

## **MINUTES OF THE JUNE 26, 2017 BOARD OF SELECTMEN MEETING**

**MEMBER'S PRESENT:** Board Members Michael Houghton, Joe Lovejoy, Bruno Federico and Town Administrator Paul Deschaine.

At 7:33 pm Chairman Federico opened the general meeting of the Board of Selectmen.

### **SECRETARY'S REPORT:**

Mr. Houghton moved to approve the minutes of 6/19 as amended. Mr. Federico seconded the motion, which passed unanimously.

### **TREASURER'S REPORT:**

Town Treasurer Deb Bronson indicated that the current fund balance was \$9,316,980.

### **ASSESSING DEPARTMENT:**

Andrea Lewy, Assessor, speaking about the public hearing on the two barn preservation easements. The first was for John D. and Marilyn R. Decker, 2 Emery Lane, Tax Map 13, Lot 58 also an application from Stella Scamman Revocable Trust, 69 Portsmouth Ave., Tax Map 9, Lot 7, for a Discretionary Preservation Easement in accordance with RSA 79-D. Ms. Lewy gave background on RSA 79-D, Declaration of Public Interest on historic agricultural structures and their preservation. Ms. Lewy had been asked to represent the Scammans. A letter was presented from the Stratham Historic Commission in favor of the easements. Ms. Lewy described the structures. One is a 200 year old English barn approximately 30 x 40 feet which consists of a first and 2<sup>nd</sup> floor, and a 19<sup>th</sup> century Yankee barn, 45 x 80 with an attached structure totaling approximately 32 x 34. These structures meet all of the criteria (eligible for historic register, scenic enjoyment for passersby, historically important local landmark) qualifying them for a discretionary preservation easement. The Scamman's are requesting the Board's approval of their application. Ms. Lewy provided a packet including a map and photos of the structures. Mr. Lovejoy asked if the applications were complete and inquired about the percentage of the abatement of taxes and clarified that it was discretionary to us (the Town) not the applicant. Ms. Lewy said that yes, the applications were complete. The percentage of the abatement usually runs between 25% to 75% off the assessment and that it is discretionary to the Town, not the owner of the structure. Mr. Lovejoy asked Ms. Lewy to clarify on the map which structures were applying for the easement. Mr. and Mrs. Scamman said that Becky Mitchell has been their consultant. Ms. Mitchell responded with the Scamman's plans for the structures which include rehabilitation, assessment by National Preservation Alliance and registering them with National Register. Photos and maps were reviewed by the Board. Mr. Houghton questioned whether the abatement would be on the land and structures. Ms. Lewy responded that yes, it would be both. Mr. Houghton had a question regarding the process. Mr. Deschaine explained that the easement freezes the assessed value of barns as of today plus a percentage of

future improvements during easement term. The Board's task is to evaluate the specific public benefit of the barns to be enrolled in the program and what percentage based on that benefit do they assign to it. 10 years is the typical easement term. Mr. Deschaine continued to explain that what the assessment does is relieve the owner of the burden of additional assessed value of the barn. The idea is for them to take that money and put it back in to the building. Mr. Lovejoy clarified that the idea is to save the structures, so they don't fall down, save the owners money so the structure gets no worse or, hopefully, improves. John Decker believed they had to maintain it in good shape or the Town could take it. Mr. Deschaine explained that the Town could revoke easement if they were not meeting the expectations of the easement. Mr. Scamman added that if someone owns an old building and they spend money to increase the value it is only partially added to the assessed value so the only reason for reconstruction is because the building is old and unique. The owner won't get their money back, but it is a nice thing to pass on to future generations. Mr. Lovejoy questioned that the relief applies not only to any new money put in but whatever the value is now. Ms. Lewy said that, yes, there would be relief to both, even with a re-evaluation it would be the same percentage, that is not going to change, until 10 years is up. Mr. Houghton questioned what the process is for validating improvements that are being made. Ms. Lewy said that they are the same as for building permits. On an annual basis she will go out and evaluate the improvements. Mr. Houghton said that for it to move it forward he understands there will be challenges, but as long as we validate that there is progress and restoration is being made to offset the abatement. Mr. Lovejoy expressed a favorable opinion and inquired about the period of time to make a decision and what level of percentage of relief. Ms. Lewy affirmed that yes, they can discuss percentage but recommended signing the application granting the easement and then deciding the amount at a later time. Mr. Deschaine discussed possible penalties. Mr. Deschaine does not recommend approving the easement then later assigning terms. He said that it is not fair to applicant to grant it with the owner not knowing what the terms are. Mr. Lovejoy asked for any further comments on the public hearing. Ms. Mitchell representing the Heritage Commission inquired what the percentage and term would be. Mr. Deschaine said it is usually 10 years; the percentage is typically based on public benefit, scenic enjoyment, structural historic importance, and aesthetic features contributing to historic and cultural integrity. Mr. Federico closed the public hearing on the Scamman application at 8:06pm. Mr. Lovejoy moved to approve the Scamman Revocable Trust application on the two barns at 75% over a 10 year period. Mr. Houghton seconded the motion, which passed unanimously. Mr. Federico opened the public hearing on the John D. Decker application. The Decker barn was in danger of collapse. Mr. Decker said that he believes it is the last hip roof barn in New Hampshire, making it historically significant. He and his son have spent the last year restoring it. They have spent around \$40,000 - \$50,000 on improvements. He showed the Board pictures of work that was done in past year and a half. Ms. Lewy said that the Building Inspector has been going out and she will be going out to see the barn and that the numbers will be higher. Ms. Lewy presented the application and easement deed to the Board. Mr. Federico questioned Mr. Decker as to why he restored the barn before asking for the easement. Mr. Deschaine said that he had, in fact,

asked for the easement prior to doing the work. The easement had been approved but never executed. He is reapplying after having made improvements. Mr. Lovejoy theorized that he would not be able to follow thru if the easement were not granted. Mr. Decker concurred. Mr. Deschaine asked for Building Inspector Mark Morong's input. Mr. Morong said that Mr. Decker did a good job and that it was quite a project. Ms. Mitchell commented that it should be called a rehabilitation not restoration. She continued that rehabilitation is great, and she is all for it, glad it is still with us and has retained the spirit shape and feel of old barn. It is a tribute to the resilience of 18<sup>th</sup> century timber frame structures. The Deckers invited Ms. Mitchell to go by and see it for herself. At 8:26 pm Chairman Federico made a motion to close the public hearing on the John D. Decker discretionary preservation easement. Mr. Houghton seconded the motion, which passed unanimously. Ms. Lewy asked the Board to make a determination to approve and what percentage they would be approving. Mr. Lovejoy approved John and Marilyn Decker for preservation of the entire barn, both portions, at 75% of the otherwise applicable taxes and be foregone for a term of 10 years. Mr. Federico seconded the motion which passed unanimously. Mr. Deschaine asked Ms. Lewy if the applications were made timely enough for this year. Ms. Lewy said that yes, it would be for this year.

#### ASSESSING:

Ms. Lewy stated that she had Veterans Credits Applications for the following people who she recommended approving: William Ball, 35 Vineyard Drive, Robert Dillon, 9 Gifford Farm Road, Bruce Kelly, 80 Montrose Drive, Rodney Mattson, 12 Peninsula Drive, which all meet requirements to receive Veterans Credit. Out of all of them Kelly is for 2018 the others will make 2017. All meet requirements for a \$500 tax credit. Mr. Federico motioned to approve the four Veteran's Credits. Mr. Houghton seconded the motion which passed unanimously.

Ms. Lewy received an application for abatement for the Chittenden Trust Company (People's United), on the corner of Portsmouth Ave. and Winnicut Rd. She was contacted by a tax representative of the bank who, when comparing banks in town, believed this one to be running higher. Ms. Lewy determined that it was not higher, but was actually in the middle. They had a meeting and discovered he was using the wrong assessment card. He still felt it was high. She requested more information. He didn't comply with her request. Ms. Lewy recommends denying the application for 160 Portsmouth Ave. Mr. Lovejoy motioned to deny the application by Chittenden Trust Company. Mr. Federico seconded the motion. The application was denied.

#### FIRE DEPT.

Fire Chief Matt Larrabee stated that year to date the Fire Dept. received 355 calls. On Thursday evening they responded to a first alarm structure fire on 330 Portsmouth Ave. Exact cause unknown, but they are leaning towards an electrical issue. Chief Larrabee stated that it was a good stop by the Stratham crew who were the first ones in. They did a great job keeping fire

damage to the second floor. The Stratham crew received a lot of compliments by surrounding town's fire chiefs.

Chief Larrabee reported that Two Way completed their work in the station. Chief Larrabee feels that it has been 100% improvement. He said that you can hear it clear throughout the station. It resets after 5 minutes. Chief Larrabee wants to thank Buddy Jameson of Pace's Tree Service for donating the use of his truck to reach the top of the tower.

Chief Larrabee said that the fair is up and coming and everyone is gearing up for that. He reported that the fireworks have been moved to Thursday night this year. 4H / animal people have been notified. The Fair is using a different fireworks company this year than they have in the past - no longer Atlas, now RS Fireworks (they also have the Hampton Beach contract). Chief Larrabee inquired about obtaining a fireworks permit from the Town and stated that the Fair Director is working with permitting from the State Fire Marshall. Mr. Federico made a motion to delegate the signing of the Town fireworks permit to Paul Deschaine. Mr. Houghton seconded the motion which passed unanimously. Mr. Lovejoy wanted to make sure the public would be notified of the change in date for fireworks show. Chief Larrabee said he would be sure to mention it to the Fair Committee.

Chief Larrabee went on to report that he has been working with Chief Scippa on emergency procedures such as if an emergency happens, how the command structure works and how decisions are made and where they get made from.

Chief Larrabee wanted to notify the Board that the radios in the trucks are obsolete. Motorola no longer services or makes parts for them. Right now they are in great working condition and currently he has no plans to replace any of them, but should one of them fail it would need to be replaced. There are six. Portables cost \$6,000 - \$8,000 each and these would cost more. They would not all need to be replaced at once. Chief Larrabee said he will put it in the budget for the fall.

In addition, Chief Larrabee said that Engine 1 has a corrosion issue with the light. They don't make them anymore (it is halogen but now everything has gone to LED). He is trying to determine the best course of action and is looking into options.

Chief Larrabee noted that annual inspections at Little Sprouts and Acorn schools are continuing and will be completed soon.

Chief Larrabee said that Rob Izzo wants to obtain an Advanced EMT certificate. Chief Larrabee said that Mr. Izzo is a very active responder. It's a \$1200 training class to come out of EMS Training. It's an excellent program. Lovejoy motioned to approve the \$1200 for Mr. Izzo to take the Advanced EMT Training Course. Federico seconded the motion which passed unanimously. Mr. Deschaine asked if the \$1,200 was coming out of the \$9,000 budget. Chief Larrabee confirmed that it was.

Chief Larrabee said that he receives emails from the Lakes Region regarding the light tower. They've had it for repairs. He will follow up with them.

Mr. Deschaine said he received a notification from the alarm company that a motion detection alarm was set off in the Fire Chief's office on Saturday, June 24 at 22:37. Chief Larrabee was unaware of this and said that he would follow up.

#### CODE ENFORCEMENT / BUILDING INSPECTION

Code Enforcement Officer / Building Inspector Mark Morong stated that he understands the Board would like a different template for reports therefore he made a couple of changes. On an internal report for inspections and permitting he did bar graphs and went back 3 years which, he believes, visually gives better idea of what the trends are. He said that he would make his reports month to month to make it more consistent. The actual report of what is going on in town is up to date. One other different thing was that he will report where he is on his budget giving his budget amount for the year and where he is to date.

Mr. Morong wanted to discuss the Fair. After the incident with the tent in Lancaster, the Fire Marshall put out a bulletin. As a result, Mr. Morong stated that he will be taking an even closer look at the tents this year. He continued to say that he would be looking at egress, electrical, although he is not an electrician, but just to see if anything stands out. Mr. Federico recommended doing rounds with the State Inspector. Mr. Morong said that any time any inspector, health, food, etc., comes around he likes to go out with them because you learn things, network, and feels it is just a good practice. Mr. Federico suggested he check with Fair Directors as to the inspectors' schedule.

Mr. Morong went on to state that there were a lot of new things in town and believed it was going to get very busy. A lot of things are in the planning stages now. Audi addition got passed by TRC. Also new homes are under construction (Blossom Lane, Haywick). The Ambulatory Center is adding new surgical rooms. Mr. Morong explained that when you start doing surgical rooms, permitting gets interesting because the rules for plumbing and electrical change; gets technical. Mr. Morong reported on a free standing solar array at 62 Stratham Heights Rd. He stated that because of the conservation easement the Conservation Commission and Rockingham Planning Commission had given approval. There was discussion as to its exact location. Mr. Federico asked about the use of the electricity. Mr. Morong said it's going to the farm stand now. They have a lot of refrigerators. Mr. Deschaine informed the Board that we don't hold the easement on that one. We are only involved with the Barn preservation easement at that location.

Mr. Morong reported on extensive remodeling being done in the Squamscott Road area, specifically, Winterberry and Wiggin Way 14 – 16 Subdivisions. He described a 14 acre lot which was split off by the developer for his own development. He stated that he can drill his own individual well. Mr. Lovejoy asked about water issues. Mr. Houghton explained that when

the development was initiated, the developer set aside that portion for himself. It is carved out of the well covenant in the original agreement. Each lot has its own wells which were tested and approved.

Mr. Morong next reported on the renovations at Tailgate Tavern. He disclosed that it will be a sports bar type of place. Mr. Federico asked if there would be an issue with septic or water. Mr. Morong said that there would not be any issues because it is the same capacity as before.

Mr. Morong continued his report saying that there were ongoing renovations with utilities at the Bank. They would be using water from the CVS well.

He stated that at Lindt, the chiller from Europe was in place and that third party reviewers were coming in.

Mr. Morong met with people from Irving regarding their landscaping. He reviewed their plans with them.

Mr. Morong reported that Bruce Scamman is working on plans regarding AutoFair Nissan. Mr. Morong is looking for a written plan outlining what can and cannot be done. He noted that cars must be out of the fire lanes and road.

Mr. Morong mentioned that Fred Emanuel is consolidating 3 buildings in to one.

Regarding Stratham Plaza chimneys, Mr. Morong reached out to Evergreen Management and Ducharme. They are in the process of reviewing.

Mr. Morong wanted to make the Board aware of a potential litigation brewing on Peninsula Way between the Condo Association and one of the Owners. Mr. Morong may be called to court, if only as a witness. The issue is regarding a deck and permits.

Mr. Morong is working on home occupation and move in letters. Denise has been writing letters and scheduling inspections.

Mr. Federico asked if Monroe has a promotion permit. Mark said yes, they had one and then requested another one.

Mr. Lovejoy brought up the budgets and asked for more details in the future. How the budget reports were formatted was discussed.

Mr. Federico asked about the new restaurant. Mr. Morong said that he expects the permit application any day. Mr. Deschaine added that they just need design and permitting; TRC has approved. Architecture has been approved; need Structural and Mechanical approval. Mr. Deschaine said that the layout had changed slightly - parking was in front and had been changed to the back. As a result, the building had to be moved a little closer to road. The patio would be on the street side. It will look like a New England house with clapboard, wood, rooflines,

facades, parapets, etc. Mr. Houghton asked if the mechanical was shielded. Mr. Deschaine said that that is his understanding. There was further discussion on what permits will be needed.

## RESERVATIONS

Jessica Pope requested use of the Scamman Pavilion on Aug 5 for a child birthday party.

Mukti Rai requested use of the Front Pavilion on August 5 for a Summer Picnic and requested that the fee be waived as they are a 501c3 non profit group.

Mr. Federico moved to approve the request and waive the fee. Mr. Houghton seconded the motion, which passed unanimously.

Jennifer Tierney requested use of the Scamman Pavilion on August 13 for a birthday party.

All reservation requests were approved.

MEETINGS: The Chair reviewed the meetings scheduled for the coming week and reviewed the meetings held this past week. Mr. Houghton reported on the 6/21 Planning Board meeting. Mr. Lovejoy reported on the 6/22 Rt 108 Corridor Study Committee meeting.

Mr. Federico asked about perambulation. Mr. Deschaine noted that the level of traffic into the industrial park and Rt. 111 has escalated. He was surprised by the amount of traffic at that non rush hour time (9:30 – 10:00) and sees a mounting problem.

## ADMINISTRATION:

Mr. Deschaine reported the he and Mr. Austin attended the Winnicut Watershed Workshop last Thursday. The good news, he said, is that there is an action plan with priorities which allows us to apply for grant money. A lot is DOT related, but some projects are Stratham or private related.

DHHS has notified the Board of Selectmen that they will be conducting a study on arsenic and uranium. Residents will be asked to participate in the study voluntarily.

Mr. Deschaine reported that an anonymous donor would like to give \$9,000 to the Police Department, specifically to upgrade the surveillance system in the building. Mr. Deschaine said that the donation cannot be accepted until we have a public hearing because it is over \$5,000.

Mr. Deschaine notified the Board that the Department of Labor will be coming in to the office on Thursday, 6/29 at 10:00 am to go over their findings.

The next topic of discussion was the delegation of authority regarding Stratham Hill Park reservations and Municipal Center use. Mr. Deschaine developed a matrix detailing which items can be delegated and which items must be reviewed by board, as is stated in the Ordinance. Mr. Houghton motioned to authorize on 6/26/17 the delegation of authority of approval of requests to

use Stratham Hill Park/Municipal Center use as outlined in this document. Mr. Lovejoy seconded the motion which passed unanimously.

Mr. Deschaine shared with Conservation Commission Chair Allison Knab an application from a resident to be on the Conservation Commission. She said she would extend an invitation to the person to attend a Conservation Commission meeting. Mr. Deschaine will follow up.

Mr. Houghton asked about a phone call from a resident, LoriAnn, who wished to discuss Comcast negotiations. Mr. Deschaine tried several times to contact the resident stating that her voice mailbox was not set up and could not take messages. Mr. Houghton asked about our agreement with Comcast. Mr. Deschaine said it is a franchise agreement that has 3-4 years before it expires. He noted that there is a lot of misconception as to what we can and cannot do under the contract. We have no authority to regulate rates; only service.

Mr. Houghton mentioned some areas on the Town website needed updating. He wants to see the Moody's report publicized. Mr. Houghton suggested getting the Moody report in Stratham Magazine. Mr. Lovejoy concurred that it was a very positive report. Mr. Deschaine will contact Randy Bamberger to see if he'll accept the report as a submission.

At 9:56 PM Mr. Lovejoy moved to adjourn. Mr. Houghton seconded the motion, which passed unanimously.

Respectfully submitted,

Karen Richard  
Recording Secretary