

The Chair, Jack Steiner at 7:00pm called the regularly scheduled Selectmen's meeting to order. Those present included George Lagassa, Lloyd Sullivan (Selectmen), and Russell McAllister (Town Administrator).

The Selectmen reviewed the meeting minutes of July 10th & 20th. Mr. Lagassa made the motion to accept the minutes of July 10th & 20th. Mr. Sullivan seconded the motion. The vote was unanimous and so moved.

The selectmen reviewed correspondence and/or signed:

- a. Administration/Business
- b. Payroll
- c. Manifest
- d. Land Use Change Tax Warrant (Last Mango Realty \$9387.33) (Stan Knowles \$517.33)
- e. [DRA PA-43 - Signatures Required.](#)

The TA explained that the PA-43 was Dept. of Revenue survey form that recorded information such as the number of parcels in town by category of use, amount, type and number of exemptions adopted by the town and so forth.

f. [Fuel Oil Bid](#)

The Board reviewed the winter fuel oil bid. There were two bidders and bids are listed below.

	Price/gallon	Kerosene
Lamprey Bros.	\$.959	\$1.159
Rye Fuel	\$.926	\$1.098

It was noted that both companies were located in North Hampton. Mr. Lagassa made the motion to accept the low bid from Rye Fuel. The motion died for a lack of a second. Mr. Sullivan made the motion to accept the bid from Lamprey Bros. explaining that the Lamprey's had done a lot for the Town. Mr. Steiner seconded the motion noting that the Lamprey's had recently donated land to the Town for the purposes of constructing a telecommunications tower on the site. Mr. Lagassa commented that the decision to accept the higher bid may well increase fuel costs next year because other bidders may not bid in the future. Mr. Sullivan and Mr. Steiner voted to accept the Lamprey bid. Mr. Lagassa voted against the motion. The bid was awarded to Lamprey Bros.

g. [Salt Marsh Bid](#)

The Board reviewed a single bid from H.L. Smith for Phase III of the Little River Salt Marsh Project. The last phase of the project involved replacing the culvert beneath Route 1A. The bid amount was \$388,824. Mr. Sullivan made the motion to accept the bid. Mr. Lagassa seconded the motion. The vote was unanimous and the bid was awarded to H.L. Smith.

h. [SEED Capacity Grant Funding](#)

Mr. Steiner noted that he had written a letter of support requesting grant funding from the Community Development Finance Authority (CDFA) for the Seacoast Business Alliance. Mr. Steiner noted that the Board was interested in having a sewer system feasibility study for commercial properties along Route 1. The feasibility study would update a similar study completed in 1992. It was noted that the idea of a sewer connection addressed concern associated with aquifer protection for those aquifers located beneath Route 1 and expansion of the commercial industrial portion of the tax base also located on Route 1. Laura Simmons wanted to know whether the issue did not fall under the purview of the planning board in light of the fact

that they were now an elected board. Mr. Steiner explained that only the Board of Selectmen, as the governing body, was responsible for applying for grants.

i. Heritage Commission Appointment

Mr. Sullivan noted that the planning board had appointed Jane Meneghin to serve on the Heritage Commission. Mr. Sullivan made the motion to approve the planning board's recommendation. Mr. Lagassa seconded the motion. The vote was unanimous and so moved.

Laura Simmons

Reimbursement request for new well

Ms. Simmons addressed the Board regarding a recent expense she incurred for drilling a well on her property. Ms. Simmons alleged that her well went dry as a result of blasting associated with the 1998 construction activities within the Mill Place sub-division on Mill Road. Ms. Simmons explained that Mike IaFolla (Chair of the ZBA) had written a letter to the Town on her behalf. Mr. IaFolla suggested that the well going dry was an unusual event because the well had never been dry in a 100 years. Mr. Lagassa explained that the blasting company was required by law to carry a bond. Mr. Lagassa asked if Ms. Simmons had contacted the blasting company. Ms. Simmons replied that she had not. Mr. Lagassa suggested that the issue of the well running dry as a result of the blasting at the time would require some proof. In this instance the question seemed to be who bore the burden of proof. Mr. Steiner asked whether or not Ms. Simmons had notified or spoken with Turner Porter (Mill Place Developer) about her problem. Ms. Simmons indicated that she had not. Bob Landman mentioned that Mr. Porter had replaced at least three wells so far. It was noted that the blasting bond is held in place for a three-year period and the bond had not yet expired. Mr. Steiner found it puzzling that Ms. Simmons had not contacted Mr. Porter regarding the problem. Ms. Simmons commented that she did not want to cause any trouble. Mr. Steiner believed that if a claim was to be made it might have to be made against the blasting company. Ms. Simmons noted that she has had blasting on her property. Mr. Steiner asked if she had a pre-blast survey conducted prior to blasting at Mill Place. Mr. Sullivan noted that Ms. Simmons' property was outside the blasting area. Ms. Simmons said that the TA had screamed at her when she was in the office regarding the issue in 1998. The TA took exception to Ms. Simmons remark noting that no one in the office ever screams at anyone. Ms. Simmons complained that no one ever responded to her 1998 correspondence. Mr. Lagassa noted that the letter from Mr. IaFolla indicated that all communication go through him. Mr. Charron (Building Inspector) noted that he did relay the Town Counsel's opinion that the issue was a civil matter and did not involve the Town and that the issue was not taken up again by Ms. Simmons or Mr. IaFolla until this evening. Mr. Lagassa suggested that the issue was a civil matter that did not involve the Town and that Ms. Simmons should contact the blasting company and make a claim as soon as possible. Mr. Sullivan believed that the issue was a Town concern and that Turner Porter should be notified that the issue had been raised. Tim Harned addressed the issue by expressing sympathy for Ms. Simmons issue. However, what he heard during the discussion sounded inconsistent and that there may be need to reference a legal opinion. As a citizen and Water Commissioner Mr. Harned noted that the law in the area of water rights is ambiguous at best, but that the State does not guarantee individual water rights. Mr. Harned suggested that Ms. Simmons contact Mr. Porter and try to work something out. The Board agreed to have the TA contact Mr. Porter notifying him that the issue had been raised, forward a copy of the correspondence to Ms. Simmons and contact legal counsel to request a legal opinion.

Selectmen's Issues

Centennial Hall Lease

Mr. Sullivan noted that they were back to the original idea of a one-year renewable lease. All the Town Attorney needed was a map highlighting the parcel and a deed description and he would draft the necessary documents.

Office Space Update

Mr. Sullivan noted that he had looked into space at the Citizen's Bank Building and that there were 3,200sqft available, but that it was under agreement and that this space option seemed to be evaporating. Mr. Steiner reported that he was working on setting up the shelving in the storage room above the Police Station and then the shelving and cabinets will be arranged to maximize space.

Street Light Petition (36 Woodland Road)

Mr. Sullivan reported that he had received a request from four families for a street light on pole #36 just south of Woodland Road. There was some lengthy discussion about a process and policy that could be established to handle streetlight requests. Mr. Sullivan commented that he supported the addition of streetlights where there is a clear need. Mr. Sullivan made the motion to re-establish a streetlight committee to review streetlight requests consisting of no less than three and no more than 5 individuals. Mr. Lagassa seconded the motion. The vote was unanimous and so moved.

Mosquito update

It was reported that to date there were no birds, particularly crows, that had tested positive for the West Nile virus. It was acknowledged that besides not having an appropriation for a spraying program, that it was too late in the year to begin an effective program. The Board thought that it was important to have a committee track the status of the issue. Mr. Sullivan made the motion to appoint a mosquito advisory committee. He noted that Dr. Meneghin had expressed interest in serving on the committee. Mr. Lagassa seconded the motion. The vote was unanimous and so moved.

Records Committee

Mr. Sullivan proposed that a committee comprised of Mike IaFolla, Don Gould, Paul Charron, Laura Simmons and a representative from the Conservation Commission inventory Planning & Zoning Board file cabinets and records. This way the Boards would know what records they have and where they were located.

Repeal of Town Ordinance 5-82 relative to skateboards and roller-skates

Mr. Sullivan made the motion to repeal ordinance 5-82 relative to skateboards and roller skate use in Town. Mr. Lagassa seconded the motion. The vote was unanimous and so moved.

Conservation Easement Restrictions Enforcement

Mr. Sullivan addressed the issue of enforcement regarding conservation easements and restrictions. It was reported that various groups such as the Society for the Protection of NH Forests (SPNHF), were in some instances named as parties on the deed restrictions with enforcement responsibility. By way of example a parcel of property located on Mill Road was highlighted. Lots within and several lots outside the Mill Place subdivision had received DES approvals for septic systems on the parcels. During the Planning Board review a conservation restriction (a 100' buffer from the wetlands area) was agreed to on the overall property located in the subdivision. The plan drawings showed the lot lines of the parcels and the lines of the conservation restriction. It later turned out that a portion of a DES approved septic system was located within the conservation restriction. Part of the problem during the approval process occurred because the restriction boundaries were drawn on a map that depicted the lot lines but did not depict the location of the septic fields on the same drawing. After further discussion Mr. Lagassa made the motion to have the Conservation Commission continue to develop an inventory of easements and make recommendations regarding enforcement. Mr. Sullivan seconded the motion. The vote was unanimous and so moved.

New Code Enforcement Proposal - Tabled

Selectmen's Minutes
14 August 2000
7:00pm

Mr. Steiner announced that the Board would be meeting with the three finalists for the Police Chief's position during the week and that the process was drawing to a close.

Mr. Steiner also mentioned that the Lamprey property along Mill Road had been donated. The Town would now move ahead and develop an RFP for tower construction.

Questions & Comments

Mr. Landman briefed those present on the Portsmouth park and ride issue and the wrangling between the NHDOT, the City of Portsmouth and the RPC concerning the expansion of the facility without adequate public hearings.

There being no further business to come before the Board the public meeting adjourned at approximately 9:37pm. Mr. Sullivan made the motion to convene in non-public session under 91-A:3 II (a) to discuss and review candidates for the Police Chief's position. Mr. Lagassa seconded the motion. The vote was unanimous and so moved.

Respectfully,

Russell McAllister
Town Administrator