

***Town of Atkinson  
Board of Selectmen  
Regular Meeting 7:30 P.M.  
Monday, November 2, 2009***

**Open Meeting:**

**Open Regular Session:**

Chairman F. Childs opened the Regular Meeting of the Atkinson Board of Selectmen at 7:30 PM on Monday, November 2, 2009, in the Atkinson Town Hall, and led those assembled in the Pledge of Allegiance. Mr. William Bennett was absent from the meeting due to illness.

**Members Present:**

F. Childs, Chairman  
W. Friel

**Others Present:**

P. Smith, Town Administrator  
D. Williams, Station Manager  
M. MacDonald, Supervisor of the Checklist  
R. Cavalear, Town Clerk  
A. Phair, Library Trustee  
H. Galloway, Chairman, Library Trustee  
D. Heer, Library Director  
D. Weymouth, Maintenance Supervisor  
Honorable James Garrity, State Representative

**Approval of Minutes:**

Mr. Childs stated that the minutes for October 8, 2009, October 19, 2009 and October 21, 2009 would be deferred until the next meeting.

**Scheduled Appearances:**

*-D. Williams – ACTV*  
HR 3745 Community Access Preservation Act

The Act proposed by Representative Baldwin of Wisconsin is designed to clarify loopholes due to the Telecomm Industry getting into cable TV. The bill would:

1) Eliminate limits on PEG funds. funds other than franchise fees can now only be used for capital expenditures. If the bill passes, PEG funds can be used for anything the Town wants for the station.

2) It would prevent digital slamming by AT&T and Verizon. The two companies are making Community Television inaccessible by making Channel 99 the only community television station. All community television channels would be listed as Channel 99. This would prevent TIVO or recording public television programs. The bill would make AT&T and Verizon treat community television as a regular channel, with each station having its own number.

3) Many states are franchising community television statewide. This is hurting towns, for example the City of Los Angeles shut down all PEG channels; the state is getting all the money and is not passing it on to the communities. The new bill would make the FCC look at all state franchises and report

to Congress and would make a retroactive decree that all community TV stations would get the same funds.

4) The bill would define a cable system. The telephone companies are offering a cable product but saying they are not cable television, they are IPTV. The new bill would state that if the signal is going over a land line, then it is cable television.

Mr. Williams state that the New Hampshire Coalition of Community Media and national organizations are asking for support for the Bill. Mr. Friel asked if Mr. Williams would like the Selectmen to send off his letter and Mr. Williams replied that he would. Mr. Friel stated that he would like to wait for the next meeting when Mr. Bennett was present to give his opinion. Mr. Childs agreed with Mr. Friel and asked where the letter would be sent. Mr. Williams replied that it would be sent to the Congressional delegation for New Hampshire and stated that he would place it on the web site for community support.

**Budget Items:**

- *Over expenditures*

- *It Service – P. Smith*

*Remote Hosting Service – P. Smith*

Mr. Smith recommended switching the Exchange server to a remote hosting service provided by Adel-Xt Computer Company. Mr. Friel asked Mr. Smith if he had shown the proposal to the IT Committee and Mr. Smith replied that he had not. Mr. Friel suggested that Mr. Smith show the proposal to the IT Committee and the Board would defer its opinion until the IT Committee and Mr. Bennett had a chance to look at it.

- *Health Insurance*

Mr. Smith stated that health insurance costs were up 16.4% and that he is still looking at different proposals and how to reduce costs. He stated that he had given the Board copies of the current health, workmen's compensation and liability plans. Mr. Childs asked if the current contracts run out on December 31, 2009 and Mr. Smith affirmed. Mr. Friel stated that he would like to get quotes against Primex and asked if Mr. Smith had gotten quotes from LGC. Mr. Smith stated that he had an appointment with a representative from LGC. Mr. Friel and Mr. Childs agreed that Mr. Smith should get more quotes before the Board made a decision on health insurance.

- *Supervisor of the Checklist – Martha MacDonald*

Ms. MacDonald presented the above 2010 budget to the Board, requesting a total of \$3,000.00 for the year. Mr. Childs asked if she was requesting enough funds. Mr. Friel suggested that she have Checklist Supervisor V. Busby look at it.

**Mr. William Friel made a motion for preliminary approval of the 2010 Supervisors of the Checklist Budget. Chairman Fred Childs seconded the motion and the members present voted unanimously for preliminary approval.**

- *Elections & Registration* – Rose Cavalear, Town Clerk,

Mr. Childs called Town Clerk R. Cavalear to appear and stated that the Board wished to discuss changes from last year's budget. Ms. Cavalear stated that health insurance and FICA both went up. The next item discussed was microfilm, which went down \$25.00 from \$150.00 to \$125.00, paying for storage of microfilm.

Ms. Cavalear then discussed other professional services, stating that she had omitted a \$95.00 one-time fee from line 390.00 making the total \$3144.00 rather than \$3,049.00 and stated that she would like to initiate credit card service, allowing residents to pay their election and registration fees with a credit card, either at the Town Clerk's office or on-line. Ms. Cavalear informed the Board that allowing residents to use credit cards would cost the Town a \$10.00 monthly fee and a \$25.00 annual fee for a total cost of \$145.00. She stated that many residents had inquired if the Town would accept credit cards. Mr. Childs asked how accepting credit cards would benefit the Town. Ms. Cavalear stated that the Town would be able to charge \$1.00 or \$1.50 fee which would offset the cost and even make a few dollars for the Town. Mr. Childs asked if accepting cards would make the town clerk's job easier. Ms. Cavalear replied that she was initiating the service mainly for the convenience of the residents.

The next line item Ms. Cavalear discussed was service contracts and she stated that there was a small decrease in the budget from last year. Mr. Friel asked why and Ms. Cavalear replied that she budgeted for only one notary this year and the difference would be for the cost of dues for the New Hampshire clerks association and notary fees.

Mr. Friel asked why office supplies were up. Ms. Cavalear stated that this year she had to buy big election envelopes and that she buys five hundred at a time. She informed Mr. Friel that she did not purchase the envelopes last year because there were enough left over from 2008. She also stated that the envelopes were less expensive this year because she purchased them from the state prison.

The next line item Ms. Cavalear discussed was postage and stated that the increase was due to the fact that it cost more to send out the absentee ballots. Mr. Friel stated that the Town sent out 611 ballots and that there were 3 elections and asked if she had budgeted enough for postage. She replied that she believed the amount was enough.

Mr. Friel then asked about new equipment. Ms. Cavalear stated that the amount budgeted for new equipment was for the two wedge machines for the credit cards at \$240.00, a new folding machine because the old one was broken and that her staff had been folding everything by hand. Ms. Cavalear also requested 3 new office chairs at \$300.00 each. Mr. Childs suggested that she speak to Mr. Smith about getting something less expensive. Mr. Friel stated that left \$1,000.00 and Ms. Cavalear stated that she leaves \$1,000.00 in the new equipment line in case of unexpected repairs.

Ms. Cavalear next addressed education and conferences and stated that she would like to attend the NEMC School, that it would be educational and is a three year program. The rest of the budget was for dues and fees.

Mr. Childs asked about mileage. Ms. Cavalear stated that with the elections and other duties she left the amount the same even though there was still \$500.00 left in the 2009 budget.

Mr. Friel asked Ms. Cavalear about printing and binding. Ms. Cavalear stated that the money was used to bind annual reports and other Town documents. Last year the Town Clerk's office spent \$300.00

to bind five years of annual reports. Mr. Childs asked why the Town Clerk's office needed \$3,000.00 and Ms. Cavalear stated that she did not know. Mr. Friel suggested that the printing and binding budget be cut in half to \$1,500.00. Ms. Cavalear agreed. The final budget for the Town Clerk's office totaled \$140,196 after the changes recommended by the Board of Selectmen, Cutting the printing and binding item to \$1500 and \$95.00 adding to other professional services an increase of 1.8%.

**Mr. Friel made a motion for preliminary approval of the Elections and Registration budget at a total of \$140,196.00. Mr. Childs seconded the motion and the Board members present, Mr. Childs and Mr. Friel voted unanimously for preliminary approval of the Town Clerk's budget.**

- *Library* – Mr. Alan Phair, Ms. Diane Heer, Ms. Kay Galloway

Ms. Galloway started by thanking Chairman Childs and the children for bringing their parents to the Halloween fest. She also thanked Dick Wood for bringing his tractor, his stairs and hay wagon, Rose Cavalear as one of the witches, David Williams for doing some of the video work and a big thanks to the Police Department, the Fire Department and the Lions Club for their assistance with security.

Ms. Galloway stated that Mr. Phair and Ms. Heer would address the board regarding the library budget. Mr. Phair stated that the library was proposing that salaries for the librarian and the children's librarian remain the same. He then stated that due to the growth in circulation and the number of programs offered, the library was asking that 20 hours be added to the line for salary for library aides. He stated that aides had been volunteering to work extra hours. Mr. Phair went on to say that the number of items in circulation had increased 45%, the number of patrons since 2007 had increased 53.6%, and that internet usage had increased from 280 hours to 6034 hours, a 114% increase. The library has nine part-time aides who do not get benefits and it is unfair to them to ask them to work without pay.

Mr. Childs remarked that DVD's and videos are the biggest increase in circulation. Mr. Phair explained that the increase in circulation for DVD's and videos is due to the changes in technology which result in greater interest and also to the fact that DVD's are rented every two days while books can be checked out for three weeks. Also, the library does not charge to rent DVD's which saves Town residents a lot of money. Mr. Childs pointed out that DVD's are 26% of total circulation and asked what the percentage was for 2008. Mr. Phair replied that he did not have the numbers for 2008 and stated that the circulation for books was up, too. Mr. Friel stated that he would like a comparison. Mr. Phair replied that once again books are rented for three weeks and DVD's are rented for three days. Mr. Friel stated once again that he would like to know. Mr. Phair stated that the money for purchasing DVD's comes out of the materials fund which comes from fines. Mr. Friel stated that he has seen receipts. Ms. Heer replied that the Trustees pay for library material through the general fund. Mr. Friel again stated that he has seen vouchers and checks. Ms. Heer reiterated that she has never requested DVD's through the general fund. Mr. Friel stated that he would check on the figures.

Mr. Friel asked about electronic books. Ms. Heer replied that the library does not yet have a system for electronic books. Mr. Phair stated that they do not have any Kindles and Ms. Heer stated that they were hoping to purchase a system. She also stated that the library does have downloadable books which they obtain as a consortium through the State library. The service costs the library \$700.00 per year and the money comes through the Campbell fund, so it is not paid for by the taxpayers. Mr. Phair stated that it was a tremendous resource and he has downloaded over 600 books in the past year. Ms. Heer stated that library patrons could go on the Town library website to see what was available, and only a few books were always available. Mr. Friel asked about Kindle. Ms. Heer stated that residents could go to the Library and download the Kindle and she is discussing ways that the library could share Kindle books with other libraries that with Kindle the library could buy one book and get six copies. Ms. Heer

stated that she would like to offer Kindle to the community and pay for the cost out of donations. She also stated that there were other services being offered including the Nook from Barnes and Nobles and that the price of electronic books was coming down. She would also need a staff member to bring Kindle or another electronic book reader on-line.

The next item discussed was health insurance. Mr. Phair stated that health insurance, was a fixed expense and went down because one policy was a double last year and is a single this year.

Ms. Heer then went over the telephone expense with the Selectmen and stated that last year she budgeted more for long distance than was used. Mr. Friel remarked that telephone service will be less with the new company.

The next item discussed was cleaning and maintenance. Ms. Heer stated that she would like to have the building cleaned three times per week; the previous contract was for two cleanings. Mr. Friel agreed and suggested that Mr. Smith, the Town Administrator would be able to get a better price. Mr. Childs stated that the cleaning contract ends December 31, 2009. It was agreed to try to find a better rate, either an independent contract for the library or a group contract whichever the better rate is. Electricity expense is also budgeted higher.

Ms. Heer then stated that the library estimated 10,000 gallons of propane last year and requested 1000 more gallons of propane to heat the library. Mr. Childs stated that the propane bid had not gone out. Ms. Heer stated that heat use was very carefully monitored.

Mr. Friel then asked about equipment and maintenance. Ms. Heer stated that the majority of the expense was for the PRO Controls contract for the heating and alarm system. Mr. Friel asked if it was the original equipment for the building. Ms. Heer replied that Pro Controls was the subcontractor. Mr. Childs asked about the problem with alarms going off. Ms. Heer responded that she is aware of the problem but does not know why the alarms keep going off, that the alarms go off at various times and in various places. She suggested that their might be critters or that the alarms were too sensitive. Mr. Friel suggested that Ms. Heer get in touch with the alarm company. The committee then discussed other professional services which covered the IT contract and Mr. Friel stated that that sum was okay. The water bill covered fire prevention maintenance of the alarms and water usage and also for watering the lawn.

Mr. Friel stated that he would like to approve the entire library budget with the exception of the increase for library aides. Mr. Childs requested a motion to approve the entire library budget.

**Mr. Friel made a motion for preliminary approval of the budget with the requested changes, for Kimball Library. Mr. Childs seconded the motion and both members of the Board attending the meeting voted in favor of preliminary approval of the entire library budget.**

Mr. Friel asked if the increase in the budget for library aides was for raises. Ms. Heer replied that the request for more money for library aides was for an increase in hours for the aides, not an increase in their hourly rate.

*- General Government Buildings – David Weymouth*

Mr. Childs requested that Mr. Weymouth address the Board regarding the 2010 budget for General Government Buildings.

The Board continued to discuss a cleaning service and a pest control contract for the Town Hall. Mr. Weymouth stated that the justification for the budget items was attached. Mr. Weymouth stated that the over expenditure in the budget for 2009 was for the heat pump system. Mr. Friel suggested that Mr. Weymouth get a service contract for the heating system. Mr. Childs stated that the heating system was 10 years old. Mr. Weymouth stated that he was working with the energy committee for a warrant or grant to make some changes in the system and was hoping to get an energy audit. Mr. Weymouth stated that the general maintenance expense for past years were for a new roof. He stated that the \$4,000 budgeted for this year was for general maintenance. Mr. Friel asked about rekeying the Town Hall. Mr. Weymouth stated that he had been reviewing different options with the Town Administrator and stated that replacing the door in the back of the Town Hall and installing a swipe system would cost about \$4,000.00. Everyone agreed that the Town Hall needed a new keying system. Mr. Friel stated that rekeying should be included in the budget and should be included as a warrant article. Mr. Weymouth stated that he had the name of the contractor who rekeyed the Plaistow buildings. Mr. Friel stated that he had the name of a contractor who was willing to rekey the building for cost.

The next line item discussed was equipment repairs and Mr. Weymouth stated that the amount was to replace two motors. Mr. Childs stated that that amount should be in the general maintenance line. Mr. Friel and Mr. Childs agreed that the rest of the Town Hall repairs and maintenance budget was allowable.

The next item discussed was general maintenance at the Town Garage and Mr. Weymouth stated that he would like to replace a door which would cost approximately \$3,500.00. The rest of the budget would be for general maintenance. Mr. Childs and Mr. Friel agreed with the budget for the Town Garage.

Mr. Friel stated that the budget for the police station was fine as it was and asked to discuss the fire department budget. Mr. Weymouth stated that reflectors were needed for the heating system and is waiting for a price. The new reflectors would reduce the cost of heating. Mr. Friel stated that a price for the roof should be included in the budget as well since it was not done last year. Mr. Weymouth stated that he was aware of an RFP. The board agreed to add \$11,000 for the fire department maintenance budget for a new roof.

The next item discussed was general maintenance for the Kimball library. The Board once again discussed the need to check the alarm system and a bid for a cleaning contract. The Board agreed that the alarm company should be asked to check the alarm system. Mr. Weymouth stated that he could decrease the amount budgeted for electricity. Mr. Childs suggested that the amount budgeted for electricity be cut to \$1,000, heating be cut to \$1,000 and pest control be cut to \$750.00 and that general maintenance remain the same.

The Selectmen did not recommend any changes to the budget for the Hearse House, but general maintenance for the Community Center be reduced to \$1,000. The Family Mediation building maintenance budget remained the same. Mr. Weymouth stated asked the Board if the Town would like to salvage the East Road building. It was agreed that the East Road building needed repairs but the Board was undecided as to whether the Town wanted to keep it.

**Mr. William Friel made a motion for preliminary approval of the General Government Building budget in the amount of \$87,543.00 Mr. Fred Childs seconded the motion and both members of the Board present voted for preliminary approval of the General Government Building budget in the amount of \$87,543.00.**

The Honorable James Garrity, New Hampshire State Representative for the Town of Atkinson, then addressed the Board regarding the Atkinson Energy Fair from 9:30 to 12:30 on Saturday, November 8, 2009 at the Kimball Public Library in the meeting room. He stated that among other things residents would be able to speak to the energy efficiency expert from Unitel about how to save energy at home and who would be giving out energy efficient light bulbs, that there would be opportunities to speak to a professional home energy auditor and Mr. Garrity would be there to speak from a State perspective about the Clean Energy Rebates for solar and wind energy from the State and from the Federal government.

Mr. Garrity also informed the Board that Fairpoint had filed for Chapter 11 bankruptcy and had been taken over by Verizon. He further stated that the Senate and House for New Hampshire, Maine and Vermont were conducting a panel of inquiry and that he had been appointed to the panel by the New Hampshire House of Representatives. He stated that the inquiry was needed because of a huge problem with the regulatory structure. Mr. Friel asked Mr. Garrity for his opinion on the House Energy bill. Mr. Garrity responded that it would allow more competition, that it would be a clash of the titans and that he was taking a wait and see position.

Ms. Galloway stated that she would like to support the Honorable James Garrity and Energy Efficiency and requested all town residents attend the Energy Fair on November 8, 2009. She also suggested that after the energy Fair, town residents could go to the Community Center to attend the Peddler's Market and annual holiday Fair.

**Old Business:**

*Contract Format* – W. Bennett - not present  
*Fire Station Roof* – W. Friel – completed  
*Military Leave Policy* – W. Bennett - not present  
*Police Station Generator* – W. Bennett – the Board has 3 quotes which will be presented later.  
*Surplus Equipment* – W. Friel – is nearly completed  
*Town Report Committee* – W. Friel – completed

**Department Heads** – Mr. P. Smith, Town Administrator

- *Maple Heights Subdivision* - P. Smith, Town Administrator  
*Request for Indemnification Agreement*

Mr. P. Smith then stepped forward to discuss an indemnification agreement for Maple Heights Subdivision for two lamp posts, one which was 2 inches inside right of way and one which was 4 inches inside the right of way. He also stated that the right of way was 50 feet and the lamp posts did not intrude onto the actual road. Mr. Friel stated that the cistern, the utility cabinets and the mail box post also intruded into the right of way asked that Mr. Smith have the Town Attorney look at the indemnification agreement. Mr. Smith agreed.

- *East Road and Linebrook Visibility* – P. Smith, Town Administrator

Next Mr. Smith read a letter from S. Killam, Chairman of the Planning Board, stating that the Planning Board recommended a Public Hearing be held to discuss removal of some trees on East Road. Mr. Childs stated that East Road was a State Highway and the Town had no authority on the State Highway and that if they were on private land, then it was up to the land owner. Mr. Friel agreed. Mr. Childs suggested that the Board ask Mr. Stewart, the town road agent.

*- Recommended Roadway Construction Bond Reduction, - P. Smith, Town Administrator  
Tuck Woods Subdivision (Blackford Drive)*

Mr. Smith read a letter from Stantec Engineering dated October 27, 2009 recommending the construction bond reduction for the subdivision into the minutes and requested a motion to authorize the reduction. Mr. Childs asked if there were a 10% retainer and Mr. Smith replied in the affirmative. Mr. Childs then asked if the amount of \$69,207.15 was the correct amount remaining on the bond. Mr. Friel asked who looked at the development and Mr. Childs responded that it was Mr. LaChance of Stantec Engineering.

**Selectman William Friel made a motion to authorize the treasurer to reduce the construction bond amount for Tuckwoods Subdivision (Blackford Drive) by the sum of \$42,247.99 to a balance of \$69,207.15. Chairman Fred Childs seconded the motion and Mr. Friel and Mr. Childs, the two members of the Board of Selectmen present at the meeting voted yes to the motion.**

*- 6 Main Street Site Plan – Erosion Control Bond Estimate – P. Smith, Town Administrator  
Map 5 Lot 47 (Malloy Properties, LLC)*

Next, Mr. Smith read a letter from Stantec Engineering dated October 12, 2009 requesting that a bond for \$27,725.00 be posted by the applicant to cover potential restoration and/or erosion control costs. Mr. Smith stated that the town attorney had approved the above.

**Selectman William Friel made a motion to accept the Letter of Credit and Project Improvement Guarantee for Malloy Properties, LLC (6 Main Street) for \$27,725.00 for the erosion control bond estimate as approved by town council and recommended by Stantec Engineering. Chairman Fred Childs seconded the motion and the two members of the Board of Selectmen present at the meeting voted yes to the motion.**

Chairman Childs signed the Project Improvement Guarantee for the requested Erosion Control Bond.

*- SBA Towers – P. Smith, Town Administrator*

Mr. Smith introduced a copy of a letter from Attorney Ciandella of the firm Donahue, Tucker and Ciandella regarding a request by the Board of Selectmen for an attorney with specialization in the telecommunications industry to give an opinion on SBA Towers. In the letter, Attorney Ciandella stated that he did not believe there would be a conflict of interest if he were to represent the town in the wireless communications matter. Mr. Friel asked if there were a copy in the packet and stated that he knew the firm and asked if Mr. Smith had a response from the town attorney. Mr. Smith read Attorney Kalman's response into the minutes. Mr. Friel stated that the firm was representing other clients in matters against the Town and in his opinion, the matter needed clarification. Mr. Friel and Mr. Childs agreed to wait until Selectman Bennett was present to discuss the matter further.

#### **New Business:**

*Land Use Planner– Mr. P. Smith*

Mr. Smith stated that he has a job description for the position, which remains open.

**Chairman Childs asked for a motion to adjourn. Selectman William Friel made a motion to adjourn the November 2, 2009 meeting of the Atkinson Board of Selectmen at 9:35 p.m. Chairman Fred Childs seconded the motion and the two members of the Board of Selectmen present at the meeting voted yes to the motion.**

**Future Agendas:**

October 27 – Budget Committee: Police, Elderly Affairs, Cable  
October 29 – 10 AM-2PM Flu Shot Clinic Community Center  
October 31 – Danville Household Hazardous Waste Day 9 a.m. – noon  
November 3 – Budget Committee: Library, Cemetery  
November 7 – 8:30 a.m. Town Meeting Workshop (LGC Concord)  
November 9 – First day for Planning Petitions  
November 10 – Budget Committee: General Government Buildings, Town Clerk, Elections & Registrations, Moderator  
November 17 – Budget Committee: Fire, Hospital/Ambulance, Homeland Security, Recreation, Community Center, Memorial Day  
November 24 – Budget Committee: T/A (including IT)  
December 19 – Last day for Planning Petitions

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Fred J. Childs, Jr.

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William G. Friel

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William M. Bennett