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2 TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
3 SELECT BOARD
4

5 ***APPROVED MINUTES JUNE 8, 2009***
6 REGULAR MEETING – WEDNESDAY MAY 27, 2009 –7PM
7 MARY B. HERBERT CONFERENCE ROOM
8

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

11 **1. Call to Order & Call of the Roll**

12 Chair Salomon called the meeting to order at 7:15 PM. Those in attendance were Selectman
13 Coutu, Selectman Rineman and Town Administrator Steve Fournier.

14 Chair Salomon confirmed with the Town Administrator that the meeting had been properly
15 posted.

16 Chair Salomon stated that the Select Board had just come out of a non-meeting with counsel and
17 that they were starting the meeting a little late.

18 Chair Salomon stated on behalf of the Board, he invited those who cared to join them in saluting
19 the flag.

20 **2. Consent Calendar¹**

21 **Motion by Selectman Coutu to approve the Consent Calendar. Seconded by Selectman**
22 **Rineman. Motion carries 3-0.**

23 Chair Salomon stated that with the consent of the Board item 3.5 would be taken up first. Chair
24 Salomon stated the Mr. Simmons had contacted the Town Administrator that afternoon and
25 asked that the hearing be postponed until the Board acts on the Code of Ethics Procedures.

26 **Motion by Selectman Rineman to postpone the hearing on the Code of Ethics**
27 **complaint against Dr. Arena by Peter Simmons until the June 8, 2009 meeting.**
28 **Seconded by Chair Salomon for discussion purposes.**

29 **Motion by Selectman Coutu to amend the motion to read as follows: if at the June 8,**
30 **2009 meeting, Mr. Simmons does not appear, the complaint will be dismissed.**
31 **Seconded by Chair Salomon. Motion to amend the motion carries 3-0.**

THIS LOCATION IS HANDICAPPED ACCESSIBLE. THOSE WISHING TO ATTEND WHO ARE HEARING OR VISION IMPAIRED MAY MAKE THEIR NEEDS KNOWN BY CONTACTING THE AT TOWN HALL 964-8087

¹ These items are routine in nature and are approved without discussion. Should a member of the Board request to have an item removed, it shall be placed on the agenda under new business. The consent format is to expedite the business of the Board when adequate backup material has been provided.

32 **Vote on motion as amended 3-0.**

33 Joe Arena stated that he wanted the complaint to go forward at this evening's meeting. Mr.
34 Arena stated that he heard about Mr. Simmons' request at 5 PM.

35 Phil Wilson stated that "it is grossly unfair to Dr. Arena to leave this out there."

36 The Select Board stated that if Mr. Simmons fails to appear at the next scheduled date then the
37 complaint will be dismissed with prejudice.

38 **3. New Business**

39 *3.1. Presentation on Town's Collateralization of Funds - Attorney D. Barnes*

40 David Barnes, Esq. of Millimet & Devine provided an overview of the legal and technical
41 issues associated with the collateralization of public funds. In his comments Mr. Barnes
42 explained the requirements under the Uniform Commercial Code for perfecting a security
43 interest in certificated and uncertificated securities, the latter representing electronic
44 transfer and ownership of "book entry" securities.
45

46 He also commented on different of types of securities including those which carry the full
47 faith and credit of the US government and securities issued by Government Sponsored
48 Enterprises ("GSEs") and the need for a collateral margin due to protect against market
49 value fluctuations of the pledged securities and for coverage of accrued and unpaid interest.
50

51 Mr. Barnes also reviewed certain requirements under FDIC regulations which requires the
52 board of the bank or its loan committee to approve the pledging securities to collateralize
53 town deposits or investments and the authorization of bank officers or officials to enter into
54 such transactions.

55 *3.2. Trade/Purchase of Firearms – Lieutenant John Scippa*

56 Lieutenant Scippa proposed a transition and upgrade of the Police Departments present
57 duty weapons to a new more durable and tactically sound police pistol using non-tax dollars
58 as the primary source of funding.
59

60 Lieutenant Scippa stated that the department had spent a significant amount of time
61 researching new weapon alternatives and has decided that the Glock, Model 31 and 32 in
62 .357 Sig should be the new issue weapon.
63

64 Lieutenant Scippa stated that the Glock is considered the premier pistol in both law
65 enforcement and military communities worldwide and has proven to be highly reliable and
66 safe.
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68 Lieutenant Scippa stated that the Glock pistol is designed as a "safe action" pistol that has
69 no external hammer and does not operate in the traditional "double action-single action" as
70 the departments present pistols do. The Lieutenant further stated that "safe action" on the
71 Glock offers safety and tactical advantages over the present pistol used. The proposed
72 weapon offers the ability to attach a flashlight fixed to the weapon just under the barrel,
73 thus allowing the officer to use one hand and allows the immediate light up of potential
74 threats.
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76 Lieutenant Scippa explained that there would be a trade in of 15 weapons and the purchase
77 of 16. The trade in value is \$375 each, and the cost of the new pistols are \$409 each.

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Motion by Selectman Coutu to approve the proposal to trade in and upgrade the Police Department's firearms as presented. Seconded by Selectman Rineman. Motion carries 3-0.

3.3. Proposal for Change in Detail Rates – Chief Brian Pager

Chief Page proposed to the Board that the Hourly Detail Rates change from the current hourly rate of \$45 per hour to \$60 per hour.

Chief Page explained the new rates are based on costs for each category effective 7/1/09. The Chief also proposed an increase to \$15 per hour for the cruiser hourly rate.

Chief Page asked that the Select Board also approve that retirement, FICA and Detail Uniform costs be expensed from the Revolving Detail Fund in order to reduce the impact of the costs of details on the Police Department and Town Operating Budgets.

Motion by Selectman Coutu to increase the private details rate for the North Hampton Police Department to \$60 per hour and to increase the police cruiser rate to \$15 per hour. Seconded by Selectman Rineman. Motion carries 3-0.

3.4. Code of Ethics Hearing Procedures

Chair Salomon stated that some of the language in the policy needs to be “cleaned up.” Changes were made by the Board as follows:

- 1.03 “In” changed to “by”
- 3.01 Strike the word “if”
- 3.02 Strike “to” and add “together with”
- 3.03 “Has” changed to “may”
- 3.04 “Article III” changed to “Article IV”

Chair Salomon asked if it was the Board's pleasure to allow public comment. Selectman Coutu and Selectman Rineman both agreed.

Emily Creighton stated that she felt that if a verbal complaint is made, there should also be a written and signed document.

Lisa Wilson asked if Article III., Section 3.03 had any merit. Ms. Wilson suggested that language be added stating the defendant is able to speak even if the complainant doesn't appear.

Selectman Rineman added that the defendant can only address the complaint.

Phil Wilson stated that there should be a “drop dead” date that the complaint has to be resolved.

Cesar Romano added that he felt some sort of Ad Hoc committee should be formed.

Rick Stanton asked the Board whether or not either party was allowed to have counsel.

Motion by Selectman Rineman to adopt the Code of Ethics Procedure as written. Seconded by Selectman Coutu. Motion carries 3-0.

3.5. Code of Ethics Complaint Against J. Arena – P. Simmons

131 **4. Items Laid on the Table²**

132 *4.1. Select Board Rules and Procedures*

133 *4.2. Personnel Policy Review*

134 *4.3. Review of Forms of Government*

135 **5. Report of the Town Administrator**

136 Town Administrator Fournier updated the Select Board on Personnel Policy updates, Mobile
137 Communications, the Capital Improvement Program, and an informational meeting on Open
138 Tolling being held on June 11, 2009 at 6:30 PM in the Mary B. Herbert Conference Room.

139 Town Administrator Fournier also thanked the crews of the USS Dallas and the NR-1 for
140 painting the Town Hall last week. Also acknowledged were Diane Wheeler and Red Mabey for
141 organizing the work, Joe's Meat Shoppe for providing a donation to the lunch for the crew, and
142 the North Hampton Fire Fighters for helping to cook lunch.

143 **6. Minutes**

144 *6.1. Regular Meeting April 17, 2009*

145 **Motion by Selectman Coutu to approve the minutes of April 17, 2009. Seconded by**
146 **Selectman Rineman. Motion carries 3-0.**

147 *6.2. Regular Meeting May 11, 2009*

148 Tabled until June 8, 2009 meeting.

149 *6.3. Special Meeting May 18, 2009*

150 **Motion by Selectman Coutu to approve the minutes of May 18, 2009. Seconded by**
151 **Selectman Rineman. Motion carries 3-0.**

152 **7. Adjournment**

153 **Motion by Selectman Coutu to adjourn the meeting at 10:05 PM. Seconded by**
154 **Selectman Rineman. Motion carries 3-0.**

155 Respectfully submitted,

156 Janet Facella

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² Items laid on the table shall remain on the table until a member of the Board of Selectmen makes a motion to remove such item from the table.