

**Town of Atkinson
Board of Selectmen
Special and Regular Meeting
Monday, December 7, 2009**

Open Special Session:

Chairman F. Childs opened a Special Meeting of the Atkinson Board of Selectmen at 6:30 PM on Monday, December 7, 2009, in the Atkinson Town Hall.

Motion to enter into non-public session, under RSA 91-A:3 II (a) – Personnel, by Fred Childs, seconded by W. Friel. Roll call vote: F. Childs, yes, W. Friel, Yes and W. Bennett, yes.

Action: The Board approved changes to the employment contract for the Police Chief, modifying health benefits, with no change in costs to the Town.

Return from non-public session and begin Regular Session:

Chairman F. Childs opened the Regular Meeting of the Atkinson Board of Selectmen at 7:35 PM and led those assembled in the Pledge of Allegiance.

Members Present:

F. Childs, Chairman
W. Friel
W. Bennett

Others Present:

P. Smith, Town Administrator
P. Consentino, Chief of Police
T. Stewart, Road Agent

Approval of Minutes:

Mr. Bennett requested that the Board of Selectmen defer approval of the SBA Tower Meeting minutes until all Members of the Board had seen the changes. Mr. Childs agreed to defer approval.

The Board then reviewed the November 16, 2009 minutes of the Board of Selectmen. **Mr. Bennett made a motion to approve the November 16, 2009 minutes of the Board of Selectmen**

Selectman Friel seconded the motion and the Board 3/0/0 in favor.

- Mr. Bennett requested to defer reviewing the minutes of the November 23, 2009.

Selectman Bennett made a motion to approve the November 30, 2009 minutes as submitted. Selectman William Friel seconded the motion and the Board voted 3/0/0 in favor.

Scheduled Appearances:

- *David Raciti, Little River Lane*

Mr. Raciti came before the Board at the recommendation of Mr. E. Stewart, Road Agent to request that the Board issue a Certificate of Occupancy for his newly constructed house at 21 Little River Lane, despite the failure of the driveway to pass inspection. Mr. Raciti claimed the driveway functioned properly in keeping rain water from entering the street, even though it does not conform to code requirements in detail. Mr. Raciti also stated, among other things, that he had spoken to Bob Jones, the

Building Inspector and Sue Killam regarding the issue and felt that he had made every effort to have the driveway constructed correctly. Mr. Raciti showed a video of how water flowed down his driveway into the culvert.

The Board discussed the problems with the culvert and the road, which was responsible for the culvert and how to resolve the issue. Mr. Stewart maintained that although the road was owned by the developer, if Mr. Raciti wanted his driveway permit, then Mr. Raciti would have to ensure that the driveway had the correct pitch and that the culvert was open. Mr. Stewart stated that a letter had also been sent to Mr. Hayland. A copy was included with the minutes together with a copy of the field correction order regarding the driveway.

Mr. Bennett asked if the driveway paving contractor had any previous adverse history in town. Mr. Stewart said that the contractor had not done any work previously in town.

It was concluded that in order for the driveway to pass inspection and for Mr. Raciti to receive an occupancy permit, Mr. Raciti would have to rebuild the driveway according to the driveway permit that the driveway culvert had to function and be clear. Mr. Raciti asked why the road and the pipe were not inspected earlier and he was informed that the Town Engineer inspected the road when the development was approved, and the damage to the pipe occurred after it passed inspection.

- E. Stewart, Road Agent

Mr. Stewart requested approval to repair a guard rail on Island Pond Road that had been damaged in a car accident. It presents a safety hazard in its present condition.. He had obtained three bids for the repair, and the lowest bidder was Total Highway Systems at \$1350.00. The Town has not received any payment for damages from the vehicle operator's insurance company, though the Police Department had full information on the operator.

Mr. Friel made a motion to approve \$1,350.00 to pay Total Highway Systems to fix the guard rail. The motion was seconded by Selectman Bennett. The Motion passed unanimously. Mr. Stewart was asked to contact the Police Department regarding the vehicle operator's insurance coverage, and to contact Town Counsel if necessary.

The next issue Mr. Stewart brought before the Board was a request to remove dead trees on Maple Avenue because it had been brought to his attention by homeowners that there were two or three dead trees that needed to be removed. Mr. Stewart stated that there was still \$70,000 in the highway department budget. Mr. Childs asked if there was any money left in the tree removal budget. Mr. Stewart replied that FEMA reimbursed the Town \$6,000 for tree removal and there was still \$2,000 left in the tree line budget.

Selectman W. Friel made a motion to authorize the Road Agent to spend \$2,000 from the tree line budget for tree removal. Mr. William Bennett seconded the motion and the Board voted all in favor of the motion.

- Mike Murphy, Fire Chief

The Town of Hampstead decided not to proceed with the fireboat until next year so there will be no warrant article by the Town of Atkinson for the fireboat this year.

Correspondence:

- Petition Articles: Zoning Petitions - The petition articles have been given to the Planning Board for review. Ms. Killam stepped before the Board and stated that the deadline for zoning petitions is Wednesday, December 9, 2009. Mr. Friel informed Ms. Killam of the petition articles before the Board. Ms. Killam responded that she had not seen the articles before the Board of Selectmen at the December

7, 2009 meeting, but the Planning Board had three others given to her by B. Snicer and she felt one was a regulatory matter and she sent it to Rockingham Planning Commission for their opinion. Ms. Killam stated that she would review all the petitions.

- *Department of Environmental Services: Letter of Deficiency for 9 Valcat Lance* - it was decided that it was the responsibility of the Conservation Committee to review the letter.

- *Maple Heights Indemnification* – Mr. Smith presented the Indemnification Agreement and the Homeowners Association Agreement drafted by the Town Attorney to the Board. The Board discussed whether the Town or the Homeowners Association would pay the cost of the street lights. The Board agreed to defer a decision until all members of the Board had a chance to review both documents.

Department Heads

- *Town Administrator* – P. Smith

Local Government Center Health Contract – Mr. Smith presented the LGC contract to the Board of Selectmen and informed the Board of changes, including changes in the co-pay and deductible. Mr. Childs asked when the contract had to be signed and Mr. Smith replied that the Town could pay month to month until the contract was signed. The Board agreed to defer signing the contract until all members had a chance to review it.

Postage Machine – Mr. Smith presented various contracts available from Pitney Bowes. Mr. Smith also informed the Board that he was looking at options from other companies providing postage machines. -

Old Business

- *Fire Station Roof RFP* – Mr. Friel
Completed.

- *Police Department Generator* – Mr. Friel
The generator has been ordered and will be delivered soon.

Town Report Committee – Mr. Friel
Mr. Friel has been getting pictures

Open Bid:

Guard Rail Repair – already discussed

It Support Service Bids – Mr. Barbera, Committee Chairman has the bids

New Business:

Land Use Planner Job Description – Selectman Friel has the administrative assistant packet and made copies to give to the other members of the Board.

2010 Census. Mr. Childs read an announcement from the Census Bureau.

Future Agenda

December 9 – Last day for Planning Petitions

December 14 – Public Hearing at 7:00 p.m. for Donations to Elderly Affairs

December 21 – Public Hearing at 7:00 p.m. for Emergency Lane Declarations.

Other Old Business:

Mr. Smith pointed out the amended budgets. Mr. Childs requested that Mr. Smith give all members of the Board of Selectmen copies of amended department budgets.

Other New Business: None.

Chairman Childs made a motion to adjourn at 9:05 p.m. Selectman William Bennett seconded the motion and the motion the motion passed unanimously.

Submitted by: Philip Smith Town Administrator

Fred J. Childs, Jr.

William G. Friel

William M. Bennett