



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
SELECT BOARD

MINUTES APPROVED 10/13/2009

REGULAR MEETING – MONDAY SEPTEMBER 28, 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

2. Non-Public Session – 6:00 PM in the Executive Conference Room 2nd Floor pursuant to RSA 91-A:3 II (a)

The Select Board met with legal counsel prior to the public meeting.

Chair Salomon called the meeting to order at 7:00 PM. Those present were Chair Salomon, Selectman Coutu, Selectman Rineman and Town Administrator Steve Fournier.

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

Chair Salomon invited those in the audience to join the Select Board in the Pledge of Allegiance.

Chair Salomon stated there were no items on the Consent Calendar, and the Board would proceed with item 4.1.

3. Consent Calendar¹

No items

4. New Business

- 4.1. Approval To Perform Necessary Construction/Excavation for Roadway on Atlantic Avenue/Mill Road For Property Owned By Russell Jeppesen – Attorney Christopher Boldt

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.

Attorney Christopher Boldt introduced himself to the Select Board and stated he is with the law firm of Donahue, Tucker and Ciandella.

Attorney Boldt stated that he was attending the meeting with his client Russell Jeppesen, and they were before the Board because of a private cemetery that is on Mr. Jeppesen's property, located between Atlantic Avenue and Mill Road, and the driveway in question is a former town road known as Little Road.

Attorney Boldt showed the Select Board the plan that the Planning Board had previously approved for Mr. Jeppesen's property, and stated that the reason he was at the meeting was because of RSA 289:3 which reads as follows:

“All cemeteries and burial grounds shall be laid out in accordance with the following requirements:

I. No cemetery shall be laid out within 100 feet of any dwelling house, schoolhouse or school lot, store or other place of business without the consent of the owner of the same, nor within 50 feet of a known source of water or the right of way of any classification of state highway. Existing cemeteries which are not in compliance with the above set-back requirements may be enlarged, provided that no portion of the enlargement is located any closer to the above-listed buildings, water sources or highways than the existing cemetery, and provided further that no such enlargement shall be located within 50 feet of any classification of state highway.

II. Burials on private property, not in an established burial ground, shall comply with local zoning regulations. In the absence of such regulations, such burial sites shall comply with the requirements in paragraph I. The location of the burial site shall be recorded in the deed to the property upon transfer of the property to another person.

III. New construction, excavation, or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds or cemeteries, whether or not such burial site or burial ground was properly recorded in the deed to the property. In the absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees.

IV. Nothing in this section shall be construed to conflict with RSA 290, local ordinances, or cemetery rules concerning burials and disinterments of human remains.”

Source. 1994, 318:2, eff. Aug. 7, 1994.

Attorney Boldt stated that he and Mr. Jeppesen appeared before the Cemetery Trustees on September 16, 2009, and they gave their concurrence to move to the next stage to come before the Select Board, and that the trustees found that it was an essential service to construct the driveway to service the six lots.

Selectman Coutu asked Attorney Boldt if the road was being enlarged.

Attorney Boldt stated the existing dirt road is being changed to a paved surface and that it is not going to enlarge the right of way in any way, shape or form.

Motion by Selectman Coutu to authorize the work to be done in respect of the private driveway, notwithstanding its proximity of within 25 feet of the existing cemetery, noting for the record that this was also approved by the Trustees of the Cemetery. Seconded by Selectman Rineman. Motion carries 3-0.

4.2. Approval To Join the Southeast Watershed Alliance (SWA)

Chair Salomon asked Phil Wilson, Chair of the Planning Board, to give an overview of what the Southeast Watershed Alliance is.

Mr. Wilson explained to the Board that the Southeast Watershed Alliance is a new board that has been authorized by the State Legislature to pick up the issue on how to get regional cooperation among the municipalities essentially in the coastal region. Mr. Wilson further stated that main issue is to help deal with water quality issues within the watershed, such as creating effective solutions to pollution problems in the Winnicut and Little River.

Mr. Wilson stated that it was his opinion, and that of the Planning Board that the Town has everything to gain and nothing to lose joining this board.

Chair Salomon asked Mr. Wilson if there was a financial commitment for joining now or contemplated in the future.

Mr. Wilson stated that there wasn't any commitment now, and did not know if there would be one in the future.

Selectman Rineman quoted a sentence from the letter that Thomas S. Burack, Commissioner of the NH Department of Environmental Services wrote to the Planning Board. The sentence in question read as follows:

“Your community must be part of that solution and could become regulated for nutrient runoff.”

Selectman Rineman stated that he is concerned with the word “regulated.”

Mr. Wilson stated that he felt it was meant to be more of an encouragement to join rather than a you *shall* join. Mr. Wilson explained that one of the biggest issues is the nutrient rich runoff that is going into the Winnicut River, Lamprey River, Great Bay, as well as others, which is very detrimental to the fisheries and the wildlife.

Chair Salomon stated that there will be an informational meeting on September 29, 2009 at 6:30 PM at the Nottingham Town Hall to discuss the purpose of the Alliance, the potential scope of activities and methods of joining.

Chair Salomon said that he felt the Town would be well advised to be a participant in the Alliance, and that it would be wise to follow the advice of the Planning Board.

Dr. Joseph Arena stated that the Alliance can sharpen the local municipalities' Planning and Zoning Boards, and their understanding of the science of some the issues discussed.

Motion by Selectman Coutu to approve the Town joining the Southeast Watershed Alliance. Seconded by Selectman Rineman. Motion carries 3-0.

4.3. Waste Management Billing Charges

Selectman Rineman stated that he had received his monthly bill from Waste Management, and with no prior notification, was told that unless your bill is paid with a credit card, customers will be charged an additional \$3 per month to pay by check.

Selectman Rineman asked the Select Board if they would agree to request that a representative of Waste Management be invited to the next Select Board meeting to ask about this new charge.

Chair Salomon noted that an editorial in the local paper stated that a fuel surcharge was added to the Waste Management bill when fuel prices were high, but now that fuel prices have come down, they haven't dropped the surcharge. He further stated that although he realizes it is a private company and it is up to each individual to deal with Waste Management, he feels that part of the function of government is to at least make inquiry for the citizens being served.

Selectman Coutu stated that the fuel surcharge is just another profit mechanism for Waste Management, because its intended purpose is not particularly relevant today. He also stated that this is essentially a monopoly, and that he would take the view that the government has a greater responsibility to at least represent what may be the concerns of the residents.

Selectman Coutu stated that if this was a competitive market, and residents had the choice between three or four different haulers, then this would not be an issue.

Selectman Coutu stated that he was in favor of having Waste Management come before the Select Board and explain what has given rise to having to pay a \$3 charge if the customers decide not to give them their credit card billing information.

Chair Salomon recommended talking to North Hampton's State Representatives or members of the 53-B Solid Waste District to see if anything can be done at either level.

All members of the Select Board asked to have Waste Management on the next meeting's agenda regarding the fuel surcharge and the new fee of \$3.

4.4. Town Campus RFP Review Committee

Chair Salomon stated that the Select Board had asked for a legal opinion on whether or not the bids received for the Town Campus Study were public documents.

Town Administrator Fournier stated that the bids will be available to be reviewed during regular business hours.

Susan Grant stated that there is a complete set of the RFP's available at the Library for people to review.

Chair Salomon stated that the Select Board would like to appoint a committee to review the RFP's and to narrow them down from the 19 that were received for further review by the Select Board. He also stated that before the Select Board selects a firm, he would think that there would be a public session. The RFP itself wants the winning bidder to include in the proposal how they are going to facilitate public input as we go down the road. Public input until the end product is part of what they have been asked to bid on. Chair Salomon stated that he feels a member of the Energy Committee should be part of the committee as well.

Chair Salomon stated that currently the Department Head's and the Library Trustees are reviewing the proposals. A committee of 11 will be formed including the following to review the proposals and make a recommendation of small number of proposals to the Select Board for final approval:

Acting Fire Chief, Police Chief or Designee, Building Inspector, Director of Public Works, Town Clerk – Tax Collector, a member of the Board of Library Trustees, a member of the Select Board, Town Administrator, three members of the general public, one member being a member of the Long Range Planning Committee.

Selectman Coutu asked Town Administrator Fournier what the flavor of the proposals have been.

Town Administrator Fournier stated that they are very broad. He further stated that he feels the committee should meet to decide which of the proposals meets the first goal of the RFP, which is to come up with a design of the campus, as well as a master plan of the campus and a plan on how to implement this.

Chair Salomon stated that part of this process will include public input.

Selectman Coutu stated he is unclear whether or not there is any guidepost that is beneficial to the proposed initial selection committee upon which to evaluate the RFP's.

Town Administrator Fournier stated that the first thing would be to look at the proposal to see if there is any experience and any past municipal projects the firm has done.

Selectman Coutu stated that the only stakeholders involved in the initial review committee are Department Heads and the Library Trustees, and asked why wouldn't there be more broad participation from residents of the Town.

Chair Salomon stated that he felt it would be wise to have a member of the Planning Board's Long Range Planning Committee as part of the initial group, as that is their function and they should be involved from the beginning.

Discussion ensued between the Select Board as to who they felt should be on the initial committee.

Selectman Coutu stated that he wanted to be sure there was enough of a balance between the users and the taxpayers on the committee.

The Select Board discussed whether or not a member of the Select Board should be on the committee or not. Town Administrator Fournier stated that he felt it was important to have a member of the Select Board on the committee from Step 1.

Dr. Joseph Arena stated that he felt that proposed members of the committee that hold positions in the Town and that live in the Town would have a conflict of interest. Dr. Arena stated that he felt in order to be fair and square, there should be more representatives of the Town, because who ever pays the piper calls the tune.

Mr. Peter Parker stated that as he understands, this is a process of helping define the scope of the project. Mr. Parker doesn't feel that having a majority of citizens who are not involved in delivering services can really articulate what services are needed. Mr. Parker stated that he has reviewed a number of the RFP's and doesn't think that some of them speak to what the RFP called for. Mr. Parker felt that the initial committee's role will be to evaluate and cut down the pile of proposals from two feet to six inches , and need not do anything more than decide whether the firm making the proposal understands what the project is, and how well they answered the questions and needs of the Town.

Mr. Phil Wilson stated that he felt organizing a committee of 12 is not good organization design. Mr. Wilson stated that he felt the committee should not exceed more than seven people as there will be enough trouble getting any kind of consensus from seven people and that it works better with an odd number. Mr. Wilson also stated that he felt that the Town Administrator should be the one to represent the departments in the municipality. Mr. Wilson stated that he felt the committee should be made up of a Select Board member as chair, the Town Administrator, a member of the Planning Board Long Range Planning Committee, a Library Trustee, and three members of the public that have experience in choosing RFP's.

Selectman Rineman agreed with Mr. Wilson that the Department Head's should be bringing their ideas to the Town Administrator, and funneling it down.

Selectman Coutu stated that he substantially agreed with Mr. Wilson's suggestions in regards to lowering the number of members on the committee to seven, and also the suggestion that the Town Administrator represent the Department Head's. Selectman Coutu stated that he felt that he would be more comfortable with having the Building Inspector on the committee because of his level of expertise, and perhaps having the Select Board member chair the committee as a non-voting member.

Chair Salomon stated that he wanted to be sure that the Energy Committee and the Records Retention committee are represented, and that the Building Inspector could speak to energy related issues. Records retention would fall into the Town Administrator's domain. He further stated that the three members of the public on the committee should be people that are not currently holding an office.

Selectman Coutu made a motion to have the current sitting Department Head's of the Town of North Hampton, and the Board of the Library Trustees review the 19 proposals as submitted, and to make recommendation of six, and understanding that those six do not necessarily preempt one or more of the remaining unselected proposals from being considered. Seconded by Selectman Rineman. Motion carries 3-0.

Selectman Coutu made a motion to form a committee which would consist of eight representatives that would include a Select Board representative, the Town Administrator, the Building Inspector, a representative from the Board of Library Trustees, a representative from the Planning Board Long Range Committee, three members of the public which will be considered by this Board, with the technical footnote that the Select Board representative would have a non-voting standing with respect to that committee, and to chair that committee. In the instance of a recusal or absence and in the event of a tie, the Select Board representative would then vote to break the tie. Seconded by Selectman Rineman. Motion carries 3-0.

Chair Salomon asked to have volunteers for the three public members on the committee to be on the agenda for the October 13, 2009 Select Board meeting, and also the review from the Department Head's and the Library Trustees.

- 4.5. Nomination of Brian Chevalier, Kendall Chevalier, Deborah Sillay, Sarah Maloney, Ed Hobby and Delores Chase to the Bandstand Committee

Motion by Selectman Rineman to appoint Brian Chevalier and Kendall Chevalier with their terms to expire in 2010, Deborah Sillay and Sarah Maloney, with their terms to expire in 2011, Ed Hobby and Delores Chase, with their terms to expire in 2012, to the Bandstand Committee. Seconded by Selectman Coutu. Motion carries 3-0.

5. Items Laid on the Table²

- 5.1. Select Board Rules and Procedures
- 5.2. Personnel Policy Review
- 5.3. Review of Forms of Government

6. Report of the Town Administrator

The Town Administrator reported on the following items:

The Police Department has advertised to accept sealed bids on two former police cruisers, various forms of government, fiscal year 2011 budget, PASA group, reuse of Town Hall as offices for the Recreation Department as well as Channel 22, aerial photography of the Town conducted by the Department of Transportation and the U.S. Geological Survey, EEE update, H1N1 update.

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.

Chair Salomon asked the Town Administrator to look to the Planning Board and the Conservation Commission to see if they have money in their budgets to help with the mapping expenses.

7. Minutes

7.1. Regular Meeting September 14, 2009

**Motion by Selectman Coutu to approve the September 14, 2009 minutes as drafted.
Seconded by Selectman Rineman. Motion carries 3-0.**

8. Adjournment

**Motion by Selectman Coutu to adjourn the meeting at 8:38 pm. Seconded by
Selectman Rineman. Motion carries 3-0.**

Respectfully submitted,

Janet L. Facella
Administrative Assistant