

Selectmen's Minutes
13 December 1999
7:00pm

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 22nd. Mr. Steiner made the motion to accept the regular minutes of November 22nd. Mr. Hines seconded the motion. The vote was unanimous and so moved.

The selectmen reviewed correspondence and/or signed:

Administration/Business

- a. Minutes - November 22nd
- b. Payroll
- c. Manifest
- d. Land Use Change Tax (Marion Batchelder 12,600)
- e. Property Tax Abatements (Various)
- f. Executive Council Newsletter

Code Enforcement Issues - 7:15pm

Bob Landman

Mr. Landman addressed the issue of the overall direction of code enforcement. Mr. Landman's first issue of concern was the Frank's Furniture going out of business signs planted throughout town.

Chairman Lagassa: The same signs were posted in other surrounding towns as well.

Mr. Landman: Stressed the need for a policy to deal with this kind of signage. Asked why it takes weeks to remove them.

Chairman Lagassa: Replied that it took 1-2 days to remove them when brought to their attention. The policy is to take the signs down when they are seen.

Mr. Landman: Suggested the necessity of pulling out the signs and solving the blight first, and having a procedure for their removal.

The second issue of concern raised by Mr. Landman concerned the plastic wrap enclosure found at Al's Seafood.

Chairman Lagassa: Asked if the problem was an empirical question of the planning board ordinance.

Mr. Landman: Stated that Al's Seafood could enclose a portion of the premises with plastic wrapping for a total of three months.

Chairman Lagassa: Acknowledged Jim Nocus, attorney for Al's Seafood.

Mr. Nocus: Noted that Al's Seafood will be going to planing board about the issue.

Chairman Lagassa: Could not recall the planning board resolution concerning this issue.

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Mr. Landman: Noted that plastic wrapping went up after awning approval by the planning board. Nothing was in the site plan about the plastic wrapping.

The third issue of concern expressed by Mr. Landman was the landscape buffer adjacent to Gus' Bicycle Shop.

Mr. Landman: The owner agreed to the landscape buffer. A subsequent tenant in the marble business agreed to put in a landscape buffer, but went out of business. The building itself is grand-fathered.

Chairman Lagassa: Noted that he would like to see a change of use as well. Asked what the definition of a landscape buffer is.

Mr. Landman: JB's septic mound is a change in the buffer. It is a new structure of ugly stacked stones. It could look better. The process is that the planning board approves and Paul (code enforcement) enforces. The Board of Selectmen should take the lead. If the Selectmen would encourage code enforcement...

Selectman Steiner: There is support from the Board of Selectmen for code enforcement. We urge that Paul use good judgement.

Mr. Landman: What about Jeppeson's property?

Chairman Lagassa: Is he in violation of the site plan? He could put some plants in. Regarding code enforcement, support for Paul has always been there.

Mr. Charron: (Paul) works mainly with the details of code enforcement issues and responds to complaints. Seeks resolution by voluntary compliance. Suggests workshops to make people aware of issues. Notes that legally, he works in confines of the worded motion from the planning board.

Chairman Lagassa: Noted that it is difficult to force compliance. Suggested that the TA look into the availability of grants geared towards training for planning and zoning boards.

Waste Management - 7:30pm

Presentation of Solid Waste Issues by Michael McInerney (Division Manager) and Larry Berg (District Manager)

Mr. Berg began the discussion by noting that Waste Management had acquired the subscription portion of business from M&B Enterprises. Subsequent to that acquisition he had been contacted by the TA and asked to come to a Board of Selectmen meeting. Mr. Lagassa noted that he felt strongly that there was need of improvement in Town. Mr. Lagassa talked about his bill from Waste Management as a means of describing a representative situation he believes exists for other citizens in North Hampton as well. In May of this year (1999) Mr. Lagassa switched to M&B for trash pick-up. However, Waste Management continued to bill him after he had switched services. Now that Waste Management (WM) had acquired M&B the former was refusing to pick-up trash until it received payment. In effect Mr. Lagassa noted that he, as well as other residents, were receiving an old billing for an old collection service. Mr. McInerney apologized and noted that there has been a systems changeover. Mr. McInerney provided an outline of types of solid waste service noting that in North Hampton currently utilized a subscription service. This type of service is where the Town, through taxes pays the tipping fee, but the residents choose and pay for their own trash pick-up. There are only two or three towns using this approach. Mr. McInerney explained that one of the drawbacks to this type of service is that the trash pick-up component is more costly. There is a loss of productivity per truck because more than one company provides subscription services. Scheduling pick-ups because more

difficult and expensive, versus picking-up trash for the whole Town. The increased cost is passed along to the consumer. Most seacoast communities use pick-up or drop off services. A single municipal contract affords the community greater control over costs in terms of hauling, tonnage and recyclable material. Tag and bag programs found in other nearby communities was an example. The discussion moved to the permitting of the Turnkey Landfill in Rochester. The permit extends to 2010 and capacity must be available to New Hampshire communities for the length of that permit. The Governor's task force on solid waste looked at the issue in terms of existing and future capacity for the state, consolidation within the industry and the solid waste costs themselves. Mr. Berg explained that subscription services represented 1% of WM business. Mr. Landman characterized WM as providing less quality service as opposed to other haulers. Mr. Harned talked about the need for a transfer station. Mr. Harned noted that he had gone to the Turnkey Landfill to bring construction debris. The minimum charge, or tipping fee, was set at a one ton minimum. Mr. Harned noted that the majority of people, who had trucks, had half-ton trucks. He urged that the minimum load be reduced to half of a ton. Henry Mixter noted that the solid waste committee had been dormant, but that it was time to get it going again. Mr. Lagassa brought the discussion to a close by noting that the good things currently in place were the solid waste contract with 53-B and recycling. He asked that WM submit a proposal for a single municipal contract.

Selectmen's Issues

Discussion of North Hampton's Property Tax Lawsuit against the State and the option of Escrowing State Property Tax Funds.

Mr. Lagassa noted that the Board of Selectmen has not over reacted to the issue and because of it there has been no ensuing press coverage. Mr. Lagassa read the following:

Numerous people have asked the tax collector and Town administrator what is the official position of the Town on the new Statewide Property Tax. Despite several public discussions of this matter at regular meetings of the Board of Selectmen, the press has failed to report any of our discussions. The position of the Board of Selectmen is the following:

- We consider the statewide property tax to be an inequitable and blatantly unfair redistribution of wealth in the state
- We believe the tax, even as changed by the legislature in October, will fail to pass the test of proportionality and should be declared unconstitutional

WHAT WE HAVE DONE

- The Town of North Hampton has been and continues to be a supporting member of the Coalition of Communities organized to challenge the Statewide Property Tax in court.
- On June 28, 1999 the Board of Selectmen authorized the expenditure of \$10,000 in support of the Coalition study of property tax equalization techniques. This study is intended to show that the technique used to equalize market values across all towns in the state leads to a disproportionate sharing of tax burdens within certain towns and is thus unconstitutional.
- We have authorized Town Counsel to identify ways in which we can legally withhold payment of the excess tax burden resulting from the Statewide Property Tax, without leaving the school unfunded or under-funded and without exposing the town to significant interest penalties or other financial liabilities.

WHAT WE HAVE NOT DONE

- As Selectmen, we have pledged to uphold the laws of the State of New Hampshire as well as the United States and New Hampshire Constitutions. We have therefore not undertaken, nor do we support, symbolic acts of civil disobedience.

WE ENCOURAGE ALL INDIVIDUAL CITIZENS TO CONTACT THEIR GOVERNOR AND THEIR STATE LEGISLATORS AND EXPRESS THEIR OPINIONS ON THIS MATTER.

The TA was asked to provide an outline of how the tax worked and of the object of the lawsuit. Following the brief outline the Mr. Steiner made the following motion:

"In conjunction with the litigation challenging the constitutionality of HB999, to authorize the escrow of the statewide property tax up to \$372,485 with the court that are due the State of New Hampshire on March 15, 2000, provided that such action does not leave the school un-funded or under-funded, and does not expose the Town to significant interest penalties or other financial liabilities."

Mr. Hines seconded the motion. The vote was unanimous and so moved. Jim Mixter noted that he was proud of the way the Board had handled the issue.

Little River Salt Marsh Restoration Construction Bid for Culvert Replacement underneath Appledore Avenue

The TA briefed the Board on the status of the bidding. It was explained that bids from the first round were returned after it was discovered that Dig Safe had failed to locate a water main in the original bid specs. The inclusion of work for rerouting the water main was added to the bid specifications. The only bid for the project was from Robinson Construction. The total bid amount was \$14,691. Mr. Steiner made the motion to award the bid to Robinson Construction. Mr. Hines seconded the motion. The vote was unanimous and so moved. Mr. Henry Mixter mentioned that his father-in-law started the project almost 50 years ago. Mr. Mixter also mentioned that the Conservation Commission would be holding a landowner's meeting on 12/14. He also noted that the Conservation Commission had received the "Land Ethic for Tomorrow Award" from the NH Land Surveyor's Association. A round of applause ensued.

Questions & Comments

Mr. Landman noted that the Hampton Water Works (HWW) had finally showed-up at the MacDonald's to look at the water level in their pond. Mr. Harned reported that the MacDonald's pond had been down 3-4 feet at the worst of the drought while the water level of three surrounding ponds sank only 8-9 inches. The water level of those same three ponds had returned to normal while the MacDonald's pond was still down 30 inches.

Mr. Landman asked about the status of the HWW appraisal. Mr. Lagassa responded that it was underway.

Lucille Ellingwood noted that contractors always leave mud and dirt on the roads and that they never seemed to clean it up.

Mr. Stienner noted that the Estuaries plan was now in draft. The plan concerned itself with drainage into Great Bay.

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There being no further business to come before the Board the public meeting adjourned at approximately 9:00pm.

Respectfully,

Russell McAllister
Town Administrator