

Board of Selectmen
Minutes of 07/20/06
Approved 7/24/06

I. Call to Order

Chair Emily Creighton called the meeting to order at 9:04 a.m. There were also present Mr. Donald Gould, Selectman, Mr. Henry Marsh, Selectman and Michael Pardue, Town Administrator. Mr. Pardue served as the Recording Secretary for this session.

II. Selectmen Items

A. Discussion & Decision Re: BOS Proposal for Alternative Antenna Structure

Ms. Creighton opened the discussion citing the Board's goal to be proactive in this effort adding that they are working to address the lack of cell service on the east side of Rt. 1 in North Hampton. Ms. Creighton also pointed out that the lack of cell service is also a serious public safety concern for Town officials.

Ms. Creighton clarified that on 6/26, the Board only discussed a single proposal related to cell coverage, as was referenced in their presented proposal. She further clarified that the Board has not taken any vote regarding this topic.

Ms. Creighton then outlined the chronology of events that have led up to today's meeting. She continued by citing her displeasure and disappointment as to the level of "mistrust" she and her fellow Board members have witnessed.

Ms. Creighton, while referring to her notes, then summarized the sentiment the Board heard during the their 6/26 meeting at which they discussed potential alternative structures from which to deploy cell service.

Ms. Creighton also advised those in attendance of her desire to keep North Hampton's rural character.

Ms. Creighton referenced the Board's interest in new forms of technology.

Ms. Creighton stressed the importance of having cell service not only for the citizens and visitors of North Hampton but also how she believes cell service is essential to public safety service providers.

Ms. Creighton asked Chief of Police Brian Page to summarize situations where cell service would have been a great asset to the police department in emergency situations.

Chief Page provided an overview of a few incidents where public safety response was slowed due to the fact that people at the scene of an incident could not use cell phones to notify responders.

Ms. Creighton asked Mr. Pardue to speak about a recent incident during which the highway department was at risk of injury but could not be notified.

Mr. Pardue advised that on July 11th, the Town had received a tornado warning. The highway department was on Mill Rd. installing a new culvert but could not be notified by cell phone or radio of the impending situation. It was noted that Road Agent Strout, who was with the crew on Mill Rd., was eventually able to make contact with only one North Hampton official by use of the "direct connect" portion of his cell phone. The official he made contact with was the Fire Chief, who was in Concord, NH attending a conference on hurricane preparedness. Local contact was never able to be established by, or with, Mr. Strout.

Ms. Creighton next referenced Mr. Denis Kokernak's previous comments, as made at the Board's June 26, 2006 meeting, regarding his offer to reimburse the Town for legal expenses for all legal expenses associated with wireless service related lawsuits. Ms. Creighton stated, "Why should residents be expected to pay for legal fees that can be minimized or avoided? Mr. Kokernak, owner of the Thera Research Distributive Antenna System said he would reimburse the Town for the legal fees associated with the wireless lawsuits. Let's hope that he makes good on this promise as we anticipate our next year's budget of escalating increases in legal costs."

Ms. Creighton provided additional comment regarding the wireless service topic, referencing land located behind the Kokernak's on Ship Rock Rd. and the Boies property.

Ms. Creighton offered comment relative to her belief that deeded conservation land should only be used for conservation purposes.

Mr. Marsh stated that he feels a motion on the topic is needed.

Mr. Marsh referenced a letter he had personally received from Mr. Kokernak regarding the status of Mr. Kokernak's proposed Distributive Antenna System (DAS). Mr. Marsh referenced that he had given a copy of the letter to Town Administrator Pardue just prior to today's meeting. Mr. Pardue advised that he would include said letter in the Board's 7/24 meeting under "correspondence".

Mr. Gould discussed the three options he sees available to the Board with regard to this matter.

- Stay the course
- Drop the matter and let the events work toward the Federal Court (Concord) outcome

- Find some middle ground – Broker an arrangement between cell phone service providers and Mr. Kokernak

Mr. Gould next summarized the sequence of events, as he currently sees them, on this matter.

- Board became involved in this matter and publicly stated their position in statements read and distributed at meetings they held in 6/05 and 7/05. He also stated that all of the actions by the Board were done in good faith, openly and not behind closed doors, with any proposed result planned to come before the voters

Mr. Gould stated that he believes the Board failed in this effort and that some voters have lost confidence in the Board as it relates to this matter.

Mr. Gould referenced what he calls a “DAS juggernaut”, stating his belief that the “Town should not place all of it’s eggs in one basket.”

Mr. Gould stated his concern over the planning board’s abandonment of their pursuit of a new telecommunications ordinance.

Mr. Gould expressed his concern over the Town’s “rancor” and his loss of friends and acquisition of enemies.

Mr. Gould cited a recent planning board member’s email that was filled with nasty and untruthful accusations levied toward the Board of Selectmen.

Mr. Gould stated that he thinks the Board of Selectmen should “drop the matter” and stop trying to influence cell communications in North Hampton.

Motion/Vote: Mr. Gould made a motion to move that the Board of Selectmen abandon the proposal (as presented on 6/26/06) and play no further role in trying to find a solution other than to defend the Town against related litigation. Mr. Marsh seconded the motion. The vote was unanimous and so moved 3-0.

B. Junk Material Removal

Code Enforcement Officer Richard Mabey addressed the Board on this topic. Mr. Mabey advised that the removal of the junk cars, boats and other related materials is planned for Tuesday, July 25th. Mr. Mabey also advised that he and a police officer will be on-site for the junk removal. Mr. Mabey also stated that he had been in contact with legal counsel on this matter and that these activities were being conducted under the guidance of Attorney Ryan and his associates.

C. Generator Discussion

The Board discussed the great need they feel in getting the generator installed at the North Hampton School. The Board again spoke about the higher than average potential

for severe weather this late summer and fall and the fact that the North Hampton School is the Town's designated emergency shelter, yet it offers no power or heat in the event service lines are compromised.

Chief Page spoke of the great expense to locating the generator any distance away from the initial site specified during the discussions he had with the generator manufacturer and school officials, Charlie Brindamoore and Fred Englebach. Chief Page estimated a cost of \$30,000 additional for every 50 feet the generator is moved from the original site specified in the proposal.

Mr. Marsh stated that the school board discussed certain obstacles that may impact the locating of the generator to include, a cherry tree that was planted a few years ago as a memorial and perhaps the need to use all or part of one parking space.

Ms. Creighton stated that she would contact School Board Chair Gorman to arrange a joint meeting between the School Board and the Board of Selectmen to discuss this very important topic.

Motion / Vote: Mr. Marsh made a motion to authorize Ms. Creighton to represent the Board and to coordinate the placement of the generator as expeditiously and as economically as possible. Mr. Gould seconded the motion. The vote was unanimous and so moved 3-0.

D. Letter to Mr. Marine

Mr. Gould discussed the content of a draft letter he had composed to Mr. Marine in regard to the Board's position concerning his (Marine's) neighbor's fence.

The Board discussed the content of this draft letter.

Motion / Vote: Mr. Marsh made a motion to authorize the sending of the letter composed by Mr. Gould. Ms. Creighton seconded the motion. The vote was unanimous and so moved 3-0.

E. Note Received From Mr. Stan Knowles

Ms. Creighton referenced a note she recently received from Mr. Stan Knowles. In his note, Mr. Knowles thanked the Town for their actions in "having the excess water pumped from the pit". Mr. Knowles was referencing the area in the vicinity of the intersection of Woodknoll and Birch Rds. Mr. Knowles's letter served to specifically thank Chief Lambert and Code officer Mabey.

III. Non-Public Session RSA 91-A:3 II (a, d, e)

Motion / Vote: Ms. Creighton made a motion to temporarily adjourn the meeting at 10:05 a.m. for the purpose of entering into non-public session under the

provisions of RSA 91-A:3 II (a, d, e) to discuss a personnel matter, the acquisition, sale or lease of real or personal property and a possible legal matter. Mr. Gould seconded the motion. Motion passed unanimously 3-0.

Motion / Vote: Mr. Gould made a motion to reconvene the public portion of the meeting at 10:43 a.m. Mr. Marsh seconded the motion. Motion passed 3-0.

IV: Administration /Business

A. Other Business

Motion/Vote: Mr. Marsh made a motion to adjust the salary of the Planning and Zoning Secretary from the current annual salary of \$37,400 to \$40,000, because of the change in the job description for this position. Mr. Gould seconded the motion. The vote was unanimous and so moved 3-0.

Motion/Vote: Mr. Gould made a motion to accept the Town Attorney's recommendation (Option #3) in regards to the property issue associated with 10 Cherry Rd. and, to authorize Attorney Christopher Boldt to contact the landowner on behalf of the Town. Mr. Marsh seconded the motion. The vote was unanimous and so moved 3-0.

The Board discussed a letter they had received from Mr. Henry Fuller.

Motion/Vote: Mr. Gould made a motion requesting that Mr. Pardue respond to Mr. Fuller via letter stating that the Board of Selectmen has no authority to honor the Mr. Fuller's request. Ms. Creighton seconded the motion. The vote was unanimous and so moved 3-0.

V. Adjournment

Being no further business to come before the Board, Mr. Gould made a motion to adjourn at 11:07 a.m. Mr. Marsh seconded the motion. The vote was unanimous and so moved 3-0.

Respectfully submitted,

Michael Pardue
Town Administrator