

TOWN OF SEABROOK

SELECTMEN'S MEETING

APRIL 15, 2013

Present: Aboul B. Khan  
Edward J. Hess, Jr.  
Raymond Smith  
Joseph Titone

10:00AM

Chairman Khan opened the meeting at 10:00AM.

**ANNOUNCEMENT - TAX COLLECTORS OFFICE**

Mr. Hess read the announcement that the tax collectors office will now be open 8AM - 4PM with no interruption for lunch.

**MONTHLY MEETING - DPW MANAGER**

John Starkey was present for his monthly report (see attached).

Harborside Park - the Town received a grant of \$62,300. Town Meeting vote authorized \$50K for this project. The bid came in at \$58K and Mr. Starkey is hoping the Selectmen will approve the bid.

There was discussion on the damage caused by the Army Corp of Engineers. Mr. Starkey explained where the damage is and how it would or wouldn't affect this project. The sheet pilings had some damage and needs to be replaced at some point.

There was discussion on the parking area. Mr. Smith said he is not comfortable with moving forward if the questions remain unanswered. Mr. Khan said he has some concerns as well.

Mr. Starkey said the grant they received would be lost by October 2013 if the project is not done. He said he respectfully disagrees with the Selectmen on the legal issues. He said the treasurer is holding \$100K to fix the issues if the contractor does not. The sheet pilings have been an issue for a decade and it is going to be a slow process to correct.

Paula Wood said she does believe they are separate issues. She has an issue with the parking. She is pleading with the Selectmen to address this issue.

Sue Foote spoke about the aquarium that was going to be at the park. She said the conservation commission recommended parking inside the gate for handicapped and outside for general parking. The damage to the pilings and the work needed is not anywhere near where the park is going to be. She said if the Town doesn't move forward with the grant money it could have a negative impact on all departments within the Town especially

due to the current economy and the federal government tightening up the funds.

Paula Wood commented that this work would already have begun if there had been no dredging.

Ken Clark said this project should go forward and they should stop trying to find ways of not moving forward so they don't lose the money.

Mr. Khan asked if the local companies use this area and would it harm the Town. Mr. Starkey said all of those companies should go through the State as the town would. Those companies should also have to put up a \$100K surety bond.

Mr. Khan said he would like to see handicapped parking inside the fence and strong signage to this issue.

Mr. Hess feels strongly with what Sue Foote said and feels this project should move forward.

Mr. Smith said the school took grant money and it wasn't used and they were never blackballed. There was discussion on the options to repair the damage that was done so it wouldn't affect the grant money and getting the project done.

Mr. Khan said they could send a letter to Senator Stiles asking for a bill to help with the pier as they did in Hampton.

MOTION: Edward J. Hess, Jr. To move forward with the Project.

Mr. Khan said he would second the motion if they add parking for the handicapped inside the fence and general parking outside.

There was discussion on the parking. Sue Foote said they would need to go back to the DES and spend additional funds, which would delay the project for this to happen. Mr. Khan asked the Town Manager to make a note of this parking issue for discussion with Yankee Coop during contract negotiation. Sue Foote did indicate there is a need for parking and a discussion should start.

Second: Aboul B. Khan  
Unanimous

Mr. Starkey is requesting a posting for a part-time employee for a seasonal laborer. He explained he is short one employee due to short

term disability. Mr. Khan commented that this is not a Selectmen item and should be worked out with the Town Manager.

Mr. Starkey said there was also a request to continue the on-call pay year round. This discussion was to be brought to this meeting for public discussion. He explained his feeling as to why this is needed and said this happens for the sewer and water departments year round.

Mr. Khan asked how the process works if someone is needed. Mr. Starkey said currently they are given a cell phone and called by the police department. Once the on call ends there is a list that is provided to the police department and is used on a rotational basis.

Mr. Starkey said the additional cost is \$100 a week for 5 months. This would increase by about \$3K for 7 months. He said it could end up being more costly if an employee is harmed and files a grievance. Mr. Hess said he feels with one employee responsible it would run more efficiently.

Paula Wood commented that she thought this was discussed at the budget hearings and it was year round. Mr. Khan said that is what he believed as well.

Robie Beckman commented that going back to the part time employee request the Board said it wasn't a discussion for the Selectmen wouldn't this be the same. Mr. Khan said this is a change of how business is conducted so would be a discussion for the Selectmen.

Mr. Hess feels they should move forward with this. Mr. Smith said if it wasn't budgeted for they should cut it off on May 1 and add in the budget for next year. Mr. Titone said he is recommending they move forward on this for efficiency of the department and it is not a lot of money.

MOTION: Edward J. Hess, Jr. To approve the on call for  
Second: Aboul B. Khan Department of Public Works  
Unanimous year round.

Mr. Starkey said the rules for stormwater management never end. He said the Town has spent over a half million dollars to meet these rules. In February 2013 he received notification there would be new rules in addition to the current rules. If the rules are not met the Town Manager, Board of Selectmen, DPW Manager and Conservation Chairman could be arrested and would be considered a felony.

Mr. Starkey said Seabrook has done more than any other town to meet these rules. The Seacoast Coalition was formed after the first set of rules and they have been meeting more frequently.

Mr. Starkey said that if these rules go into effect the Town's will immediately be subject to fines. It has been delayed for comments from the towns until May 15. He is requesting the Selectmen send a letter to extend this delay for an additional 90 days for comments.

Mr. Starkey discussed the money to work on the current permit and said they cannot work on the permit that goes into effect July 2013 when the town meeting occurred in March 2013. He feels that the Selectmen should authorize \$3K of the budget be used for legal fees for this issue. He also thinks that Mr. Khan as a state representative could bring this up during legislation for the NH towns.

Sue Foote commented that in the state of Maine if they have an approved plan for stormwater management they are exempt from the federal plan. She said the state legislation needs to be educated.

There was discussion on the \$3K for legal fees and where this money should come from.

Sue Foote discussed the levels of ecoli and said the only way to attain that level is to kill off all the wildlife.

The Selectmen asked that Mr. Starkey provide an update on this subject at his monthly meetings until resolved.

The Board of Selectmen would like John Starkey and Sue Foote to work with the Town Manager to coordinate a letter and the legal fees.

Paula Wood commented back on the on call status and said the money was put into the budget during the budget hearings.

MOTION: Aboul B. Khan To approve \$3500 for legal  
Second: Edward J. Hess, Jr. services on stormwater.  
Unanimous

Mr. Smith commended the department for having the fields ready for the children during softball and baseball season.

John Starkey left the meeting at 11:55AM.

**PREVIOUS MINUTES - MARCH 22 PUBLIC AND APRIL 3 PUBLIC & NON-PUBLIC**

MOTION: Edward J. Hess, Jr. To adopt the minutes of  
Second: Raymond Smith 3/22 public and 4/3 public  
Unanimous and non-public.

Paula Wood asked when the Board would be holding night meetings. The

Board said they would consider holding a night meeting on Wednesday nights if there was a need but there are no night meetings scheduled.

**PREVIOUSLY SIGNED PERMITS**

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

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

**WATER & SEWER WARRANT - \$222,358.36**

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

**ABATEMENTS**

Hebsch 2013 Family Trust - 88 Silver Street - \$8.18  
Bernard Duggan - 533 Manchester Street - \$313.68  
Joseph & Merlene Tirone - 115 Centennial Street - \$11.72

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

**4 ELDERLY EXEMPTIONS**

MOTION: Edward J. Hess, Jr. To approve and sign all  
Second: Raymond Smith elderly exemptions.  
Unanimous

**1 DISABILITY EXEMPTION**

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

**TAX ABATEMENT REFUND**

Paul Kelley - 56 Portsmouth Avenue - \$308  
Susan Mooskian - 95 Blacksnake Road - \$56  
Sanborn Family Revoc Trust - 6 Browns Lane - \$277  
Lori Ebbs - 82 Viola Circle - \$13  
O'Neill Family Rev Trust - 16 A Street \$187 Abatement & \$36 Refund  
William Cox - 45 Railroad Avenue - \$337

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

**INTENT TO EXCAVATE**

Nextera Energy Seabrook - Provident Way

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

**ACCEPTANCE OF XTS RADIO FOR EMERGENCY MANAGEMENT DIRECTOR**

Mr. Titone explained he put in for this radio and it was approved.

MOTION: Edward J. Hess, Jr. To accept the radio for the  
Second: Raymond Smith E.M. Director.  
Unanimous

**ENTERTAINMENT PERMIT**

Chop Shop - 920 Lafayette Road - April 1 - 30, 2013

MOTION: Edward J. Hess, Jr. To approve the permit with  
Second: Raymond Smith the conditions set by the  
Unanimous Code Enforcement Officer.

**RELEASE OF FUNDS FOR BERGERON WAY**

MOTION: Edward J. Hess, Jr. To release the funds.  
Second: Raymond Smith  
Unanimous

**PROCESS FOR HIRING TOWN MANAGER**

Mr. Hess said with the cost of the agencies he feels they need to have further discussions. Mr. Titone explained the cost was more than expected of \$5K. Mr. Smith said he did research of about 23 towns who have hired a town manager in the past 2 years and has some criteria that the towns looked for in a town manager. The main thing he liked was the experience and the master's degree. Mr. Khan commented that they have people who can read through the resumes instead of paying an agency to do that. Mr. Smith said he is fine with that as long as they establish criteria beforehand. Mr. Hess said he is looking for cooperation between the town manager and the Selectmen.

MOTION: Edward J. Hess, Jr. To set up criteria for the  
Second: Raymond Smith town manager position and to  
Unanimous establish a committee to  
review resumes, the Board  
will have a meeting prior to  
releasing the posting.

Mr. Khan said he had a request from a resident of Cross Beach. Mr.

Titone said they had some erosion and in order to fix the problem they need permission of the Board.

MOTION: Aboul B. Khan To have the Town Manager  
Second: Raymond Smith coordinate this with John  
Unanimous Starkey to correct.

Mr. Hess said he attended the quarterly meeting on emergency management. Mr. Smith said he visited the wastewater treatment plant and the water treatment plan was very impressed on how the departments operate.

**NON-PUBLIC SESSION**

MOTION: Edward J. Hess, Jr. To go into non-public  
Second: Aboul B. Khan session at 12:30PM under  
Unanimous RSA 91-A: 3, II, (a)  
personnel, (c)welfare liens  
and (e) legal.

Roll call:  
Mr. Khan - yes  
Mr. Hess - yes  
Mr. Smith - yes

Board reconvened in public session at 2:33PM.

MOTION: Aboul B. Khan To adjourn the meeting  
Second: Raymond Smith at 2:33PM.  
Unanimous

Meeting adjourned at 2:33PM.  
Minutes taken by Kelly J. O'Connor

Approved and endorsed

\_\_\_\_\_  
Raymond Smith, Clerk

Date: \_\_\_\_\_