

***TOWN OF NEWFIELDS BOARD OF SELECTMEN
MEETING MINUTES
OCTOBER 17, 2006***

The meeting was called to order at 6:39pm. Selectmen present were: Janet Smith and Wes Moore. James McIlroy joined the meeting in progress. Others present were: Reuben Hull, John Hayden, Shelley Walts, Dwight Davis, Bill Davis, Jeff Feenstra, Brian Hart, Mike Sununu, Jamie Thompson, and Piers Lloyd Owen.

Larry Shaw, the Building Inspector, asked Nancy to inform the Board that the lights in the Town Hall above the stage need to be removed immediately. They are a fire hazard because of the wiring and a safety hazard as they are not chained to the ceiling. The Selectmen will go upstairs and view the area where the lights are located.

A Current Use Change Form was signed by the Selectmen. No charges were involved. This was only to add a book and page number to the records.

A Current Use Application denied due to incomplete information was signed by the Selectmen.

Reuben Hull met with the Selectmen to discuss the ADA ramp recently installed at the Town Hall. Reuben took full responsibility for the problem with the ramp. He stated that in trying to keep the ramp compact, he lost four inches that made the ramp non-compliant. He stated that the current ramp could be salvaged and modified by extending one section by ten feet. Reuben stated that he is responsible for raising the current ramp to the proper levels, but feels the Town should pay for the additional ten feet of ramp required. The Selectmen asked Reuben to present detailed drawings before any more work is done on the ramp. As the ramp will not be finished before the November Elections, it was decided to look at a few different designs and pick the one that works best for the Town. It was noted that the State will provide free assistance in designing an ADA compliant ramp and that this assistance should be used for the new design.

Wes stated that he was not happy that the design was improper, that the ramp was painted white without approval, and that the granite steps underneath the ramp were taken off of the Town Hall property and ended up in Reuben's front yard.

Wes is also concerned that any modifications to level the ramp may fail after a year or more. He feels that it may be better to tear down the lower section and re-build it properly. The ramp needs to last at least 15 years – will the modifications stay in place for that period of time? Reuben stated that he takes responsibility for the problem, but wants to salvage as much as possible from the present ramp.

John Hayden asked what happened to the granite steps that were in place before the ramp was built as they are quite valuable. He feels that the Town should retain ownership as they could be used on another Town property or sold for salvage. Reuben said that the contract did not state what would happen to the granite steps after they were removed to make way for the ramp. They were put on his property for safekeeping instead of leaving them on the lawn of the Town Hall. They will be moved to the back of the Town Hall this week.

Janet stated that she did not want any more quick decisions to be made regarding the ramp, but wants Reuben to go back to the drawing board and come up with a few more designs to meet the ADA requirements and be more pleasing to the eye. James asked Reuben to show a design with the 10' extension to the right instead of the left which would extend the ramp beyond the building. Reuben agreed to do so and return to a future meeting. Reuben asked the Selectmen to release the check to the builder as he completed the job as requested. The Selectmen agreed to release the check.

At 7:25pm the meeting went into a non-public session with counsel. The meeting went back to a public session at 7:55pm.

Shelley Walts of Primex came in to discuss the IRC Section 125 Flexible Benefit Plan options the Town has on Health Insurance coverage. There are several choices. Shelley gave copies of the Flexible Benefit Plans to each of the Selectmen to review. If the Town decides to have employees contribute to the Health Insurance, Concept Benefits, Inc. will be used to implement the "Premium Offset Plan" and explain the information to the Town employees. Concept Benefits, Inc. will set the plan up for the Town and the current cost to do this is \$280.00. The employees can opt for pre-tax dollars to be used to pay their portion of the premium.

Shelley said that all Towns are different when it comes to Health Insurance. Some pay 100%, others split 95/5, 90/10, or 80/20 while schools usually have a 80/20 split. Wes stated that this should not go into effect until 2008 to allow the employees time to adjust to the change if the Board decides to go this route.

Shelley will find out how long it takes to prepare the legal documents and whether the plan can be implemented mid-term. She also mentioned that employees may view this as a pay cut if they've never had to pay for their health insurance before. She suggests that it would be a good idea for the employees to be given a breakdown of what the Town pays for their benefits. She also mentioned that offering a cash incentive could be a way to deter employees who have coverage through their spouses to not also take the coverage through the Town. Janet mentioned that the Town has employees who have taken the Town's insurance because it doesn't cost them anything, even though they already have insurance, and by asking the employees to contribute to their insurance is also a way to deter them from taking dual insurance. The Town would also save money in

employment taxes as it will not have to pay FICA on the gross amount of salary redirections made by their employees. Nancy mentioned that the employee's social security would also be lower at retirement because of the reduced contributions by both the Town and employee. Shelley stated that from what she has seen, having the employees contribute to their health insurance has outweighed the loss in social security.

Bill Davis, Dwight Davis, and Jeff Feenstra came to the meeting to update the Selectmen on the progress of the Cable Commission. They have met with the Portsmouth Committee and have spoken with Comcast. If the Town were to receive any money for allowing Comcast to provide service to the residents, a line item marked as "franchise fee" would be added to each subscriber's invoice. The fee would not come out of Comcast's profits, but would be an additional charge to the residents.

The Town can file for an extension to the current contract. If the Town wants to align with Exeter and Stratham for better bargaining power in the future, this may be the route to take. Comcast would prefer to execute a new contract vs. an extension of the current contract. A short-term contract may also be better for the Town as competition for cable could occur sooner. It was asked what would happen if the Town did not renew the contract and was advised that a contract is certainly preferred versus operating without an agreement.

Comcast will provide video service at no cost to any Town building within 150' of one of their lines. This would be with or without a franchise fee and would not appear on subscribers' invoices. A franchise related cost will show on each customer's invoice if the Town get "free" internet service. This means that the Town will not be invoiced, but each household with cable will pay for the Town's service.

Community Access TV can be agreed upon, but must have enough support from the townspeople to support it. It requires a substantial amount of start up funds – between \$60,000. and \$70,000. The Town would be interested in broadcasting Channel 22 to the residents. This Exeter Channel broadcasts the SAU 16 meetings and school sports that are important to the residents of Newfields.

The Cable Committee needs a decision from the Selectmen on whether or not they want a fee to the subscribers in Newfields and if so, how much. The range of a franchise fee is between 0 – 5% of the bill. If the answer to that is yes, where the funds will go (into the general fund or some other special fund). The final item is to decide on either a Formal or Informal process for the contract renewal.

Dwight feels a short term contract is worth pursuing for more negotiating power in the future. The Town would also be able to go with another cable provider in a shorter time if a short term contract was signed. It is expected that other cable

companies will be in the area in the near future. Dwight will also speak with a Verizon Representative to compare what Comcast is offering in their contract with what Verizon would have offered if they stayed in negotiations.

Brian Hart met with the Selectmen to give update on the Cole property purchase. All of the documents have been submitted to the State Government and will be forwarded to the Federal Government. We should hear from them in early November as to when the funds will be available. The closing date will be changed from November 10th as that is the day that Veteran's Day is observed. Brian will notify the Selectmen of the new closing date as soon as it is available.

Wes made a motion to choose Fran Lane to be the Town Counsel on the transfer of the Cole property. James seconded the motion and the motion passed with two in favor and one against.

Brian hopes to have the closing cost estimates available next week.

Wes asked Brian where the parking lot will be located for access to the Cole property. Brian said there are two options for the lot location (there will only be parking for six cars at a time) and they will go along with the Planning Board recommendation on which of the two locations is better choice for the parking lot.

Wes said that the Nature Conservancy is asking that the Daley and Anderson properties be a part of the NAWCA Grant. This action would take away the Town's right to amend easements and give the Fish and Game Department the authority to enforce an easement if the Town does not enforce it. The Town would lose the right to sell an easement. The Nature Conservancy is looking for a non-cash match of funds so that they may receive a grant.

Wes would like to spend ten to fifteen minutes with Ray Koniski and Alison Watts to discuss the NAWCA request.

A discussion of the legal fees for the Piscassic Greenway Bond took place. It was determined that these fees should be paid from the Conservation Commission funds.

The Budget Advisory Committee reported to the Selectmen that they received a cooperative response from the Town Departments with their proposed budgets for 2007.

Dispatch needs to be looked at. The Fire Department has no objection to changing to Rockingham Dispatch. Chief Reed offered to look at both Rockingham and Newmarket Dispatch Offices to compare services vs. price/cost. Has anyone determined the cost to change over to Rockingham? Mike Sununu will contact Maureen Barrows to ask if the County will be implementing a charge to use their service over and above what the Town already pays in taxes to the County.

The Fire Department had no problem with changing their budget. The Police Department will have to have another meeting with the Budget Advisory Committee as well the Library to bring their figures in line. The Highway Department is fine, Emergency Management has asked for a large increase but this is on a contingency basis. If the need is there, the funds will be used. If there are no emergencies, the funds will not be used. The Selectmen will review this particular proposed budget and discuss it further with the Emergency Management Department. Since so much of the increase is for contingency funds, perhaps a Warrant Article is the best way to appropriate the funds. The Warrant Article would be to establish an Expendable Trust Fund. The Cemetery and Conservation Commission budgets are fine.

The BAC needs to discuss the Insurance and Waste Management lines with the Selectmen. The committee is scheduled to meet with the Selectmen again on October 31st.

With regard to the Police Department, the physical needs must be determined and how the Town will pay for those needs. Should some funds be put away now? With the Police Department located in the Town Office, there is no expansion space available to the Town Office. We need to have a plan in hand to present to the residents in order to get their support.

Overall, the Budget Committee is happy with the Police Department, but the costs need to be reined in. The Town cannot afford a \$20,000. to \$25,000. increase in the Police Budget each year. They feel the next budget should be the same or lower.

An area of discussion about the Police Chief's responsibilities took place. He was hired as a working Chief – 30 hours on the road patrolling and 10 hours administrative work. This should not change as the administrative help hired to work for the Police Department should be completing the administrative work and not the Chief.

Emergency Management accepted 22 radios from the State. They were given to the Fire Department. Now the costs to maintain these radios must be absorbed by the Town – this includes training in Concord, maintenance and repair of the radios, replacing the batteries, etc. It was noted that the Emergency Management Department expends funds and then is partially reimbursed by Seabrook Station. However, they have asked for an extra \$10,000. in their budget “just in case”.

After last week's meeting, the Selectmen viewed the tree that is rotting next to the Town Hall. It will cost approximately \$500. to have the tree cut down and removed. The tree is leaning in the wrong direction and could fall down damaging property. It may take 20 years for it to fall, but then again high winds could make it fall next week. Wes and Piers Lloyd Owen feel it should be taken down now. Janet feels the tree is okay for now and

not likely to fall soon. James stated he does not feel qualified to make a decision on the state of the tree. It has not been determined who actually owns the tree.

Piers offered to pay for one half of the cost to remove the tree if the Town would pay the other half.

Wes made a motion to authorize the removal of the rotted pine tree on the property line between the Town Hall and the Lloyd Owen property at a cost of \$500. with the Town paying \$250. to Urban Tree Removal and the Lloyd Owens paying \$250. to Urban Tree Removal. James seconded the motion and the motion passed with two in favor and one against. Nancy was asked to contact the tree company to make arrangements for the removal at the same time the company removes the tree at the church sanctuary.

With regard to the potential junk yard, Wes and James were not happy with the re-write of the letter. Wes will re-write the letter and bring it back next week.

James made a motion to accept the minutes of the October 10th, 2006 meeting as amended. Wes seconded the motion and the motion passed with all in favor.

A Town Hall Rental Agreement was signed.

Correspondence from the Town Counsel was reviewed.

The Cartographic Contract and the replacement roof estimate were tabled until next week's meeting.

A Warrant was signed for the election in November.

A Police Department appointment was signed.

Wes made a motion to adjourn the meeting at 11:25pm. Janet seconded the motion and the motion passed with all in favor.

Respectfully submitted,

Nancy J. Spencer