

*Town of Atkinson  
Board of Selectmen  
Regular Meeting  
Monday October 5, 2009*

**Open Meeting**

Chairman F. Childs opened the Regular Meeting of the Atkinson Board of Selectmen at 7 PM on Monday, October 5, 2009, in the Atkinson Town Hall.

**Members Present:**

W. Bennett  
F. Childs, Chairman  
W. Friel

**Others Present:**

R. Cavalear, Town Clerk  
T. Dziechowski, Conservation Chairman  
S. Killam, Planning Board Chairman  
P. Smith, Town Administrator

**Discussion**

*8 Valcat Lane Map 22 Lot 47: 7 PM*

T. Dziechowski, Conservation Chairman: Addressed the Board by showing a series of old maps detailing the older subdivision of lots found on Hemlock Heights specifically the Valcat area. Mr. Dziechowski's position is that Valcat has never been anything more than a private way and has never been accepted by the town or achieved the status of a class VI road through any form of prescription.

Leon Artus asked to speak but was advised he will have his chance to speak later in the meeting after they have heard from Tim; Tim has to attend a conservation meeting from this meeting.

7:30 PM

**Approval of Minutes**

**W. Bennett made the motion to accept the minutes of the Regular Meeting of Monday, September 28, 2009, as amended. Second: W. Friel. Vote: 3/0/0.**

**W. Bennett made the motion to accept the minutes of the Special Meeting of Tuesday, September 29, 2009, as presented. Second: W. Friel. Vote: 3/0/0.**

**W. Bennett made the motion to accept the minutes of the Non-Public Session of Tuesday, September 29, 2009, as amended. Second: W. Friel. Vote: 3/0/0.**

**Scheduled Appearance**

*L. Artus, 114 Maple Avenue, Atkinson*

L. Artus read a statement (copy attached) requested that the Board of Selectmen issue a Cease and Desist Order against the owner of the property at 8 Valcat Lane (Map 22 Lot 47) to prevent further destruction of Valcat Lane, and require that Valcat Lane to be restored to its original condition. He contended that Valcat Lane is a Town Road by prescription. W. Bennett asked which portion of Valcat Lane L. Artus considered a Town Road. S. Killam pointed out that Valcat Lane was on a plat which was recorded in the early 1900's, lots were sold and the road used

for more than twenty years prior to January 1968, thus fulfilling the requirements for a public way, and, it would seem, conforming to the State definition of a highway. She cautioned that there were two issues at hand: the nature of Valcat Lane (private, Class VI,?); and, the Right-of-Way, which is a civil matter, separate from this discussion.

W. Friel stated that, regardless of whether Valcat Lane is public, private or Class VI, there was a May 29, 2008 agreement between the Board of Selectmen and Daniel J. and Margaret R. Osborn, registered in Book 4921 Pages 123 to 125 as an addendum to the deed for Map 22 Lot 47 (Book 4709 Page 1468), on Valcat Lane, stating, in part “6. Any maintenance work the Osborns...perform must have prior approval of the governing body of the TOWN or highway agent under RSA 236.9.” This was not done, he said.

W. Bennett expressed concern that a Certificate of Occupancy might be issued before the issues are resolved. He recommended that the Building Inspector be notified not to issue a Certificate of Occupancy for the building at 8 Valcat Lane at least until after the Osborns’ hearing before the Zoning Board of Adjustment on October 14, 2009. W. Friel agreed. W. Bennett asked P. Smith to send a memo to the Building Inspector, R. Jones to that effect.

### **Budget Items**

#### *Overexpenditures:*

Police Chief P. Consentino forms for Outside Detail work, stating that there was no money in the Police budget to pay for it. W. Bennett said that \$10.00 per hour of the detail work rate was for Town expenses.

**W. Friel made a motion to take the money to pay officers for Outside Details should come out of the Detail account. Second: W. Bennett. Vote: 3/0/0.**

#### *IT Service:*

W. Bennett told the Board that the annual Information Technology (IT) Support Service agreement with Adel-XT expired on October 1, 2009. S. Jussif, principal of Adel-XT, was unwilling to sign a three-month agreement with the Town at his annual rate of \$75.00 per hour. He was, however, willing to continue to service the Town for \$95.00 per hour, and will credit the \$20.00 per hour difference against future billings, should he receive the 2010 contract.

**W. Friel made a motion to have Adel-XT continue to provide IT Support Services to the Town through December 31, 2009, at the rate of \$95.00 per hour. Second: W. Bennett. Vote: 3/0/0.**

#### *PD Regional Prosecutor:*

Town Administrator P. Smith noted that there was a meeting in Plaistow with J. Reams and the Rockingham Police Chiefs at which was explained that the Plaistow Regional Prosecutor’s budget (copy attached) would increase 2%. F. Childs noted that there was a 3.5% step increase built into the budget. W. Bennett on what basis the distribution of cost was computed. P. Smith said he would get additional information to the Board by the next meeting. There was agreement by the Board that this expense should be included in the Police Department’s budget.

### **Correspondence**

#### *Continuity of Operations Plans (CoOP):*

W. Bennett noted that the Continuity of Operations Plan (CoOP) submitted by the Police Department was timely and well done (copy attached).

**W. Bennett made the motion to approve the Continuity of Operations Plan submitted by the Police Department. Second: W. Friel. Vote: 3/0/0.**

W. Bennett noted that the Board has not yet received the CoOP from the Fire Department, and has tasked Selectmen’s Clerk B. Snicer to provide the same for the Town Hall.

*Testimonial RE: 8 Valcat Lane:*

L. Artus presented a "Testimonial" from P. Goodridge, 30 Hemlock Shore Drive (copy attached), outlining information, questions and concerns regarding 8 Valcat Lane.

**Department Heads**

*Town Clerk*

Office Hours:

R. Cavalear reported that the results of the month-long survey (August 10 – September 12) regarding changing the Town Clerk's office hours as follows:

	<b>From</b>		<b>To</b>	
	<b>Open</b>	<b>Close</b>	<b>Open</b>	<b>Close</b>
<b>Monday</b>	8:30 AM	6:30 PM	8:30 AM	7 PM
<b>Tuesday</b>	8:30 AM	4 PM	8:30 AM	5:30 PM
<b>Wednesday</b>	8:30 AM	4 PM	8:30 AM	5 PM
<b>Thursday</b>	8:30 AM	4 PM	8:30 AM	5 PM
<b>Friday</b>	8:30 AM	4 PM	8:30 AM	12 Noon

Were : 346 Yes; 11 No. She said she would like to begin the new hours on Monday, November 2.

W. Friel indicated he would prefer to have more evening hours to accommodate those residents who work out of Town, suggesting that one night the office should be open until at least 8 PM, or opened on Saturday. W. Bennett agreed. R. Cavalear said that she would have to check with the New Hampshire Department of Safety (DoS) and the software company, Interware, to be sure there would be technical support available during the extra time. F. Childs directed the Town Clerk to check with the DoS to determine what hours that office is open, and to bring the additional information before the Board October 19.

Credit Cards:

The Town Clerk noted that several people have requested that the Town accept credit cards. R. Cavalear has been investigating the costs and processes involved and noted the following:

- Global Payment Processing Company can be accessed through the Interware software system;
- \$95.00 initial set-up cost to Global Payment Processing Co.
- \$1.00 Automated Clearinghouse (ACH) charge per transaction;
- 2.75% of transaction for "Convenience" fee, \$1.00 minimum;
- PCI Compliance Charge to the Town of \$10.00 per month and \$25.00 per year;
- \$120.00 each for 2 card-slide machines;
- This system is for credit cards (except VISA) only, not debit cards.

She added that the Town would have to go to a "one check" system for registrations, which she is pursuing through TD Bank, noting that only two other New Hampshire communities have this system. Currently, this company does not accept VISA for registrations and dog licenses, but will accept Visa for property taxes. Road Agent E. Stewart suggested that, if the Town were going to accept credit cards in one department, perhaps it should be for all departments such as permits and fees for the Planning and Building Departments. W. Friel said that the Tax Collector was opposed to using credit cards for Property Taxes. F. Childs asked R. Cavalear to get additional information and return to the Board.

Resignation:

R. Cavalear announced that she has received a letter of resignation from Deputy Town Clerk Robyn Schuster, effective October 9, 2009.

**F. Childs made the motion to accept the resignation with regret and the thanks of the Board. Second: W. Friel. Vote: 3/0/0.**

Town Administrator P. Smith suggested using the existing pool of candidates from the 2008 advertising for the Town Clerk's part-time clerical position in order to save the cost of again placing a help-wanted ad. R. Cavalear said she had reviewed the resumes and the qualified candidates have already found positions. She recommended advertising again. W. Friel noted that the Town was successful advertising on the LGC and MRI sites for a Town Administrator, and asked if there were a "specialized" site for Town Clerks. R. Cavalear said that there was such a site and she would look into advertising there.

R. Cavalear asked if she might cross-train the Deputy Tax Collector S. Garrant. F. Childs asked how long it would take for such cross-training. R. Cavalear said it would take about six months, in addition, she said, it would be thirty days from the date of hire before one could be sent to the State to be certified as a Municipal Agent. Also, the State's training program for Deputy Town Clerk was the same as that for the Deputy Tax Collector, for which S. Garrant was already qualified. The Selectmen asked P. Smith to develop a job description and place ads for a Deputy Town Clerk.

#### *Highway Department*

##### **Salt Bid:**

Road Agent E. Stewart asked the Selectmen if they would authorize the Highway Department to use the State Bid of \$.5541 per small ton from Granite State Salt, and instead of going through Atkinson's bid process, noting that salt prices were running about 15% less than 2008.

**W. Bennett made a motion to permit the Highway Department to use the State Bid from Granite State Salt for \$.5541 per small ton/delivered for the 2009-2010 winter season. Second: W. Friel. Vote: 3/0/0.**

Town Administrator P. Smith will write a letter to Granite State Salt to affirm this price through the winter.

##### **Driveway Permit – 8 Valcat Lane:**

E. Stewart presented a letter to the Board documenting the circumstances surrounding the September 15, 2009 Driveway Permit issued to M. Osborn for work to be done entering Chase Island Road, and the subsequent request by the property owner to make changes.

##### **Grievance:**

E. Stewart asked for a hearing to remove a Letter of Reprimand from his personnel file. The Board agreed to meet with him at 7 PM on October 19, 2009.

##### **Proposed 2010 Budget:**

E. Stewart reported that the Highway Budgets and Warrant Articles were outlined and ready to be submitted. He asked permission to bid the asphalt prior to the Deliberative Session to get a more accurate price, and pointed out that the Highway Department's Ten-Year Road Improvement Plan estimated asphalt at \$85.00 per ton. He added that, by using the State escalation rate, and subjecting the bid to funding, the Town is protected. W. Bennett asked that the bid for asphalt be submitted to the Board for approval before being put out. E. Stewart said he would like to review his proposed budget with the Highway Liaison, W. Friel prior to submission to the Board and Budget Committee, to which W. Friel agreed.

##### **Expenditure Authorization:**

E. Stewart questioned the timeliness of getting written permission of a Selectman and the Town Administrator during emergencies, for example calling out several people to plow during a snowstorm, or to order a truckload of road salt. F. Childs said that there were always exceptions to rules. W. Friel said he would be open to an alternative program if presented to him. W. Bennett asked the Road Agent to try the authorization program for a month, then report back to the Board.

#### **New Business**

*Planet Aid Clothing:*

The Atkinson Women's Civic Club (AWCC) has asked permission to place two clothing collection bins at the Community Center for one year. AWCC will receive \$2.00 per pound of clothing collected. The members of the Board approved the placement.

*Telephone Solicitations:*

W. Bennett noted that there are organizations purporting to represent Fire and/or Police Departments, soliciting funds over the telephone. He cautioned anyone contemplating sending money to check with our local Police Department first.

Chairman F. Childs said that the Board would discuss some of the remaining items following the SBA Towers,II, LLC workshop on October 8.

**Future Agenda:**

October 6 – 7 PM Budget Committee  
October 8 – 7 PM Public Safety Communications' Committee  
October 8 – 7:30 PM SBA Towers II, LLC Workshop  
October 29 – 10 AM – 2 PM Flu Shot Clinic Community Center  
October 31 – Household Hazardous Waste Day Danville Town Hall  
October 31 – 6 PM – 8 PM Trick or Treat

**Adjournment:**

**W. Friel made the motion to adjourn at 9:45 PM. Second: W. Bennett. Vote: 3/0/0.**

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Fred J. Childs, Jr, Chairman

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William G. Friel

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William M. Bennett