

Selectmen's Meeting
April 14, 2003
Approved 4/28/03

I. Call to Order:

The Chair, Allen Hines, called the scheduled public session to order at 7:00 p.m. Present were Lloyd Sullivan (Selectmen) and Michael Pardue (Town Administrator).

II. Selectmen's Items:

Agenda Item A. Review of Test Boring Results for Proposed Site of Highway Garage and Salt/Sand Storage Facility.

The Board reviewed the test borings report relative to the Cherry Road site (proposed site for the new highway garage and salt/sand storage facility). R. W. Gillespie issued the report reviewed by the Board. The Board also review a memorandum issued by the North Hampton Building Inspector, Richard Mabey that served to summarize the content of the Gillespie report. In summary, the test borings performed at the proposed site of the new highway garage appear acceptable for the proposed construction.

Agenda Item B. Mill Place Subdivision – Request for Release of Bond.

Mr. Hines publicly read a letter from Phillip E. Wilson, Chairman of the North Hampton Planning Board in which it is recommended by the Planning Board to release the bond related to the Mill Place Subdivision. Mr. Hines also referred to a letter authored by Attorney Michael J. Donahue of the law firm Donahue, Tucker & Ciandella. Based upon the content of these two herein referenced letters, the following action occurred.

Mr. Sullivan made a motion to release the bond related to the Mill Place Subdivision. Mr. Hines seconded the motion.

VOTED: Unanimous to release the bond related to the Mill Place Subdivision. 2/0

Agenda Item C. Renewal of Discretionary Easement – Gorman Property.

Following review of Ms. Janet Gorman's request to renew the ten (10) year discretionary easement for her property located at 41 Atlantic Avenue, the following action occurred.

Mr. Sullivan made a motion to renew the discretionary easement associated with the Gorman property located at 41 Atlantic Avenue. Mr. Hines seconded the motion.

VOTED: Unanimous to approve the Discretionary Easement for the Gorman property located at 41 Atlantic Avenue for ten (10) years. 2/0

Agenda Item D. Easement Deeds – Crown Atlantic – Proposed Cell Tower

As this matter is an on-going legal matter, the Board moved to address this agenda item in non-public session.

Agenda Item E. Surety Bond – Crown Atlantic – Proposed Cell Tower.

As this matter is an on-going legal matter, the Board moved to address this agenda item in non-public session.

Agenda Item F. Post Road – Road Striping.

Mr. Pardue advised the Board that he, Pardue, and Chief of Police Page had discussed the re-striping of Post Road following concern expressed by Mr. Robert Landman related to the need for the removal of “passing zone” markings. Mr. Pardue explained that Post Road used to be marked with defined “passing zones” and that after numerous requests the State had changed the markings to reflect “No Passing” along the entire length of Post Road in North Hampton. Further, at some point, the State had reversed the markings and re-instated the “Passing Zones”. It is the belief of Chief Page that the “Passing Zone” markings were re-instated in error. Chief Page has contacted the State of New Hampshire DOT on numerous occasions asking the Post Road marking revert back to the scheme of “No Passing” markings along the entire length of Post Road.

Mr. Sullivan stated that he felt it appropriate that the Board issue a letter to the State in support of having all of Post Road in North Hampton be marked as “No Passing”. Mr. Hines concurred with Mr. Sullivan.

Agenda Item G. Deputy Building Inspector for Emergency Situations / Reciprocal Agreement with Town of Rye

Mr. Pardue advised the Board that the Town Administrator in Rye had requested the Town of North Hampton consider a reciprocal agreement between the two towns. The agreement would provide for the building inspector in each community to serve as a “Deputy” in the other town. This “Deputy” status would allow either inspector to assist the neighboring town in the event of emergency or in the event of a prolonged absence of the other building inspector. Mr. Sullivan and Mr. Hines both expressed their support of this concept, citing how this approach would be beneficial to both communities.

Mr. Sullivan made a motion to authorize the building inspector to be sworn-in in Rye as a “Deputy Building Inspector” for the purpose of providing building inspector services to Rye during emergency situations or in the event the Rye building inspector is out on a prolonged absence. Mr. Hines seconded the motion.

VOTED: Unanimous to approve the building inspector to be sworn in as a Deputy Building Inspector in Rye with the understanding that the Town of Rye will do the same for North Hampton. 2/0.

Agenda Item H. Beach Parking Stickers

The Board discussed the fee schedule for beach parking stickers. Mr. Sullivan made a motion to provide beach stickers to residents at the fee of \$20.00 per sticker. Mr. Hines seconded the motion.

VOTED: Unanimous to approve the fee of \$20.00 per beach sticker for residents for the year 2003. 2/0.

Agenda Item I. Questions and Comments Related to Above Topics

Mr. Henry Fuller inquired as to whether the Town had heard anything back from the Town Attorney regarding bond funding related to the proposed highway garage and salt/sand facility.

Mr. Hines explained that the Town Attorney and the Department of Revenue Administration (DRA) had provided comment back to the Board. In sum, the Town Attorney (Mr. John Ryan) had stated that he felt the Board could choose to pay for the proposed facility out of the undesignated fund balance. However, Attorney Ryan had asked that the Town seek the opinion of the DRA to ensure their agreement with this approach.

The DRA has provided written comment to the Board indicating it is their opinion that the Board can expend funds from the undesignated fund balance to pay for said project should they (the Board) choose to do so.

Mr. Larry Miller expressed his desire to see the Board of Selectmen fund the project through bonding. He stated that he felt the Town's residents would oppose funding by the use of the Town's undesignated fund balance.

A resident inquired as to why other warrant articles stipulated the use of fund balance as the mechanism for funding in contrast to the article related to the highway garage. Mr. Hines explained that he, as a Board member, represents all the people of North Hampton and that he is following the directive of the voters. Mr. Hines cited the fact that an appropriate majority of voters had approved the construction of the highway garage and salt/sand storage facility on the Town owned land located on Cherry Road.

Mr. Stanley Knowles asked if any research had been conducted to determine if this project would negatively impact property values. Mr. Hines responded to this inquiry citing the value of an abutting neighborhood did not seem to be negatively impacted where it abutted a similar style building used for tennis activity.

Mr. Sullivan stated that the Board was moving forward with proposed "next steps" and that at some point in the near future the Board would consider funding options.

Mr. Hines explained that this proposed project would likely be coming before the public in a public hearing format at which time citizens could offer further comment.

Mr. Joseph Arrena, a citizen, spoke in relation to housing values stating that values in North Hampton would be most impacted if the State recognized that the nuclear power plant is a mere five miles away.

III. Administration/Business:

Agenda Item A. Town Administrator's Report

Mr. Pardue discussed the Town Hall renovation project. He stated that Ms. Chase, Town Clerk, had expressed a desire that all new woodwork be painted as opposed to being stained as staining all the woodwork would result in very dark conditions within the building. Mr. Hines and Mr. Sullivan both agreed that the new woodwork being painted would be appropriate and authorized the Town Administrator to communicate this to the Town Clerk and the painting company.

Mr. Pardue presented the Board with a letter received at the Town Office this afternoon (April 14, 2003) from Mr. James Kierstead, an Alternate to the Zoning Board of Adjustment (ZBA). Mr. Kierstead's letter served to tender his resignation from the ZBA.

The Board expressed their appreciation for Mr. Kierstead's service to the Town and accepted his resignation with regret.

Agenda Item B. Approval of Minutes.

It was voted to table the both the public and non-public Minutes of 3/25/03.

VOTED: Unanimous. 2-0

It was voted to approve the Minutes of the meeting from April 4, 2003.

VOTED: Unanimous. 2-0

Agenda Item C. Payroll.

Payroll was reviewed and signed off on.

Agenda Item D. Manifest.

Manifest was reviewed and signed off on.

Agenda Item E. Agenda Request.

Ms. Laurel Pohl requesting to be on the next Board of Selectmen agenda to introduce information relative to the proposed highway garage and the Cherry Road site.

The Board asked Ms. Pohl to work through the Town Administrator and the Building Inspector to discuss these items and they would determine the appropriateness to bring this material before the Board.

IV. Temporary Adjournment to Non-Public Session:

Mr. Sullivan made the motion to temporarily adjourn the open session for the purpose of moving into Non-Public Session under RSA 91-A:3 II to discuss personnel and legal matters. Mr. Hines seconded the motion. As there were only two selectmen present, this fulfilled roll call requirements. The vote was unanimous and so moved. Open session was temporarily adjourned at 8:05 p.m.

The non-public session included discussion associated with personnel matters as related to the reorganization of the Town's Recreation Department.

There was also discussion related to labor contract matters. The Board discussed negotiation strategy etc. as associated with the negotiation of the labor contract between the Town and the International Brotherhood of Teamsters, Local 633.

The Board also discussed legal matters related to the Crown Atlantic Cell Tower matter as related to Easement deeds and Reclamation Surety Bonding requirements.

Reconvening of Public Meeting Session

Mr. Sullivan made a motion to reconvene in public session. Mr. Hines seconded the motion.

VOTED: Unanimous. 2/0.

At 8:41 p.m., the Board of Selectmen re-entered open session.

Recreation Department Reorganization

Mr. Sullivan made a motion to authorize the reorganization of the Recreation Department allowing for two (2) part-time personnel to operate the department on a 40hour per week (20 hours per week maximum each) basis with Ms. Brenda McKenna continuing as the "Recreation Director" and the additional hire serving as a "Program Supervisor". Ms. McKenna will be compensated at the hourly rate of \$22.00p/hr for the fiscal year 2003-2004 and as a part-time employee; she will receive no benefits. The position of Program Supervisor will also be considered part-time in nature and will be compensated at a wage TBD (DOE) with no benefits provided due to the position being part-time in nature. Mr. Hines seconded the motion.

VOTED: Unanimous. 2/0

Collective Bargaining Matter

Mr. Sullivan made a motion to contract with the professional consulting firm Central Intelligence for the purpose of negotiating the labor contract between the Town and the International Brotherhood of Teamsters, Local 633. Mr. Hines seconded the motion.

VOTE: Unanimous. 2/0.

Crown Atlantic Tower Matter

Mr. Sullivan made a motion to authorize Chairman Hines to sign the Easement Deeds related to the Crown Atlantic Tower project in accordance with the recommendation of the Planning Board and the Town Attorney. Mr. Hines seconded the motion.

VOTE: Unanimous. 2/0.

Mr. Sullivan made a motion to require the posting of a \$25,000 Surety Bond by Crown Atlantic in relation to the reclamation of the (proposed) cell tower should at anytime the tower become unused or unusable. The Surety Bond must be posted with a reputable, long-standing bonding company and should be in place for as long as the tower is in existence. Mr. Hines seconded the motion.

VOTE: Unanimous. 2/0.

Adjournment

Mr. Sullivan made a motion to adjourn the meeting. Mr. Hines seconded the motion. The vote was unanimous and so moved. Meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Michael Pardue
Town Administrator