

MINUTES OF THE SEPTEMBER 22, 2014 BOARD OF SELECTMEN'S MEETING

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

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 of the regular meeting on September 15, 2014. Mr. Federico seconded the motion, which passed unanimously.

TREASURER'S REPORT: Treasurer Deb Bronson reported that there is \$5,702,437.42 in the general checking account.

DEPARTMENT REPORTS:

BUILDING CODE ENFORCEMENT: Audrey Cline was present at the meeting to update the Board on the current status of ongoing building inspections, issues, and applications before the Board of Adjustment. Ms. Cline reported her department had eight appointments this month for pre-review of projects, stating that the informal pre-review of projects, no matter the size, are a good investment of time as the planning stages of a project are critical to the overall success.

Ms. Cline reported that she is considering a Change of Occupancy process stating that there was a request for an inspection of a tenant space in order that Stratham would sign off on a NH State form. This is a common request and is to insure life safety/building safety items have been maintained such as the batteries, emergency lighting, fire extinguishers, etc. A Change of Occupant process would mean that we ask people to come in prior to moving into their new space so that we can go through it at that time.

Ms. Cline reported that her department is narrowing down the most useful manner of entering information into the Land Use Departments' software in order to have access to a number of reporting functions. There are a number of data entry fields in the software. Creating a standard that is used consistently by everyone who enters information is key to taking the most advantage of the software capabilities.

Ms. Cline reported there have been four Certificate of Occupancy permits and 72 inspections this month.

Ms. Cline reported that she met with four different businesses about removing their non-permitted signs and all four complied. Ms. Cline stated she received four zoning complaints, two that are on the way to resolution and two that are pending initial action by the building department. Ms. Cline stated that she is working on the process for regulating home occupations.

Ms. Cline reported that she received notification from the Deputy Health Officer that there is a DHHS Health alert for the Enterovirus-D68 respiratory illness in multiple states. Ms. Cline

reported that she is working with Rob Cook with regard to pulling together a fire inspection process.

Ms. Cline reported that at the Land Use Department meeting they discussed shed permitting, stating that Stratham zoning allows for the installation of a shed of 100 square feet or less without a permit, however, the Assessor would like to have permits submitted for all sheds in order to document them for taxation purposes. The Building Code exempts accessory buildings under 200 square feet from requiring a building permit, but we may use the building permit application in order to review for zoning purposes.

Ms. Cline reported that she met with folks from Rollins Farm Development LLC for a pre-planning review. She will be attending a FEMA Flood Mapping Workshop with Mr. Daley on September 30, 2014. Ms. Cline reported that she will be hosting the New Hampshire Seacoast Code Officials Association at the Stratham Firehouse on Wednesday for their monthly meeting, and will be lecturing on framing issues.

NEW BUSINESS: Representatives of Sarannie LLC and ST Holding Company were in to discuss the proposed wetlands crossing for a Gateway Connector road which is planned as part of the Subaru expansion project. After a brief discussion it was determined that the topic to be discussed was not for public discussion. Accordingly, at 7:55 pm Mr. Canada moved to go into a non-public session to discuss a matter that could affect the reputation of another, not a member of the Board. Mr. Copeland seconded the motion, which passed unanimously.

At 8:15 pm Mr. Canada moved to come out of non-public session and to seal the minutes due to the nature of the matters discussed. Mr. Copeland seconded the motion, which passed unanimously.

Residents from the Smith Farm Road neighborhood came before the Board concerning their subdivision approval amendments. They presented the Board with an overall permitting timeline for discussion purposes; and to get final approval for the subdivision so that individual wells can be used with the original community water system abandoned.

Resident Bradley Woods stated that he sent a letter to the Board on September 5, 2014 requesting the Town to administratively record the current plan containing the individual wells as being the final plan of the 1985 process. The submitted plan contains no physical changes to anything above ground level in the subdivision; it only changed the water source. Mr. Canada stated that he and Mr. Daley spoke to the Town attorney today. Mr. Daley stated he spoke with the attorney to get guidance for this issue. He stated that the subdivision originally had a community well serving 12 homes, over the course of several years there has been deterioration to that well and appurtenances. A number of the residents have raised concerns about the water pressure and the water quality. As a result the residents took action to create a plan that would allow them to drill individual wells. Town counsel advised us that this would require a public hearing before the Town Planning Board to amend the Notice of Decision, to allow the dissolution of the Association, and to have the Planning Board sign the modified amended plan that was approved at the DES level. Nine of the 12 in the subdivision have language in their deeds regarding a Smith Farm Association whose principal purpose is to

administrator the community water system. Mr. Daley stated that the real issue is to enable residents who have mention of the water association in their deed to clear issues which could affect titles to their homes. Mr. Woods asked what they need to do to go forward with the Planning Board. Mr. Daley responded for them to submit an application to the Planning Board to amend the subdivision approval. This will acknowledge and confirm that a plan has been created that deals with the water issues on the property. Mr. Daley stated that he will help the residents with the application process. Mr. Canada stated that the Town Attorney recommended that residents consult a Title Insurance Attorney before making the application before the Planning Board so that all potential concerns are dealt with at once.

DEPARTMENT REPORTS CONTINUED:

PLANNING: Town Planner Lincoln Daley was present at the meeting and updated the Board on current and future Planning Board applications and projects.

Mr. Daley reported there will be a public hearing on October 1, 2014 for the following properties: Rollins Hill Development, LLC, for the property located at 20 Rollins Farm Drive, Tax Map 3 Lot 24. They have submitted a Subdivision Application and want to put in a 48 lot, over age 55 retirement planned community development. The second one is Ledge View Realty, LLC, c/o Colin Peddie, 102 Wellesley Street, Weston, MA and Mr. and Mrs. Ford, P.O. Box 554, Stratham, NH for the properties located at 40 & 42 Crestview Terrace, Stratham, NH, Tax Map 22 Lots 95 & 96. The application is for a lot-line relocation. The third one is for Sarannie, LLC, and ST Holding Company, LLC, (Subaru) for the property located at 37 & 39 Portsmouth Avenue, Stratham, NH Tax Map 9, Lots 2 & 3 for Conditional Use Permit Application pursuant to Section 20.1.4 of the Stratham Zoning Ordinance to allow a portion of the leach bed to be 2 feet above the seasonal high water table where 3 feet is required. The final one for the October 1, 2014 public hearing is Seacoast Imported Auto, Inc. (d/b/a Honda Barn), 34 Portsmouth Avenue, Stratham, NH Tax Map 9, Lot 118 for Site Plan Review Application and associated waivers to construct an addition of 3,348 square feet to the existing building.

Mr. Daley reported that AutoFair Realty II, LLC, for the property located at 41 Portsmouth Avenue went before the Planning Board on September 2, 2014 to review the site plan and application to construct a 25,600 square foot auto dealership and related lighting, landscaping, drainage, and parking/access improvements and that that application was approved.

Mr. Daley presented the Board with a draft Municipal Sidewalk Agreement with the NHDOT for the Town to consider which would obligate the Town to maintain the sidewalk associated with the Subaru expansion. Mr. Daley stated that the DOT is pushing the responsibility of sidewalks onto the Towns and Cities. The Town has two options. One is to create an agreement that accepts responsibility for all sidewalks, current and future, within Town or a piece-meal approach where we approve one specific area at a time. Mr. Daley asked the Board if they want the Planning Board to explore having the applicant(s) maintain the sidewalk. Mr. Copeland stated that snow removal should be the responsibility of the property owner but maintenance of the sidewalks should be the Town's responsibility. Mr. Canada stated that we are gearing up to have the equipment for maintaining sidewalks in the not too distant future. Mr. Canada stated

that he would like to ease into the responsibility to start with the Town Center and the Subaru property. Mr. Canada moved to approve the Municipal Sidewalk Agreement for the Subaru ST Holding Company, LLC property. Mr. Copeland seconded the motion, which passed unanimously. Mr. Canada moved to approve the Town Center Municipal Sidewalk Agreement. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Daley reported that he and Mr. Deschaine are working with the engineers on the final design for submittal to NHDOT for the Transportation Enhancement Grant. The design has to be submitted by December 2014 for formal approval from NHDOT.

Mr. Daley reported that the Economic Development Committee (EDC) will finalize the Economic Revitalization Zone (ERZ) application– which applies to industrial properties in Town. Mr. Daley presented the Board with a draft 79-E Community Revitalization Tax Relief Incentive program letter that will be sent to all property owners within the Town Center that highlights the creation of the 79-E program along with the attached application and summary material. Mr. Canada moved that the Board authorizes him to sign the letter. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Daley reported that the Master Plan Committee is working with the Recreation Department on their section of the Master Plan and the goal is to have those sections done by the end of the year. Part of this will be an outreach/visioning session in October that will be run by the UNH Public Session Program and will provide guidance to the master planning process.

Mr. Daley reported that Makris Real Estate Development submitted the required 10% maintenance bond associated with the subdivision cistern. Mr. Daley thanked Mr. Lavery and the Highway Department for inspecting the installation of the cistern.

HIGHWAY DEPARTMENT: Highway Agent Colin Lavery reported that at the Stratham Hill Park Association meeting it was discussed to have Mr. Lavery inspect and analyze what vegetation needs to be removed at the top of the hill to get back the sight-line to Great Bay on the east side and Exeter to the west. Mr. Lavery stated he will meet with the Conservation Commission at their next meeting on October 8, 2014 to review the project. Mr. Lavery stated that they plan to also take care of the maintenance along the stone wall that the Liberty Mutual volunteers cleaned along the tote road.

Mr. Lavery stated that he had reported that the wood chipper would cost about \$1500 to fix. He recently talked with a service repair man at John Deere and they will need to also replace the fly wheel and pilot key. The total cost will now be \$4100 for parts and labor. Mr. Copeland moved to allow Mr. Lavery to spend the \$4100 to fix the wood chipper. Mr. Canada seconded the motion, which passed unanimously.

Mr. Lavery asked the Board what they would like to do with the Tahoe stating that Mr. Deschaine had mentioned the State Bid that recently had a similar vehicle sell for \$3,000. Mr. Lavery stated that he could tow the Tahoe to Concord if the Board wants to send it to the State auction. Mr. Canada moved to send it to the State auction. Mr. Copeland seconded the motion, which passed unanimously.

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

Mr. Canada moved to have Paul Deschaine as the delegate for the NHMA Legislation Policy Conference. Mr. Copeland seconded the motion, which passed unanimously.

PARK PERMITS/MUNICIPAL CENTER RENTALS:

The following Park permits and Municipal Center rentals were discussed and acted upon:

Karen Witham requested the use of the Stratham Hill Park 4HPavilion on September 27, 2014 for a company picnic. The Board approved the request.

Easter Seals requested use of the Municipal Center Meeting Room A on October 1, October 8, October 15, and October 29, 2014 for an Easter Seals Non-Profit Art class for individuals and asked for the fee to be waived. Mr. Canada moved to approve the request for the four dates and to waive the fee. Mr. Federico seconded the motion, which passed unanimously.

Maria Emanuel requested the use of the Municipal Center Meeting Room A on October 1, 2014; for a Tiger Den Pack 185 meeting. Mr. Canada moved to approve the request and to waive the fee. Mr. Copeland seconded the motion, which passed unanimously.

Sanjay Iyer requested the use of the Municipal Center Meeting Rooms A and B on October 4, 2014 for an Indian Cultural Event. The Board requested to have Mr. Iyer come before them next week to discuss the condition of the room the last time they rented it before the Board approves the request.

Patricia Fischer requested the use of the Stratham Hill Park Scamman Pavilion on October 2, 2014, for a Liberty Mutual company outing. The Board approved the request.

ADMINISTRATION: Mr. Deschaine reported that we received a funding request from CASA (Court Appointed Special Advocates for Children) for \$500. Since CASA is court affiliated do we want to bypass our normal procedure for requesting funds? Mr. Canada stated that everyone we donate to is a worthy cause and we do not want to give them special consideration. The Board agreed that they should go through the normal process the Town has for requesting charitable funds.

Mr. Deschaine reported that Janet Johnson has resigned from the Heritage Commission. Mr. Canada moved to accept Janet Johnson's resignation with thanks for the work she has done for the Town in the past. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Deschaine reported that he was informed of proposed rule changes by DES. The deadline for written comments is October 17, 2014. Part of the change concerns compliance schedules for NPDES permits. The Department has come up with terms that the EPA suggested because up to this point they have not been able to enforce compliance schedules without State action first.

Mr. Deschaine expressed concern that the proposed rule does not take under consideration affordability. For example, with public water supplies, as part of the regulatory process, the EPA, if the rates exceed 30% of the median household income, will extend the regulatory requirement timeline longer to allow for less rate shock. The Board agreed with Mr. Deschaine's concerns. Mr. Canada moved to allow Mr. Deschaine to write a letter to that effect. Mr. Federico seconded the motion, which passed unanimously.

Mr. Canada stated that regarding the oil/propane bids we received last week he did some research on rack plus pricing and there is no real standardized or verifiable base price for it. He noted that the Dead River bid for Rack Plus pricing quoted what that would currently be at \$1.68. The Eastern bid for a fixed price for the season was \$1.69, essentially the same. Since this is traditionally the low point of the season, price wise, and spikes in prices are likely in the heart of the season, the Eastern bid will likely fix our price at the low end of Rack Plus prices for the year. Mr. Canada moved to accept Eastern Propane and Oil's fixed price bid of \$1.69 per gallon for propane and \$3.49 per gallon for oil. Mr. Copeland seconded the motion, which passed unanimously.

Mr. Copeland moved to accept the bid for the Bobcat from Brenden Lee for \$1,065. Mr. Canada seconded the motion, which passed unanimously.

Mr. Canada reported that he met with a roofing contractor for the Bartlett-Cushman property. We have received three bids so far. The first quote was \$28,000, Gary Sillanpaa's offered \$11,500, and Chris Bickfield offered \$10,300. There is a possibility that once the roofer takes off the old roof they will find boards that need to be replaced which is not included in the bids. Roof vents should be installed and these are not included in the price. Mr. Canada moved to spend up to \$12,000, to include sheathing replacement, as needed, and roof vents, and give the work to Chris Bickfield in accordance with his proposal. Mr. Federico seconded the motion, which passed unanimously. Mr. Canada stated that after the \$12,000 is spent on the roof, there will be a balance in that budget line of \$3,147.50. Mr. Canada moved to spend up to \$3,147.50 by hiring Gary Sillanpaa to work on things such as sill work at the Bartlett-Cushman house. Mr. Copeland seconded the motion, which passed unanimously.

At 9:32 pm Mr. Canada moved to adjourn. Mr. Federico seconded the motion, which passed unanimously.

Respectfully submitted,

Debbie Hensley
Executive Assistant