



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
SELECT BOARD

APPROVED MINUTES (5/27/2009)
SPECIAL MEETING – MONDAY MAY 18, 2009 –11:30 AM
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 11:30 AM. Those in attendance were Selectman Rineman, Town Administrator Steve Fournier, and telephonically Selectman Coutu.

Motion by Selectman Rineman to allow Selectman Coutu to participate in the meeting telephonically. Seconded by Chair Salomon. Motion carries 3-0.

Chair Salomon stated that votes at today's meeting will be by roll call so that the record is clear.

2. Response to Mr. Field's Request for Clarification on ZBA Procedures

Chair Salomon explained that Mr. Field of the Zoning Board of Adjustment raised several procedural challenges and asked the Select Board to answer.

Chair Salomon stated that of the three questions, one was construed to be a complaint under the Code of Ethics against Mr. Stanton, Chair of the Zoning Board of Adjustment.

Chair Salomon stated that at the last Select Board meeting, Mr. Field clarified that he was not submitting a complaint. Chair Salomon further stated that Town Counsel had reviewed Mr. Field's correspondence and asked Town Administrator Fournier to read that letter. (a copy of said letter is attached to these minutes.)

Chair Salomon stated that by way of procedural background, the reason for the special meeting being held is because the Zoning Board of Adjustment will be having a meeting before their next regularly scheduled meeting, and the Select Board wanted to give them guidance so they could act appropriately. Chair Salomon further stated that there is an applicant that has been held off twice because the Zoning Board of Adjustment needs to have a full complement of alternates in order to hear the case.

Motion by Selectman Coutu to approve issuance of letter drafted by Town Administrator Fournier dated May 18, 2009. Seconded by Selectman Rineman.

Roll call:

Coutu Aye
Rineman Aye
Salomon Aye

3. Nomination of D. Wood as an Alternate to the ZBA

Chair Salomon stated that the Select Board had postponed nominating Ms. Wood pending consultation with counsel. Counsel has advised the Select Board that elected members as well as appointed members of the Zoning Board of Adjustment have equal votes.

Chair Salomon stated that he had received a letter from Phil Wilson asking him to recuse himself from voting on the nomination of Ms. Wood. Chair Salomon stated that he had examined both the law and his conscience and he would not be recusing himself. Chair Salomon stated that the State Statute Mr. Wilson referred to in his letter does not apply to the Code of Ethics, and that he has no personal or pecuniary interest from a legal perspective.

Selectman Coutu questioned whether Ms. Wood is an officer or a beneficiary of a trust of ABC Container, a business in which her father owns, who was represented in the past by Chair Salomon.

Chair Salomon stated that Ms. Wood has nothing to do with ABC Container, and that he had never discussed any matter in relation to that company with Ms. Wood.

Motion by Selectman Rineman to nominate Deborah Wood as an Alternate to the North Hampton Zoning Board for a one year term. Seconded for discussion by Chair Salomon.

Role call:

Coutu Nay
Rineman Aye
Salomon Aye

Motion by Selectman Coutu to adjourn the meeting at 12:05 PM. Seconded by Selectman Rineman. Motion carries 3-0.

Respectfully submitted,
Janet Facella
Administrative Assistant

4. Other Business that may legally come before the Select Board