

FINAL MINUTES

BOARD OF SELECTMEN MEETING

MINUTES

July 12, 2010

1. Call Meeting to Order

Chairwoman Julie Gilman convened the Board in the Nowak Room of the Town Office Building at 7:00 pm. Other members of the Board present were: Mr. Bobby Aldrich, Mr. William Campbell, Mr. Matt Quandt, Mr. Don Clement, and Town Manager Russ Dean.

2. Public Comment – none

3. Minutes and Proclamations

a. Regular Meeting: June 28th, 2010

Mr. Aldrich moved to accept the June 28, 2010 regular meeting minutes as presented. Mr. Campbell seconded. Vote: Unanimous.

b. Special Meeting: July 6th, 2010

Mr. Aldrich moved to accept the July 6, 2010 special meeting minutes as presented. Mr. Campbell seconded. Vote: Unanimous.

c. Non-Public Session: June 28th, 2010

Mr. Aldrich moved to accept the June 28, 2010 non-public session minutes as presented. Mr. Campbell seconded. Vote: Unanimous.

4. Appointments – none

5. Department Reports – Fire Department

Fire Chief, Brian Comeau, gave a progress report on fire management and the ranked recommendations for the department from a study conducted in 2007. Chief Comeau spoke about the recommendations and which have and have not been completed. The higher priorities have been addressed. The main recommendation topics were; management, dispatch, call force, station 2, mutual aid system, and prevention. Mr. Campbell asked about the radio boxes that will be replacing the call boxes and back up coverage for the department. Chief Comeau explained that the radio boxes set up a network of radio systems. These will be added to new buildings. The call boxes on the telephone polls will remain because of their reliability. There is always back up coverage for the Chief since the Assistant Chiefs are not out of Town at the same time. Mr. Clement asked if the EMS billing is only done out of the Fire Department and if it could be integrated with the town finances. Chief Comeau said that the billing is only done through the Fire Department because it is much different dealing with Medicare and Medicaid and the electronic deposits.

6. Discussion/Action Items

a. New Business

FINAL MINUTES

i. 82 Railroad Avenue Building Issue

For the reason of a personal decision, Ms. Gilman recused herself from the discussion and handed over the Chairman position to Vice Chairman, Bobby Aldrich. Mr. Dean explained that IS Winter Realty Trust was granted a building permit on June 8, 2010 to construct a new 2800 square foot duplex at 82 Railroad Avenue. The Town has no zoning ordinance nor is there anything in the building code addressing building adjacent to cemeteries. However, RSA 289 289:3, III was recently brought to the Town's attention which states nothing can be built within 25 feet of a cemetery unless deemed an essential service by the governing body. Therefore, the Board of Selectmen must determine a further course of action on this project. When the Town was made aware of the statute, a cease and desist was issued on July 6, 2010 which has stopped building. Builder, Sandy Winter came before the Board to state that his plot plans with the layout were reviewed with the Heritage Commission, Planning Board and Building Department and were approved with all fees paid. Mr. Aldrich asked Mr. Mitchell, Town legal council, what the options were for the Board to recommend. Mr. Mitchell said that the options were for the Board to either force State requirement or go to Superior Court to seek adjudication. The Board, however, is under no obligation to enforce the statute. Under the circumstances, it may not be worth while to expend the resources to prevent the continuation of the building. Mr. Mitchell also stated that the without the enforcement of the statute, Mr. Winter would be allowed to build but not with out chance that someone else may ensue the enforcement. Gerry Hamel came before the Board to say that he knows of at least 5 properties within 10 to 15 feet to a cemetery in Town. He believes that this is an unfortunate law and as a constructor, he has never heard of this law before. Ms. Gilman came before the Board to say that as Selectmen, they are sworn to uphold the law and that she would be very disappointed if the law was ignored. The law is there to protect the culture. Mr. Quandt noted that it is the Towns failure to not know of the law and if Mr. Winter's building needs to be moved then all other buildings within the 25 feet to a cemetery should also be moved. Mr. Clement asked Doug Eastman, Building Inspector, about lot calculations and bedroom numbers. Mr. Eastman confirmed the information from an engineer and approved the permit. Mr. Winter stated that he is not going to continue the building but would like to know how to get something back from this. Mr. Mitchell stated that he should get a declaratory judgment action. At 8:10pm, Mr. Aldrich called a recess to discuss the matter with Mr. Winter non-publicly. Mr. Aldrich reconvened the meeting at 8:22pm.

With the consensus of the Board, Mr. Campbell moved to not spend the resources necessary to fund the enforcement, to lift the cease and desist and the Town will not oppose declaratory judgement. Mr. Quandt seconded. Vote: 3/1 carried. Mr. Campbell - aye, Mr. Quandt – aye, Mr. Aldrich – aye, Mr. Clement – abstained.

ii. Pine Road Paving

The Board of Selectmen in Brentwood has turned down an offer to share cost with Exeter on the paving project of Pine Road. The paving was scheduled to begin on July 12th. Brentwood did indicate they would change any weight restrictions imposed by Exeter. Jennifer Perry explained the different paving options for Pine Road. Ms. Gilman stated

FINAL MINUTES

that since the paving was already budgeted; the original plan for paving should be implemented. The paving project will begin on July 13th.

iii. Public Hearing: Health Code Fees

Mr. Campbell moved to open the public hearing. Mr. Aldrich seconded. Vote: Unanimous.

Assistant Fire Chief, Ken Berkenbush, stated that as part of the new health code adopted by the Board, a revised fee schedule has been put forth by the Department. Ms. Gilman asked if there were any questions.

Mr. Aldrich moved to close the public hearing. Mr. Quandt seconded. Vote: Unanimous.

Mr. Aldrich moved to adopt the new fee schedule for the Health Department, with an effective date of January 1, 2011. Mr. Campbell seconded. Vote: Unanimous.

iv. Public Hearing: Accept Solar Array Grant

Mr. Aldrich moved to open the public hearing. Mr. Campbell seconded. Vote: Unanimous.

Ms. Gilman explained that this grant will allow the Town to enter into a repurchase agreement and install a solar array at the wastewater treatment plant on Newfields Road.

Mr. Clement moved to close the public hearing. Mr. Aldrich seconded. Vote: Unanimous.

Mr. Clement moved to accept the solar array grant from the EECBG program in the amount of \$50,000. Mr. Aldrich seconded. Vote: Unanimous.

v. Review Department Goals

Each Department submitted a list of goals at the beginning of the 2010 calendar year. Ms. Gilman suggested that the Board submit their comments to Mr. Dean and this will be put on a future agenda. Mr. Aldrich and Mr. Clement agreed that the departments need to work on how to set their goals to make sure they are deliverable. The Board agreed that this will be a valuable tool for evaluations and reviews.

vi. Review Bid Policy/Contractors

Mr. Campbell requested a review of the Town's policy on bidding as it pertained to engineering services/professional service contracts. He noticed that there is no final vote by the Selectmen on engineering bids. Alan Bailey came before the Board to say that there are large numbers of contracts approved and signed. He encouraged the Board not to set contracts aside since it is their responsibility. The Board agreed that if there is a bid for over \$25,000 it requires voting.

vii. Discussion: Lower Level Town Hall Space

This discussion is postponed for 2 weeks.

FINAL MINUTES

viii. Water Abatement Discussion

The owners of 10 Kingston Rd, Owen Baril and Barbara Michaud, are seeking further abatement of a water/sewer bill already granted by the Board. They are seeking a waiver from the sewer charges on an extensive leak recorded recently on that property. Ms. Michaud explained that the water bill was for 1.5 million gallons of water over a 3 month period. She said she has not seen any water on their property and therefore believes that water did not drain to the sewer. Mr. Aldrich suggested figuring out the average and cutting that amount from the sewer part of the bill. The Water/Sewer Department will figure out the numbers and get back to the owners.

b. Old Business

i. Bid Award: Engine 4 Surplus Truck

Mr. Aldrich moved to approve the sale of Engine 4 to high bidder Ivan Eaton of Seabrook, NH, in the amount of \$7000. Mr. Quandt seconded. Vote: Unanimous.

ii. Bid Award: Piping/Valve Improvements Water/Sewer

Mr. Aldrich moved to authorize the award of bid for the water piping and valve improvements to Apex Construction in the amount of \$43,300. Mr. Quandt seconded. Vote: Unanimous.

iii. Vehicle/Equipment Replacement Policy

The Board will submit their comments to Mr. Dean and this will put on a future agenda.

iv. Take Home Vehicle Use Policy

Mr. Campbell suggested a wording change under Vehicle Assignment. Mr. Quandt questioned reimbursement and Mr. Dean said that the SOP is open ended and not clearly defined. Ms. Gilman suggested adding advance approval wording and to make it understood that there are other options of cars for department personnel to use. There was question to why the Animal Control Officer and the Building Inspector would have a take home vehicle. It was explained that the Animal Control Officer is an on call job and that the Building Inspector uses the car in emergencies and it ensures prompt action. Fire Chief Comeau and Assistant Fire Chief Berkenbush made the points that the take home cars are a great resource and a good asset to those who have them. They have service oriented jobs and the cars are essential to the people who have them. Building Inspector, Doug Eastman, told the Board that his car is always available to the his Department and that it is much safer keeping the car at home overnight rather than parked in a parking lot. Ms. Gilman stated that this discussion will be on another agenda for future discussion.

v. BOS Operating Policies/Procedures

This is postponed and will be on a future agenda.

7. Regular Business

a. Accounts Payable and Payroll Manifests

FINAL MINUTES

Mr. Clement moved to approve the regular weekly payroll warrant for the week ending 7/4/10 in the amount of \$174,517.12. Mr. Campbell seconded. Vote: Unanimous - Mr. Aldrich abstained.

Mr. Clement moved to approve the accounts payable warrant for the week ending 7/9/10 in the amount of \$2,684,652.55. Mr. Campbell seconded. Vote: Unanimous - Mr. Aldrich abstained.

Mr. Clement moved the Board of Selectmen to authorize the Tax Collector to deed the following properties listed as “Owner Unknown” 30 days from the date of publication: Map 23, Lot 5, Map 33, Lot 27, Map 102-2-1. Mr. Campbell seconded. Vote: Unanimous.

b. Budget Updates - none

c. Surplus Declaration - none

d. Tax Abatements and Exemptions - none

e. Water/Sewer Abatements – none

f. Permits –

1. Permit request for Taoist Tai Chi Society of USA to use the Town Hall Main Floor for a workshop on October 2nd, 2010 from 9:00am- 5:00pm.

Mr. Aldrich moved to approve the permits as presented with the fee waived. Mr. Campbell seconded. Vote: Unanimous.

g. Town Manager’s Report – The Town is requesting that Exeter residents conserve water during this period of hot weather. Mr. Dean offered his condolences to the families of Frank Kozacka and Jim Griswold. They will be missed.

h. Legislative Updates – none.

i. Selectmen’s Committee Reports

Ms. Gilman – There will be a Historic District Commission meeting on July 15th.

Mr. Quandt – nothing to report.

Mr. Clement – There is be a Heritage Commission meeting coming up.

Mr. Campbell – The Planning Board met. They finalized the longest running application and also discussed the expansion of the Stratham Industrial Park.

Mr. Aldrich – The Conservation Commission meets tomorrow and the Capital Improvement Committee meets next week.

FINAL MINUTES

j. Correspondence –

- Information regarding a proposed adjustment in Call Company payroll from Assistant Fire Chief, Eric Wilking
- Meeting notification to discuss tax issues with Exeter River MHP Cooperative
- Pubic Hearing notice; Nomination of Lower Exeter and Squamscott Rivers into the New Hampshire Rivers Management and Protection Program July 14, 6:00-8:00pm at the Stratham Town Office.
- Comcast update regarding service
- New Hampshire Department of State; election training
- Letter from Portsmouth City Manager, John P. Bohenko; Great Bay Water Quality Coalition
- Thank you from Richie McFarland Children's Center'
- Thank you from Seacoast Mental Health Center
- Thank you from Seacoast Hospice
- Board of Tax and Land Appeals; appeal withdrawn

8. Review Board Calendar – The next Board of Selectmen meeting will be on Monday, July 19th.

9. Non Public Session - none

10. Adjournment

Mr. Aldrich moved to adjourn the meeting at 10:12pm. Mr. Campbell seconded. Vote: Unanimous.

Respectfully submitted,

Aimee Caruso
Recording Secretary