

Board of Selectmen  
Minutes of 7/14/03

I. Call to Order.

The meeting was called to order by the Chair, Allen Hines at 7 p.m. There were present Lloyd Sullivan and Jenifer Landman, Selectmen, Michael Pardue, Town Administrator and NormaJean Fowler, Recording Secretary.

II. Selectmen Items

A. Conservation Commission- Little River Salt Marsh Area- Culvert Cleaning & Outlet Protection.

Mr. Henry Mixer spoke regarding the culverts being finished. He stated that when they were finished the rocks used were too small at the marsh end of the culvert. He told the BoS that they are putting larger stone in and that it will gradually settle itself. He said that at the time it was finished they couldn't get the larger stone, but that the smaller rocks being replaced would be reused and that there would be no cost to the Town.

Mr. Sullivan questioned the cost and who would be paying for this replacement and Mr. Mixer informed him that it would cost approximately \$20,000.00 and be paid for by the Fowler Fund. He stated that the Town would be the general contractor. He stated that the J F White contract to seal the cracks between the culvert stopped at the bridge and needed to be done to the wall at the ocean end.

Mr. Pardue stated that the Federal Government would reimburse \$9,000.00 and any additional funding would be from the Little River Salt Marsh Fund.

Mr. Sullivan made a motion to approve the repairs to the Little River Salt Marsh area. Ms. Landman seconded.

VOTED: To approve the requested repairs to the Little River Salt Marsh area. 3-0

B. Conservation Commission- Conservation Easement Deed- Lois S. Moore/19 Old Locke Road/Bass Beach Marsh.

Mr. Mixer discussed the proposed conservation easement deed from Lois S. Moore. The easement deed would be for approximately 10 acres and encompass all the property except the house.

Ms. Landman made a motion to accept the property as conservation land as documented by the paperwork. Mr. Sullivan seconded the motion. Ms. Landman then inquired as to the wording of the deed and the possible necessity of having it reviewed by Town counsel. Mr. Mixer stated that it was "boilerplate" language.

VOTED: To accept the property as conservation land as documented by the paperwork. 3-0.

#### C. Discussions on the Donation of Wetland Parcel(s)/Lovering Road

Mr. Mixer discussed the ongoing trend of people giving small pieces of land to the Town. He stated that we now have 85 parcels that have conservation easements. It is the conservation commissions feeling that where we can tie already owned property to that being offered we should do it.

Mr. Wilson stated that the most recent property off Lovering Road is 1 acre in the middle of the wetland and that it abuts Town owned land. It is basically an add on and he felt we should pursue the transaction. He stated that the only cost to the Town would be for the legal fees to do the paperwork.

Mr. Hines stated that he supported this concept. It is his feeling that anytime the Town can supplement land it owns it should.

Ms. Landman questioned how much acreage was required in order for the Conservation Commission and North Hampton Forever to consider the donation. She also asked if the money to pay for the legal fees incurred would come from the Conservation fund. Mr. Mixer told her that the Conservation fund would pay the legal fees incurred in the drafting of the paperwork.

Ms. Landman made a motion to accept small acres of land if it is adjacent to Town owned property (to be done by the Conservation Commission or North Hampton Forever). Mr. Sullivan seconded.

VOTED: To accept small acres of land if it is adjacent to Town owned property (to be done by the Conservation Commission or North Hampton Forever).  
3-0.

#### D. Appointments to Conservation Commission

Mr. Mixer spoke to the BoS regarding the appointments of Gregg DeVolder and John Peterson to serve on the Conservation Commission as full members and the appointment of Dan Twombly as an alternate.

Ms. Landman questioned how many alternates the Conservation Commission was allowed to have and Mr. Mixer stated that they could have 2 alternates.

Mr. Sullivan made a motion to accept the recommendation of the Conservation Commission and appoint Gregg DeVolder and John Peterson as full members and Dan Twombly as alternate. Ms. Landman seconded to open for discussion.

Ms. Landman asked Mr. Mixer for some background on Mr. DeVolder and Mr. Peterson. Mr. Mixer explained that Mr. Peterson is a retired businessman and that Mr. DeVolder is a businessman working in Boston. He stated that it was the Conservation Commission's feeling that these people would make a welcome addition to the commission and that they were nominated by the commission.

VOTED: To accept the recommendation of the Conservation Commission and appoint Gregg DeVolder and John Peterson as full members and Dan Twombly as alternate. 3-0.

#### E. Beach Sticker Discussion

Ms. Landman told the BoS that a lot of people were disappointed because the stickers had been sold out. She felt that in order to give all residents a better chance at obtaining a sticker there should be a limit to one per household. Mr. Hines stated that we could increase the availability by printing more stickers so that 1000 of them would be available. Ms. Landman stated that if we did this, the stickers would be oversold proportionate to the parking places available.

Mr. Hines stated that we had 500 tickets for 20 available parking spaces and that we run into this problem every year. Ms. Landman said that people buy the stickers with the chance of getting a parking space. She asked that the BoS come up with a logical solution to ease the problem.

Mr. Sullivan made a motion to print up an additional 100 stickers for current year and go to 600 stickers next year. Ms. Landman seconded.

VOTED: To print up an additional 100 stickers and go to 600 stickers next year. 3-0.

#### F. Code Enforcement Officer Contract Position

Mr. Sullivan discussed the need for a Code Enforcement Officer in North Hampton. He stated that code enforcement has always been a problem and that the Town needed to start enforcing the ordinances that are on the books. He stated that the goal of having a Code Enforcement Officer is the enforcement of the ordinances and he also stated that some of the ordinances needed to be updated. He proposes that the Town hire a trained individual for 8 hours a week to set up procedures with the Building Inspector to address complaints. He stated that this would remove personal agendas from the process of code enforcement and ensure timely resolution of complaints. He stated that Central Intelligence provides people trained in different areas. He discussed the fact that the Town has had 3 Building Inspectors in the past and that code enforcement has always been a problem. He said that when we don't enforce the codes we invite criticism and that the only way to avoid this would be to bring in an "outsider".

Mr. Sullivan made a motion to hire a contract Code Enforcement Officer for 8 hours per week to assist the Building Inspector in enforcement of local ordinances. Ms. Landman seconded to open for discussion.

Ms. Landman asked if discussion had taken place with the Building Inspector and if it was his feeling that one day a week would be sufficient. She also questioned the procedures to be followed in filing complaints. Does the complaint have to be from an abutter or can it come from anyone?

Mr. Sullivan stated that the primary responsibility of the Building Inspector would be identifying problems and informing the Code Enforcement Officer. He stated that the Building Inspector could still cite violations and that complaints would have to be in writing. No anonymous complaints would be acted on.

Mr. Hines agreed that we should develop a policy and process to be followed in investigating and resolving complaints. He stated that the BoS is still in charge of enforcement. Ms. Landman asked if there was a specific RSA that dealt with response time. Mr. Pardue stated that the complaint must be addressed in 24 hours of receipt. He stated that Red would have to work with the Code Enforcement Officer but that the Code Enforcement Officer would be a contract employee responsible to the building department. He also stated that the hours could be spread out during the week and did not have to be one day a week; only that the hours average 8 hours per week.

Ms. Landman questioned the time factor. She asked if the Building Inspector had the authority to act as a Code Enforcer. She also asked who would be the deciding factor if the Building Inspector and the Code Enforcement Officer had different opinions as to violations. She asked if the BoS would be called in to decide in cases of differing opinions.

Mr. Sullivan made a motion to hire a part time contracted Code Enforcement Officer to work for with the building department up to 8 hours a week. Ms. Landman seconded with an amended motion to include the provision that the contract could end without penalty.

VOTED: To hire a contracted part time Code Enforcement Officer to work for the building department up to 8 hours a week with the contract provision that there would be no penalty if the contract was ended. 3-0.

#### G. Recycling Center Closure Discussion

Mr. Sullivan stated that since two companies are now offering curbside pickup the use of the Cherry Road recycling center has dropped. He feels that the taxpayers should not have to support the center, at a cost of approximately \$75,000.00 per year, to maintain the center. He proposes to the BoS that a public hearing be scheduled for the July 28<sup>th</sup> meeting to discuss the possible closing of the center.

Ms. Landman stated that if the center were to close it would exclude the businesses in town as well as residential parks because curbside recycling is not available to them. She also stated that the curbside pickup being offered is not free, that taxpayers have to pay for it. She feels that having a center gives people the option to use it or curbside recycling. She feels that a study should be done regarding the effect closing the center would have on the fees being charged by haulers before a decision is made regarding closing the center. She fears that closing the center would create a monopoly for the haulers and give them the power to raise rates. She spoke of the Rye transfer station and their success in the area of recycling.

Mr. Sullivan stated that the taxpayers shouldn't have to pay to keep the center open for commercial recycling.

Mr. Hines stated that he drove by the transfer station in Rye and that it was big and ugly. He doesn't see how North Hampton could come up with a place to build such a station. The Cherry Road residents didn't want a garage and salt shed, he feels that they would go nuts if a transfer station were proposed on that site.

Mr. Sullivan stated that a study was voted down in the past. He made a motion that a public hearing (if appropriate after Mr. Pardue consulted with NHMA) be scheduled for July 28 to discuss the possibility of closing the Cherry Road Recycling Center. Mr. Hines seconded the motion.

VOTED: To schedule a public hearing (if procedurally agreed upon by NHMA) on July 28 to discuss the possibility of closing the Cherry Road Recycling center. 3-0

#### H. Town Planner Feasibility Discussion

Mr. Sullivan asked to table this matter until the next meeting so that he could obtain more information on this matter.

#### I. Staff Training Discussion

Mr. Pardue mentioned that Ms. Landman had asked him to look into scheduling training with respect to sexual harassment. Ms. Landman corrected him stating that she requested the seminar be on hostile work environment, gender harassment and sexual harassment. Mr. Pardue acknowledged that each of these elements is encompassed within the training he researched.

Mr. Pardue stated that Mark, T. Broth, of the firm Devine, Millimet & Branch is available for this training. Mr. Pardue stated that Mr. Broth is a highly respected presenter in this field of training and would charge \$225.00 per hour for his services. It is estimated that the training of all staff and supervisory/management personnel would require 3 hours of service. There would be separate training sessions for Management Staff and Line

Supervisors and Staff. It was estimated that the Management training would take approximately 1 ½ hours and that the staff training would be an additional 1 ½ hours for a total cost of approximately \$675.00.

Mr. Sullivan asked if the NHMA could be used to provide this training and save the Town money. It was his feeling that NHMA was being used for every other issue and that it should be determined if they offer such training before spending the extra money.

Ms. Landman stated that the last training provided was lacking because the material was outdated. She stated that this should be addressed quickly because every month we wait we open up the possibility of a complaint being filed. Mr. Hines asked Ms. Landman if she knew how many complaints had been filed in the last three years.

Ms. Landman asked Mr. Pardue if he had researched the scheduling of this training. Mr. Pardue stated that he did the research based on her recommendations, having inquired of law firms specializing in this subject area. Ms. Landman made a motion to hire Mark T. Broth to give a seminar on Hostile Work Environment, Gender Harassment and Sexual Harassment to all officials and employees at a cost of approximately \$675.00. There being no second, the motion failed.

#### J. Purchasing Policy

Mr. Pardue addressed the Board regarding the need of development of a purchasing policy with respect to “big ticket” items. Mr. Sullivan agreed that this was a good idea and Mr. Hines also agreed that there should be policy. Ms. Landman asked that Mr. Pardue develop a policy to present to the BoS for the next meeting if possible.

#### K. Appointment of Alternates to Zoning Board of Appeals

Mr. Sullivan made a motion to appoint John Woodworth and Ken Worrell to the Zoning Board of Appeals as alternates. Mr. Hines seconded to open for discussion. Ms. Landman questioned Mr. Simmons as to how many women were on the ZBA and to the background of the potential alternates. Mr. Simmons stated that he actively recruited both men and women for these positions, but that the only two that expressed interest were Mr. Woodworth and Mr. Worrell. He stated that Mr. Woodworth was a businessman and has a business in town and that Mr. Worrell has a background in architecture and also serves on the NHYA.

VOTED: To appoint Mr. Woodworth and Mr. Worrell to the Zoning Board of Appeals as alternates. 2-0 Ms. Landman abstained.

#### L. Questions and Comment Related to the Above Topic Areas

Laurel Pohl had a question regarding the \$75,000.00 cost to run the recycling center. She asked if it would be possible to get a breakdown on these cost before the public hearing.

Mr. Jones had a question regarding who makes the determination as to the success or failure of staff training.

Ms. Landman again stressed that the training provided previously with respect to sexual harassment was outdated and misleading.

Mr. Landman discussed his feeling that the Chair of the Zoning Board should have a policy of announcing vacancies. He stated that calling certain people was not the way to fill a public position. He stated that had he known of the availability of the positions he would have volunteered. He also discussed his feelings that the training on sexual harassment was a disgrace. He says that the women that work for the Town are annoyed with the way they are being treated and the Town could be sued. He stated that he gets “torked” by the way women are treated.

Laura Simmons had a question on the meeting dates of the BoS. Ms. Landman told her that the meetings were the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month.

Judy Day stated that she had a handout from the General Court regarding hostile work environments and sexual harassment and offered to let the BoS take a look at it. She stated that it deals with demeanor.

Mr. Hines agreed that training was necessary and agreed to take a look at the handout.

Mr. Simmons responded to Mr. Landman’s statement regarding announcing vacancies. He stated that accusing public officials of not seeking outside people was a disgusting display. He stated that he spent 40 hours trying to recruit people to serve on the ZBA, but that no one wants to serve because they don’t want to deal with the hostility. He felt that Mr. Landman’s accusation was unnecessary.

Mr. Landman again stated that he felt that all boards should advertise positions.

Mr. Hines stated that it was not up to the BoS to dictate the procedures followed by the individual boards. He stated that any citizen of North Hampton could write a letter expressing interest in boards and positions, but that it is difficult to get people to serve.

Phil Wilson stated that Laurel Pohl did send in a letter expressing interest in a position and was appointed. He feels that we need to do something to make it more inviting for people to serve. He also suggested that an annual session with a professional seminar on workplace environment be scheduled. He agrees that it would be expensive, but worth it.

Ms. Landman stated that the BoS appoints the Zoning Board.

Mr. Simmons stated that he didn’t question Ms. Landman’s motives regarding the appointments to the ZBA, but that he felt Mr. Landman’s statement was unnecessary.

Ms. Pohl spoke regarding the beach sticker issue. She asked why the Town could not increase the parking spaces it owns. Ms. Landman informed her that these were State controlled.

Mr. Landman suggested the possibility of getting a contract for bus service to the beach.

Both Mr. Hines and Mr. Sullivan thought this was a good idea.

### III. Administration/Business

#### A. Town Administrator's Report

Mr. Pardue made his report to the Board. Issues discussed were as follows:

1. Tennis court renovation- Work is completed and the courts are being used.
2. The Heavy Equipment Operator-Laborer Position- Ad has been posted and applications received. Interviews are in the process of being set up.
3. Mosquito Control- Is continuing and he has heard from many residents regarding the "significant" decline in the mosquito population.
4. The Planning Board and the Zoning Board of Adjustments are considering a joint meeting to discuss a pending application..
5. 120 Lafayette Road- Cease and Desist Order was been filed by the CEO/Building Inspector. The Building Inspector is working with Mr. Jones to develop a completion plan for the property.
6. Waste Management- They have issued new rates for customers. Some customers are inquiring as to the increase. The staff is advising citizens that Waste Management is not under contract with the Town and that questions regarding fees should be addressed to Waste Management.
7. Mr. Pardue informed the BoS that he would be on vacation from August 4-8. He is asking the BoS to provide input as to how they would like the Town Administrator's duties handled in his absence.

#### B. Correspondence

- a. Debra Woodward & Terry Dostie (Exeter Road)



The BoS reviewed a letter received from Debra Woodward and Terry Dostie regarding the ongoing problem of speeding vehicles on Exeter Road. Mr. Sullivan suggested that the BoS forward this letter to State Representative Johnson because this is a State owned road. It was the decision of the BoS that this letter would be forwarded to State Representative Johnson.

b. Steve MacQuarrie & Robert Kennedy (Winterberry Lane)

The BoS reviewed a letter received from Steve MacQuarrie and Robert Kennedy regarding a drainage problem on Winterberry Lane. Mr. Kennedy addressed the BoS and explained that the problem is storm water coming into their properties from a drainage easement that runs along the property line between the two properties and from the drain in the right of way running along Winterberry Lane. He stated that he has had conversations with Brad Jones of Jones & Beach Engineering and it appears that the drainage plan specified by Jones & Beach is sound, but that it appears that the construction was not completed according to the plan. He stated that in conversations with Richard Mabey and Robert Strout they were informed that the road and right of way in Winterberry Lane has not been released to the Town and that there appears to be an outstanding balance on the bond of approximately \$40,000.00.

They are asking that the Town to consider accessing the funds from the outstanding bond to be used to complete the necessary repairs and that this issue be resolved before the bond is released.

Mr. Pardue also discussed the Warranty Deed from Bruce Coburn at 27 Goss Road, North Hampton to the Town. The deed runs from the Bruce Robert Coburn and Eva Marie Coburn Revocable Trust to the Town. The BoS signed off on the deed.

C. Approval of Minutes

i. July 23, 2003 Open Session

Mr. Sullivan made a motion to table the approval of minutes until the next scheduled meeting because he had not had the opportunity to review them. Ms. Landman seconded.

VOTED: To table the approval of the minutes until the next scheduled meeting of July 28<sup>th</sup>. 3-0

D. Veteran's Exemption

One Veteran's Exemption was signed off on.

E. Tax Abatement- George and Priscilla Metalious

Mrs. Metalious addressed the BoS and explained that there was a problem when the tax abatement was previously processed. She asked that the BoS approve the tax abatement of \$746.98.

Ms. Landman made a motion to approve the tax abatement to George and Priscilla Metalious in the amount of \$746.98. Mr. Sullivan seconded.

VOTED: To approve the tax abatement for George and Priscilla Metalious in the amount of \$746.98.

#### F. Payroll

Payroll was signed off on.

#### G. Manifest

Manifest was reviewed and signed off on.

Ms. Landman questioned an expenditure for \$35,000.00. She was told that it was the cost of the new truck for the highway department.

#### IV. Adjournment

There being no further business to come before the Board in open session, Mr. Sullivan made the motion to adjourn the open session and move into Non-Public Session under RSA 91-A:3 II. Ms. Landman seconded the motion. The vote was unanimous and so moved. Open session adjourned at 9:15 p.m.

Respectfully submitted

NormaJean Fowler  
Recording Secretary