

Board of Selectmen  
Minutes of 07/26/04  
**Approved 8/9/04**

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. PWD – Equipment Quote for New Bucket Loader Attachments

Mr. Strout, North Hampton's Road Agent was present and requested permission to purchase two attachments for the newly purchased bucket loader. Mr. Strout described the attachments as a "York Rake" and a "Sickle Bar". Mr. Strout cited the price for these two attachments to be \$4,095. Mr. Strout explained that the attachments were intended as part of the sum requested under the warrant article for the bucket loader but that they were not specifically named within the warrant article.

The Board asked Mr. Pardue to contact legal counsel to determine if the two attachments could in fact be purchased from the monies funded in the warrant article approved at the 2004 Town Meeting.

**MOTION / VOTE: Mr. Rineman made a motion to authorize the purchase of the York Rake and the Sickle Bar, in the amount of \$4,095.00 contingent upon the approval of Town Counsel and/or the Department of Revenue Administration. Ms. Creighton seconded the motion. The vote was unanimous and so moved. 3-0.**

B. Sagamore Golf Center – Guardrail Request

Mr. Gould summarized the problem as had been brought to the attention of the Board by Mr. Richard Luff. Mr. Gould further summarized the legal opinion as offered by the Local Government Center (LGC) Legal Staff Attorney in regards to this matter. Mr. Gould cited that the opinion of the LGC attorney was that the Town's potential liability would only serve to be reduced should the Town decide to assist in the installation of a guardrail at the intersection of North Rd. and U.S. Rt. 1.

Mr. Rineman provided an overview of the Planning Board's meeting and resultant discussion related to this topic matter.

Mr. Gould spoke to the topic of potential liability exposure to both the Town and the Sagamore Golf Center.

Ms. Creighton stated that in her opinion, if the Town does have liability exposure in this matter, then it (Town) has a due diligence obligation.

Ms. Creighton inquired of Mr. Luff as to if the Golf Center would be willing to pay for the entire guardrail project. Mr. Luff spoke of his desire to mitigate potential liability for the Golf Center and to “do the right thing” as a business owner.

Following much conversation and consideration, the Board rendered the following decision.

**MOTION / VOTE: Ms. Creighton made a motion to share equally with the Sagamore Golf Center, the cost of a guardrail to be installed at the corner of North Road and U.S. Rt. 1. Mr. Gould seconded the motion.**

**More general discussion ensued concerning this matter. It was determined that the vote needed to be amended to include a “Not to Exceed” price. Ms. Creighton withdrew her motion.**

**MOTION / VOTE: Ms. Creighton made a motion to share equally with the Sagamore Golf Center, the cost of a guardrail to be installed at the corner of North Road and U.S. Rt. 1 for an amount not to exceed \$3,300.00 (Town’s share). Mr. Gould seconded the motion.**

**Additional discussion ensued with the Board, Mr. Strout and Mr. Luff participating. Following discussion, Ms. Creighton withdrew her earlier motion.**

**MOTION / VOTE: Mr. Rineman made a motion proposing a shared cost in the funding of the guardrail in an amount not to exceed \$3,300.00 (Town’s share), with the condition attached that the Golf Center pursue, in good faith, the installation of a secondary barrier located between the proposed guardrail and the Golf Center playing area. Ms. Creighton seconded the motion. The vote was unanimous and so moved. 3-0.**

### C. Boundary Line Adjustment

Mr. Pardue provided the Board an overview of the proposal to adjust the boundary line of the land parcel located at 180 Mill Rd. for the sole purpose of said property needing to have better defined boundary lines. He explained that the property abuts Town owned land and that the Town land is “landlocked”. Mr. Pardue further explained that the proposal before the Board only served to benefit the Town, providing the Town with additional land in an amount yet to be determined.

Mr. Pardue further explained that he, the Building Inspector and the abutter to the Town parcel have engaged in preliminary discussion concerning the possibility of the Town acquiring a Right-of-Way

Following general discussion concerning this matter, the Board offered the following motion:

**MOTION / VOTE: Ms. Creighton made a motion to approve the lot line adjustment request. Mr. Rineman seconded the motion. The vote was unanimous and so moved.**

#### D. Status Report – Municipal Facilities Advisory Committee (MFAC)

Mr. Gould offered an overview of the Committee's activities and progress over the past two weeks. Mr. Gould deferred to Ms. Judith Day, Chair of the MFAC. Ms. Day provided additional comments as to the progress of the committee. Ms. Day also expressed her concerns as related to the "slow" manner in which Town staff were responding to her requests for information pertaining to the needs of the MFAC. Mr. Pardue asked Ms. Day how he could be of assistance to her, asking her to please write down a list of item she desires.

Ms. Day voiced her desire to have the department heads complete the five-question questionnaire that Mr. Pardue had distributed on July 7<sup>th</sup>. Mr. Pardue explained that the questionnaire had been distributed quite a while ago but that department heads were waiting to meet with the committee so they could share in dialogue as the responses to the questionnaires were discussed. Ms. Day stated she wanted the questionnaire responses ASAP and that interviews would soon follow.

#### E. Code Compliance Monthly Report

Mr. Rineman stated that Mr. Ron Todd of the Planning Board had made the request of Mr. Rineman, as a Selectman, to have the Code Office issue a monthly report summarizing the actions of the Code Compliance Officer. It was decided that this was something that the Code Compliance Officer could accomplish, as the report only needed to be in summary format. The CEO will be asked to compile such a report and forward it to the BOS via the Town Administrator.

Mr. Rineman cited that the Planning Board was desirous of a monthly report that served to summarize the status of the Non-Lapsing Account earmarked to handle escrowed funds etc. related to Planning Board activities. Mr. Pardue stated that this effort was already planned and that the Chairman of the Planning Board had been noticed of this planned effort.

#### H. Questions and Comments Related to Above Topic Areas

Ms. Judith Day asked what the Board's policy was on accessing legal services of the LGC. She was advised that the policy that has been in effect for several months remains the policy currently in place. Each Board and Commission member may

contact the LGC legal department for legal opinions while in the performance of their duties as a Board and/or Commission member. Questions posed to the LGC shall be forwarded to the Town Administrator along with the LGC's reply. The documents will be housed in the Town Administrator's office with the exception of documents deemed to be attorney / client privileged.

### III. Administrators/Business

#### A. Town Administrator's Report

1. TA - New mailboxes have been installed in the lobby of the Town Office and are operational. A new lock has is in the process of being ordered for the exterior door that will allow for 24/7 access by mailbox holders.
2. TA - The grant funded identification card system has been received. In compliance with the provisions of the grant, I.D. cards will soon be developed for all staff members. System integration with the foyer door locking system is being explored to determine if the I.D. system can be encoded to record door access etc.
3. FD – The new ambulance is progressing. A pre-shipment inspection is scheduled for 8/12, 8/13 with a shipment date TBA – probably third week of August.
4. FD - A settlement agreement between the FD, Town and Mr. O'Connor has been reached bringing this matter to closure.
5. PD – Motorcycle is soon to be repaired following it being struck by a motorist. We are awaiting the motorist's insurance company to issue their settlement check.
6. PD – Simunitions training is to occur during the week of 8/3 –8/7 at 239 Atlantic Ave. You may see several officers in area with mock weapons – signage and public notice are planned.
7. PD – Arrest are up 30% for YTD. These increased statistics, coupled with some juvenile related matters will be reflected in O.T. over next few weeks – Vacations will also impact this area.
8. PWD – Roofing project is progressing well.

#### B. Correspondence

Mr. Pardue provided the Board with a report from the Department of Revenue Administration (DRA). The DRA report was generated following a review of the Town's assessing practices. Mr. Pardue advised the Board that the report was generally favorable in nature and that the Town's Assessor, Howard Promer, had read the report and authored a letter that was enclosed with the report.

Mr. Pardue advised the Board that he had received a letter from the Attorney General's Office stating that the Town's voting (polling) area was found deficient when audited in

January 2004. Mr. Pardue advised that the letter had just arrived at the office so he had not had a chance to place this matter as an agenda item for tonight's meeting. He stated that he would be placing a copy in each BOS member's mailbox for his or her review.

Mr. Roger Lebrecht, an audience member, asked if the Town had received a Letter of resignation from Dick Wollmar (ZBA member). Mr. Pardue stated that he had received a letter from Mr. Wollmar and that it would be included on the next BOS agenda, having been received too late for this evening's meeting agenda.

C. Approval of Minutes

July 12, 2004 AM Open Session

July 12, 2004 PM Open Session

July 19, 2004 PM Open Session

**MOTION/VOTE: Ms. Creighton made a motion to accept the meeting minutes of July 12, 2004 AM Open Session. Mr. Rineman seconded the motion. The motion was unanimous and so moved. 3-0.**

**MOTION/VOTE: Mr. Rineman made a motion to accept the meeting minutes of July 12, 2004 PM Open Session. Ms. Creighton seconded the motion. The motion was unanimous and so moved. 3-0.**

**MOTION/VOTE: Mr. Rineman made a motion to accept the meeting minutes of July 19, 2004 PM Open Session. Mr. Gould seconded the motion. The motion was unanimous and so moved. 3-0.**

D. Abatement and Exemption Applications

The Board reviewed and signed off on two abatement / exemption applications.

E. Payroll

Payroll was reviewed and signed off on.

F. Manifest

The manifest was signed off on.

G. Tax Collector Tax Lien

General discussion ensued concerning the placement of tax liens on local property by the Tax Collector. Mr. Pardue explained the Board's options as related to this matter.

**MOTION /VOTE: Ms. Creighton made a motion to authorize a journal entry be made identifying delinquent taxes in the amount of \$158,417.82. Mr. Rineman seconded the motion. The vote was unanimous and so moved.**

#### Cemetery Deed

The Board reviewed and signed off on a cemetery deed.

#### IV. Adjournment

Being no further business to come before the Board, Mr. Rineman made a motion to adjourn at 9:12 p.m. Ms. Creighton seconded the motion. The vote was unanimous and so moved. 3-0.

Respectfully submitted,

Michael Pardue  
Town Administrator