



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
SELECT BOARD

DRAFT MINUTES

REGULAR MEETING – MONDAY, NOVEMBER 9, 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 7:00 PM. Those present were Chair Salomon, Selectman Coutu, Selectman Rineman and Town Administrator Steve Fournier.

Chair Salomon noted for the record that the Board had just come out of a Non Public Session.

**Motion by Selectman Coutu to seal the minutes of the Non-Public Session.
Seconded by Selectman Rineman. Motion carries 3-0.**

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.

**2. Non-Public Session – 6:30 PM in the Executive Conference Room 2nd Floor,
pursuant to RSA 91-A:3 II (a)**

3. Consent Calendar¹

4. New Business

4.1. Financial Report For Quarter Ended September 30, 2009

Doug Smith from Municipal Resources Inc., presented the Select Board with his financial report for the quarter ended September 30, 2009, and distributed a revised copy of his report to the Board. A copy of this report is attached to these minutes.

Penny Holbert, Town Treasurer addressed several questions from Selectman Coutu, and she also explained how she invests the CD's through TD Bank and the timing of these investments according to the Town's cash flow status.

Selectman Coutu wanted to be sure that it was understood that the Letter of Credit must be beyond the expiration date of the CD deposit.

The Select Board took a brief recess at this point in the meeting. When the Select Board return from the recess, Selectman Coutu took over as Vice Chair, as Chair Salomon left the meeting due to illness.

4.2. Personnel Policy Review

Selectman Coutu stated that the Select Board had met with the Town Administrator to review the personnel policy. The Select Board, over the course of several meetings, made changes to the policy, and the policy that incorporates those changes is the document before the Select Board at this meeting.

Motion by Selectman Coutu to approve the personnel policy which incorporates all of the changes that were made in three different workshop sessions, with the understanding that there will be an amendment once the final piece of the personnel policy is submitted for discussion and review. Seconded by Selectman Rineman. Motion carries 2-0.

4.3. Approval to Discharge Tax Lien on Property Located on Map 017, Lot 082-072

Town Administrator Fournier explained to the Select Board that a letter had been received from the attorney of the property owner's of Granite Post Green Mobile Home Park. He further stated that the taxes on Map 017, Lot 082-072 have not been paid for several years. As of early September of 2009, they owed the Town \$6,220.73 in back taxes. The mobile home came into serious disrepair and caught fire in the Spring, and the Building Inspector and Fire Department condemned the building.

Town Administrator Fournier stated that the owner of the park, Luck Enterprises, Inc., is asking the Town to discharge the liens that are currently imposed on the property, so that they can remove the mobile home and replace it with a new one. He further stated that it was his recommendation to have the Select Board authorize him to work with Town Counsel to discharge the liens on the property,

and to see if it would be cost effective and beneficial to pursue civil action against the owner of the mobile home.

Motion by Selectman Coutu to discharge the lien at Map 017, Lot 082-072 in order to allow for the removal of the unit currently there which has sustained damage and has been condemned. Seconded by Selectman Rineman. Motion carries 2-0.

4.4. Acceptance of Land from Neil Moore Located on Map 002, Lot 071

Town Administrator Fournier explained to the Select Board that Mr. Moore would like to donate this property to the Conservation Commission.

Motion by Selectman Coutu to approve the conveyance of the subject property known as Map 002, Lot 071 currently owned by Neil G. Moore, for purposes of the Town taking fee simple ownership of that property. Seconded by Selectman Rineman. Motion carries 2-0.

4.5. Code Enforcement Issue - P. Fullerton

This item was taken up first on the agenda.

Phelps Fullerton of 281 Atlantic Avenue, addressed the Select Board with his as well as his neighbors' concerns with what they perceive to be ongoing zoning violations at 264 Atlantic Avenue, which is owned by Sylvia Cheever.

Robin Reed of 279 Atlantic Avenue addressed the Select Board with her concerns regarding the removal of a stone wall and an illegal third driveway to the Cheever's property, and that this was confirmed with Mr. Kevin Russell of the State of New Hampshire Department of Transportation in Durham. Ms. Reed also discussed the removal of the stone wall which was removed in the Spring of 2009. Ms. Reed stated that the stone wall is half owned by the State of NH and half with Ms. Cheever.

Ms. Cheever stated that the State is requesting the stone wall be replaced as under state law persons are not allowed to take a stone wall down.

Jamie Marston of 281 Atlantic Avenue addressed the Select Board with her concerns of numerous vehicles that are on the Cheever's property. Ms. Marston stated that if she and her husband were to try and sell their property a realtor has told them they could only expect to get 80% of the fair market value because of the "eyesore" across the street from them. Ms. Marston also stated her concerns on the safety of the barn, because of structural failure.

David Chevalier of 283 Atlantic Avenue stated his displeasure of having to look at the mess on the property across the street from him, and feels that his property will be “downgraded” because of this situation.

Barbara Kierstead stated that she concurred with what all of her neighbors have spoken about at this meeting, and that she had lived next door to the Cheever property for most of her life.

Richard Mabey, Building Inspector addressed the first concern of Mr. Fullerton’s concerning operation of a mobile food business out of the R-1 District.

Mr. Mabey stated that he had spoken with Sylvia Cheever and she stated that she attends two fairs per year and they serve lobster and lobster rolls at both the Seafood Festival and the Deerfield Fair.

Mr. Mabey stated that he does not feel that attending two fairs per year constitutes a commercial enterprise.

Mr. Mabey spoke to the complaint of the chickens that are in Ms. Cheever’s barn and pen in front of the barn. He further stated that Section 508.4 in the Zoning Ordinance allows for farm buildings that house four or less animals that are not raised or kept commercially, but are for family use or pleasure, and as long as the building is not erected within 50 feet of a neighboring property, which in this case are more than 50 feet. Mr. Mabey stated that he will give Ms. Cheever a few weeks to find a place for the animals.

Mr. Mabey addressed the question of the condition of the Cheever’s property adversely affecting neighboring property values, and stated that this is an issue for the Town assessor’s to judge, and a copy of the letter from Mr. Fullerton has been forwarded to the assessing department.

Mr. Mabey spoke about the campers, motor homes and unregistered vehicles at the Cheever property and stated that the two campers are for sale, the backhoe is used around the property and that there is one unregistered vehicle which is allowed and would not be considered a junk yard under the RSA’s.

Mr. Mabey spoke about the illegal driveway cut, and that this is a matter for the State of New Hampshire not the Town because Atlantic Avenue is a state owned road.

Mr. Mabey stated that the removal of the stone wall is a civil matter that would require the injured party to pursue legal action in this case. The Town does not have jurisdiction on civil matters.

Ms. Cheever stated that she is working to improve the house and that due to the economy it has been difficult for her to fix the house on the outside, but she has been working on the inside of the home. She further stated that she would continue to try to make improvements.

Ms. Cheever explained that the stone wall was dismantled due to the bike path that was installed by the State of New Hampshire on Atlantic Avenue, and that she would like to repair it, and she is doing her best to improve the area.

Selectman Rineman went over the list of complaints and asked Ms. Cheever's to respond to his questions.

Selectman Coutu asked Richard Mabey if the only code violations were the chickens, and he stated that was correct.

Selectman Coutu asked whether or not the unregistered motor homes are considered vehicles and Mr. Mabey stated they were not part of the RSA, as it states vehicles specifically, and these are the type of motor homes that are towed behind a vehicle.

Selectman Coutu asked Mr. Mabey whether or not the Town had any type of code that was a property maintenance standard. Mr. Mabey stated that there is a code that the Town can adopt but it currently has not been adopted.

Chair Salomon stated that the matter before them is an issue that needs to be brought before the Zoning Board of Adjustment, as the Select Board does not have the authority to render any type of decision.

5. Items Laid on the Table²

5.1. Select Board Rules and Procedures

These two items are included in the Town Administrator's report.

5.2. Review of Forms of Government

6. Report of the Town Administrator

Town Administrator Fournier reported on the status of Waste Management's surcharges and was told that the local offices have no authority over the billing decisions of the corporate office and could not assist the Town in attending a Select Board meeting.

Selectman Rineman stated he had spoken with a customer service representative named Kathy at the Waste Management office in Hampton, and found that there is a Senior Citizen discount of 10%. He further stated that also to avoid the \$3 surcharge, a customer may go online and set up auto pay with a credit card, and that a customer did not have to reveal it's checking account information.

The Town Administrator reported that the Assessor's have completed a draft analysis of the sales data through the State's data entry program. The town's assessment to sale median ratio is expected to be about 105% for the 2009 tax year, which is a 7% change from last year's ratio of 97.1%, and is what was expected with the continuing slow real estate market and economy in the Southern New Hampshire region.

The Town Administrator reported that he and the Town Clerk/Tax Collector, Susan Buchanan, had met with the School District Clerk and other School officials to prepare for the School District and Town meetings. The school will continue to hold their annual meeting in March and the Town has moved its meeting to May.

The Town Administrator reported that the Town Managers and Town Administrators from Exeter, Greenland, Hampton, Hampton Falls, Rye, Seabrook, North Hampton and Stratham had a meeting to discuss various topics of regional nature, with one issue regarding what would happen if one of our local Town Clerk's offices had to shut down due to an emergency for a period of time. Discussion took place over having one town cover for another to carry out duties such as motor vehicle registrations.

7. Minutes

7.1. Regular Meeting October 26, 2009

Selectman Rineman stated he had one change and that is to correct the name of the gentlemen from Aquarion Water Company Harry Hibbard.

Selectman Coutu asked to have a statement added regarding that the bidding process, and that approvals show the fair market value of the item that is listed in the proposal.

Motion by Selectman Coutu to approve the minutes of October 26, 2009 with the changes noted. Seconded by Selectman Rineman. Motion carries 2-0.

8. Adjournment

Motion by Selectman Rineman to adjourn the meeting. Seconded by Selectman Coutu. Motion carries 2-0.

Respectfully submitted,

Janet L. Facella