

Board of Selectmen
Minutes of 08/09/04
Approved 9/13/04

I. Call to Order.

Acting Chairman Jon Rineman called the meeting to order at 7:03 p.m. There were present, Emily Creighton, Selectwoman and Michael Pardue, Town Administrator. Mr. Pardue served as the Recording Secretary for this session. Chairman Gould was excused from attendance due to vacation.

II. Selectmen Items

A. Public Hearing in accordance with RSA31-95-b

Mr. Rineman opened the public hearing portion of the meeting at 7:05 p.m. Mr. Rineman explained the purpose of the public hearing as related to the requirements of RSA31-95-b. Mr. Rineman then asked Mr. Pardue to provide an overview of the Homeland Security Grant, the basis for this hearing.

Mr. Pardue explained that within the provisions of RSA 31-95-b, which the Town adopted at the Annual Town Meeting conducted in March 1994, there exists a requirement to hold a public hearing in order to receive unanticipated funds from "the state, federal or other governmental unit". In this instance, and in response to an application filed by the North Hampton Police Department, the funds are being requested and received from the Local Government Center Property Liability Trust. The funds, in the amount of \$1,000.00, are requested for training expenses relative to Simmunitions training for law enforcement personnel.

Chief of Police Brian Page provided the Board and citizens in attendance an overview of the training, outlining its benefits to law enforcement personnel. Chief Page indicated that the training provided included 84 police personnel from throughout the region.

Mr. Pardue further cited that the New Hampshire Department of Revenue Administration (DRA) advised that the funds needed to purchase this equipment could be borrowed from the Undesignated Fund balance and, upon receipt of the reimbursement funds, said funds should be deposited back into the Undesignated Funds account.

Following the presentation by Mr. Rineman, Mr. Pardue and Chief Page, Mr. Rineman asked if there were any questions from those in attendance. There were no questions.

Mr. Rineman closed the public hearing at 7:12 pm.

MOTION/VOTE: Ms. Creighton made the motion to approve an expenditure in an amount not to exceed \$1,000.00 from the Undesignated Fund Balance for training expenses relative to Simmunitions training AND with the understanding that the \$1,000.00 will being reimbursed from the Local Government Center and re-deposited in the Undesignated Fund Balance. Mr. Rineman seconded the motion. The vote was unanimous and so moved. 2-0.

B. Cable Franchise Agreement Amendment

Mr. Pardue provided the Board with an amendment to the existing Cable Franchise Agreement. The Amendment calls for Comcast to provide the Town with a Local Origination Point (LOP) installed at the North Hampton School with no costs (pass through or otherwise) incurred by the Town. Further, the amendment allows the Town to exercise an option for the installation of a second LOP to be installed at the Town Offices Complex. The agreement requires the Town to exercise said option no later than 8/1/06 with construction being completed no later than 12/31/07. The cost for the second LOP, should the Town elect to exercise said option is estimated at a sum of \$17,000.00. This cost would be a pass through amount to subscribers. The agreement allows for one (1) access channel.

General discussion ensued with Mr. Pardue confirming that the Town's legal counsel in this matter recommends the Board sign this amendment.

MOTION / VOTE: Mr. Rineman made a motion to accept the amendment, referred to as Amendment No.1 to the Cable Franchise for the Town of North Hampton, New Hampshire, as written as and as recommended by the Town's legal counsel. Ms. Creighton seconded the motion. The vote was unanimous and so moved. 2-0.

C. Letter of Resignation – Dick Wollmar - ZBA

The Board acknowledged receiving a Letter of Resignation from Zoning Board of Adjustment member Dick Wollmar.

Mr. Wollmar was in attendance and was provided an opportunity to explain the basis for submitting his Letter of Resignation. Mr. Wollmar expressed some concerns with the procedures, or lack thereof, at a recent ZBA meeting and that those concerns were outlined in his letter. Mr. Wollmar offered additional general comment centered around the content of his Letter of Resignation.

Mr. Rineman summarized Mr. Wollmar's comments by saying that as he understood, Mr. Wollmar was resigning primarily because Mr. John Anthony Simmons had spoken during the hearing of an application although he had previously recused himself. Mr. Wollmar acknowledged his agreement with this summation as offered by Mr. Rineman.

Mr. Rineman then advised that Mr. Pardue had been in contact with the Local Government Centers legal department for guidance on this matter, in particular the role of the Board of Selectmen in matters of this nature and the responsibilities of a ZBA member as related to recusal. Mr. Rineman read, in summary, the information received by Mr. Pardue from the LGC. In essence, the LGC advised that a ZBA member, even when recused, does not lose their right as a citizen to remain in the room and to speak on the topic at hand. Mr. Rineman also advised that the LGC had stated that the Board of Selectmen is not an appeals board to the ZBA. The role of the Board of Selectmen, in this case, is to ensure that adopted procedures were properly followed and, if not, that the ZBA be noticed of the Board of Selectmen's expectation that procedures will be adhered to at all times.

Mr. Rineman continued by citing various options the LGC suggested the Board of Selectmen could consider in a matter of this nature. Included in these options was the acceptance of the Letter of Resignation with a review of the procedural concerns expressed therein.

Mr. Wollmar stated that he fully understood the position of the Local Government Center and understood it was not a requirement for a recused Board member to leave the room but felt that in this case, if Mr. Simmons was going to speak, he should have been required to be sworn in as per the ZBA procedures.

Ms. Creighton and Mr. Rineman asked Mr. Wollmar if he would consider withdrawing his Letter of Resignation as they were appreciative of his experience and service to the Town. Mr. Wollmar stated that perhaps the letter was a bit harsher than he intended, stating that he wrote it at a time when he was a bit emotional about the situation. Mr. Wollmar suggested that he was simply tired and needed a break, asking the Board to accept his letter.

Dr. J. Arena, Jr., a member of the North Hampton Planning Board, thanked Mr. Wollmar for his service to the Town and asked him to reconsider his Letter of Resignation.

MOTION / VOTE: Mr. Rineman made a motion to regretfully accept Mr. Wollmar's Letter of Resignation, thanking him for his years of service to the Town AND that the Town have legal counsel review the procedures employed at the meeting in question to determine if further Board action is necessary. Ms. Creighton seconded the motion. The vote was unanimous and so moved. 2-0.

D. Questions and Comments Related to Above Topic Areas
NONE

III. Administrators/Business

A. Town Administrator's Report

1. TA – Fuel Bids – due 8/23/04
2. TA – Auditing Services Bids – 8/23/04
3. FD – The new ambulance is progressing. A pre-shipment inspection is scheduled for late August.
4. PWD – “0” turn lawnmower was delivered on Friday, 7/28/04.
5. PWD – Roofing project is complete. Job appears to have been done well.
6. Guardrail railings are available and will be provided to the Town for installation at the North Rd. and Lafayette Rd. intersection as approved by the Board.
7. PD – The Ford Explorer police vehicle has arrived and will be “marked” with police markings in the near future.

Chief Page, who had remained in attendance, offered comment on some recent police activity and related accomplishments of the police department. The Board and Chief Page engaged in dialogue related to police activity and enforcement of laws.

B. Correspondence

NONE

C. Approval of Minutes July 26, 2004 Open Session

Mr. Rineman advised that on paragraph 2 of page 2, the word Gold appeared when it should read Golf.

MOTION/VOTE: Ms. Creighton made a motion to accept the meeting minutes of July 26, 2004 as amended. Mr. Rineman seconded the motion. The motion was unanimous and so moved. 2-0.

D. Payroll Payroll was reviewed and signed off on.

E.. Manifest The manifest was signed off on.

F. Other Business

The Board discussed the recent letter received from the Attorney General's office in relation to polling place deficiencies.

Mr. Pardue advised the Board that he had asked the building inspector to review said letter and to put together a timeline and related costs to address the deficiencies. Mr. Rineman advised that he had been in discussion with the principal of the North Hampton School about using the school as a polling place and that preliminary discussions indicated that this may be feasible, pending school board approval.

Mr. Rineman expressed concern over the seaweed on the beach, asking Mr. Pardue to review the State's beach cleaning schedule and related maintenance program.

IV. Adjournment

Being no further business to come before the Board, Ms. Creighton made a motion to adjourn at 8:31 p.m. Mr. Rineman seconded the motion. The vote was unanimous and so moved. 2-0.

Respectfully submitted,

Michael Pardue
Town Administrator