



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE

SELECT BOARD

APPROVED MINUTES 03/25/2009

REGULAR MEETING - WEDNESDAY FEBRUARY 11, 2009 –7PM

MARY B HERBERT CONFERENCE ROOM

1. Call to Order & Call of the Roll

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

Members present: Selectman Salomon, Selectman Coutu

Staff Present: Town Administrator Fournier

2. Consent Calendar

Town Administrator Fournier stated that there were no items on the calendar this evening.

3. New Business

3.1 Appointment of Alternate to the Zoning Board of Adjustment

Chair Creighton stated that the Select Board had received a letter from the Chairman of the ZBA requesting that the Select Board appoint an alternate member. Town Administrator Fournier said he spoke to the Local Government Center's legal services department, and that they stated that the ZBA was to appoint their own members. They stated that is was the intent of the voters last March to elect, not appoint the members of the ZBA, and at that point in time the ZBA becomes an elected board not an appointed board, and that their actions should be as an independent board. Chair Creighton felt that with one month before the elections it seemed to her that best course of action would be to wait until March and have the ZBA appoint their own alternates. Town Administrator Fournier explained the rules and intent of voters was agreed to last march. Selectman Salomon agreed with Chair Creighton that the issue will go away after the March election.

3.2 Letter from Gregory Sancoff RE: Horne Property

Chair Creighton stated that a letter from Gregory Sancoff had been sent to the Chairman of the Planning Board, Phil Wilson. Chair Creighton stated the Select Board was given a copy and that the chairs of the ZBA and the Conservation Commission were copied as well. Chair Creighton stated that in reading through Mr. Sancoff's

letter, she realized that there are some references to areas that are the board's responsibility, in terms of building permits as well as the building inspector rendering a decision at a meeting. Selectman Coutu stated that the he was at the ZBA meeting when this issue was discussed. Selectman Salomon stated that the Board should be careful about commenting on pending ZBA matter as it is still an open matter, and that the Zoning Board is considering it pending the approval of moving lot lines. Selectman Salomon stated that his opinion in terms of the direction of the building permit of the garage would be to have Mr. Mabey look at permit and look at the structure and report whether or not it complies with the approval given. Chair Creighton stated that it is her understanding in terms of approaching accusation made, would be for Mr. Mabey to check this out to make sure everything is ok. Town Administrator Fournier stated he would have Red Mabey check on these issues and write a report. Chair Creighton stated that were some questions regarding the swimming pool possibly being in wetland setbacks. Chair Creighton stated the Conservation Commission sent a letter to the ZBA asking them to delay deliberations so they could engage the services of an independent wetland engineer or scientist to come and walk the site, with the homeowner's permission, and to assess a review and come back with their findings. The Conservation Commission also asked that they be allowed to take a site walk as well. Town Administrator Fournier stated to the Board that he had received a letter from ZBA Chair Rick Stanton stating that the ZBA granted a request for a variance on the garage on January 27, 2009 for lot line relocation that contained non conforming structures that are within the 100 feet wetlands setbacks. Town Administrator Fournier stated the swimming pool issue is up before the ZBA at the February 24th meeting. Chair Creighton stated that if the pool was put in it without a building permit, and if a variance was not granted, the swimming pool will have to be filled in. Chair Creighton stated the importance of the public's awareness about what constitutes having to apply for a building permit. Chair Creighton stated that she felt it is important to bring about public awareness regarding what you need a building permit for. Chair Creighton said that if she that if someone alters' their property in any way that they need to check with the Building Inspector first. Selectman Salomon stated the importance of residents to report potential wetlands and or land use violations to the Building Inspector/Code Enforcement so that he may investigate the matter. Selectman Coutu stated the he recollected that at the January 27th meeting, the matter came before ZBA, and that there were three issues. One of the issues is associated with the house/garage issue, and that Mr. Mabey had opined that at the meeting that the garage/house was in fact conforming. Selectman Coutu stated the second issue is that the swimming pool on the property that had been he believed filled then dug back up and put back into use, for which they needed to apply for a building permit. The third issue was that the drawings contemplated the installation of a new pool that is a bit in buffer zone, and that the ZBA had taken that piece under advisement. Selectman Coutu stated that while he likes to be responsive to citizens, he feels that applicants must be given due process, and that they ought to be given the opportunity to resolve their issues in respect to their property. Chair Creighton stated that she agreed. Chair Creighton stated that the situation before them is a question of land use, which brings the need for some kind of legal counsel or Mr. Mabey in terms of what's being done because Mr. Sancoff's letter says it is like a sub division that is being developed. Selectman Salomon stated that the use of the property is issue the Board should focus on and the remaining issues the ZBA. Selectman Coutu stated that in respect to issue number five in Mr. Sancoff's letter; it is well within the Building Inspector's rights to render a decision regarding the ability for the homeowner to rent their property, as this is a part of his job. Town Administrator Fournier stated that he would have the Building Inspector review the use of the office. Selectman Salomon stated the Building Inspector should also look into the issue of filling the swale, and that perhaps the Conservation Commission should look into this as well. Town Administrator Fournier stated that he would send correspondence to Mr. Sancoff letting him know what board is working on even though his letter was addressed to Planning Board. It was also noted that Mr. Horne should be copied with the initial letter and response, as well as the ZBA, and Conservation Commission. The Board agreed that the Building Inspector should check to see if the land is being used consistently with district that it is in. Chair Creighton asked that this item be placed on the next Select Board agenda.

3.3 Letter from Lee Saunders RE: Culvert on Mill Road

Chair Creighton stated that she had sent Town Administrator Fournier an email to get clarification from Red Mabey, John Hubbard, and Wendy Chase about whether or not there was something in the plan requirement for replacement or upgrade of culvert. Town Administrator Fournier stated that the minutes

Indicate the developer agreed to installing the culvert, but that in the Planning Board's decision letter, it was never made a condition of approval, and therefore we have no authority to make him upgrade it. Chair Creighton asked if we could send friendly request to the developer to see if he is willing to install the culvert. Town Administrator Fournier also stated that there was not a surety bond. Town Administrator Fournier stated that John Hubbard went and surveyed the area, and he felt that they should have put a new culvert in when the road was open. Mr. Hubbard also noted that there was some deterioration on the headwall, and that it is in need of repair. Repairs would be scheduled in the dryer weather. Mr. Hubbard stated the work could be done "in house." Chair Creighton suggested asking Turner Porter if he would consider putting in the culvert. Selectman Salomon said that it should be noted as part of this discussion with John Hubbard and or Turner Porter that we should understand the impact on capacity, if any, of the proposed development across the street and the impact on the capacity. Selectman Coutu stated that the culvert should have been addressed at time road was cut in, but if the Planning Board did not make it a requirement, Mr. Porter is not legally obligated to do it, and he has fulfilled his obligation. Absent his willingness to do this on a pro bono basis, this defaults to the town. Chair Creighton asked Town Administrator Fournier if he would respond to Mr. Saunders as well as a request to Mr. Porter.

4. Items Laid on the Table

4.1 Select Board Rules and Procedures

4.2 Fire and Radio Communication Issues

Town Administrator Fournier reported that the Fire department is working with the Town of Hampton and is also in the process of securing grants to update the dispatch.

4.3 Cable TV Policy

6. Town Administrator Fournier stated that there is a Cable Committee meeting on Monday, Feb. 17. Selectman Salomon stated he had not received the updated cable policy. Chair Creighton stated that the updates will be coming shortly. Update was to add items Selectman Salomon suggested.

4.4 Personnel Policy Review

Personnel policy and the Capital Improvement Plan is discussed in the Town Administrator's report

4.5 Capital Improvement Plan

5. Report of the TA

Capital Improvement Plan:

Town Administrator Fournier state to the Board that he had met with Barbara Kohl and Tom McManus of the Planning Board to review the Capital Improvement Plan process. It was agreed upon to move forward to have an

updated plan for the next fiscal year. Town Administrator Fournier will be serving as the key contact person for all Departments. All Departments have been asked to fill out forms on the various projects that they feel is needed. The reports will then be compiled and have the Select Board review the documents for their priorities. These will then be forwarded on to the Planning Board for the creation of a final document. Departments are to provide documents to the Town Administrator with their projects by March 13.

Job Descriptions: Town Administrator Fournier stated he is in the process of updating all of the non-union job descriptions to make sure they properly reflect the duties that the various employees actually carry out. This will assist in the process of creating a salary survey to see where the compensation for the employees of North Hampton is in comparison with other Towns. This project will be completed over the spring.

Personnel Policy Update: Town Administrator Fournier has sent a copy of the current Town personnel policy to the Local Government Center for their recommendations for additions and changes.

Equalization Ratio: A copy of the Town's equalization ratio from the Department of Revenue Administration has been received. The Town's median sale to assessment ratio is 97.1% after the statistical update that was completed this past year. We are well within the DRA's guidelines. The Town's Assessors have been asked to continue to monitor this ratio, for they feel that it could possibly change if housing pricing continues to drop. The Board will be kept posted throughout the year.

State Budget Issues: Town Administrator Fournier briefed the Board on the status of the State and its significant financial crisis. They are predicting a \$500million deficit. The Governor has asked all departments to look for cuts or other sources of revenue. Any cuts would have a significant impact on the Town. North Hampton has seen the first estimates of between a 10 and 25% decrease in various funding levels. The Town could lose between \$31,853 to \$79,633 if some of these cuts in aid are made. mentioning on the Town.

Any loss in revenue this year may have an impact on our tax rate in October. The Town has been seeing reductions in our own revenues such as building permits and motor vehicle registrations.

Cemetery Accounting: Updates to the accounting process for the Cemeteries with the Cemetery Trustees has started. The following are a chart of accounts so far:

CEMETERY

<i>Fund</i>	<i>Account</i>	<i>Subaccount</i>	<i>Detail</i>	<i>Description</i>
1	4195	10	130	Salaries - Part Time Permanent
1	4195	10	150	Trustees Stipend
1	4195	10	220	FICA/Medicare
1	4195	10	260	Worker's Compensation
1	4195	10	410	Electricity
1	4195	10	411	Heating Fuel

1	4195	10	414	Water
1	4195	10	416	Telephone
1	4195	10	572	Equipment Maintenance
1	4195	10	581	Equipment Rental
1	4195	10	610	Supplies
1	4195	10	620	Office Supplies
1	4195	10	630	General Maintenance
1	4195	10	635	Gasoline
1	4195	10	820	Mileage/Vehicle Use Reimbursement

The Town Administrator stated that he will be working with the Trustees and the Sexton to ensure the proper accounting of their funds and the proper budgeting of their funds in the future.

Selectman Salomon commented on how impressed he was the Cemetery Trustees at the deliberative session, and how well they worked together and with the budget committee.

Chair Creighton asked Town Administrator Fournier to place an item on the next meeting agenda regarding statistical information on I-95 costs from the Fire Department.

6. Minutes

6.1 Regular Meeting October 8, 2008

Selectman Coutu made a motion to approve the October 8, 2008 minutes as changed in the colored copy. Seconded by Selectman Salomon. Motion carries 3-0.
6.2 Regular Meeting October 15, 2008

Selectman Coutu made a motion to approve the minutes of October 15, 2008 as such changes reflected in the colorized handouts. Seconded by Selectman Salomon. Motion carries 3-0.

6.2 Regular Meeting November 19, 2008

Tabled until February 26, 2009 meeting

6.3 Regular Meeting December 3, 2008

Selectman Salomon moved to approve the minutes of December 3, 2008. Seconded by Selectman Coutu. Motion carries 3-0.

6.4 Regular Meeting January 14, 2008

Selectman Coutu made a motion to approve the January 14, 2009 with changes reflected in the colorized handouts and further to correct section 3.3 to read the issuance of five building permits. Selectman Salomon asked that line 187 is removed. Selectman Salomon asked that it be noted for the record that his approval of these minutes did not reflect his approval. Motion carries 3-0.

7. Adjournment

Selectman Coutu made a motion to adjourn at 8:45 PM. Seconded by Selectman Salomon. Motion carries 3-0.

