

Selectmen's Meeting  
April 28, 2003

**Approved May 12, 2003**

***I. Call to Order:***

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

***II. Selectmen's Items:***

*Agenda Item A. Bid Opening- Pavement Bids*

The sealed bids in response to the RFQ regarding paving were opened. The results are:

Continental Paving Company, Londonderry, NH	\$37.40 per ton
Pike Industries, Portsmouth, NH	\$35.85 per ton
International Bituminous, S. Berwick, ME	\$35.90 per ton
Bell & Flynn, Stratham, NH	\$35.75 per ton
Brox Industries, Dracut, MA	\$36.40 per ton

Mr. Hines requested an opinion from Robert Strout of the Highway Department. It was Mr. Strout's opinion that the bid from Bell & Flynn should be accepted.

Mr. Sullivan made a motion to accept the bid from Bell & Flynn. Mr. Hines seconded the motion.

VOTED: Unanimous to accept the bid of \$35.75 per ton from Bell & Flynn. 2/0

*Agenda Item B. Appointments/Reappointments to Recreation Commission*

Mr. Hines made a motion to reappoint Sarah O'Brien and Guile Spencer and to appoint Seth Hickey to the Recreation Commission. Mr. Sullivan seconded the motion.

VOTED: Unanimous to reappoint Sarah O'Brien and Guile Spencer and to appoint Seth Hickey to the Recreation Commission. 2/0

*Agenda Item C. Withdrawal of Appointment of Mr. Chuck Gordon to Rockingham Planning Commission*

Mr. Hines stated that there needed to be a motion to rescind the appointment of Chuck Gordon to the Rockingham Planning Commission which the Board had previously made.

Mr. Sullivan made a motion to rescind the appointment of Chuck Gordon to the Rockingham Planning Commission.

Mr. Hines discussed the fact that the Planning Board had researched the New Hampshire RSA and found that they have the right to nominate a candidate for appointment. Mr. Hines stated that the best thing for the BoS to do was to rescind the previous appointment and wait until the Planning Board submitted their nomination.

VOTED: To rescind the previous appointment of Chuck Gordon to the Rockingham Planning Commission. 2/0.

*Agenda Item D. Curbside Recycling*

Mr. Sullivan discussed a letter he received from Chris \_\_\_\_\_ from Waste Management which stated that they would begin weekly curbside recycling in July 1. He said that he was doing the curbside recycling and that he felt that the success of the biweekly program would make the weekly program phenomenal.

Mr. Hines said that he personally felt that the weekly curbside recycling would be a good thing. He stated that since curbside recycling has started he has found himself recycling more often. He felt that it was a positive step and that it would benefit Waste Management in their competition with Coastline.

*Agenda Item E. NHMA Inquiries-Process and Controls*

Mr. Hines read into the record the draft proposal of the Town of North Hampton's policy and procedure to be followed by all appointed and elected officials and employees in contacting the New Hampshire Municipal Association (NHMA). The policy is as follows:

**I. Purpose**

The purpose of this policy is to explain the procedures that must be followed by all Town of North Hampton appointed and elected officials and employees should they desire to seek the services or the opinion of the New Hampshire Municipal Association (NHMA) including, but not limited to, the legal department of said organization.

**II. Policy**

It is the policy of the Town of North Hampton that all inquiries to the New Hampshire Municipal Association must receive prior approval from the Town Administrator. The NHMA has been instructed by the Board of Selectmen not to respond to inquiries from the Town and/or its representatives that are not pre-approved by the Town Administrator.

### **III. Procedures**

1. NHMA Information Request Forms (NHMA-IRF) are available at the Town Office. Please complete this form in its entirety and submit it to the attention of the Town Administrator for review and consideration.
2. The Town Administrator shall review the request. During the review process, the Town Administrator shall consider the following:
  - Is it in the best interest of the Town to forward the inquiry to NHMA?
  - Is the information requested appropriate for inquiry through the NHMA or is there another, more appropriate information source?
  - If there is a potential funding impact related to the response, do sufficient funds exist to pay for the requested service?
3. Should the Town Administrator decline to forward the request to the NHMA, the person or group generating the request shall have the right to ask that this matter be brought before the Board of Selectmen for their review and consideration at a regularly scheduled meeting.

Mr. Sullivan made a motion to accept the policy/procedure as outlined above as the Town of North Hampton's policy/procedure for contacting the NHMA. Mr. Hines seconded.

VOTED: Unanimous to accept the policy/procedure as written with respect to contacting the NHMA. 2/0

#### *Agenda Item F. Town Legal Counsel-Process and Controls*

Mr. Hines read into the record the draft proposal of the Town of North Hampton's policy and procedure to be followed by all appointed and elected officials and employees in seeking the services or opinion of Town Counsel. The policy is as follows:

#### **I. Purpose**

The purpose of this policy is to explain the procedures that must be followed by all Town of North Hampton appointed and elected officials and employees should they desire to seek the services or the opinion of the Town Attorney.

#### **I. Policy**

It is the policy of the Town of North Hampton that all inquiries to the New Hampshire Municipal Association must receive prior approval from the Town Administrator. The NHMA has been instructed by the Board of Selectmen not to respond to inquiries from the Town and/or its representatives that are not pre-approved by the Town Administrator.

## **II. Procedures**

1. The Town Attorney Information Request Forms (TA-IRF) are available at the Town Office. Please complete this form in its entirety and submit it to the attention of the Town Administrator for review and consideration.
2. The Town Administrator shall review the request. During the review process, the Town Administrator shall consider the following:
  - Is it in the best interest of the Town to forward the inquiry to Town Attorney?
  - Is the information requested appropriate for inquiry through the Town Attorney or is there another, more appropriate information source?
  - Are there budgeted funds available to compensate the Town Attorney for services rendered?
3. Should the Town Administrator decline to forward the request to the Town Attorney, the person or group generating the request shall have the right to ask that this matter be brought before the Board of Selectmen for their review and consideration at a regularly scheduled meeting.

Mr. Sullivan made a motion to accept the policy/procedure as outlined above as the Town of North Hampton's policy/procedure for contacting the Town Attorney. Mr. Hines seconded.

VOTED: Unanimous to accept the policy/procedure as written with respect to the contacting of the Town Attorney. 2/0

### *Agenda Item G. Rules/Procedures-Board of Selectmen Meetings*

Mr. Hines read into the record the Guidelines for Citizen Participation with respect to Board of Selectmen meetings. The guidelines are as follows:

## **WELCOME TO THE NORTH HAMPTON BOARD OF SELECTMEN MEETING**

Meetings of the Selectmen are formal proceedings. The Recording Secretary records all comments. An agenda is provided for the convenience of the public.

## **GUIDELINES FOR CITIZEN**

## **PARTICIPATION**

### **PROCEDURE**

**Comments from the Audience** or comments on any item that is not a public hearing item. Comments from the audience will be limited to topics reflected on the meeting agenda under the heading Selectmen Items and will be received at the discretion of a majority of the Board of Selectmen.

**Public Hearings** are advertised hearings that are scheduled periodically to set aside time specifically to hear from the public concerning a matter or issue in question. Comments from the audience are invited.

**General** items on the agenda are not advertised public hearings, and the public does not address the issue in question.

**Administration/Business** items are the business proceedings of the Board and not open to public comment.

#### **To Address the Board of Selectmen:**

Speakers are requested to limit their remarks to three minutes. A group spokesperson is limited to ten minutes, and the spokesperson's remarks will serve the entire group. These time constraints apply to both Comments from the Audience and Public Hearings.

When you are called upon to speak, you are requested to:

1. Clearly state your name and address for the record.
2. State your position.
3. If you have a written statement or petition, please file it with the Recording Secretary.
4. All speakers must address the chair.

## **DEFINITIONS**

### **OTHER TYPES OF SELECTMEN MEETINGS**

**Non-Public:** The New Hampshire Right to Know Law permits non-public or closed meetings only for the reasons specified in RSA 91-A:3 II (a-f) i.e. personnel, legal matters and acquisition of real estate. Minutes of non-public sessions are available to the public in accordance with State Statute.

### **INFORMATION REGARDING BOARD OF SELECTMEN MEETINGS**

**Approved** Board of Selectmen minutes are available in accordance with law. Approved Board of Selectmen minutes may also be found on the Town's website at [www.north-hampton-nh.com](http://www.north-hampton-nh.com).

## **TO BE INCLUDED ON THE AGENDA OF THE BOARD OF SELECTMEN**

**Requests** for inclusion on the Board of Selectmen agenda should be forwarded to the Town Administrator. The Town Administrator will forward all requests to the Board of Selectmen for consideration. A 2/3 vote of the Board of Selectmen is required to have an item included on an upcoming agenda.

## **THANK YOU FOR TAKING TIME TO PARTICIPATE IN BOARD OF SELECTMEN MEETINGS**

Mr. Sullivan made a motion to accept the policy/procedure as outlined above as the Town of Hampton's policy/procedure for citizen participation at Board of Selectmen meetings. Mr. Hines seconded.

VOTED: Unanimous to accept the policy/procedure as written with respect to citizen participation at Board of Selectmen meetings. 2/0

### ***Agenda Item H. Questions and Comments Related to Above Topic Areas***

Mr. Hines opened the meeting up to comments/questions from the audience.

Ms. Laurel Poole questioned the impact of the new policies and procedures with respect to the NHMA and Town Counsel. She questioned what the impact on the timelines would be and how the new policies would benefit the Town. She also questioned why these items were on the agenda at all.

Mr. Hines informed Ms. Poole that these policies were being enacted because people were using the Town's resources to get information and this was a cost savings measure. He stated that the NHMA benefits the Town. The Town of North Hampton is the client. The Board of Selectmen is the executive branch of the Town and therefore responsible for making policy. He said that the members wishing to use these services should go through the Town Administrator.

Mr. Sullivan stated that by adopting these policies the Town would curb expenses and be able to better track the use of these services.

Judy Day stated that she has called NHMA many times and she questioned if there were records kept of who called the NHMA. Mr. Hines stated that he was aware that she has called them many times. Ms. Day questioned how Mr. Hines would know this and Mr. Hines stated that he had overheard her mention it in the Town Hall. Ms. Day stated that

she had researched it and that NHMA did not have a charge per call policy. She stated that there was a screening policy and that NHMA was very specific on giving information only as relates to a person's position on a board.

Mr. Sullivan stated that NHMA is advisory only and did not give legal opinions.

Ms. Day stated that NHMA made it clear that they do give legal opinions and that they never allowed personal questions. She stated that she often needed to get opinions from NHMA.

Mr. Hines suggested that she ask John Krebs for legal opinion.

Ms. Day stated that Mr. Krebs always tells her to call the NHMA, he won't answer legal questions. She thought that it would be a better idea to have identification numbers in order to access the NHMA.

Mr. Pardue stated that this policy was a safeguard against misrepresentation and that it was basically a checks and balances procedure. He also stated that he was going to attempt to make the request forms for the above policies available on line.

\_\_\_\_\_ (woman in audience never stated name) questioned the town policy. What form will the answer take. How will it be sent back to the inquirer?

Mr. Hines stated that Mr. Pardue will make the calls and that the policy/procedures will take time to uncover all the "bugs" and make adjustments. He stated that there was no sinister motivation behind the implementation of these policies. He stated that both policies have an appeal process in them.

Larry Miller asked how the answer would be forthcoming when a question was forwarded. He felt that the BoS was "playing games".

Mr. Hines stated that there was no "game playing" involved.

Mr. Pardue informed Larry Miller that if he got an answer to a question from NHMA he would make sure the answer got to the inquirer.

Ms. Pohl asked if citizens had access to these services.

Mr. Hines stated that citizens had to go through the boards to get the information.

Henry Fuller discussed the last Budget Committee meeting, which Mr. Sullivan attended. He was under the impression that the Budget Committee would be on the BoS agenda.

Mr. Sullivan stated that he spoke to Robbie and questioned him as to what issues needed to be put on the agenda and that Robbie couldn't come up with any before the meeting.

Judy Day stated that she had spoken to Mr. Robinson and that he was under the impression that the Budget Committee was going to be on the agenda.

Homer Johnson, the Vice Chair of the Budget Committee stated that Mr. Robinson understood that the Cherry Road issue would be addressed at this meeting by Larry.

Mr. Hines stated that there was no request for placement on the agenda.

Mr. Sullivan again stated that when he spoke to Mr. Robinson he had no requests for the agenda.

### ***III. Administration/Business:***

#### *Agenda Item A. Town Administrator's Report*

Mr. Pardue stated that they were tracking the budget carefully and that we were close to the projected year-end figures as should be anticipated. He also discussed the discrepancy from DAR regarding the highway/salt shed project. He discussed an e-mail he received from Ms. Baker regarding the April 21<sup>st</sup> reversal from the DRA. The new decision finds that the Town did not comply with RSA regarding Cherry Road and that they must cure the defect. The project cannot proceed until it has the appropriate approval.

Mr. Hines motioned to postpone action on Cherry Road indefinitely.

Mr. Sullivan felt that there was not enough information on remedies. He seconded the motion to postpone action on Cherry Road

VOTED: To postpone action on Cherry Road indefinitely. 2/0

#### *Agenda Item B. Approval of Minutes.*

It was voted to approve the public and non-public minutes of the meeting from March 25, 2003 as originally reported by the Recording Secretary.

VOTED: Unanimous to accept Minutes as originally reported. 2-0

It was voted to approve the Minutes of the meeting from April 14, 2003.

VOTED: Unanimous to accept Minutes. 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. Abatements.*

None.

*Agenda Item F. Exemptions- Veterans/Elderly (if any)*

One Veteran's Exemption was presented and approved.

***IV. Adjournment:***

There being no further business to come before the Board in open session, Mr. Sullivan made the motion to adjourn the meeting. Mr. Hines seconded the motion. The vote was unanimous and so moved. The meeting adjourned at 8.00 p.m.

Respectfully submitted

NormaJean Fowler  
Recording Secretary