

Board of Selectmen
Minutes of 07/12/04
Approved 7/26/04

I. Call to Order.

Chairman Don Gould called the meeting to order at 7:00 p.m. There were present Jon Rineman, Selectman, Emily Creighton, Selectwoman and Michael Pardue, Town Administrator. Mr. Pardue served as the Recording Secretary for this session.

II. Selectmen Items

A. Aquarion Water Company Status Update

Mr. Larry Bingaman and Mr. Brian Goetz, representatives of Aquarion Water Company, provided the Board with an overview of the corporate structure and history of Aquarion.

Mr. Goetz provided an overview of Aquarion's operations and water supply situation for the current year. Mr. Goetz utilized a few informational "overheads" that reflected the following:

- Source and Supply Chronology
- Customer Growth and Supply Capability
- Water System Status Signage

Mr. Goetz spoke of upgrades to the system in relation to the Hampton Beach area. Discussion ensued related to an anticipated increase in user fees that will be used to offset costs related to system expansion.

Mr. Rineman asked if the increased costs would be paid by those receiving the improved / expanded service or if the rate increase would be spread across the entire subscriber base. Mr. Bingaman stated that the costs would be passed to all subscribers.

Mr. Bingaman explained that Aquarion would be filing for a rate increase with the DPUC sometime during the FQ 2005.

Following general discussion between the Board, Mr. Bingaman and Mr. Goetz, the Board thanked the Aquarion officials for meeting with the Board.

B. Sagamore Golf Center – Guardrail Request

Mr. Richard Luff of Sagamore Golf Center presented the Board with a copy of a letter he had authored in February 2004 in which he expresses his concern about the need for a

guardrail at the corner of North Rd. and Lafayette Rd. The guardrail would serve to protect the customers of the newly constructed Sagamore Golf Center.

In attendance was Mr. Robert Strout, Road Agent for North Hampton. Mr. Gould asked Mr. Strout to offer comment on the cost of a guardrail in the specified location. Mr. Strout stated that approximately 285 feet of guardrail is needed to address the area in question. The estimated price for 285 feet of guardrail is \$6,600.00.

Mr. Gould asked Mr. Pardue for his perspective on this matter. Mr. Pardue cited that the building inspector had reviewed the plans related to the golf center and determined that the facility had been built in accordance to plan. With that determination in mind, Mr. Pardue voiced a suggestion that the Town and Mr. Luff consider sharing the cost of the guardrail on a 50 / 50 basis. Mr. Luff stated that he would be pleased to commit to this approach.

Mr. Rineman stated that he was not certain that the Town should be involved in the costs associated with this matter and that perhaps the State should be consulted on the construction of guardrail. Mr. Pardue advised the Board that DOT engineer Michael Burlage had considered this request in the past. Mr. Burlage, in a letter dated January 14, 2003, cited "we feel that the Town of North Hampton is the appropriate agency to resolve the issue".

The Board requested Mr. Pardue to contact Mr. Burlage and if needed, State Representative Rogers Johnson in an effort to obtain funding assistance from the State on this matter.

This matter is tentatively scheduled to appear on the July 26, 2004 Board of Selectmen meeting agenda.

C. Bid Award – Town Office Roofing Project

Mr. Robert Strout, Road Agent for North Hampton, advised the Board that he had contacted a number of references offered by Accurate Roofing, the low bidder for this project. Those references included the State of New Hampshire. Mr. Strout reported that all references contacted spoke very highly of Accurate Roofing's work and site management efforts.

Mr. Strout also confirmed that Accurate Roofing will be using new copper flashing in appropriate areas and that the bid price for this effort is \$32,620.00. Mr. Strout recommended the Board accept the bid offered by Accurate Roofing.

MOTION / VOTE: Ms. Creighton made a motion to award the roofing project to Accurate Roofing Company in the amount of \$32,620. Mr. Rineman seconded the motion. The vote was unanimous and so moved. 3-0.

D. Appointment of Alternate to Planning Board

MOTION / VOTE: Mr. Rineman made a motion to appoint Don Gould as an alternate to the Planning Board. Ms. Creighton seconded the motion. The vote was unanimous and so moved.

E. Citizen Request for Supplementation of Minutes

Mr. Gould provided a summary of the three (3) requests submitted by Ms. Laurel Pohl in which it is requested that the Board alter their May 4, 2004 meeting minutes for both the public and non-public session. Mr. Gould provided a summation of the basis for said requests. Mr. Gould confirmed that each Board member had received a copy of said correspondence as it was addressed to the Board members.

Mr. Gould offered Ms. Pohl the opportunity to speak to her requests.

Ms. Pohl responded that she did not realize she would be asked to speak on this topic at this meeting.

Mr. Gould provided an overview of the Board's meeting philosophy, stating that the Board desires to always conduct their business in an open, public manner while acting in accordance with the RSA's. He continued by citing that the Board offered the citizens an agenda as a courtesy, only the posting of their meetings being the lawful requirement.

Mr. Gould explained the legal requirements as related to the subject matter of minutes and their content. Mr. Gould stated that the Local Government Center (formerly NHMA) had been consulted on these matters and that the Board was confident that their actions were appropriate and legally compliant.

The Board discussed the requests submitted by Ms. Pohl and the related legal opinions they, as a Board, had been afforded.

Ms. Pohl spoke in response to general comments offered by the Board.

Mr. Gould also addressed recent publications authored by Ms. Pohl. Mr. Gould cautioned Ms. Pohl that her statements and writings, in which she degrades Town personnel and the agents of the Town are likely libelous and unacceptable. Ms. Pohl responded that she was aware of this fact and that she was confident she could support her claims.

Mr. Rineman stated that he was not in support of Ms. Pohl's request to amend the minutes of 5/4/04.

The Board advised all in attendance that they want clear and concise minutes going forward.

H. Questions and Comments Related to Above Topic Areas

Ms. Pohl requested the Board allow the three (3) requests to amend meeting minutes be attached to the approved copy of the Board's May 4th meeting minutes. The Board responded that they would allow this.

III. Administrators/Business

A. Town Administrator's Report

1. FD – Town's "regular" ambulance back-in-service with new ambulance expected in mid-August
2. FD – 3 of 4 new staffing positions have been filled
3. FD – Tank truck required some work – completed and under warrantee
4. PD – New vehicle due to arrive fairly soon – Town has been given VIN number
5. PWD – Relocation to 205 Lafayette Rd. has progressed – phone lines now ring at new site and much of the equipment has been transferred
6. PWD – Backhoe repaired – problems with bucket – corrosion from salt
7. Assessing Dept. – All 219 abatement applications have been processed. (Spreadsheet summary data to follow)

2003 Abatement Summary

July 9, 2004

Total Number of Abatements Addressed	219	
Total Number of Abatements Moving to BTLA	see note 2	
Total Assessment Value lowered including Elderly Exemptions*	\$46,622,000.00	
Total Abatement Dollars**	\$538,242.93	\$364,637.98 (LBH)
Total Interest Paid	\$13,122.65	\$9,381.46 (LBH)
Total Dollars Refunded to Applicants**	\$551,365.58	\$374,019.44 (LBH)

*Elderly Exemptions totaled \$1,914,700.00

**includes new elderly exemptions and veterans credits for 2003 received by 3/1/04

Note 1: Jan, Denise and Howard all contributed to this report

Note 2: Too soon to know. Applicants have until September 1, 2004 to appeal to either BTLA or Supreme Court. To date, we have not received notices of filings with either.

Note 3: Total Elderly and Veterans applications not included in total abatements above:	62	
Breakdown: Veterans	34	33 at \$100; 1 at \$1,400
Elderly	28	15 at \$60,000
		8 at \$80,000
		5 at \$100,000

8. New mailboxes have been installed in the lobby of the Town Office. These mailboxes will allow B&C members greater (24/7) access to their needed mail and materials*. Additionally, the boxes will allow for the security and confidentiality of the materials housed within.

*A new lock must first be placed on the exterior door leading into the lobby.

B. Correspondence

Mr. Pardue provided the Board with a Request for Information document as submitted under the provisions of RSA 91A and as authored by Ms. Laurel Pohl. Mr. Gould summarized the nature of Ms. Pohl's request and further cited that the information requested by Ms. Pohl would require a waiver of attorney / client privileges. The right to waive this privilege, in this case, is a right only the Board may exercise. The Board advised Ms. Pohl that they would not waive the attorney client privilege in this matter. The Board did offer Ms. Pohl a copy of the written legal opinion as issued by the Local Government Center that specifically addressed the legality of the meeting procedures employed by the Board during their May 4, 2004 meeting. Ms. Pohl declined the document.

Mr. Pardue also provided the Board with a Request for Information document as submitted under the provisions of RSA 91A and as authored by Ms. Judith Day. Mr. Gould read the request aloud. After careful review, the Board asked Mr. Pardue to seek additional clarification from Ms. Day as to the information desired by her.

C. Approval of Minutes June 28, 2004 Open Session

MOTION/VOTE: Mr. Rineman made the motion to approve the meeting minutes of June 14, 2004. Ms. Creighton seconded the motion. The vote was unanimous and so moved. 3-0.

Mr. Gould asked the Board to consider adding a section to the Board's future agendas entitled, "Other Business". Mr. Gould explained that it was the Board's desire to always be "open" in their discussions and wanted the public to be well noticed that the Board may engage in discussion at any point during their business meeting including under the heading "Other Business". Both Mr. Rineman and Ms. Creighton stated their

support for “openness” in their meetings and felt this measure would go a long way in ensuring the citizens were “noticed” that they, the Board, might engage in general discussion toward the end of their meetings.

MOTION/VOTE: Mr. Rineman made the motion to approve the addition of “Other Business” on the Board’s future agendas and that it be placed as the last item under the Administration/Business section of the agenda. Ms. Creighton seconded the motion. The vote was unanimous and so moved. 3-0.

D. Notice of Intent to Cut Wood or Timber

The Board reviewed and signed off on an application to Cut Wood or Timber.

E. Payroll

Payroll was reviewed and signed off on.

F. Manifest

The manifest was signed off on.

Other Business: The Board expressed their appreciation for the cooperation and professionalism demonstrated by Department Heads during the recent facilities tour.

IV. Adjournment

Being no further business to come before the Board, Mr. Rineman made a motion to adjourn at 9:42 p.m. Ms. Creighton seconded the motion. The vote was unanimous and so moved. 3-0.

Respectfully submitted,

Michael Pardue
Town Administrator