



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
SELECT BOARD

APPROVED MINUTES 05/11/2009

REGULAR MEETING – MONDAY APRIL 27, 2009 –7PM

MARY B HERBERT CONFERENCE ROOM

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

1. Call to Order & Call of the Roll

Chair Salomon called the meeting to order at 7:05 PM. Those in attendance were Selectman Coutu, Selectman Rineman and Town Administrator Fournier.

Chair Salomon confirmed with Town Administrator Fournier that the meeting had been properly noticed.

Chair Salomon stated on behalf of the Board that he would invite everyone to join them in the Pledge of Allegiance.

2. New Business

4.1 Skowronski Private Road Agreement

Chair Salomon recued himself from this item on the agenda, and asked that Selectman Coutu preside over this issue.

Selectman Coutu stated that he wanted to be sure that a legal change suggested by legal counsel was made on item 3 of the agreement, and that the words “including but not limited to” were added to the document. Town Administrator Fournier stated that the changes were made.

Motion by Selectman Coutu to approve the waiver in connection with the Skowronski private road agreement which is the subject matter of this agenda item. Seconded by Jon Rineman. Motion carries 2-0.

4.2 Approval of Zoning Board of Adjustment Alternates

Town Administrator Fournier stated to the Select Board that ZBA Chair, Rick Stanton had asked him for advice on the appointment of alternates to the ZBA, specifically if it is the ZBA or the Select Board that had the authority to appoint alternates. A call was made by Town Administrator Fournier and Chairman Stanton to the Local Government Center’s legal department and the opinion rendered was that of the ZBA appointing its own alternates.

Town Administrator Fournier stated that approximately two weeks later the Planning and Zoning Administrator requested the same opinion from the Local Government Center’s legal

43 department and the opinion was the complete opposite of the verbal opinion he and Chairman
44 Stanton had received.

45
46 Selectman Coutu raised three points to the other Select Board members. Selectman Coutu asked
47 if the Board could conclude that it is appropriate for them to decide on the issue of appointing
48 alternates, and would like the Board to vote.

49
50 Selectman Coutu stated that in the matter of staggered terms, RSA 673:6 seems to provide
51 guidance.

52
53 Selectman Coutu stated that there isn't clarity in the RSA's regarding the appointment of ZBA
54 alternates, but that there is regarding Planning Board alternates. Selectman Coutu stated that
55 since there was less clarity the Board should attempt to use common sense.

56
57 Selectman Coutu stated he would feel more comfortable in knowing that the elected ZBA
58 members have made recommendations to the Select Board, as that enacts the will of the people.
59 Selectman Coutu stated he wanted to create a clear record as to whether the Select Board is the
60 appropriate forum for deciding alternates.

61
62 **Motion by Selectman Coutu to open and examine the of facts, the RSA and reliance in**
63 **part by the brief prepared by Ms. Christine Fillmore of the Local Government Center,**
64 **that the Select Board concludes it is the appropriate authority to approve alternates**
65 **of ZBA. Seconded by Jon Rineman. Motion carries 3-0.**

66
67 Selectman Coutu stated that the second piece of his statement is that the statue provides the
68 information that alternates would serve three year staggered terms which fashion to mirror
69 elected officials in their terms. The Town Administrator has suggested two alternates for one
70 year, two alternates for two year, and one alternate for a three year term.

71
72 **Motion by Selectman Coutu to accept the rotation or expiration of the terms that the**
73 **Town Administrator has expressed. Seconded by Jon Rineman. Motion carries 3-0.**

74
75 Selectman Coutu stated that his third point was that he wanted to keep with the will of the
76 people, which was to have an elected ZBA.

77
78 Selectman Coutu asked the Board to consider that before they act in a final manner, the Select
79 Board should solicit recommendations from the elected ZBA members. He further stated that he
80 felt he would feel that the Board had done its best considering the vague statutory guidance.

81
82 **Motion by Selectman Coutu to allow the elected ZBA members to put forth their**
83 **recommendations for the Select Board's consideration for some or all of the five open**
84 **positions. Seconded for discussion by Selectman Rineman. Motion carries 3-0.**

85
86 Chair Salomon asked that the record state that Mr. Robert Field stated that the vote of the ZBA
87 regarding alternates was done under protest.

88

89 **Motion by Chair Salomon to appoint Jennifer Lermer as a ZBA alternate for a term of**
90 **three years. Seconded by Jon Rineman. Motion carries 2-0-1 with Selectman Coutu**
91 **abstaining.**

92
93 **Motion by Chair Salomon to appoint Ted Turchan as a ZBA alternate for a term of two**
94 **years. Seconded by Selectman Rineman. Motion carries 2-0-1 with Selectman Coutu**
95 **abstaining.**

96
97 **Motion by Chair Salomon to appoint Chuck Gordon as a ZBA alternate for a one year**
98 **term. Seconded by Selectman Rineman. Motion carries 2-0-1 with Selectman Coutu**
99 **abstaining.**

100
101 Chair Salomon stated that he had been prepared to vote on the appointment of Deborah Wood,
102 but given the Select Board's earlier vote, they need to have the recommendations of some sort
103 from the elected members of the ZBA, given that it is not binding on them and given the fact the
104 vote at the last ZBA meeting was not in favor or opposed as it was a tie because of Ms.
105 Peckham's abstaining, the Board should postpone her appointment until the Board hears from
106 the ZBA.

107
108 **Motion by Chair Salomon to postpone appointment of Deborah Wood until the Select**
109 **Board hears from the ZBA. Seconded by Selectman Rineman. Motion carries 3-0.**

110
111 Chair Salomon asked Town Administrator Fournier to get a legal opinion regarding the issue of
112 recommendations and the authority of an elected member versus an appointed member from a in
113 general and specifically on the issue of recommendations from a legal perspective. Selectman
114 Rineman and Selectman Coutu agreed this would be helpful.

115
116
117 **4.3 BAN Approval for \$450,000**

118 Town Administrator Fournier stated that North Hampton Forever was successful in finalizing a
119 conservation easement on 25 acres of land owned by the Jenkins family in the amount of
120 \$450,000, however the town was too late to go out to bond, and he doesn't believe the value would
121 be enough to go out for a bond to pay for the easement.

122
123 Town Administrator Fournier stated that the current sale price for the easement is currently
124 \$450,000.

125
126 Town Administrator Fournier stated that in April of 2007 the Board approved the easement, and
127 a purchase and sales agreement was signed by the Chair at that time for 25 acres owned by the
128 Jenkins. The total BAN (Bond Anticipation Note) issuance will be for \$450,000.

129
130 Phil Wilson stated that a farm land protection award had been granted and the town will receive
131 a reimbursement in the amount of 47.5% of the appraised value of the property. The appraised
132 value is actually \$525,000 and the town will be receiving a \$249,600 to go towards the \$450,000.

133
134 Town Administrator Fournier stated that the town must first pay the entire amount of \$450,000,
135 and then get reimbursed. The Town Administrator also stated that the Jenkins had also given a

136 donation of \$75,000, towards the conservation easement, so therefore the town will only need to
137 use \$200,400 from the bond proceeds.

138

139 Town Treasurer Penny Holbert has recommended issuing a BAN for a term of less than five
140 years. During years one through three, the town would pay interest only. Ms. Holbert also stated
141 in her email that the current interest rates are at 2.7% and 3.0%. On the fourth year of the
142 BAN, the town would pay half of the principal plus interest and on the fifth year the town would
143 pay the balance.

144

145 Town Administrator Fournier stated that as some point there would be a large pay down on the
146 BAN due to the receipt of the farm land award, and there is no problem in doing so.

147

148 Town Administrator Fournier stated to the Select Board that the turnaround time is around two
149 weeks to issue the BAN.

150

151 Town Administrator Fournier stated that the town does have the option for a larger bond, as
152 there is still money that is authorized to expend. The town could roll money into a bigger BAN
153 in order to save on the costs now, and not have to pay again at a later time for bond counsel.

154

155 Town Administrator Fournier stated that the town would only be able to get a 10 year bond
156 versus a 20 year bond because of the amount.

157

158 Selectman Coutu asked Mr. Wilson when the town could expect to receive the reimbursement
159 from the farm land protection award. Mr. Wilson stated that it could take up to two weeks to
160 receive the reimbursement per the RCCD rely on NRCS to send in paperwork.

161

162 Town Administrator Fournier stated that he had just received an email today from the town
163 treasurer, and she stated that banks are currently estimating interest at 6% or higher for
164 maximum of 10 yrs, however, because of the economy, the bank wouldn't term more than five
165 years and the interest would be between 4% and 5%.

166

167 Mr. Wilson stated that North Hampton Forever hopes to have more transactions within the next
168 five years.

169

170 Mr. Wilson asked to state for the record that the Jenkins \$75,000 contribution is the difference
171 between the appraised value of \$525,000 and the \$450,000 bond. The net payment by the town
172 is \$200,400. Mr. Wilson also stated that the 47.6% being paid is based on the appraisal that was
173 done when the cooperative agreement was signed which was \$520,000 not \$525,000.

174

175 Chair Salomon stated for the record for anyone wondering about the wisdom of borrowing money
176 at these economic times, the town did approve and enter into a contract with the Jenkins some
177 time ago and have an obligation to fulfill that legal obligation under that contract.

178

179 **Motion by Selectman Rineman to authorize a BAN up to \$450,000 for the purpose of**
180 **purchasing the Jenkins conservation easement. Seconded by Selectman Coutu.**

181

Motion carries 3-0.

182

183 4.4 Mosquito Commission Update

184 Pat Morenis Dodge updated the Select Board on the history of the mosquito larviciding. Ms.
185 Dodge explained that when the Mosquito Commission applied for their permit last July, they
186 were made aware that the Audubon Society was not allowing larviciding on any of their
187 property.

188
189 Ms. Dodge stated that since mosquito control is based on larviciding, the Mosquito Commission
190 decided to get in touch with the Audubon Society. It wasn't until today (April 27, 2009) that
191 Commission member Bob Hamilton was able to speak with anyone from the Audubon and was
192 told there was going to be a policy meeting held by them on Friday, May 1, 2009, and that he was
193 invited to attend as a representative from the Town of North Hampton. The Commission was
194 hopeful that something would transpire to change their regulations regarding larviciding.

195
196 Chair Salomon asked Ms. Dodge if perhaps there was an ecology reason why the Audubon
197 Society did not want larviciding. Ms. Dodge stated that the Commission has been assured from
198 the mosquito control contractor as well as the NH DHHS that the pesticide used in larviciding
199 does not affect any other living thing; it only destroys the mosquito and its vertebrae. Ms. Dodge
200 felt that perhaps the Audubon's argument was that if the mosquitoes are destroyed then food is
201 taken away from the birds.

202
203 Ms. Dodge stated that the NH DHHS has reported this year to be an "emergency" situation to be
204 concerned with the threat for Triple E, and West Nile Virus.

205
206 Ms. Dodge reported that last year the NH Fish and Game Department was not allowing some
207 bodies of water in Stratham and Newfields. Because someone contracted the Triple E virus and
208 the pressure from the towns, the NH Fish and Game Department has changed their policy to
209 now include those bodies of water that were not larvicided last year.

210
211 Selectman Rineman thanked the Select Board for allowing this topic to be discussed. Selectman
212 Rineman also thanked Pat Morenis Dodge, Bob Hamilton as well as Shir Haberman who had a
213 story in the Hampton Union recently and that perhaps the Audubon Society had read the article.

214
215 **3. Adjournment**

216 **Motion by Selectman Coutu to adjourn the meeting at 8:40 PM. Seconded by**
217 **Selectman Rineman. Motion carries 3-0.**

218
219 Respectfully submitted,

220
221 Janet Facella
222
223
224