

MINUTES
TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
SELECTBOARD
REGULAR MEETING - WEDNESDAY MAY 7, 2008
Approved 6/11/2008

1. Call to Order & Call of the Roll

Chair Creighton called the meeting to order at 7:05PM.

Members Present: Chair Emily Creighton; Selectman Craig Salomon; Selectman Mike Coutu

Staff Present: Town Administrator Steve Fournier

2. Consent Calendar

Motion by Selectman Salomon to accept the Consent Calendar as follows:

1. Granting Abatement for Zoulamis for Tax Years 2005 - \$3,010 and 2006 - \$3,086
2. Granting Abatement for Map 1 Lot 790 - \$17,257.32

Seconded by Selectman Coutu. Motion passes 3-0

3. New Business

3.1. Aquarion Water Company Customer Satisfaction Survey Results

Chair Creighton introduced Larry Bingaman of Aquarion Water Company. He introduced the interim Regional Manager Paul Whittemore. Michael Vignette conducted the consumer satisfaction survey. He stated that he surveyed the customers of Hampton, North Hampton, and Rye. Mr. Vignette reviewed the survey with the Selectboard. Mr. Vignette stated that overall Aquarion received positive responses from the customers of 95% satisfied with the service. Selectman Salomon asked if any questions went toward the maintenance of fire hydrants. Mr. Bingaman stated that the infrastructure went towards everything, not specifically fire hydrants, but would be included in it. Chair Creighton asked if Mr. Vignette had the specific question on infrastructure. He indicated that he had and read it to the Board. Chair Creighton asked what the major areas of concerns were for North Hampton. Mr. Vignette indicated that he did not have that information, but he could provide it to the Town Administrator.

Dr. Joe Arena asked why the fire protection costs were so high in North Hampton. Mr. Bingaman stated that the cost is the same in each community. Mr. Peter Parker asked how the respondents were taken. Mr. Vignette stated that it was a random sample of customers. Selectman Coutu asked Mr. Bingaman what the conditions of the Town's aquifers were. Mr. Bingaman stated that they do monitor it and they do conduct explorations for other aquifer. He indicated that we are in very good shape. Chair Creighton asked if there was a significant usage increase. Mr. Bingaman stated that the Town is pretty level in its usage.

3.2. Resignation of Alternate ZBA Member

Motion by Selectman Coutu to accept the resignation of Sandy Dewing as an alternate to the Zoning Board of Adjustment. Seconded by Selectman Salomon. Motion carries 3-0.

3.3. Expanding Recycling Options

Debbie Kroner, the co-chair of the Recycling Subcommittee presented three items that they would like to add to the recycling center. They are proposing to collect 2, 4, 5, and 6 type plastics. They would be using a contractor from Milton NH and believe that they have enough storage currently. Chair Creighton asked if it was necessary to enter into a contract with the company. Ms. Kroner indicated that we did not. Chair Creighton asked if there are any recycling committee members from the highway department and recycling center on the committee. Ms. Kroner indicated that there was. Selectman Salomon asked if it would be break even or better. Ms. Kroner stated yes.

Ms. Kroner stated that fluorescent lights are not allowed in the landfills. The recycling committee is proposing that the recycling center begins to collect the bulbs and a company would pick up the bulbs. There would be a charge of \$180 per pickup and on estimate it would be three months.

Ms. Kroner also proposed the recycling center begin to collect batteries as well. The cost would be \$95 per 50 pounds.

Bob Strout, the Director of Public Works, stated that he does not believe there is adequate storage at the recycling center. Ms. Kroner stated that these materials will be constantly moving and should not take up too much storage space.

Dr. Arena felt that the stores which sell the batteries should be responsible for taking them back for recycling. Chair Creighton recommended that Dr. Arena look into working with the Planning Board to require this.

Motion by Selectman Coutu to approve the recommendation of the Recycling Committee to accept 2, 4, 5, and 6 types plastics at the Recycling Center and to monitor it for one year. Seconded by Selectman Salomon. Motion passes 3-0.

Chair Creighton asked if there was storage space available for batteries. Steve Buchanan indicated that there is space.

Motion by Selectman Coutu to approve the acceptance of batteries at the recycling center for one year and to monitor it. Seconded by Selectman Salomon. Motion carries 3-0.

Chair Creighton asked if there was storage for the bulbs. Steve indicated that they could.

Motion by Selectman Salomon to approve the acceptance of fluorescent bulbs at the recycling center and monitor for one year. Seconded by Selectman Coutu. Motion carries 3-0.

Chair Creighton stated that the committee needs to do publicity to make sure that people are going to take part in this program. She recommended using Channel 22 and the schools.

3.4. Approval of Recycling Center Questionnaire

Debbie Kroner, the co-chair stated that they are planning on distributing a questionnaire at the Recycling Center to solicit residents input on what they would like at the center.

Motion by Selectman Salomon to approve the administering of the survey at the transfer station. Seconded by Selectman Coutu. Motion carries 3-0.

3.5. *Code of Ethics*

Chair Creighton stated that the Town Administrator distributed the Code of Ethics. Chair Creighton made some minor changes. Town Administrator Fournier indicated that any major changes can only be changed by the legislative body. Selectman Coutu asked that the Code of Ethics reflect the statutes that give the Town authority to adopt the code. Selectman Coutu also indicated that the code does not have any consequences for a violation of the code. Selectman Coutu also felt that the defined terms section of the code be reviewed and make sure that they match the terms in the documents. Selectman Salomon stated that the issue with disclosure of conflict of interest needs to be reviewed as well. The Board agreed to review the code further and submit revisions to the Town Administrator.

3.6. *Amending the Appointment Policy Section B (b) Resignations.*

Chair Creighton stated that she sent a revised paragraph to the Board requesting that resignations be accepted only upon receipt of a signed letter. She stated that the other portion she would like to change is that full member and alternate memberships to boards are posted at the same time. Selectman Coutu mentioned that it was not on the memorandum. Selectman Salomon feels that the policy already states this. Chair Creighton felt that this should be addressed at a future meeting.

Motion by Chair Creighton to amend the Appointment Policy Section B (B) Resignations to read:

B. FILLING VACANCIES

- b. Vacancies:** Vacancies arising due to resignations of appointed board members at times other than Spring Town Meeting will be filled as soon as practicable, following the advertising of the vacant position no later than 14 days following the resignation. **Resignations will be accepted upon review and acceptance of a signed letter from the member to the Selectboard copied to the Chair of the individual's board or committee.**

Applicants will be required to send their letters of interest to the Selectboard to meet the date specified in the posting or no later than five days prior. Any Town resident may be considered for appointment or reappointment.

Seconded by Selectman Salomon.

Selectman Salomon asked if the date to which deadline would be used should be clarified. He recommended that the wording be changed to say "no later than five days prior to the meeting." Motion passes 3-0.

4. **Items Laid on the Table**

4.1. *Selectboard Rules and Procedures*

4.2. *Appointment of Alternate Member of Zoning Board of Adjustment*

5. **Report of the Town Administrator**

Town Administrator Fournier has done some preliminary research on having a "tax cap" as some other communities around the State have recently adopted. He stated

that the tax cap is not a spending cap, but a cap on the increase in the amount the tax rate can rise. Most communities use the following formula:

The prior years net amount to be raised by taxes, multiplied by the National Consumer Price Index Urban Annual Average (2.8% for 2007.) This amount is then added to the prior assessing year construction/building permit values multiplied by the previous year's town tax rate.

He informed the Board that there are some issues with the Town using this formula. He said that if the voters were to implement a tax cap, it would only have effect on the Town portion of the tax rate. The school district meeting would have to have a separate vote.

Secondly, he stated that under the current time frame of a March Town Meeting, the CPI average doesn't come out until we have finished the budgeting process. In addition, the tax levy amount is not released until late October, so those numbers are not in time either.

Chair Creighton stated that this was put forward as part of the goals session. She mentioned that Selectman Coutu mentioned this as well as having a completely flat budget over from FY2009 to FY2010. Chair Creighton asked if the Town Administrator could secure a legal opinion from the LGC.

Town Administrator Fournier stated that they have received the final medical insurance rates for FY2008-09 from the NHLGC HealthTrust. We will see slight increase over the FY2008-09 rates of 0.4% and a decrease in the estimated rates from earlier this year of 2.9%.

Town Administrator Fournier stated that the State Senate has gutted the original bill that passed the House to reform the State Retirement System. The Senate version of the Bill keeps the retirement age at 45 for group II employees, it maintains an employee majority on the Board of Trustees, it provides COLA adjustments for members and they have added a \$1,000 bonus for all of the employees whose pensions are less than \$20,000. According to the NH Retirement System Chair from various reports, it will have the same impact as the previous bill.

Selectman Salomon stated that he wanted the Board to know that he is the attorney in the case of 149 Post Road that the Town Administrator mentions in his written report. He indicated that he is not representing the homeowner in this case.

Selectman Coutu asked if the COLA was preserved in the Retirement System plan what the impact would be. Town Administrator Fournier stated that he did not know yet.

Selectman Coutu asked what would be the next step with the issue at 149 Post Road if there is no solution to the issue. Selectman Salomon stated that we would go to court and the individual would receive a daily fine.

Chair Creighton asked if the appointment letters went out. Town Administrator Fournier stated that the Conservation Commission may not have, but he will check.

Chair Creighton wanted to discuss the sidewalk project on Atlantic Ave. with the Board again. She thinks that with the economy and the uncertain costs of the project, she is not comfortable with the \$250,000 price tag. She asked Selectman Coutu to establish a budget for this project. Town Administrator Fournier stated that the engineering firm will be coming up with the cost estimates as part of the next step. Chair Creighton stated that the more the Town uses the engineers, the more it is going to cost. Town Administrator Fournier stated that the Town already appropriated the monies in 2007. Chair Creighton was concerned that only half a sidewalk would be constructed. Town Administrator Fournier stated that there would not be half a sidewalk. He indicated that the next step would be that the engineering firm would come up with an estimate for the project, at that time; the Selectboard would have the opportunity to determine if they would like to move forward with the project and ask the voters for additional funds. Selectman Coutu asked if the voters do not approve the additional funds would the project stop. Town Administrator Fournier stated yes. Selectman Salomon stated that he thinks the chair is looking for hard numbers and the Town would never be in a position of having half a sidewalk. Chair Creighton asked if we decided to go forward for additional funding when would we ask the voters. Town Administrator Fournier stated March of 2009.

Selectman Coutu asked where the Town is on the Town Accountant hiring. Town Administrator Fournier stated that he wanted to talk with Selectman Coutu and review it in coordination with his finance study.

6. Minutes

6.1. Regular Meeting – March 10, 2008

Motion by Chair Creighton to approve the minutes of the March 10, 2008 meeting as amended. Seconded by Selectman Salomon.

Selectman Salomon reviewed the draft prepared by the Town Administrator and the revisions made by Chair Creighton. He feels that the edits go beyond clarification. He understands that he needs to approve them since there would not be enough votes to approve otherwise. Chair Creighton feels that the changes that she made were for clarity and that she reviewed the DVD to make these changes. She felt that it was important that someone not at the meeting get a sense of what happened at this meeting. Selectman Coutu felt that if the DVD is available for every meeting then people can get a sense of the meeting. He felt that what is needed by law in the minutes are vague and that the Board needs to adopt some standards of the minutes. He feels that the minutes are accurately presented. Chair Creighton feels that she needs to make sure that the essence of the important conversations are there. She thinks that a person needs to be able to pick up the minutes and get a sense of the minutes. Selectman Coutu feels that a balance needs to be struck. They cannot be vague nor a transcript of the meeting. Chair Creighton feels that depending on what happens at the meeting should decide how involved the minutes should be.

Motion passes 2-0-1 Selectman Coutu abstains.

6.2. Regular Meeting – April 14, 2008

Motion by Selectman Coutu to table the minutes of April 14, 2008 as amended. Seconded by Selectman Salomon. Motion passes 3-0.

6.3. Workshop – April 23, 2008

Motion by Selectman Salomon to approve the minutes of April 23, 2008 as amended. Seconded by Selectman Coutu. Motion passes 3-0.

6.4. Regular Meeting - April 30, 2008

Motion by Selectman Coutu to approve the minutes of April 30, 2008 as amended. Seconded by Selectman Salomon. Motion passes 3-0.

7. Non-Public Session

Motion by Selectman Salomon to enter into non-public session under RSA 91-A:3 II (a) dismissal, promotion or compensation of any public employee or the disciplining of such employee. Seconded by Selectman Coutu. Motion carries 3-0. Roll Call: Chair Creighton – Aye; Selectman Salomon – Aye; Selectman Coutu – Aye.

The Board entered into non-public session at 10PM.

The Board left non-public session at 11PM.

Motion by Selectman Salomon to seal the minutes of non-public session. Seconded by Selectman Coutu. Motion carries 3-0.

8. Adjournment

Motion by Selectman Salomon to adjourn. Seconded by Selectman Coutu. Motion carries 3-0.

Meeting adjourned at 11:03PM.

Respectfully Submitted,

Stephen R. Fournier
Town Administrator