



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
SELECT BOARD
MINUTES APPROVED 01/25/2010

REGULAR MEETING – MONDAY, JANUARY 11, 2010 –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 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)

Chair Salomon stated that there was not a Non-Public Session held this evening, and that there were no items on the Consent Calendar.

Chair Salomon asked for the Board's permission to hear a complaint from Mrs. Roberta Simko who was in attendance at the meeting, before moving on to agenda item 4.1.

Mrs. Simko stated that she feels that her neighbor on Grandview Terrace is running a business out of his home, and has brought forth her concerns to the Code Enforcement Officer.

Town Administrator Fournier stated that Mrs. Simko had met with the Code Enforcement Officer, Richard Mabey before Christmas, and it was his understanding that the issue was resolved.

Mrs. Simko stated that it is her belief that her neighborhood is zoned R-1, and she further stated that if you are running an office in your home and there are no visible signs that is one thing, but to have equipment on your property is another issue.

Mrs. Simko stated that she is trying to protect the value of her home.

Chair Salomon stated that before the Select Board takes any action, he would like to hear what the Code Enforcement Officer has to say, and would also like the person the owns the business an opportunity to respond.

Selectman Rineman asked Mrs. Simko what the name of the company is, and she stated that it is Apple Blossom Landscaping.

Selectman Rineman asked Mrs. Simko what type of vehicle the company was driving and she stated that it is not a pickup truck, it is a dump truck.

Selectman Rineman asked Mrs. Simko if she has seen anyone coming and going from the residence, other than the owner and his wife. Mrs. Simko stated that she had not, and that it appeared to be a “one man operation.” She further stated that there is much more activity in the summer than in the winter.

Selectman Coutu stated that he wasn’t sure where this issue stands from an enforcement standpoint, and asked whether any type of factual finding has been made by Mr. Mabey at this point. Selectman Coutu further stated that if Mr. Mabey has not made any factual finding, then that should be the first step.

Chair Salomon stated that procedurally the first step is for Mr. Mabey to make a determination as to whether or not this is a zoning violation, and if someone were to disagree with that determination, an appeal should then be made to the Zoning Board of Adjustment, and not to the Select Board. If however, Mr. Mabey has made the determination that there is a violation, and there has been no appeal, but no further enforcement action has been taken, then it would be up to the Town Administrator to direct Mr. Mabey to take further action.

Chair Salomon explained to Mrs. Simko the role of the Zoning Board of Adjustment per State Statute, as well as the appeal process.

Chair Salomon stated that he would like, with the permission of the Board, to have the Town Administrator find out whether a written determination has been made, and to notify both Mrs. Simko and Apple Blossom Landscaping, as well as placing this item on the next Select Board agenda for the limited purpose of making sure the finding has been made and forward to Mrs. Simko and Apple Blossom Landscaping. If at that point Mrs. Simko or Apple Blossom Landscaping is dissatisfied, then an appeal can then be made to the Zoning Board of Adjustment.

No votes or actions were taken by the Select Board.

3. Consent Calendar¹

No items

4. New Business

4.1 Appointment of Danielle Strater to the Recreation Commission

Motion by Selectman Coutu to appoint Danielle Strater to the Recreation Commission. Seconded by Selectman Rineman. 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.

4.2 Abatement Recommendation for Rose Lamarca Trustee, Map 006, Lot 100

Chair Salomon stated that he was an abutter to Mr. Lamarca, and had in the past spoken with Mr. Lamarca, and Mr. Lamarca II regarding this piece of property, but felt he did not have a conflict or a reason to disqualify himself on this matter.

Chair Salomon stated that abatement had been filed on this property in November of 2009, although it wasn't timely.

Chair Salomon stated that the house had been torn down due to a mold issue, which led the Select Board to ask the assessor's to review, and that the Board now has a recommendation from the assessor's as a result of that further investigation.

Town Administrator Fournier stated that the Select Board had asked to abate from a date certain to the end of the assessment year, which is April 1, 2010. The assessor's recommended not setting a precedent by granting the abatement under those terms, but to grant an abatement based on a lowered assessment due to the mold issue, and the fact that it was in such bad condition that it would have to be torn down before anything could be done with the property. The assessor's met with the Building Inspector and determined that the value was too high and reduced it by \$69,200. An abatement in the amount of \$1,002.02 was recommended.

Selectman Coutu stated that at the Select Board meeting of November 23, 2009, the Select Board was prepared to provide some relief in recognition of the fact the house had been razed, notwithstanding that it had been a standing structure as of April 1, 2009.

Selectman Coutu stated that he thought the Board was trying to sort out whether the Board would be providing an abatement on the first tax bill, second tax bill or the total tax bill. He further stated that he understood that the assessor felt that doing that approach would set precedence and that MRI feels it would not be in the best interest of the Town. He further stated that it is, however, within the prerogative of the Board to decide the equitable treatment.

Selectman Coutu asked how far back in time the abatement was being applied and Town Administrator Fournier stated that it was for the December 2009 tax bill.

Selectman Coutu stated that the Board had two decision approaches. One decision would be to take the recommendation of MRI, the Town's tax assessor. The other decision would be to grant a further reduction in the tax bill by having the value reduced as of October 1, 2009 when the house was razed. Town Administrator Fournier stated that the house was razed at the end of October 2009.

Selectman Coutu stated that the only reason he was raising this question was to be fair and equitable.

Town Administrator Fournier stated that he had spoken with the owner and that he was quite pleased with the assessor's recommendation.

Motion by Selectman Coutu to approve the reduction in the assessed value of property located at 92 Woodland Road, North Hampton from \$355,800 to \$286,600 with the companion adjustment of \$1,002.02 with respect to the tax abatement. Seconded by Selectman Rineman. Motion carries 3-0.

4.3 Draft Ordinance for No Through Traffic on Glendale Road and Alden Avenue

Chief Page stated to the Select Board that he had made the changes to the draft that was discussed at a prior meeting.

Selectmen Coutu and Rineman both agreed on the changes that had been made to the draft.

Chair Salomon stated that he had one minor technical change on the next to the last line of the document and that would be to replace the word “to” with “for.”

Motion by Selectman Rineman that the current version of the draft ordinance for the No Through Traffic on Glendale Road and Alden Avenue be accepted as read, with the exception of changing the word “to” in the last sentence to the word “for.” Seconded by Selectman Coutu. Motion carries 3-0.

4.4 Acceptance of \$10,278 for an unanticipated Federal Stimulus Grant per RSA 31:95b

Chief Page asked the Select Board to accept the \$10,278 grant over the course of the next four years for reimbursement for the Safety Plan before submitting a request for reimbursement for \$2,255.81. Chief Page further stated that next year this will be in the Police Department budget as it will no longer be unanticipated funds.

Motion by Selectman Coutu to accept the unanticipated Federal Stimulus Grant in the amount of \$10,278 in accordance with the provisions of RSA 31:95b. Seconded by Selectman Rineman. Motion carries 3-0.

5. Items Laid on the Table²

5.1. Select Board Rules and Procedures

Chair Salomon requested that this item to be on the next agenda under new business.

6. Report of the Town Administrator

Town Administrator Fournier stated that dates needed to be scheduled to meet with the firms that are interested in assisting the Town in the Town Campus Study.

Town Administrator Fournier stated that the Town Hall Committee will be issuing a RFP for interior design services for the Town Hall. This design service will also address making the Town Hall handicapped accessible and make the building usable as a multipurpose hall in order to hold meetings, recreation programming and Town Elections.

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

The intention, when completed, is to move the Recreation Offices and North Hampton TV to office space in the building, as well use it as the primary meeting facility for Town Boards and Commissions.

The Town Hall has to be handicapped accessible before the State election in September.

Town Administrator Fournier stated that the Planning Board has agreed to place an article on the Town Warrant in May to establish a Capital Improvement Programming Committee. This committee would replace the Planning Board as the body with responsibility to create a CIP. The committee would be made up of one member of the Select Board, one member of the Planning Board, nominated by the Planning Board, one member of the Municipal Budget Committee, nominated by the Municipal Budget Committee, one member of the North Hampton School Board, nominated by the School Board, three members of the public, not currently serving on any of the aforementioned boards or committees. One of which will be nominated by the Planning Board; one to be nominated by the Municipal Budget Committee, and one to be nominated by the School Board. Members shall be appointed to a term of one for one year, one for two years, and one for three years. After which, they shall be appointed for a term of three years. The Select Board has appointment authority.

Town Administrator Fournier stated that last week was the first week for the new payroll services that the Town is doing in house. Town Administrator Fournier stated that this has been a goal since his arrival to the Town.

7. Minutes

7.1. Regular Meeting November 23, 2009

7.2. Regular Meeting December 14, 2009

Motion by Selectman Coutu to postpone consideration of the minutes of November 23, 2009 as well as the minutes of December 14, 2009 until the workshop session scheduled for Thursday, January 14, 2010. Seconded by Selectman Rineman. Motion carries 3-0.

8. Adjournment

Motion by Selectman Coutu to adjourn the meeting at 8:44 PM. Seconded by Selectman Rineman. Motion carries 3-0.

Respectfully submitted,
Janet Facella