

*Town of Atkinson
Board of Selectmen
Meeting Minutes
January 14, 2013*

F. Childs opened the Regular Meeting of Monday, January 14, 2013 at 7:30pm in the Atkinson Town Hall and led all present in the Pledge of Allegiance.

Members Present:

T. Barbera
F. Childs, Jr, Chairman
W. Friel

Others Present:

D. DeSimone, State Representative
B. Innes, Town Administrator
M. Sanborn, NH Department of Transportation
C. Sinnott, Executive Director, Rockingham Planning Commission
C. Sununu, NH Executive Council

Approvals:

Special Meeting Minutes – 12/21/2012

T. Barbera made a motion to accept the Regular Meeting Minutes of 12/21/12 as submitted. Second: F. Childs. 2/0/1. W. Friel recused himself from the motion.

Special Meeting Minutes – 12/28/2012

T. Barbera made a motion to accept the Regular Meeting Minutes of 12/28/12 as submitted. Second: F. Childs. 2/0/1. W. Friel recused himself from the motion.

Workshop Meeting Minutes – 1/3/2013

W. Friel made a motion to accept the Regular Meeting Minutes of 1/3/13 as amended. Second: W. Friel. 3/0/0

Regular Meeting Minutes – 1/7/2013

T. Barbera made a motion to accept the Regular Meeting Minutes of 1/7/2013 as submitted. Second: W. Friel. 3/0/0

Payroll Manifest for 1/15/13 - \$22,664.30

W. Friel made a motion to approve the Payroll Manifest of 1/15/13 in the amount of \$22,664.30. Second: T. Barbera. 3/0/0

Accounts Payable Manifest for 1/8/13 - \$80,742.78

W. Friel made a motion to approve the Accounts Payable Manifest of 1/8/13 in the amount of \$80,742.78. Second: T. Barbera. 3/0/0

Department Heads:

COIC Committee – Warrant Articles (conflict of interest changes 1)

Mr. Innes presented the following amendment to the Conflict of Interest Changes warrant article. The original warrant article was excluded by the Board of Selectmen based on wording issues.

SHALL the Town vote to approve an amendment to the Conflict of Interest Ordinance as follows:

To make additions/changes to Section IV:

- **Add – "ENTITY Any person, business or association having an interest" and**
- **Add – "JURISDICTION The Committee is deemed to have jurisdiction when ALL the following conditions are met:**
 - **The Petitioner is an entity with an interest**
 - **The Petitioner identifies the infraction in the Ordinance**
 - **The Respondent is a Town Member."**
- **Change the definition of family:**
 - **FROM: "FAMILY Includes spouse, parents, stepparents, grandparents, children, stepchildren, grandchildren, brothers, stepbrothers, sisters, stepsisters, and in-laws"**
 - **TO: "FAMILY Includes spouse, parents, stepparents, grandparents, children, stepchildren, grandchildren, brothers, stepbrothers, sisters, stepsisters, in-laws, aunts, uncles, nieces, nephews; or cohabitants. Relatives are by blood, marriage or adoption as listed within this paragraph".**

To change Section VII:

- **FROM: "A. Any person or group may..."**
- **TO: "A. Any entity may ..."?**

To delete Section VII K.

T. Barbera made a motion to move warrant article, Conflict of Changes 1, to the ballot as amended. Second: F. Childs. 3/0/0

Mr. Innes presented the following amendment to the Conflict of Interest addition warrant article. The original warrant article was excluded by the Board of Selectmen based on wording issues.

**SHALL the Town vote to approve an amendment to the Conflict of Interest Ordinance by adding:
"Section IX A –As Town leaders, Selectmen, Department Heads and Committee Chairpersons are responsible to immediately report any identified conflicts of interest.**

Section IX B – Any member of Town government as defined by this ordinance shall disclose conflict as defined in Section V, to the Town Clerk in writing within thirty days of election, appointment or employment. Existing members of Town government shall disclose as above, within thirty days after the adoption of this amendment.

Section IX C – All members of Town government shall be given a copy of this ordinance within seven days of date of hire, appointment or election and within thirty shall sign as received. "

T. Barbera made a motion to move warrant article, Conflict of Interest Addition, to the ballot as amended. Second: F. Childs. 3/0/0

New Business:

Town Ordinance Review Proposal

Mr. Innes presented the following review proposal to the Board of Selectmen and asked for their approval to move forward on it:

Town Ordinances

Review Proposal

January 14, 2013

Issues:

- Town Ordinances have not been collectively reviewed in significant period of time
- Some ordinances may be out of date, lack clarity or intent, etc.
- Some ordinances appear to be duplicates

Proposal:

1. Complete a baseline review of all ordinances
2. Determine origin of ordinance – Selectmen approved or via warrant article
3. Identify and/or assign articles to the appropriate Department Head for review
4. Allow 6 week period for review by assigned individual. Results would be classified as:
 - a. Recommend ordinance is acceptable as is
 - b. Recommend ordinance to be updated
 - c. Recommend deletion of ordinance
5. Bring results before the BoS for discussion

Potential Actions:

1. If the Ordinance is recommended as acceptable, update review date and take no further action
2. If the ordinance is recommended for update, assign an individual to write the update and present it to the selectmen for review and approval. If it was originally a “Selectmen approved” ordinance, schedule time at a future BoS meeting for vote. If it was a “Warrant Article” ordinance submit it on the 2014 warrant
3. If the ordinance is recommended for deletion and was originally a “Selectmen approved” ordinance, schedule time at a future BoS meeting for vote to delete. If it was a “Warrant Article” ordinance submit it on the 2014 warrant for removal.
4. Throughout the process keep the Town Ordinances updated in the office copy, the server and the website.

The Board of Selectmen authorized Mr. Innes to move forward with the review proposal as presented.

Job Descriptions – ACTV

Mr. Innes presented two revised job descriptions for the Show Director Position and Cameraperson Position to the Selectmen for their review and approval. The Selectmen will review the positions and respond at the next meeting.

Determine Voting Hours for the March 12 Election

The Board of Selectmen determined the voting hours for the March 12th election to be from 7am – 8pm.

Town-Wide Mailer for Warrant

Mr. Innes asked the Selectmen for approval to send out a town-wide mailer for the warrant articles in the amount of \$1,462.73. This amount will provide 3,150 copies and will be sent to all households in town. The Selectmen approved this request.

Budget Line Increase – Highway Department – Info Only

Mr. Innes explained the Highway Department will be submitting a budget line increase in the amount of \$12,000 on budget line 43234.390.00 to cover the cost of participation in two household hazardous waste days this year. An expected amount of \$16,000 will be returned from other towns as revenue to offset this request. The Board of Selectmen approved this request unanimously.

Future Agenda:

1/15 – Budget Committee Public Hearing @7:00PM

1/15 – Planning Board Public Hearing @ 7:30PM

1/21 – Martin Luther King Day – Town Hall Closed and Selectmen’s meeting canceled

1/23 – Candidates for Election Filing Open 8:30AM Town Clerk’s Office

2/1 – Candidates for Election Filing Closed 5:00PM Town Clerk’s Office

2/2 – Deliberative Session 10AM Atkinson Academy

3/1 – 3/2 – Garden Club “Petals and Pallets Art and Floral Arrangement Display @ the ACC Tuscan Room

3/12 – Town Meeting (Elections) 7AM to 8PM Atkinson Community Center

F. Childs made a motion to go into a recess at 7:54pm. Second: T. Barbera. 3/0/0

F. Childs made a motion to resume back into the Regular Meeting of Monday, January 14, 2013 at 8:09pm. Second: T. Barbera. 3/0/0

Appearances:

Train Station/Layover Yard

The Honorable Christopher Sununu, NH Executive Council

Cliff Sinnott, Executive Director, Rockingham Planning Commission

Mark Sanborn, NH Department of Transportation

Mr. Sununu, Sinnott, and Sanborn appeared before the Board of Selectmen to discuss the train station/layover yard project. An agreement between the Town of Plaistow, Town of Atkinson, Rockingham Planning Commission/MPO and NH DOT regarding the Plaistow Commuter Rail Extension Study was presented for the Board of Selectmen to sign. The agreement had already been signed by 4 out of 5 of the Selectmen in Plaistow. The agreement places the NHDOT as the lead in implementing the project where through a consultant, will undertake a study to identify and evaluation suitable locations for a commuter rail layover facility. Westville Homes and Penn Box properties will not be considered in this study. The Town of Atkinson will have a full,

equal seat in these discussions. Mr. Childs, Mr. Friel and Mr. Barbera signed this agreement. Ms. DeSimone also appeared before the Board on behalf of the House of Representatives to present a memo to rescind a recent letter of opposition to including the Westville Homes site in the rail study proposal, dated January 7, 2013. Ms. DeSimone, Mr. Friel, and Mr. Hayes signed this memo.

T. Barbera made a motion to remove the warrant article concerning the Federally funded study to evaluate details surrounding the extension of commuter rail service to Plaistow, NH from the ballot. Second: W. Friel. 3/0/0.

T. Barbera made a motion to adjourn the Regular Meeting of January 14, 2013 at 8:22pm. Second: W. Friel. 3/0/0.

Respectfully Submitted,
Amanda Lueders

Fred Childs, Jr, Chairman

William Friel

Todd Barbera