

**Town of Atkinson
Board of Selectman
Regular Meeting 7:30 pm
Monday, April 19, 2010**

Open Regular Meeting:

Chairman Friel opened the Regular Meeting of the Town of Atkinson Board of Selectmen at 7:30 p.m. on Monday, April 19, 2010, in the Atkinson Town Hall, and led those assembled in the Pledge of Allegiance.

Members Present:

W. Friel, Chairman
F. Childs
W. Bennett

Others Present:

P. Smith, Town Administrator
P. Mangini, Recreation Commission
B. Innes, Recreation Commission
H. Riehl, Maple Ave resident
T. Stewart, Road Agent

Approval of Minutes

Chairman Friel asked if there would be any changes to the April 5, 2010 Regular Meeting Minutes. Selectman Childs asked to make a correction to page 5, change "asked Mr. Stewart to move the refrigerator to "ask Mr. Stewart to move the cooler from the Woodlock Park to the Community Center"

Selectman Childs made the motion to accept the minutes of April 5, 2010 with the one change to page 5. Selectman Bennett seconded the motion. Board voted unanimously 3/0/0 to accept minutes

Chairman Friel asked if there would be any changes to the April 12, 2010 Regular Meeting Minutes. Selectman Childs had a correction to page 2 Change "Ms. Mangini stand" to "Ms. Mangini stated"

Selectman Childs made the motion to accept the minutes of April 12, 2010 with the one change to page 2. Chairman Friel seconded the motion. Board voted 2 for and Selectman Bennett abstained due to being absent.

Chairman Friel asked if there would be any changes to the April 14, 2010 Special Meeting Minutes.

Selectman Childs made the motion to accept the minutes of April 14, 2010, Special Meeting. Chairman Friel seconded the motion. Vote: 2/1/0. Selectman Bennett abstained from the vote.

Scheduled Appearances*Recreation Commission*

Chairman Friel asked Patti Mangini to appear before the Board. Ms. Mangini stated that Mr. Innes was Acting Chair and she was present for support. Mr. Innes submitted a package for each of the Selectman. Mr. Innes stated that the Woodlock Park Concession Stand plans to enclose the stand, which shall include installing an exterior door, building the masonry wall, installing a single, roll-up window and a service counter. The cost is approximately \$3,500-\$4,000. Mr. Innes stated that Exhibit A has the breakdown of the cost estimates and drawings. Exhibit B references the budget and the two line items from which the money would come, highlighted in yellow: 1) Minor Rental line for \$2,500 and 2) Other Professional Services \$1,334 for a total of \$3,834 which is almost the amount of the repairs.

Chairman Friel asked Selectman Childs if he was in agreement with the line item deductions. Selectman Childs stated that as long as the committee doesn't go over the bottom line of the budget, items can be swapped within line items because it is not a Warrant Article. Chairman Friel asked Mr. Innes and Ms. Mangini what the Minor Rentals were and what was the amount was spent for the last Fiscal year. Ms. Mangini stated that Rental item was added last year and that the Recreation spends \$1,500 on the tent rental for Sun & Fun. The Budget committee added the Minor Equipment to the Rental line. Minor equipment was spent in the past on swings, gates.

Chairman Friel asked what the reasoning for the \$4,000 budget line. Ms. Mangini stated that the \$1,500 for the tent rental and \$2,500 was for any equipment and/or maintenance, due to equipment breaking. Ms. Mangini stated that it was not specified and if something major broke there would be no monies to make the repairs. Chairman Friel asked what the "Other Professional Service line was used for and the amounts"? Ms. Mangini stated that it was used for hiring plumber, electricians or any kind of service that was needed that Mr. Weymouth could not do himself. The amount of \$166 was spent on service contracts for the business machines and the postage for mailings. Chairman Friel is concerned that the approval will over spend on the budget as the Recreation will have more mails and service contracts. Ms. Mangini stated that the \$3,500 was a quote and she is hoping that they could do a "little" better. Selectman Childs stated that the minor equipment was stretching the line item and minor equipment would be a sandbox or basketballs/hoops. Chairman Friel would like to ask the Auditor's for definition of the line item. Selectman Bennett stated concerns for spending an entire line item for the repairs and improvements. He supports what the committee wants to do but also has reservations with using an entire line item. Selectman Bennett asked if any of the residents had an opinion or concerns to contact the Board. Selectman Bennett asked if there were any alternative was to raise the monies, such as bake sales.

Mr. Innes stated that the next step was the permitting process, and were being discussed with the inspectors this evening. The Fire Department had the permits and was going to get back to the committee with their findings and the building Inspector was also in receipt of the permit and would be going over it.

Mr. Innes then stated that the Concessions Stand Rules & Regulations that were found in the archives last week and that were never voted on. The Recreation Committee reviewed and updated them and would like the Board to review them. In Exhibit D there are two (2) versions of the Vendor Agreement and the difference is the pay out of dollars. Mr. Innes would like the Board to review it and make amendments as necessary. The original document came from the vendor and was modified by the committee to make sure it aligns more to the Town's needs. The Friends of Recreation was granted status under IRS 501 (c)3. In one version the Town gets all the returns from the vendor, and in the second version the Town gets a portion and the Friends of Recreation get a portion.

Chairman Friel stated legal concerns by having the committee direct the vendor to give monies to other entities other than the Town of Atkinson in a contract. The Board would like to take it under advisement from the Town Counsel.

Lastly, the East Road Recreation Area Phase II is the document that goes to the paper to obtain quotes. The work was broken down into 5 areas so that if contractors wanted to bid on one or all the items they could. Chairman Friel stated that the committee needs to get it into word format and submit it to Mr. Smith.

Mr. Innes would like to see about having a freezer removed from East Road. If Mr. Stewart is unable to remove the freezer, Mr. Innes asked if the Board would give its approval to have someone come in and break it down and remove it for scrap metal. The Board gave its approval for the removal of the freezer.

Opening day is for May 2nd and the Committee is wondering if the Town would issue a temporary vendor permit. Chairman Friel stated that a permit for thirty (30) days could be granted.

Highway Department

Mr. Stewart, Road Agent was asked to appear before the Board along with Mr. Riehl. Mr. Riehl stated his name and address for the record as Hank Riehl of 37 Maple Avenue. Edward Stewart 165 Main Street.

Mr. Riehl stated for the record that he has been a resident of Atkinson for 18 years, that 2-3 times a year that the road crew come and patch or fill in the sides of Maple Avenue due to the volume of water that washes out during heavy rains. What concerns Mr. Riehl most is that the newest practice of the road crew is, in the neighbor's property above Mr. Riehl's property, that the crew builds a dam and digs channels to actively divert water from Maple Avenue down across Mr. Riehl's neighbor's, as well as Mr. Riehl's own property, causing a foot of water on his leach field/septic area. Mr. Riehl provided photographs to the Board showing the damage. Mr. Riehl stated that in the past he has gotten water on his property but not to this extent. This is an un-natural diversion of water. Mr. Riehl has additional photos of both the dam and channel's that are being made.

Chairman Friel asked how long that this procedure has been going on with regard to the dams and channels being made. Mr. Riehl replied that it has been this past year's storms and that he has gone from getting approximately 10% of the run-off water to getting 90% of the run-off.

Mr. Stewart stated that he was sympathetic to Mr. Riehl's plight but that there is a natural swale that occurs from Wasson Lane to Mr. Riehl's property. Mr. Stewart stated that the shoulder of the road drops off dramatically, in feet rather than inches, and Mr. Youngblood's driveway which made this situation harder to manage by landscaping uphill from his driveway, loaming and seeding and filling in the ditch, causing the water to run off to the pavement. Mr. Stewart stated that his job is to go and divert the water off the roadways so that the water doesn't run down the road to low spots. The water may run down hill and residents can't block the flow of water with dams, rocks or driveway. If your property is downhill from the right of way the water has the right to pass from the right of way unto your property and it is illegal to dam it. If you go out and divert the water you are in committing a misdemeanor. Mr. Stewart stated that his crew has every right and obligation to turn water off the right of way to low spots along the way to maintain the roadways. Mr. Stewart quoted from the book *A Hard Road To Travel* and it explains drainage alterations.

"Under RSA 236:19 - Any person who shall place, any logs, earth or other substances within the limits of a highway, or upon land in the vicinity of a highway by which the water in a stream, pond or ditch is turned upon the highway and injures or renders it unsuitable for public travel, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, corporation or a partnership the fine is paid to the Town. " Mr. Stewart stated that he is dealing with the diversion of natural water flow to an area. There are long term strategies to correct water problems: the Town's Engineer, Aaron LaChance, Stantec Engineering & Consulting, has reviewed 21 locations around Town with water problems, and this was one of the issue areas. Atkinson relies on open drainage systems for 90% of its highways. Installing a closed drainage system, involving a series of catch basins and culvert pipes, diverts the flow out on to Town properties, which is downstream from this property. This is also a legitimate solution but would cost the Town thousands of dollars. Mr. Stewart asked if Stantec could get a cost analysis for the Maple Ave portion. There is money in the Engineering portion of the budget for such an analysis and direction.

Chairman Friel asked how much of the right of way is there from the edge of the pavement into the properties. Mr. Stewart stated that Maple Avenue is "stonewall to stonewall". Chairman Friel stated that putting in a swale and catch basins from Kelly Road up to Wason Lane would cost approximately \$10,000 - \$15,000. Chairman Friel explained that the Town did not have money in the budget for this project, and these repairs could be a 3-year process.

Selectman Bennett asked if the water is diverted from Maple Avenue onto Mr. Riehl's property could be directed farther down away from Mr. Riehl's property. Mr. Stewart stated that it could be done since there are acres of land between the properties. E. Stewart stated that Mr. Riehl could do this for himself at his own expense. Selectman Childs stated that Maple Avenue has always had issues and that the only way to prevent any more damage to residential properties and roadways is to spend the money and place drainage all the way down to Blunts Pond. Mr. Stewart stated that there is a turn out just past Mr. Riehl's property and that is already a Town

owned property that some water is diverted onto and is also an option. Chairman Friel stated that there is only \$10,000 in the budget for emergency use from now and until next budget season. Mr. Stewart also suggested that a ditch be dug instead of three feet off pavement to nine feet and add one driveway culvert and rectify the situation for a thousand dollars. Mr. Stewart stated that some of the 21 areas were already remedied by cleaning out culverts or catch basin. There are really only 5 or 6 areas that need immediate action.

Chairman Friel stated that there was an engineer looking into this situation and the Board needed to look into the cost and would get back to Mr. Riehl as soon as a definite solution was reached. In the meantime, for both parties there will be no dam building, trenches or redirecting of the water flow. Selectman Bennett would like Mr. Smith and Mr. Stewart to keep Mr. Riehl and the Board apprised of the situation.

East Road - Selectman Childs asked if Mr. Stewart has talked to the State in regards to the culvert on East Road. Mr. Stewart stated that he has only spoken to them about Main Street. Selectman Childs stated that the culvert down by his property was blocked and that the water ran down his property cause a lot of damage to his property and then in turn causing damage to other properties in Town. Chairman Friel stated that if the process to jet out the culvert near Selectman Child's property is only a couple of hundred dollars it would be prudent to spend the money and in turn help rectify other areas from flooding in the future. Mr. Stewart has already spoken with the state and was given their permission to do so. Chairman Friel stated that the Board is in total agreement that if jetting out the culvert would help solve some of the damage caused that Mr. Stewart is to call the Jetting company and have the culvert cleared out.

Brox Paving - will be in Town for approximately 3 days, work to start on Wednesday of this week, to do the paving and finish all the road work specified in the 2010 Warrant Articles. Pages Lane, Bittersweet Lane, Stage Road, Rockingchair Lane, Cottontail Lane, Pebble brook Road and Mosher Drive. are the areas to be paved. The crews are trying to doing prep work in preparation of the paving. Selectman Childs state a concern that the kids are on vacation next week and wouldn't it be better to do the work next week so the buses are not held up. Mr. Stewart stated that most areas are dead end cul-de-sac's except Stage Road. The price per ton on the asphalt was \$61.58 per ton and the surrounding towns are paying \$10 dollars or more per ton.

Assessing:

Abatements:

Selectman Childs made the motion to approve the following abatements, as submitted.

Map/Lot	Address	Rod's Rec.
000009-000062-000001	7 Little Rob Road	\$28.90
000012-000030-000000	8 Kings Grant Drive	\$95.82
000014-000074-000001	61 Academy Avenue	\$504.97
000015-000015-000000	11 Linebrook Road	\$396.98
000017-000086-000037	4 Lamplight Drive	\$194.69
000020-000049-000011D	17 Coles Way	\$30.42
TOTAL		\$1,251.78*

***plus interest**

Second: W. Bennett. Vote: 3/0/0.

F. Childs made the motion to deny the following abatements as recommended:

Map/Lot	Address	Rod's Rec.**
000013-000094-000042	10 Cogswell Lane	Deny
000020-000049-00007A	2 Coles Way	Deny
000020-000049-00013D	33 Coles Way	Deny

****Current assessment commensurate with equalized market value**
Second: W. Bennett. Vote: 3/0/0.

Hardship Abatement:

Map/Lot	Address	\$	Rod's Rec.
000013-000094-000002	11 Wright Farm Road	\$122.33	N/A

The Board is taking this under advisement until it can be further researched.

Elderly Exemptions:

Map/Lot	Address	Rod's Rec.
000007-000187-000000	26 Sunset Drive	Grant
000009-000025-000000	6 Willow Vale	Deny Over income limit

Selectman Childs made the motion to accept 26 Sunset Drive. Selectman Bennett seconded the motion the Board voted unanimously in favor 3/0/0.

Selectman Childs made the motion to deny 6 Willow Vale for over income limit. Selectman Bennett seconded the motion the Board voted unanimously in favor 3/0/0

2010 Veterans' Tax Credit:

Map/Lot	Address	Rod's Rec.
000017-000086-000018	10 Concord Drive	Grant

Selectman Childs made the motion to grant the Veteran's Tax Credit for 10 Concord Drive (Map 17 Lot 86-18). Selectman Bennett seconded the motion the Board voted unanimously in favor 3/0/0.

Town Administrator:

Assessing Contract - Rod Wood agreed to finish the job that Purvis was contracted to do to correct the deficiencies noted by the Department of Revenue (DRA). Mr. Smith will contact DRA to see if that will be satisfactory. Chairman Friel would like to have Rod Wood submit a letter stating that he will complete the assignment within the terms of his contract.

Credit Card Payment Options - Primex and Town Counsel are in agreement and the wording is to be changed to suit the Town's needs.

Letter to Department Heads - is being sent to outline expenditures and bid policies.

F. Childs made the motion to cancel the meeting of Monday, April 26, 2010. Second: W. Bennett. Vote: 3/0/0.

Old Business:

E-911 Ordinance & Purchasing Policy and Procedures- have been reviewed by Selectman Childs and just waiting on Selectman Bennett's comments. No real issues with E-911

New Business:

PD Generator bids - 6 bids were submitted (Summary attached)

B.J. Laliberty - \$15,050

P.W. Construction - \$9,124

Rice & Brouillard - \$12,454

Stilton Electric - \$19,992

T.M.B. Electric - \$20,950

Weston & Sampson - \$31,000

The Board is to review and come back with a recommendation

Appointments -

Zoning Board of Adjustment

Chairman Friel made the motion to grant the appointment to Hank Riehl as full member to the Zoning Board of Adjustment, such appointment to end in April 2013. Selectman Bennett seconded the motion the Board voted unanimously in favor 3/0/0

Chairman Friel made the motion to grant the appointment to John Recesso as an alternate member to the Zoning Board of Adjustment, such appointment to end in April 2011. Selectman Bennett seconded the motion the Board voted unanimously in favor 3/0/0

Family Mediation & Juvenile Services, Inc.

Chairman Friel made the motion to appoint Rose Cavelear as a representative to Family Mediation & Juvenile Services, Inc., such appointment to end in April 2011. Selectman Bennett seconded the motion the Board voted unanimously in favor 3/0/0

Chairman Friel made the motion to appoint Debra DeSimone as a representative to Family Mediation & Juvenile Services, Inc, such appointment to end in April 2011. Selectman Bennett seconded the motion the Board voted unanimously in favor 3/0/0

Animal Control

Chairman Friel made the motion to grant the appointment to Don Murphy Jr. as the Animal Control Officer, such appointment to end in April 2011. Selectman Bennett seconded the motion the Board voted unanimously in favor 3/0/0

Chairman Friel made the motion to grant the appointment to Timothy J. Murphy as an Assistant Animal Control Officer, such appointment to end in April 2011. Selectman Bennett seconded the motion the Board voted unanimously in favor 3/0/0

Chairman Friel made the motion to grant the appointment to Lynn Cunningham as an Assistant Animal Control Officer, such appointment to end in April 2011. Selectman Bennett seconded the motion the Board voted unanimously in favor 3/0/0

Chairman Friel made the motion to grant the appointment to Harold Makin as an Assistant Animal Control Officer, such appointment to end in April 2011. Selectman Bennett seconded the motion the Board voted unanimously in favor 3/0/0

Chairman Friel made the motion to grant the appointment to Joshua Dugdale as an Assistant Animal Control Officer, such appointment to end in April 2011. Selectman Bennett seconded the motion the Board voted unanimously in favor 3/0/0

Note - Board would like to announce that Loren Albright Chairman of the Public Safety Communications' Committee, suffered an accident with severe injuries and is home now recovering.

Mosquito control will start on April 26, 2010. This will be done with a naturally occurring bacterium to help control the mosquito larvae. Mr. Smith is to look into the Grant and notify the Board.

Memorial Day Parade Committee - 2010 Memorial Day Parade will be held on May 31, 2010 at 10:30am . Line-up will begin at the Town Hall at 10 am. All are welcome. If you would like to participate please contact Patty Mangini or Noriko at 362-5531 at the Community Center.

Town Committees - Chairman Friel asked that all Town committees send in recommendations for appointment by May 3, 2010.

Chairman Friel made a motion to extend current positions that have not been re-appointed for a period of 30 days. Selectman Childs seconded the motion and the Board voted unanimously in favor 3/0/0

Correspondence:

Mr. Smith read a letter sent from Linda Coyle, which said that she nominated Chief Phil Consentino for Senior Volunteer for Rockingham County for 2009, and he won, and she would like very much to have a gathering for him at the Community Center on June 8, 2010 from noon until 2pm. She would like to have a nice luncheon and a cake for him.

Ms. Coyle is looking for help from the Town and from organizations. If you would like to help with this event please contact Linda at 362-8472.

The Board would like to congratulate Chief Consentino for all his hard work and dedication.

Mr. Stewart stated that Mr. Halchak sent a letter to the Town in regards to a neighbor who has altered a town culvert with a catch basin. This was done without Town approval. Mr. Stewart stated to Mr. Black that it is his fault that his drainage alterations failed. Mr. Stewart told Mr. Halchak that it was a civil matter. Chairman Friel would like Mr. Stewart to collaborate with Mr. Smith and draft a letter explain this to the residents.

Future Agenda:

4/24 Recreation Committee and the Lions Club is holding a Buffet Supper at the Community Center donations are for a new stove. \$10.00 for admission and raffles are to be held as well.

5/01 Selectman Institute scheduled LGC

5/2/10 – Opening Day for Atkinson Baseball

5/08 Household Hazardous Waste Day 9:00 a.m. - 12:00 p.m. at the New Plaistow Recreation Field off Old County Road.

Fishing Derby- May 8, 2010 at the Atkinson Community Center - sign in is at 7:30am 5/08

Atkinson Town Wide Yard Sale - 8 am - 2pm

5/08 Atkinson Lion's Bean Supper - 5 -7 pm Atkinson Community Center

Adjournment:

Chairman Friel made Motion to adjourn at 9:12 p.m. Selectman Childs seconded the Motion and the Board voted unanimously to adjourn.

Respectfully submitted by Patricia Power

William G. Friel, Chairman

William M. Bennett

Fred J. Childs, Jr