said that the New Hampshire DOT has concerns with the green space between the sidewalk and the street because of plowing needs, so we now have the sidewalks with the green space and lighting behind it. Mr. Keene asked if the zoning proposal has been changed to reflect that. Mr. Daley responded that the Town Center zoning proposal is flexible to adapt to those changes.

Mr. Copeland said that in Option 3 where a crosswalk is on Portsmouth Avenue would be very dangerous option. Mr. Diaz said it is a conceptual design, but a crossing would need to be added at some place. Mr. Copeland said he'd rather see the crosswalk on Winnicutt Road where there is at least a flashing yellow light. Mr. Sapienza said that often cars don't even stop at that intersection when the light is red. Mr. Diaz said those details would be worked out in the final design.

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

**NEW BUSINESS CONTINUED:**

Mr. Deschaine reported to the Board that the Department of Safety would like to donate four tire rims to the Police Department for a cruiser that could use them. Mr. Copeland moved to accept the donation of four tire rims from the New Hampshire Department of Safety for use of Police Department vehicle. Mr. Federico seconded the motion, which passed unanimously.

Mr. Canada moved to accept the contract as written for Steve Traub to update 85 commercial properties for the 2014 statistical update. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Deschaine reported that he was informed by the tenant of the Gifford property that they had a problem with the boiler. After investigating we discovered a significant amount of water was coming from the rear of the unit. We contacted Hartmann's Oil to come and look at it and see what the problem is. They discovered that the combustion chamber casting has cracked and needs to be replaced. The unit is under warranty but the labor will cost about \$1,800. Mr. Canada moved to accept Hartmann's proposal and get the boiler fixed. Mr. Federico seconded the motion, which passed unanimously.

Mr. Deschaine reported that the Health Officer, Dr. London is on an extended vacation until March 3, 2014, and meanwhile the Sarnia property is demolishing the Stoneybrook Lane section, which included a daycare, that is temporarily relocating above the Lindt Chocolate retail site and needs an inspection for the daycare center's licensure. Upon investigation Mr. Deschaine discovered that our Deputy Health Officers are no longer valid – their appointments have run out at the State. There is a provision in the law that we can have a Health Officer from another town assist with any issues. Once Dr. London returns we need to get a Deputy Health Officer to avoid the need to go to another Town for assistance. The Health Officer from Exeter is willing to help us. Mr. Federico moved to allow the Health Officer from Exeter to inspect the Sarnia properties. Mr. Copeland seconded the motion, which passed unanimously.

At 8:52 pm, Mr. Canada moved to adjourn. Mr. Federico seconded the motion, which passed unanimously.

Respectfully submitted,

Debbie Hensley  
Executive Assistant