

TOWN OF SEABROOK

SELECTMEN'S MEETING

FEBRUARY 3, 2014

Present: Aboul B. Khan
Edward J. Hess, Jr.
Raymond Smith
William Manzi

10:00AM

Mr. Khan opened the meeting at 10:00AM.

PUBLIC HEARING - COMCAST CONTRACT

Mr. Khan reconvened the hearing at 10:05AM.

Mr. Manzi said at the last hearing Comcast had not submitted a final contract but today he has the final document. A memo was provided from Attorney Ciandella regarding the language of the contract. Mr. Manzi said the major points Seabrook was looking for is to upgrade channel 22. He said the town cannot negotiate price under federal law. He outlined the important features from Attorney Ciandella's memo (see attached) and recommends the Board adopt this contract. There was discussion on the emergency override feature.

Mr. Smith said over the 5-years it is about \$250K in franchise fees and previously those fees were going to the scholarships. Mr. Manzi said the increase went from 1.5% to 3% with the increase going to channel 22. Mr. Smith said he feels this is good revenue and should be adopted by the Board.

Mr. Hess said it is quite an upgrade and has been a long time coming especially with the language change for emergencies. He said the Town Manager deserves a lot of credit for bringing this to completion and he thanked everyone who worked on this project.

Mr. Manzi commented this would also bring a digital feed to the internet to streamline videos of meetings. Live broadcasting from other facilities will be forthcoming as well and will be a great benefit to the town.

Mr. Khan said in 2009 a committee was formed to bring recommendations to the Board. They worked really hard on this especially chairman Vincent Slajak who has since passed away before this was brought to closure. He thanked all of the committee members for their work. Mr. Khan thanked Robie Beckman who did work behind the scenes for the past couple years.

Paula Wood said she is happy this project is completed. She wishes that Comcast had given more to the equipment but is grateful with what they did give. She thanked Mr. Manzi for finalizing the contract.

Mr. Khan closed the hearing at 10:20AM.

MOTION: Edward J. Hess, Jr. To approve and sign the
Second: Raymond Smith Comcast contract with
Unanimous the side letters that
would be attached.

MEETING - KAREN MAYER - DOG TETHERING

Karen Mayer said this article was on the ballot last year and passed by the voters. Based on the town attorney's opinion it was determined unenforceable. She said chapter 644 has no mention of dog tethering so she would like to know why state law is preempted. Mr. Manzi gave an explanation of what Attorney Ciandella stated in his opinion and said it doesn't necessarily mean it is a conflict. He said if the statute exists the town cannot override what the State statute says.

There was discussion on calling the police when a dog is out as cruelty to animals. They called a veterinarian and were told a dog cannot retain body heat in the weather that we have been having. The veterinarian has also called the animal officer and the response is that their hands are tied due to the state law.

Mr. Smith suggested they look at the definitions on the state law, which are very lengthy. He said it would be cumbersome but they would get results to be able to apply it to the situation. Karen Mayer said Maine and Massachusetts are putting into place a law that says if a dog shivers for 10 minutes or more it is considered cruelty to animals. She asked if there was anything than can be done similar to this.

Mr. Khan said the police will not enforce anything that the Town attorney says it is not enforceable. Karen Mayer said she would like to sit with the Police Chief to get further clarification on the state law.

Theresa Kyle said the statute does not always have the words in it but there is something called legislative intent they can look into.

Jeff Brown said they should check with the animal control officer and the prosecutor to see how to enforce the state statute. They could also look into the Stratham SPCA to see

what evidence they need to determine cruelty to animals. If the humane society is refusing to investigate there must be a reason and probably due to the fact that it would be hard to prove in court.

Mr. Manzi said he would set a meeting up with Karen Mayer, Pamela Driscoll and the Police Chief to discuss how to proceed with enforcement of the state law. Mr. Smith said he would help them with the research of the definitions.

Joe Guiffre's asked Mr. Khan if could look into this to see what the intent of the state law is as a state representative. Senator Stiles said she believes there is a bill at the house level that is supported by Representative Vallaincourt.

MONTHLY MEETING - SEWER SUPERINTENDENT

Phil Maltais was present for his report (see attached). He briefly went through his report.

Chief Mechanic - new employee started today. Mr. Maltais said this position has been hard to fill. He said the pre-treatment manager is strongly considering retirement this year. They will need to revise and update the sewer ordinance before he leaves.

Mr. Smith asked for a timeline of events that the sewer department is looking for. Mr. Maltais said that is a great suggestion and would put something together for the Board.

Mr. Hess talked about the warrant articles and how he prioritized what was needed first.

MONTHLY MEETING - COMPUTER TECHNOLOGY

Brian Murphy was present for his report (see attached). He commented on the IT Policy provided to the Board.

Mr. Hess said Brian did a lot of work on the policy and he would like to adopt it today.

Mr. Murphy said the policy dates back to 1999. Mr. Manzi said it is outdated and Mr. Murphy took a pro-active approach to update the policy. He looked at other policy and used some of the language.

Mr. Khan said he would like to table this item until the next meeting so they can digest everything that is in the policy.

Mr. Smith said he is not clear as to how they will get this policy out to the employees for acknowledgement. Mr. Manzi said if the Board adopts the policy then he and Brian Murphy would meet with each department head to answer any questions they may have and then would charge the department head to roll out to their employees. The department head would need to ensure the employees understand what is in the policy. It may require Brian Murphy to hold additional meetings to go over the policy.

John Starkey said he doesn't understand how negatively or positively this policy would impact their departments. He would like to see that every department be given the policy to review before the Board makes a decision so they understand what is coming their way. Mr. Smith commented that this policy would not change the mission of the departments only with the technology that individuals use.

Mr. Hess said he understands it came out on Friday and he has had time to look at it and if other members can't come in to review it should not be held up. He feels it is a good policy and should be adopted today as Mr. Murphy did a lot of work on this. He said he would make a motion to adopt immediately unless the Town Manager feels he needs to meet with the department heads first. Mr. Manzi said he and Mr. Murphy have no objection with waiting until the next meeting. They will meet with the department heads during this time.

Paula Wood asked where the money was coming from to purchase the IPADS that Mr. Hess keeps mentioning. Mr. Murphy said from his budget but he hasn't rolled out any equipment on this. He said this would allow the Selectmen access to the documents immediately.

MOTION: Edward J. Hess, Jr. To take this policy up
Second: Raymond Smith at the next meeting for
Present: Aboul B. Khan adoption.
Motion passed

SIDEWALK MAINTENANCE AGREEMENT ROUTE 1

Mr. Khan said there is a maintenance agreement for sidewalks by the DDR project. The planning board discussed this in November and recommends the Selectmen approve. Mr. Khan read the minutes from the planning board (see attached).

Mr. Hess asked if there was any talk about DDR maintaining the sidewalks. Mr. Manzi said they have gone back and forth on this and DDR said the sidewalks are not on their property so will not maintain. If the Town doesn't agree they would be violating the

agreement from 1997. It was stated that the Selectmen have signed agreements for at least 2 other projects. Liability is not part of this agreement but if it is not maintained properly the Town could be held responsible. Senator Stiles commented that there was another case up North and the liability fell to the community.

John Starkey said there are all types of maintenance for the sidewalks during the different seasons. He feels there should be a policy for winter maintenance on the sidewalks and would need proper equipment to do so. He is not an advocate to do the sidewalk maintenance with a wing plow. Mr. Starkey said it is better to not touch the sidewalks without proper equipment or they would be inviting people to use the sidewalks when they are not treated properly.

Mr. Hess asked John Starkey about the priority of his warrant articles for town meeting. Mr. Starkey said the piece of equipment for sidewalk maintenance would be 3rd on his list.

Mr. Manzi read the letter from then town manager Russ Bailey from 1997 that went to the NH DOT (see attached). Mr. Hess said he asked if the State would help and the answer he received was no. Senator Stiles said DOT does not do any maintenance on sidewalks but will build them when they are working on the roads.

Mr. Manzi said he recommends the Board of Selectmen approve the sidewalk maintenance agreement.

<u>MOTION:</u>	Raymond Smith	To approve and sign the
Second:	Edward J. Smith, Jr.	sidewalk maintenance agreement.

Mr. Khan questioned the location in the agreement as the previous agreement said Railroad Avenue to Rocks Road. If they sign this agreement as is it is all the sidewalks on Route 1 and is the Town ready for this. There was discussion on this and either way the Town will be responsible whether they are ready or not. Mr. Manzi said he can send back with a phrase for only this portion of Route 1 if that is what the Selectmen are looking for. He said the agreement does reference the driveway permit which refers to the DDR project location.

Mr. Smith amended his motion to include giving authority to the Town Manager to add the specific portion of Route 1 that will be maintained by the Town. Seconded by Edward J. Hess, Jr. Motion passed by unanimous vote.

There was discussion between Edward J. Hess, Jr. and Paula Wood.

Board took a 5-minute break at 12:10PM. Board reconvened at 12:17PM.

SUN VALLEY JOINT OPERATIONS PLAN

Mr. Manzi said Hampton Town Manager Fred Welch is requesting Seabrook to rake the Sun Valley beach area. He said John Starkey wrote a memo on this and is recommending against this request. He spoke of the reduction of hours with the part time employees and the current workload with lack of equipment.

Mr. Hess commented that if there was an emergency the Town would help but not an everyday request. Mr. Smith said he will not state an opinion at this time.

John Starkey spoke and said he is not recommending this. He stated this to interim town manager Joe Titone when the request first came in and his opinion is still the same. He said the rules say they cannot use public funds to benefit private property so the Town stopped plowing private driveways. This was extended to the water and sewer departments by the previous town manager and he doesn't believe they should provide maintenance to another town. If it was mutual aid for safety concerns he would and always has assisted.

Robie Beckman said a few years ago there was a vote to take over Sun Valley, which passed. There was a 2nd vote on this and Hampton voted no. Mr. Beckman suggested they go back to Hampton and have them take a 3rd vote to alleviate the issue but until then the answer should be no we will not assist.

Mr. Khan said that at certain times during the year Seabrook doesn't rake their beach due to the plovers. He said the part time employees work hours have been reduced and if we agree to assist Hampton they would need to look to increase the hours and the Town would need to resolve this before it could happen. He is not in favor of assisting at this time.

<u>MOTION:</u>	Aboul B. Khan	To not consider this
Second:	Edward J. Hess, Jr.	request from Hampton at
Abstain:	Raymond Smith	this time to rake the
		Sun Valley beach area.

PREVIOUSLY SIGNED PERMITS

Mr. Khan read the list of permits (see attached).

<u>MOTION:</u>	Edward J. Hess, Jr.	To approve the permits.
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Second: Raymond Smith
Unanimous

ABATEMENT

Kevin Bleeker - 49 Scott Avenue - \$84.50

MOTION: Raymond Smith To approve and sign the
Second: Edward J. Hess, Jr. abatement.
Unanimous

REFUND

Kevin & Cynthia Kennedy - 141 Ocean Blvd. - \$209.26

MOTION: Edward J. Hess, Jr. To approve and sign the
Second: Raymond Smith refund.
Unanimous

DISABILITY EXEMPTION

MOTION: Edward J. Hess, Jr. To approve and sign the
Second: Raymond Smith disability exemption.
Unanimous

VETERAN'S EXEMPTION

Paul Freeman - 2 Phoenix Way
John Freeman - 2 Phoenix Way
Richard & Sophie Dodge - 49 Atlantic Avenue

MOTION: Raymond Smith To approve and sign the
Second: Edward J. Hess, Jr. veteran's exemption for
Unanimous Richard & Sophie Dodge.

MOTION: Edward J. Hess, Jr. To approve and sign the
Second: Raymond Smith veteran's exemption for
Unanimous Paul & John Freeman.

HAWKERS & PEDDLERS LICENSES

Richard King - Hot Dog cart
Luiz Carlos De Lima - Hot Dog cart (held from 1/6/14 meeting)

There was discussion on the vendors and the size of the carts. They also discussed where the carts are parked and how many parking spaces they are using.

Joe Guiffre said he thought this item was being held until the parking study committee reviewed. There was discussion on this and it was determined that the minutes reflect the item was

tabled to determine the size of the carts and for the parking committee to review and give a recommendation.

There was discussion on what the ordinance reads regarding the size of the cart and how many parking spaces can be used. They discussed who parks in the parking area and the restaurant that was given 8 parking spaces.

Paula Wood asked that the Selectmen look at the ordinance so the parking committee can have time to review and address the issue. She said the committee is looking at no on-street parking as the Police Chief suggested. She feels there is still time as spring is still a few months away and they would have time to address.

Joe Guiffre's feels it should be tabled until the next meeting as jurisdiction may be in question.

<u>MOTION:</u>	Aboul B. Khan	To table this item until
Second:	Edward J. Hess, Jr.	the next meeting and for
Unanimous		the town manager to
		gather more information
		on this subject.

Mr. Hess said he met with 3 department heads and asked each of them to prioritize their warrant articles to get a feel for what is the most important to the least important. He went over the articles for the DPW and thinks this is a good idea so they can get at least one article approved.

Mr. Khan said this is the first time hearing this and said they already asked the department heads at the time they met with them what the priority was. He said the department heads also discussed their priorities with the town manager.

Mr. Smith said they did tell each department head to prioritize their list but to keep it clean and then those were passed along to the budget committee.

Mr. Hess said he asked if they could save the town money and get articles passed what would the priority be. He said he wouldn't do anything without the town manager's approval, which Mr. Manzi said was fine. Mr. Manzi said he was approached by Mr. Hess and said he did say he was fine with him speaking with the department heads.

Shaylia Marquis spoke about the priority list that is used when doing the CIP. Kelly O'Connor said she also spoke to each department head when putting together the warrant. Paula Wood

also noted that the budget committee during their sessions asked for their priority list.

There was discussion on this issue. The Board took a 5-minutes break at 1:15PM. The Board reconvened at 1:30PM.

Paula Wood asked about the warrant article for the ladder truck and the statement that the taxpayers could see an increase in their homeowners insurance. Mr. Hess addressed and said that former Fire Chief Jeff Brown indicated that the homeowners insurance could go up by 5% if they did not have a ladder truck. If the Town doesn't have proper equipment then everyone's insurance rates increase.

Joe Guiffre heard that the sidewalks need to be maintained but the town doesn't have the proper equipment. If this article is voted down what does the town do. Mr. Manzi said there is nothing that can be done it would need to be dealt with the following year. Mr. Guiffre asked why it wasn't in the budget if it is something the town needs. Paula Wood said if it is a warrant article and it fails there is an RSA that says no money can be used for this purpose. She said it can be in the budget or in a warrant article for multi-year payments.

Mr. Khan said the deliberative session is Tuesday, February 4, 2014 at 7PM at the Community Center.

NON-PUBLIC SESSION

<u>MOTION:</u> Raymond Smith	To go into non-public
Second: Aboul B. Khan	session at 1:41PM under
Unanimous	RSA 91-A: 3, II, (a)
	personnel, (c) tax lien &
	(e) negotiations.

Roll call:

Mr. Khan - yes
Mr. Hess - yes
Mr. Smith - yes

The Board reconvened in public session at 2:27PM.

<u>MOTION:</u> Raymond Smith	To adjourn the meeting
Second: Edward J. Hess, Jr.	at 2:27PM.
Motion passed	

Meeting adjourned at 2:27PM.
Minutes taken by Kelly J. O'Connor

Approved and endorsed

Raymond Smith, Clerk

Date: _____