

The regularly scheduled Selectmen's meeting was called to order by the chair, George Lagassa at 7:00pm. Those present included, Allen Hines, Jack Steiner (Selectman), and Russell McAllister (Town Administrator).

The Selectmen reviewed the meeting minutes of November 8<sup>th</sup>. Mr. Hines made the motion to accept the regular minutes of November 8<sup>th</sup>. Mr. Steiner seconded the motion. The vote was unanimous and so moved.

The selectmen reviewed correspondence and/or signed:

Administration/Business

- a.** Minutes - November 8<sup>th</sup>
- b.** Payroll
- c.** Manifest
- d.** Property Tax Abatement (Richard Ryerse, William & Alice McNabb - \$100 each)
- e.** DES - Dredge & Fill Permit - Owner is DOT
- f.** Media One - Notice of Rate Increase
- g.** Telephone Pole License
- h.** Coakley Minutes

The TA briefed the Board on the status of Army Corps of Engineers permit issuance to the Town for the Little River Salt Marsh Project. The Army Corps permits allow the project to dredge and replace the culvert beneath Route 1A. The first phase will be to replace the culvert beneath Appledore Avenue and dredge that section northward to the main channel. The initial bid for the culvert replacement was redone after a contractor discovered a water main, which was not detected by dig safe. The necessary change to the bid, including the rerouting of the water main, was reissued to bidders.

The Board reviewed the letters of credit received from Eric Chinburg, in the amount of and as required by the Planning Board, posting the necessary bonds to cover the cost of construction and maintenance of Winterberry Lane in the Winterberry subdivision. Mr. Hines made the motion to accept the bonds for Winterberry. Mr. Steiner seconded the motion. The vote was unanimous and so moved.

The Board next reviewed and signed the cost sharing agreement between Hampton (75%) and North Hampton (25%) for professional services associated with the PUC rate case for Hampton Water Works. The total cost to North Hampton for the services is \$5,000. It was noted that the Hampton Board of Selectmen had previously signed the agreement.

The Board reviewed and signed the amendment to the Well Owner's Response Policy. The amendment added the property of Wendell O'Connor (36 Lovering Road) to the agreement between the Town and Hampton Water Works. Tim Harned asked if Mr. O'Connor would receive a contract from Hampton Water Works (HWW) for his signature. The contract was an agreement whereby the homeowner agreed to be part of the Well Owner's Response Policy (WORP). Part of the policy included monitoring of the property owner's well by the HWW for signs of failure due to pumping by the HWW of their nearby production wells. In response to Mr. Harned's query, the TA replied that it was his understanding that the HWW would forward a contract as soon as they received the signed amendment to the WORP. Mr. Harned noted that a pump test had previously been conducted on Mr. O'Connor's well during the driest part of the season. The yield of the well was less than 5 gallons per minute. Mr. Harned noted that Mr. O'Connor had said the person conducting the pump test rated the well at 2 gallons per minute. Mr. Harned was concerned that any remediation by the HWW, in the case of a failure of Mr. O'Connor's well would be to restore the well at 2 gallons per minute. Everyone agreed that 2 gallons per minute would not be acceptable, as the HUD

standard was higher. Mr. Harned asked whether the HWW had submitted that data collected as part of the well monitoring program to the Town. The TA explained that the data was provided as part of the discovery (data requests) submitted by the town and water commissioners during the PUC rate hearing proceedings. Brian Goetz, Director of Operations, at the HWW had agreed to supply the data to the town, which in turn would act as the central repository for distribution to interested parties. Mr. Goetz had suggested a meeting so that everyone could agree on an acceptable format for the data. Mr. Steiner suggested the use of a hydrogeologist like Dr. Balleteros. Mr. Harned noted that the values were plotted on a graph via an excel spreadsheet. The data was generated from a data logger. Mr. Harned was invited to participate in the discussions and he agreed to do so.

### **Budget Review**

Mr. Lagassa asked whether there were other budget issues members of the Board would like to discuss. Mr. Steiner suggested that an additional \$1,000 be added to the selectmen's portion of the budget to cover the costs of additional mailing. The other Board members agreed with Mr. Steiner's suggestion. Mr. Lagassa provided a synopsis of recent Budget Committee meetings. The most noteworthy budget item concerned a request by the Recreation Commission to include funding for a full-time Recreation Director's position. Mr. Lagassa explained that members of the recreation commission had made a strong case for the need, but there was concern among budget committee members regarding the jump in costs from 40.8k to 79.2k. Mr. Lagassa noted that surrounding communities had full-time recreation directors and that there were a lot of North Hampton families with working parents who no longer had the time to volunteer as people had in the past. There was ongoing discussion among Budget Committee members to use a warrant article to raise the difference between the two numbers (38.4k), and have that difference rolled over into the operating budget the following year should the voters approve the warrant article. It was noted that the recreation commission was still working on the numbers, and may even offer a citizen's petition. There was also the possibility of bumping the numbers up gradually to a full time position over the course of a few years. Mr. Steiner asked about consolidation of the Recreation Department and the Youth Association. Mr. Lagassa explained that there were several covenants in place pertaining to ownership of the fields by the Youth Association. If the Youth Association gave up ownership the fields would revert to the Knowles family. The amount raised for the Youth Association in the Town budget went directly toward fixed costs of field maintenance. Mr. Lagassa also noted the Budget Committee wished to further review the increase in the Treasurer's Budget.

### **Selectmen's Issues**

#### *State-wide property tax*

Mr. Lagassa addressed those present about his position regarding the refusal of some Town's to remit the statewide property tax to the DRA on the appointed date. Mr. Lagassa noted that he had sworn an oath to uphold the U.S. Constitution and the laws of the State of New Hampshire. He did not agree to uphold only those laws he agreed with. Mr. Lagassa explained that he did not like the statewide property tax and that he certainly was upset about the Town being a donor town. He also did not approve of other towns diverting education money away from its intended purpose and using that money to improve their infrastructure or lower their respective tax rates. Mr. Lagassa pointed out that the Town was involved with the Coalition Communities lawsuit against the state over the statewide property tax issue. Mr. Steiner agreed with Mr. Lagassa's assessment of an elected official's responsibility. Mr. Steiner found it particularly galling that other Towns would use education money from North Hampton for infrastructure improvements, or to lower the tax rates. The most effective and legitimate course of action was to pursue the issue through the courts. Mr. Hines concurred, noting that elected officials set an example and following the law is one such example. He did not agree with the state-mandated tax, but that duly elected legislators enacted the law. It was noted that the current statewide property tax was included a sunset provision. All agreed that should the position of North Hampton be similar to that of Rye or Newington, the Board members may well have acted in a similar manner. Mr. Harned thought the present system better to an income tax. He noted that

the overall tax incidence, or outflow of tax dollars, from the Town might be greater under an income tax. Mr. Mixer disagreed noting that the current system was not based upon ability to pay. Mr. Mixer noted that he was now living in a house that he inherited and that he was also living on a fixed income. Half of his fixed income was going towards payment of his property taxes. He was concerned that he would lose his home, and not be able to pass the home down to his children. Mr. Mixer felt that the whole issue had been mishandled and that the Board should draft a strongly worded letter of complaint to the Governor. Ms. Mixer wondered why the western portion of the state was a recipient, while the seacoast area was a donor town. Mr. Hines pointed out that the Town was engaged in the lawsuit because of people on fixed incomes like Mr. Mixer. Mr. Hines thought that the size of the state legislature was too big (400 members) to function properly and that the state had avoided its responsibility. Ms. Kisner suggested a direct mailing to town residents explaining the statewide property tax. The Board agreed and directed the TA to prepare something along the lines of the explanation available at the town office. The TA agreed to do so. Mr. Mixer urged the Board to pursue the idea of a community newsletter. It was noted that the school produces a quarterly community newsletter at a cost of about \$1,000 per issue.

#### **Questions & Comments**

Lucille Ellingwood complained about the quality of the printing on the tax bills. The TA noted that the supplier had failed to iron the bills prior to shipping. Mr. Harned addressed the issue of the Winterberry subdivision as it pertained to the Hampton Water Works. Mr. Harned explained that the HWW had required the Winterberry developer to install 12" water lines. Mr. Harned noted that part of the planning board approval of the HWW site plan for the new wells #17, #18, #19 (located near Winterberry) and water lines running beneath the Winnicut River—as presented by the HWW, indicated that both water lines were to carry untreated water from the well #17 to the treatment facility. One of the water lines would serve as a back-up. Mr. Harned believed that the intention of the HWW was to now have treated water run through one of those water lines beneath the Winnicut River. His concern was that there would not now be a back-up line in case of a break. The lack of a back-up line might result in a lack of water capacity in the overall system in the event of a line break beneath the river. This could impact the availability of water for fire protection. Mr. Harned also felt that such a change represented a change in use from what was originally approved by the planning board. The Board agreed and Mr. Harned agreed to draft a letter to the HWW outlining these concerns. The Board agreed to review and comment on the draft as soon as it was available.

Mr. Strout briefed the Board on the status of the North Road paving by R.H. White. He noted that the job was of poor quality in several areas and that he had drafted a letter to the HWW noting his concerns and asking for HWW to repair the road in the spring.

There being no further business to come before the Board the public meeting adjourned at approximately 8:30pm. Mr. Steiner made the motion to convene in non-public session under RSA 91-A:3 II (a) to discuss personnel issues. Mr. Hines seconded the motion. The vote was unanimous and so moved.

Respectfully,

Russell McAllister  
Town Administrator