

**Town of Atkinson
Board of Selectman
Regular Meeting 7:30 pm
Monday, June 14, 2010**

Open Regular Meeting:

Chairman Friel opened the Regular Meeting at 7:33 p.m. on Monday, June 14, 2010, at the Atkinson Town Hall, and led those present in the Pledge of Allegiance.

Members Present:

W. Friel, Chairman
W. Bennett
F. Childs

Others Present:

P. Smith, Town Administrator
T. Stewart, Road Agent
A. Phair, Library Trustee Chair
L. Bistany, Rockingham Economic Development Co
N. Gray, Library Trustee, Alternate
R. Jones, Building Inspector

Approval of Minutes:

Chairman Friel asked if there would be any changes to the June 7, 2010 Meeting Minutes. Selectman Bennett requested more time to review the minutes for both the Public Hearing minutes and the Regular Meeting Minutes.

Bids

Ted Stewart, Road Agent approached the Board with the recommendation of the Mayer Tree Service. He feels comfortable with their work, noting the Town has used them before. Selectman Childs asked about the vague pricing using by-the-hour terms. Mr. Stewart explained he has a \$6,000 line in his budget for tree cutting. The entire budget would be used but the limit is the \$6,000.

Selectman Childs made the motion to award the Tree removal Bid to Mayer Tree Service of North Andover and to not exceed \$6,000. Selectman Bennett seconded the motion and the Board voted unanimously 3/0/0

Assessing:

Abatements:

Selectman Childs made the motion to approve the following Abatement's, as submitted.

Map/Lot	Address	Rod's Rec.
000002-000001-00022	109 Fieldstone Lane	\$403.07*
000011-000023-00000	40 Westside Drive	Deny**
000013-000052-00000	15 Molly Lane	Deny**

000014-000074-00001	61 Academy Avenue	\$18.25*
000023-000087-00000	42 Boulder Cove Road	Deny***
TOTAL		\$421.32*

* plus interest

** Did not respond to attempts to set up an appointment to view property.

*** Did not show up for appointment or supply supporting data.

Second: W. Bennett. Board voted unanimously Vote: 3/0/0.

Appearances:

Laurel Bistany of the Rockingham Economic Development Corporation (REDC), located in Exeter, NH, requested a Public Hearing for Case Continuum, a company located on Industrial Way in Atkinson NH. The company is applying for a Community Block Grant. REDC is a non-profit regional development corporation that was established in the early 1990's whose purpose is to provide assistance in gaining financing for business that traditional banking will not provide. REDC provides service to the geographical area from Stratham to Nashua NH. This particular client has a manufacturing company in Atkinson's industrial area, and manufactures medical cases for dentists, surgeons, orthodontists and chiropractors, some customized. The client has been in business for 20 months and is looking toward expanding but the client's profile doesn't follow the traditionally accepted guide lines and that's where the REDC comes in, getting loans through block grants. This grant's procedure requires sub-granting through local towns. The loans are granted if higher paying jobs are created. The town's responsibility lies with writing 3 to 4 checks payable to the REDC, the actual grant writer and the auditor. The REDC has been in business since 1994 and has done many loans and currently has 3 loans through the Town of Brentwood. Brentwood would be a good reference as to the process, from a town's point of view. Ms. Bistany explained the process and assured there is no liability for the host town. The recipient of the grant is responsible for the paying back the monies.

Selectman Childs voiced his concerns about having a Public Hearing, stating, it appears that this could be considered a non-profit entity. Ms. Bistany stated, legally, the Town is a "pass through." Chairman Friel remarked that this process may be held to different guide lines having its foundation written as a grant. Selectman Bennett asked for the charter. Ms. Bistany will submit a list of guidelines, board members, state agency, contacts and any other pertinent information to assist the Board of Selectman in making a decision. Donna Lane, who is the Grant Administrator will submit her qualifications and contact information. This proposed application to the Community Development Finance Authority is up to \$120,000 in Community Development Block Grant Economic Development funds. Of the funds, \$105,000 will be sub-granted to Rockingham Economic Development Corp. (REDC). REDC will retain \$5,000, for loan servicing expenses and loan the remaining \$100,000 to Case Continuum, Atkinson. Case Continuum manufactures medical device cases. The loan proceeds will be used for working capital to expand production. Case Continuum Atkinson will create an additional six jobs of which at least 60% will be filled by persons of low or moderate income. The full amount of

money Case Continuum is seeking is \$250,000, with the maximum of \$120,000 from REDC funding; the additional funding is coming from other sources. REDC's exposure is under 50% even with the full \$120,000.

Ms. Bistany told the board they have not taken a loss on any loan since the REDC has been in existence. The REDC has a 10-member board that scrutinizes every loan. Further, 1 out of 10 loan applicants complete the process. On this advisory board there are 3 original Board Members. The Board is a broad representation of many differing industries. Ms. Bistany predicted the funding will be used by August this year. Ms. Bistany scheduled a tentative date for the hearing on June 29, 2010 at 7:00pm. Ms. Bistany will produce the Public Hearing notice in anticipation of having the meeting.

Appointments:

Joint Loss Management Committee:

Kevin Landry

Selectman Bennett motioned to appoint Kevin Landry to the Emergency Communications Committee for a one year term, set to expire at the end of April 2011. Selectman Childs seconded the Motion and the Board voted unanimously 3/0/0

Department Heads:

Bond Review for Road Bonds is due. The Busby Construction Company holds a bond for two properties and has asked to hold off on the Bond Review until August. They hope to have the work completed by August; this was a written request to the Board.

Chairman Friel made the motion to postpone the Bond Review for Winslow Drive and Brittany Lane until August. Selectman Childs seconded the motion and the Board voted unanimously 3/0/0

Mr. Stewart submitted an Addendum to the Lawn Care Agreement for the Board to review. The addendum: all non-athletic fields to be cut to 3 1/2" in height from 4 1/2", Athletic fields will be cut to 2 1/2" from 3 1/2" during scheduled the athletics season. During the off-season the fields will be cut to 3 1/2" in height from 4 1/2" to allow for turf re-establishment.

Selectman Childs made the motion to amend the Lawn cutting contract: Municipal Buildings will be cut to 3 1/2" in height from 4 1/2". Athletic fields to be cut to 2 1/2" from 3 1/2" during scheduled athletic season. Selectman Bennett seconded the motion. The Board voted unanimously 3/0/0

Mr. Stewart wanted to let the Board know that the billing for Brox paving came in \$10,000 higher than expected, due to an increase in the cost of liquid asphalt and the related "escalation clause." Mr. Stewart spoke with the Brox representative, Mr. Ed Forcier about this overage. In conversation with Mr. Forcier, Brox made the offer to cut the escalation billing in half. Mr. Stewart would like to schedule a meeting with the Board, Mr. Smith, Brox and himself to negotiate a better rate. Chairman Friel asked Mr. Stewart to set up a time for the meeting.

Selectman Childs asked gas prices are dropping, why is the "liquid asphalt" cost, going up? Mr. Stewart explained that liquid Asphalt is different from the gas pricing and those rates are posted each month. He went on to explain when the bid for the contract went out, prices were lower for the liquid, but when the work was completed, the prices had risen. \$478 per ton is the rate we were originally given and it increased to \$540, when the work was completed. By the contract, they are allowed the adjustment but Mr. Stewart gave Brox a copy of the actual Warrant Article and was assured by their representative that the job wouldn't go over the Warrant amount. Chairman Friel asked to hold on the rest of this conversation, until the actual meeting with Brox Paving.

Chairman Friel read a letter dated June 4, 2010 from the State of New Hampshire Department of Safety. The letter stated FEMA has sent a check for \$22,000 to the Town of Atkinson. Chairman Friel would like Mr. Stewart to go over all the necessary paperwork, ensuring it is all in order. Mr. Stewart explained this amount is from the first storm damage and the Town is in line to receive an addition sum of money for both the second and third storm as well. Mr. Stewart is also applying the work on Main Street and a section of Maple Avenue to a grant program specifically assigned for damage such as what is on those two areas.

Mr. Stewart asked the Board about the Crack Seal bid, it is the Crack Seal bid based on last year's numbers. The work was scheduled too late into the year to complete, hence the \$5,000 for 2009 was carried over into 2010. In addition to the \$5,000, this year's budget added another \$7,000 for the 2010 FY. The question directed to the Board is this: the bid of \$1.68 per ton from last year is going to be honored, do we need to go out to bid again or can we use the same contractor with the same bid price? The contractor that was awarded the contract was in fact, the only bidder and according to the contractor, the price has gone up but they will honor the amount given in '09. Chairman Friel stated that since it was a new fiscal year he did not think so but would call DRA for clarification.

Library Trustees:

Mr. Alan Phair, Chairman of the Library Trustees and Ms. Nina Gray, Library Trustee alternate came before the Board to present the proposed Library sign that they wish to be constructed. The Library Trustees would like to have a sign that will let the Town's people know of upcoming Library events and other messages. The sign in question is a wood sign with a 4 line LED format. The sign would have the ability to do Amber Alerts if needed. The Trustees came before the board to ask how they should proceed. The Trustees went to the Building Inspector to apply for a permit which was approved for a non-lit sign but were denied for the LED. The Trustees feel that they as an entity are under the Governmental guide lines. The Trustees did ask Town Attorney Kalman for guidance. Attorney Kalman stated in his letter that the Trustees "...in fact anticipate a controversy...that the State RSA 674:54, for Governmental land uses constitutes a substantial use or new use....and that an approval from the Atkinson Building Inspector pursuant to 474 a legal opinion is likely premature and perhaps unnecessary." The sign is not externally lit and, in keeping with other signs in Atkinson, has a curved top, but is an LED sign and under RSA 674:53 there should be a Public Hearing. The Trustees submitted to the Board they would not have a "graphics", "flashing", "scrolling" or anything on the sign that would

distract someone possibly causing an accident. The Trustees presented pictures to the Board and would like to know how to proceed lawfully to a Public hearing. Discussion with Selectman went in the direction of the correct RSA and that this is a zoning issue and should be brought before the ZBA. Mr. Jones the Building Inspector discussed why he approved/disapproved the permit. The Board of Selectmen directed the Building Instructor to deny the sign permit that the library trustees had applied for. The Library Trustees Chairman Alan Phair stated that the trustees are agreeable to going before the ZBA for approval in this matter.

Board had a discussion of competitive rates for the Elevator Inspection.

New Business:

Pay Rates

Chairman Friel gave hand-outs to the Selectman with the personnel pay rates to review. He also had the equipment rates, Police detail rate and mileage. Chairman Friel stated that the old rates, the proposed rates and the COLA rates are represented on the handouts. Selectman Bennett suggested that this would be a good workshop. Workshop scheduled at 5:30pm on June 23rd, 2010 after the Department Head Workshop.

Annual Report

Chairman Friel handed out the annual report of mandatory inclusions 1-37, which include format requirements. If the Board sticks to the basics it would be 82 pages long. It is more pages than last year but there are reports that should be included but were not.

Credit Cards

Town Clerk is asking the Board on behalf of the residents about using credit cards to pay their bills on line. Board discussed the issue.

Chairman Friel made a motion to accept credit cards as a form of payment at the Town Clerk's office. No one seconded and the motion dies.

Summer Meeting Schedule

Mr. Smith was directed to create an updated summer schedule. Mr. Smith will schedule a Regular Meeting and a Public Hearing for the REDC on June 30th and notify the Board if this is acceptable for all parties.

Deputy Clerk's hours

Discussion: The hours and the intent for that position were intended to be that of a part-time position with a maximum of 35 hours, when it was approved by the Board. The Board found the definition of a Part-Time employee. Chairman Friel asked how the Board wanted to proceed and whether or not to change the Town's current policy, based on the Deputy Clerk's hours. Selectmen Bennett and Childs' asked about the Federal guide lines. Board recessed to research the Federal guide lines.

Selectman Bennett made a motion to amend the Atkinson Town Policy where it starts Part-time employees, to read "36 or fewer hours" this is to be changed in all Town documentation. Selectman Childs seconded the motion. The Board voted unanimously 3/0/0

Deliberative Session at the PAC Center scheduled tentatively with clearance on January 29, 2011.

Town Administrator:

Former Elderly Affairs Vehicle – still no offers on Craigslist at \$3,000, what would the Board like to do. Discussion on the condition: Selectman decided to send it to the auto Auction.

Selectmen Bennett made the motion to send the Former Elderly Affairs Vehicle to the auction, Selectmen Childs seconded, the motion carries 3-0-0.

Collective Bargaining Training - 9/9/2010 at NHLGC

Fourth of July - Town offices observing Monday July 5th, 2010

Phase II East Road Walk Through - held July 11th

Polling Hours - September 14, 2010 from 7 a.m. - 8 p.m.

Mosquito Report - too early for EEE - middle of July for earliest reports Selectman Bennett wanted to let the Public know that the amount of water for the Mosquito's to use is no larger than a can of Coke.

Wireless Plans - Hoping to have reports by the week's end

FRP Wireless Plans - Mr. Smith would like to see if there is a better rate available

Employee Policies - status is at the Local Government Center to have them review and bring up to current standards

Department Heads Updates - rotating of the departments to come and give up-dates

Kimball Library - registration June 17 for Summer Reading program

- June 29th come see a 60ft. Fin Back Whale from 6-7 pm

Budget Committee - Fire Department was primary topic. Selectman Childs stated it was a good meeting and progress is being made

Police Department - had 35 calls for service and the previous week handled 28 calls for service with 4 disputes and 2 arrests

Recreation - Senior Program - M- Tai Chi, T - Yoga,

Preventing Heat Related Illness - Preventing Dehydration" was well attended

Trip to Fosters Clam Bake and Play - held 6/7/10

Camp Application - 20 registrations

Memorial Day Parade - - best attendance of Veteran and community

Town Clerk's - Dog Licensing as of June 4th there are 200 outstanding licenses

State Primary - September 14, 2010

Old Business:

None

BTLA Hearing is set for October

Announcements:

Former Selectman Paul Sullivan had a quadruple by-pass surgery. The Board extends their well wishes for a speedy recovery.

Future Agenda:

6/29 Area Selectmen's Meeting - Newton Town Hall 7 pm

9/11- Phil Consentino Day at the Community Center from 5 -7 pm \$8.00 a ticket

Adjournment:

Chairman Friel made motion to adjourn at 9:47 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.