

**BOARD OF SELECTMEN**  
**Minutes of August 17, 2009**

**MEMBERS PRESENT:** Vice-Chairman Bruce Breton called the meeting to order at 7:00 PM. Selectmen Roger Hohenberger, Ross McLeod and Charles McMahon were present, as was Town Administrator David Sullivan. Mr. Stearns was delayed and arrived at 8:00 PM. Mr. Breton opened with Pledge of Allegiance, and then read the agenda into the record.

**ANNOUNCEMENTS:** None.

**MINUTES:** Tabled.

**LIAISON REPORTS:** Mr. Hohenberger advised that the CIP's annual meeting schedule would begin the following evening at the Nesmith Library at 7:00 PM.

**CORRESPONDENCE:** Copy of letter received from the NHDOT to the NHDES, advising that an action plan for the resumption of blasting operations at Exit 3 has been submitted, which addresses all concerns identified by the DES relative to the June 3<sup>rd</sup> incident.

*Copy of letter* to Mr. Stan Kobylanski from the NH DOT, regarding his request for a sound barrier. Mr. Sullivan summarized that, after analyzing the situation, the State cannot warrant installation of a barrier. Mr. McMahon added that it is not that a noise problem doesn't exist in the area, but that there are not enough homes benefiting compared to cost to justify the expense.

*Letter received* from the Capital Improvements Committee requesting the Board reconsider their previous directive to Department Heads to submit only items in excess of \$100,000 to the CIP program.

Mr. Hohenberger explained that the CIP had discussed the matter at length and voted to keep a level of \$50,000 based upon the rationale that some items, such as the transfer station trailers, cause budgetary spikes if purchased outside the CIP.

Mr. McMahon noted that the intent of the CIP was, originally, for use toward items such as new construction; however it now seems to be utilized as a revenue source which it is not. He noted it should be used as intended, as a planning tool to fund capital items.

Mr. McLeod disagreed, noting it is a means to garner input as to departmental needs and wants; and that it is the CIP's responsibility to prioritize the items and the Board of Selectmen's to review and discuss them.

Mr. Breton indicated that he felt the CIP should be utilized for non-recurring expenditures. A discussion ensued, and was then tabled until Mr. Stearns arrival.

*Letter received* from the Planning Board recommending that Mr. Peter Griffin be appointed as liaison to the Rockingham Planning Commission. Mr. Sullivan noted that the position had been advertised, and Mr. Griffin remained the Planning Board's choice.

Mr. Hohenberger moved and Mr. McMahon seconded to appoint Mr. Griffin to the RPC for a term of four years. Passed 4-0.

*Letter received* from the Recreation Committee recommending that Mr. Kyle DaCruz be appointed to fill the vacant, alternate position. Mr. McMahon moved and Mr. Hohenberger seconded to appoint Mr. DaCruz as recommended. Passed 4-0.

**OLD/NEW BUSINESS:** Mr. Sullivan inquired whether the Board wished to consider waiving any Planning Board fees relative to the pending conveyance of land from the Town to the Hulmes per the 2009 Town meeting vote. Mr. McMahon moved and Mr. Hohenberger seconded to waive the Planning Board fees as stated. Passed 4-0.

*Mr. Sullivan* advised that the Planning Board had requested a meeting with the Board and Attorney Campbell on the following Wednesday at 6:30 PM. Only Mr. Breton and Mr. McMahon indicated they may be available to attend.

**ABATEMENTS:** Mr. McMahon moved and Mr. McLeod seconded to accept the recommendations of the Assessor on a total of 37 abatements as submitted; both approvals and denials. Passed 4-0.

**NON-PUBLIC SESSION:** Mr. McMahon moved and Mr. Hohenberger seconded to enter into non-public session in accordance with RSA 91-A:3-II e. Roll call vote - all members "yes". Topic of discussion was legal and the Board, Mr. Sullivan, and Ms. Devlin were in attendance.

**PUBLIC SESSION RESUMED:** Mr. McMahon advised that the Board had discussed a legal matter with Mr. Sullivan, and that no decisions were made.

**BID AWARDS:** Finance Director Dana Call advised the Board that the following bids had been received for the Town's propane needs:

<i>Vendor</i>	<i>Fixed \$/Gal</i>	<i>Index plus \$/Gal</i>	<i>Market with Cap Max \$/Gal</i>
<i>Eastern Propane &amp; Oil, Rochester NH</i>	<i>\$1.39</i>	<i>Selkirk + \$0.3875</i>	<i>Index price capped at \$1.59 max</i>
<i>Difeo Oil &amp; Propane, Epping NH</i>	<i>No bid</i>	<i>Selkirk + \$0.28</i>	<i>No bid</i>
<i>Palmer Gas/Ermer Oil, N. Salem NH</i>	<i>\$1.12</i>	<i>Selkirk + \$0.30</i>	<i>\$1.40 max (includes \$0.20/gal up front fee)</i>
<i>Amerigas Propane, Londonderry NH</i>	<i>No bid</i>	<i>Selkirk + \$0.35</i>	<i>No bid</i>
<i>Irving Energy, Portsmouth NH*</i>	<i>\$1.532*</i>	<i>No bid</i>	<i>No bid</i>

Mrs. Call noted that, last year, the Town had paid based upon the Selkirk index plus a margin. Discussion ensued regarding the need to switch out the tanks if the bid were awarded to anyone other than the current vendor, and Mrs. Call indicated that the price to do so should be included in the bids as shown. She noted that the Town has consistently received excellent service from the current vendor, Palmer Gas.

After further, brief discussion, Mr. McMahon moved and Mr. McLeod seconded to award the bid for propane to Palmer Gas at their fixed price per gallon for a one year period. Passed 4-0.

Mrs. Call then advised the Board that the following bids had been received for the Town's heating oil, noting that an average of 5,000 gallons per year is purchased:

<i>Vendor</i>	<i>Fixed \$/Gal</i>	<i>Index plus \$/Gal</i>	<i>Market with Cap Max \$/Gal</i>
<i>Irving Energy, Portsmouth NH</i>	<i>\$2.494</i>	<i>N/A</i>	<i>No bid</i>
<i>Fred Fuller Oil, Hudson NH</i>	<i>\$2.275</i>	<i>N/A</i>	<i>Retail price capped at \$2.275</i>
<i>Difeo Oil &amp; Propane, Epping NH</i>	<i>\$2.25</i>	<i>N/A</i>	<i>No bid</i>
<i>B&amp;H Oil, Salem NH</i>	<i>\$2.159</i>	<i>Rack (cost) + \$0.15</i>	<i>N/A</i>
<i>Palmer Gas/Ermer Oil, N. Salem NH</i>	<i>\$2.149</i>	<i>N/A</i>	<i>\$2.699 max (includes \$0.30/gal up front fee)</i>

Mr. McMahon moved and Mr. Hohenberger seconded to award the bid to B&H Oil for a fixed rate of \$2.159 for a period of one year.

Mr. McLeod inquired as to the current rack cost, and Mr. Ralph Glynn of B&H approached to reply it was currently \$1.59. Discussion ensued regarding the fluctuating costs when coupled with the \$0.15. Motion passed 4-0.

**OLD/NEW BUSINESS CONTINUED:** Mrs. Call noted that a question had been raised regarding the amount being collected by the Planning Department for School Impact Fees. She noted that she had researched back to 2004, when the amount had changed from \$2,500 to \$3,400; and noted from that point to 2008 she was confident the correct amount had been collected. Mrs. Call stated, however, that since the 2008 Town Meeting at which the language had been changed from a fixed amount to one based upon assessment schedules, the figure had not been adjusted. She noted that if the amount should have been calculated per the schedule, \$3,436.34 should have been collected, which would result in approximately \$1,600 lost to date based upon the 45 impact fees paid. Mrs. Call noted that the Department is now charging the amount per the schedule.

Mr. Tom Case approached, expressing concerns that since the Impact Fee language was removed from the Zoning Regulations in 2008, and authority given by the voters to the Planning Board to establish a fee schedule, no public hearing has been held as required.

Mr. Case noted that the Planning Board did develop a fee schedule in February of 2008, but it was before they had authority to do so. Mr. Case felt that, as there are no impact fees in the Ordinance and no official schedule, the Department should not be collecting any at all.

Mr. Case further noted that the School Impact fee was developed in response to the Middle School, and inquired how the fee could continue to be charged as such when the School is complete. He suggested a new methodology be developed, perhaps for the High School, and that the Planning Board conduct a proper public hearing.

Mr. Hohenberger noted that the methodology is currently being updated, which will include the new High School and possibly the new elementary school, as well. Discussion then ensued regarding the timing of the collection, which is currently at the time of application versus upon issuance of the Certificate of Occupancy, and Departmental procedures.

Mr. Sullivan noted that Town Counsel had previously issued an opinion on this matter in 2008, which indicates there is justification to believe that the Impact Fee survived the ordinance. He suggested that the Chairman request the Planning Board release the correspondence to the public. Discussion ensued.

Mrs. Call sought clarification that the Board was comfortable with the Department continuing to collect \$3,436.34. The Board replied in the affirmative.

After further discussion, it was suggested that it may be appropriate to have a workshop between the Board of Selectmen and the Planning Board.

**HIGHWAY AGENT:** Mr. McCartney opened the discussion by reviewing with the Board an amended price estimate to construct a new Salt Shed. Mr. McCartney noted that the estimate pertained to erection of a plastic shed only and did not include any site work or a foundation; and was essentially the same as the previous cost when the latter were factored in. Mr. Sullivan advised that an additional estimate for a two-bay versus four-bay garage was also being obtained.

Mr. Breton inquired as to funding in the CIP for this project, and Mr. Sullivan replied that \$625,000 was submitted, and approximately \$300,000 was available. He further noted that the site work alone is estimated at \$500,000, with the remainder of the project costs split fairly equally between the shed and the garage. There is an estimated \$40-45,000 difference between two versus four bays for the latter.

Discussion ensued as to why the article had failed in March, how best to ensure its passage in 2010, the deadline to relocate the Highway Department, and possible locations for a fuel depot.

*Mr. McCartney* then updated the Board on the level of completion for the Londonbridge Road project, noting that the base coat of gravel is expected to be complete by September 15 with pavement soon thereafter depending on weather. Mr. Sullivan added that he and Mr. McCartney had recently met with the contractor and the project is moving along as expected.

**OLD/NEW BUSINESS CONTINUED:** The Board resumed their discussion of the CIP levels, with all members reiterating their previous comments on Mr. Stearns behalf.

Mr. Stearns felt that, if the CIP were a true capital improvements tool, it would not be operating in its current form. He noted that, as it is not being utilized as a long-range planning tool, he saw no reason to return to a \$50,000 submission level.

Further discussion ensued regarding the premise and purpose of the CIP program, budgetary spikes, and the varied levels of departmental budgets.

Mr. McLeod then moved and Mr. Hohenberger seconded to instruct all Departments to participate in the CIP program subject to a \$50,000 submission level.

Mr. Sullivan noted the practice of global budgeting utilized by the Departments and indicated that, since the change to an increased level, only the Transfer Station has been impacted. He indicated his support of the \$100,000 level and requested the Board, at a minimum, maintain it for the current budgetary cycle; citing how far into the process the departments currently are. Discussion ensued.

Mr. McLeod amended his motion, and Mr. Hohenberger his second, to commence with the 2011 budget cycle. Motion passed 3-2, with Mr. McMahan and Mr. Breton opposed.

Mr. McLeod moved and Mr. McMahan seconded to adjourn. Passed unanimously. The meeting was adjourned at 8:45 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

*Note: These minutes are in draft form and have not been submitted to the Board for approval.*