



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE  
**SELECT BOARD**  
**MINUTES APPROVED 03/08/2010**

---

REGULAR MEETING – MONDAY, FEBRUARY 22, 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.

**Non-Public Session – 6:15 PM in the Executive Conference Room 2<sup>nd</sup> Floor, pursuant to RSA 91-A:3 II (a, b, c)**

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

**Motion by Selectman Coutu to come out of the Non-Public Session. Seconded by Selectman Rineman.**

**Roll Call: Rineman Aye, Coutu Aye, Salomon Aye. Motion carries 3-0.**

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

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

**Motion by Selectman Coutu to close the acceptance of resumes for the position of North Hampton Fire Chief for the Town of North Hampton. Seconded by Selectman Rineman. Motion carries 3-0.**

**Motion by Selectman Coutu to appoint Acting Chief Dennis Cote to the position of Fire Chief and Emergency Management Director at an annual salary of \$77,000 as well as Health Officer at an additional stipend.**

Town Administrator Fournier stated that there would be a formal swearing in and pinning ceremony in the future.

**2. Consent Calendar<sup>1</sup>**

No items

---

**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**

<sup>1</sup> 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.

35 **3. New Business**

36 4.1 North Hampton Public Library Trustees

37

38 Chair Salomon stated that the reason the Select Board was meeting with the Trustees was because of some  
39 concern regarding a proposed Warrant Article to appropriate \$50,000 to the Capital Reserve fund.

40

41 He further stated that his concern that the Town is about the hire a firm to plan a town campus, with the  
42 library as a large part of that. Recognizing and acknowledging fully that the Library Trustees are an  
43 independent elected body, with their own set of priorities; the concern was that if the taxpayers are  
44 contributing money to the Library Capital Reserve fund and if there is a dispute between the town campus  
45 proposal and the library trustees, where does that leave the taxpayers who have appropriated the money.

46

47 Library Trustee Emily Creighton thanked the Select Board for allowing the Trustees to come and speak  
48 regarding the Warrant Article. Ms. Creighton introduced Mr. Peter Parker, Trustee and Ms. Susan Grant  
49 director of the North Hampton library. Ms. Creighton stated that she understood the Select Board asking  
50 the question from a financial point of view. Ms. Creighton stated that it was important to go back to the  
51 history of the library working with the Town towards a new town campus, and that the Select Board  
52 understands that the Trustees plan to live up to the obligation of the Capital Reserve Fund, and yet at the  
53 same time they cannot commit Boards after their terms are up. Ms. Creighton stated that the Capital  
54 Reserve Fund is clear in terms of stating what the Fund can and cannot be used for. Ms. Creighton read  
55 the petitioned Warrant Article from the March 14, 2006 warrant.

56

57 “On petition of the three Library Trustees, Linda Hillier, Emily Creighton, Stephen Miller and at least  
58 25 other registered voters of the Town of North Hampton:

59 Shall the Town vote

60 to establish a Library Capital Reserve Fund for the planning and construction of a library addition or a  
61 new building,

62 to raise and appropriate the sum of fifty thousand dollars (\$50,000) to be placed in this fund;

63 further to appoint the Board of Library Trustees as agents to expend from this fund.

64

65 If appropriated the Board of the Library Trustees will match this amount of \$50,000 from its invested  
66 funds resulting in a total of \$100,000 to plan for future accommodations of our library’s present need  
67 for space to adequately provide information, technology, programming for adults and children, and  
68 community meeting room space.

69

70 To serve the common good of our community, it is necessary to have a Library Capital Reserve Fund  
71 separate from the Town Capital Reserve Building Fund. This fund will allow us to prudently save for  
72 our community’s quality of life needs while ensuring that these needs do not compete with public safety  
73 monies. Our Library services give back to us, make all of our lives better, and unify us as a community  
74 of informed citizenry.”

75

76 Ms. Creighton stated that common sense would dictate that if the the town complex goes forward, and the  
77 library was to expand or a new building constructed then the money from the Capital Reserve Fund would go to  
78 offset the cost of the new library, as that is the purpose of the fund, and by law it is all that the Library Trustees  
79 can do. Ms. Creighton stated that the library has had their own studies done, and have never once used the  
80 Capital Reserve fund to pay for this, and that they have used other monies.

81

82 Chair Salomon asked Ms. Creighton that if the library was to moved into the existing safety complex and  
83 rehabbed would the money be able to be used to help pay for that. Ms. Creighton stated that she wouldn’t be  
84 able to answer that as it was a question for legal counsel.

85

86 Selectman Coutu asked Ms. Creighton what the current fund balance is in the Library Capital Reserve Fund.

87 Ms. Creighton stated that the Trustees did not come to the meeting to respond to anything other than the

88 warrant article, but that she did have the information and that the balance is somewhere around \$300,000  
89 between the Town Capital Reserve fund and the Trustee's matching account.

90

91 Selectman Coutu asked Ms. Creighton that if the campus study proposal results in a new library complex, or a  
92 rehabilitation of the current complex or a combination of the two, would it be the Library Trustees intention  
93 that the current Capital Reserve Fund would be contributed to that effort. Selectman Coutu wanted to be sure  
94 on the use of the Capital Reserve Funds. Ms. Creighton stated that yes that is what the funds would be used  
95 for, to help offset the cost of the future library.

96

97 Selectman Rineman confirmed that there are two separate accounts.

98

99 Mr. Peter Parker stated that he was glad that the Select Board has distinguished between the Library Trust  
100 Funds and the Town Trust Funds.

101

#### 102 4.2 Transfer of Town Owned Land, Map 012-062 into Conservation Land

103 Chris Ganotis explained to the Select Board that the piece of land that he would like to see transferred into  
104 Conservation Land is a piece that is land locked and with no access that is a parcel that was donated about  
105 10 years ago by Ms. Joanne Lamprey at the time primarily for the purpose of citing a cell tower. About four  
106 years ago the Town reviewed the site and found that access to the site was problematic with only an old  
107 logging road for access from Mill Road and the likelihood of disturbance of a private cemetery. The cell  
108 tower companies which evaluated the site determined that it was not suitable because its location and  
109 topography would not provide adequate cell coverage.

110

111 Mr. Ganotis stated that since the cell tower concept was abandoned it is still a landlocked parcel with no  
112 direct access or apparent practical use or need by the Town. In speaking with Ms. Lamprey, she had stated  
113 that she had no objection to converting the land into conservation, and supported the idea.

114

115 Mr. Ganotis stated that more recently the Planning Board approved a Conservation subdivision for about  
116 50 acres of contiguous land and another private citizen has expressed an interest in donating an adjacent  
117 landlocked parcel for conservation. Placing these combined parcels into conservation would allow for  
118 increased protection of the Litter River watershed to mitigate further degradation of the already DES-  
119 designated environmentally impaired Little River and would preserve natural open space and wildlife  
120 habitat.

121

122 Chair Salomon asked Mr. Ganotis if there was a deed restriction placed by Ms. Lamprey and he stated  
123 there was a restriction that the land be used for a cell tower. Mr. Ganotis stated that he had spoken with  
124 her and she verbally agreed to have it placed in conservation land.

125

126 **Motion by Selectman Coutu to amend the deed with respect to Map 012, Lot 62 from its current**  
127 **stated purpose to a conservation deed restriction subject to legal review. Seconded by**  
128 **Selectman Rineman. Motion carries 3-0.**

129

130

#### 131 4.3 Approval of Warrant Articles

132 **Motion by Selectman Coutu to remove the Library Capital Reserve Warrant Article from the**  
133 **table. Seconded by Selectman Rineman. Motion carries 3-0.**

134

135 Chair Salomon stated the pending motion on the table is not to recommend the Warrant Article for the  
136 Library Capital Reserve Fund.

137 Chair Salomon stated that after speaking with the Library Trustees that the likelihood of either side trying  
138 to force something on the other in this Town is not very great. He further stated that if the pending motion  
139 were to be defeated he would support recommending the funding.

140 Vote on motion to not recommend the Warrant Article: Coutu, Nay, Salomon, Nay, Rineman, Nay. Motion  
141 fails.

142

143 **Motion by Selectman Coutu to recommend the funding for the Library Capital Reserve to raise**  
144 **and appropriate the sum of \$50,000. Seconded by Selectman Rineman. Motion carries 3-0.**

145

146 **Motion by Selectman Coutu to recommend the One Year Collective Bargaining Agreement with**  
147 **the Professional Firefighters of North Hampton, IAFF, Local 3211 as recited. Seconded by**  
148 **Selectman Rineman. Motion carries 3-0.**

149

150 **Motion by Selectman Coutu to recommend the contribution to the Health Benefit Stabilization**  
151 **Capital Reserve Fund. Seconded by Selectman Rineman.**

152 **Discussion. Selectman Coutu stated that there has been some discussion by the Budget**  
153 **Committee to trap the excess funds which would arise between that which was budgeted and**  
154 **the guaranteed maximum rates for health care, and what the actual rate will be, which typically**  
155 **follows the budget process. The intent of the Budget Committee is to**

156

157 **4. Items Laid on the Table<sup>2</sup>**

158 4.1. Select Board Rules and Procedures

159

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

161 Town Administrator Fournier reported to the Select Board on an independent report on the Retirement  
162 System given by the PEW Center on the fifty states retirement systems. The PEW center has serious  
163 concerns over the state of New Hampshire's retirement system. At the end of 2008. The fund was  
164 underfunded by \$2.5 billion dollars or only funded at 67.95%. Additionally, the State has a liability of \$3.2  
165 billion for retiree healthcare, but it is only funded by \$175 million or 5%.

166

167 Town Administrator Fournier gave the Select Board an update on the consumer price index and at the end  
168 of January 2010 the National CPI increased 2.6% over the previous year; the Northeast increased 3% over  
169 the previous year and the Boston Area increased 2.8%.

170

171 Town Administrator Fournier stated to the Select Board that a letter had been received for Dr. Joe Arena  
172 requesting a non-public session with a local resident to serve as a witness during this meeting.

173

174 **6. Minutes**

175 6.1. Regular minutes of November 23, 2009

176 6.2. Workshop January 6, 2010

177 6.3. Workshop January 14, 2010

178 6.4. Regular Meeting February 8, 2010

179 **Motion by Selectman Coutu to approve the minutes of February 8, 2010 as has been**  
180 **amended. Seconded by Selectman Rineman. Motion carries 3-0.**

181

182 6.5. Non Public Session February 9, 2010

183 **Motion by Selectman Coutu to approve the minutes of February 9, 2010. Seconded by**  
184 **Selectman Rineman. Motion carries 3-0.**

185

186 6.6. Non Public Session February 16, 2010

187 **Motion by Selectman Rineman to approve the minutes of February 16, 2010. Seconded by**  
188 **Chair Salomon. Motion carries 2-0-1.**

---

<sup>2</sup> 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.

189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222

6.7. Non Public Session February 17, 2010

**Motion by Selectman Coutu to approve the minutes of February 17, 2010 as amended.  
Seconded by Selectman Rineman. Motion carries 2-0-1.**

Selectman Coutu stated that he had one matter that he would like to get some clarification on. He further stated that the Select Board had just received correspondence from Attorney David Barnes regarding a request from the Select Board for an opinion on whether or not the Town had a perfected? Protected? Security interest on those matters that security interest applies and also in respect to letters of credit that they comply with the applicable New Hampshire State Statutes. The letter received concludes, as a point in time opinion, based on transactions and documents reviewed on December 14, 2009. In the letter of credit section, Attorney Barnes opines that in the broad powers of the FDIC in respect to setting aside transactions for the benefit of a failed bank, he concludes that the appropriate case law with the respect to a letter of credit in connection with a failed bank, does not constitute an asset which the FDIC can do or set aside. Selectman Coutu stated that he agreed with his conclusion, but asks that Attorney Barnes however could reexamine that question with the caveat that if the assets of the bank have been pledged as collateral to the banks obligation to reimburse the Federal Home Loan Bank, would his analysis with respect to FDIC avoidance powers change?

Chair Salomon asked that Selectman Coutu write a letter to Attorney Barnes to address those questions.

Selectman Coutu stated that his last comment was he had asked that in order to save attorney costs, he had asked for a template to be drafted by Attorney Barnes, and wondered what the status of that was.

## **7. Adjournment**

**Motion by Selectman Coutu to adjourn the meeting at 8:34 PM. Seconded by Selectman Rineman. Motion carries 3-0.**

**Respectfully submitted,**

**Janet L. Facella**