



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
SELECT BOARD
APPROVED MINUTES

REGULAR MEETING – JULY 11, 2011 –7PM
TOWN HALL

1. Call to order

2. Consent Calendar

The Select Board removed a request for an abatement from Katherine Southworth from the Consent Calendar and added it as agenda item 5.6 under New Business.

3. Approval of Minutes of Previous Meetings

3.1 Regular Meeting of June 27, 2011

Motion by Selectman Miller to approve the minutes as emended. Seconded by Selectman Wilson. Motion carries 3-0.

4. Report of the Town Administrator

Town Administrator Fournier reported that the Governor allowed the State Budget to pass without his signature. This allowed the Retirement Systems Reforms to go into place. However, the NHRS had indicated that the rates effective July 1 were the rates that were set in September of last year, minus the State contribution. This does not take into consideration any of the retirement system reforms that the Legislature passed to make the municipalities whole. The NHRS is stating that it could take a few months to come up with, and have a new Board of Trustees approve them. In the meantime, the Town will have to make up the difference of the State's contributions. A monthly impact of \$3,806 for the Police, and \$5,468 for the Fire will be realized. Both Chiefs are aware that they will have to make up the difference in their operating budgets.

The Public Works Director has begun installing signs throughout the Town asking motorcyclists to be courteous while driving in Town. Signs will be installed on various Town roads that have large volumes of traffic. The Town has heard from Superior Court that a bench hearing has been scheduled for July 10 and 11, 2012. The plaintiff may be considering filing a motion for a summary judgment which would expedite the matter.

The Town Administrator and Selectman Wilson have met with representatives from the State Parks Department, Senator Nancy Stiles and representatives from Hampton and Rye to continue to discuss ways to hook up the state beach building to the sewer line that runs from Rye to Hampton. The Town of Hampton is receptive and will put it on their Town Warrant in 2012. The Town of Rye is discussing the matter with the state, as they will have to enter into agreements and the State will be charged with the connection fees.

Town Administrator Fournier met with the Chair of the Board of Commissioners of the Village District of Little Boar's Head. Topics discussed included a proposed informal meeting between the District and the Select Board be scheduled to discuss some issues and review each board's roles in the area.

5. New Business

5.1 Public Hearing #3 on Proposed Parking Ordinance

Chair Maggiore called the Public Hearing to order at 7:25 PM.

Chief Page stated to the Select Board that he had two minor changes to the proposed ordinance. The first change will be under Section 9) **Accelerated Fine Schedule** the Chief would like to change the draft to read "Section 9) **Parking on Sidewalks** accept when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or of traffic control device, no person except a person driving an emergency vehicle shall stop, stand or park a vehicle on a sidewalk in the Town of North Hampton. Any person violating the provision of this Ordinance shall be subject of a fine up to \$100. When deemed necessary, the Chief of Police or any other Sworn Officer may order any vehicle parked in violation of this Ordinance to be towed and stored at the owner's expense."

Chief Page stated that there is a minor change to page one, at the top, to include RSA 265:69 to cover sidewalk parking. He further stated that he also changed Section (4) (b) to read 1:00 AM to match state rules, as opposed to midnight.

Chair Maggiore closed the Public Hearing at 7:29 PM.

Motion by Selectman Wilson to adopt the ordinance as amended. Seconded by Selectman Miller. Motion carries 3-0.

Town Administrator Fournier stated that now that the ordinance has been adopted, signs will be ordered for the leased parking spots at the North Hampton State Beach warning of a fine of up to \$100 or towing, for parking illegally.

5.2 Paving Bids

Public Works Director John Hubbard stated that the paving bid he was presenting to the Select Board is for a few small projects in Town, which include the paving of the town office parking area, and the paving and possible overlaying of Sea Road.

Motion by Selectman Wilson to authorize the Town Administrator to sign an agreement with Bourassa Construction not to exceed \$32,820 as in the bid request presented. Seconded by Selectman Miller. Motion carries 3-0.

5.3 Request for Abatement of Interest and Penalties on Property Taxes

Chair Maggiore stated that an email had been received from Don Catino in reference to a property tax bill for property he owns at 44 Lafayette Road.

Town Administrator Fournier explained to the Select Board that the tax bill did not go to the wrong address; it went to the address that the Town has on record. He further stated that the rule is that new owners are responsible for making sure that the taxes are being sent to the correct address. The tax bill owed is for \$11,846.57, and Mr. Catino is requesting an abatement of the interest and penalties in the amount of \$698.56.

Selectman Wilson stated that a similar situation had occurred with the Planning Board notification of abutters. In one instance, one of the abutters did not receive a notice because the address was wrong and the abutter claimed that therefore what the Planning Board was doing was invalid because he had not been properly notified. Selectman Wilson stated that after speaking with the Town Attorney he confirmed that it is not the responsibility of the Town to chase down changes of address. The Town Attorney further stated that it is the responsibility of the property owner to make sure the record in the Town is accurate.

Selectman Wilson stated that the property owners have a triple net lease with their tenants, but that does not involve the Town. Selectman Wilson stated that he would like to point out that as a property owner, you are responsible for the taxes. He further stated that he felt that the Town had fulfilled its legal and moral

responsibility and does not feel an abatement is in order. The Town has not had the use of the taxes for this period of time and this is the penalty that people are expected to pay when the taxes are not appropriately paid.

Motion by Selectman Wilson to deny the request for an abatement. Seconded by Selectman Miller. Motion carries 3-0.

5.4 Appointment of Heritage Commission Members

Chair Maggiore read an email that was sent from Jenifer Landman with her nominations for the Planning Board's approval. Those candidates are: Donna Etela, Jane Currivan, Carolyn Brooks, Cynthia Swank and Tibbie Field.

Selectman Wilson stated he felt it was a list of incredibly strong candidates and nominees from the Planning Board, and fully supports them all.

Selectman Wilson stated that perhaps a Warrant Article could be on next year's warrant to allow the Planning Board to appoint members to the Heritage Commission and eliminate the need to go before the Select Board.

Motion by Selectman Miller to nominate Donna Etela for a three year term as a Commissioner; Jane Currivan for a one year term as a Commissioner; Carolyn Brooks as a three year term as a Commissioner; Cynthia Swank as an alternate for a one year term; and Tibbie Field as an alternate for a one year term. Seconded by Selectman Wilson. Motion carries 3-0.

5.5 Discussion of Abandonment and Discontinuance of Railway Service of the Hampton Branch

Town Administrator Fournier stated to the Select Board that a letter was received from Pan Am Railways regarding the abandonment and discontinuance of railway service of approximately 10 miles of railroad in Portsmouth, Greenland, Rye, North Hampton, and Hampton. Pan Am stated that they are not giving up ownership of the railway, they are only discontinuing service.

Town Administrator Fournier stated that he had spoken with Cliff Sinnott of the Rockingham Planning Commission, and Mr. Sinnott recommended that the Town not object to the abandonment of the service, and he encouraged the State to acquire the preservation of the right of way if and when it comes up for sale. The railway could be used for hiking and/or biking trails. That portion of the railway is also the spur that would be used if the MBTA or any other train service were to consider going to Portsmouth. Mr. Sinnott stated that he would like to set up a meeting with area Town Administrators/Managers in surrounding communities to get everyone on the same page, and then have a larger meeting with other boards and committees.

Selectman Wilson stated that he would like to recommend that rather than recommending that the State look into acquiring the property, he wondered if perhaps a coalition of towns should look into it.

Motion by Selectman Miller to authorize Selectman Wilson to speak on behalf of the Town of North Hampton at the MPO Meeting to seek alternatives for the abandonment of the railway, possibly and including town ownership or control of the land. Seconded by Selectman Wilson. Motion carries 3-0.

5.6 Cobalt Properties NH Corporation – BTLA Settlement

Town Administrator Fournier stated to the Select Board that Cobalt Properties, which is the Irving gas station located on Lafayette Road, have appealed to the BTLA (Board of Tax and Land Appeals) the town's assessment of \$977,800. They have now come back with a proposed settlement, before the BTLA hears the case, with an assessment figure of \$933,000 for 2009 and 2010. This would result in assessment reductions of \$44,800 for both 2009 and 2010 with abatements in the amount of \$649 and \$671 plus interest.

The Town's Assessors have learned that Cobalt Properties did an internal transfer of the property and the value that they had listed on the property was closer to \$1.2 million, and therefore the Assessor's are not recommending settling at their level, and recommend going forward with the BTLA hearing.

Selectman Wilson stated that there was no appraisal submitted, and there were a variety of listings on the abatement application that do not say whether or not they are closed transactions or simply property listings. He further stated that this abatement request is for 2009/2010, and the degree of the reduction of the assessment is \$44,800 which is about 5%. Selectman Wilson stated that he would be opposed to this abatement because everyone knows that property values have gone down in the past two years, and the issue for him is if all things were assessed with equity two years ago, then it is probably true that all of the other properties in the IB/R have gone down by at least 5%. He further stated that as long as the assessments are relatively equitable, there is no reason to give anyone an abatement because it creates inequity with all the others. Selectman Wilson stated that unless they had provided an appraisal at the date of the last appraisal for assessment purposes, which was 2008, that showed that this was wrong, then he does not believe that the Select Board has any reason to reduce the assessment.

Selectman Miller stated that he would go with Scott Marsh's recommendation of not accepting the offer, as he is the expert.

Motion by Selectman Wilson that the Select Board affirms the recommendation made by Scott Marsh with respect to the application for an abatement on the Irving property, Tax Map 007, Lot 125. Seconded by Selectman Miller. Motion carries 3-0.

6. Closing Comments

6.1. Closing Comments by Visitors

Wally Kilgore, 220 Atlantic Avenue stated that he hoped that any discussion to go forward regarding the railway includes discussion to keep the culvert that effects his back yard clear.

6.2. Closing Comments by Select Board Member

Selectman Miller said that he would be interested in having Select Board correspondence on future Select Board agendas to further transparency.

Selectman Miller stated that he would also like to see when someone requests to be on the agenda, that their name is actually on the agenda.

Selectman Wilson asked Chair Maggiore and Selectman Miller if they would entertain the possibility of asking Mr. Fournier to prepare a work flow diagram for the town budgeting process, to show the steps and components from each department coming up to the point that the Select Board reviews it and sends it to the Budget Committee, so that they can begin building into that work flow the submission of data that is required for the CIP. Selectman Wilson stated that he has suggested at the first CIP meeting that the list of items requested could be teased out to the significant few, and the trivial many to try and get down to a nicely honed set of requests for information.

Chair Maggiore stated that with the Board's permission he would like to suggest having a meeting with the Budget Committee, Select Board, School Board and possibly the Superintendent's office as a pre budget goal session.

7. Adjournment

Motion by Selectman Miller to adjourn the meeting at 9:15 PM.

Respectfully submitted,

Janet Facella, Administrative Assistant

