



**TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
SELECT BOARD
APPROVED MINUTES**

**REGULAR MEETING – MONDAY, AUGUST 8, 2011 –7PM
TOWN HALL**

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

1. Non-Public Session pursuant to RSA 91:A-3 II (a,b,c) 6:00 PM

Motion by Selectman Wilson to come out of the non-public session pursuant to the RSA stated. Seconded by Selectman Miller. Motion carries 3-0.

Motion by Selectman Wilson to seal the minutes of the non-public session. Seconded by Selectman Miller. Motion carries 3-0.

2. Call to order

Chair Maggiore called the meeting to order at 7:05 PM. Those in attendance were Selectman Wilson, Selectman Miller and Town Administrator Fournier.

Chair Maggiore led the Pledge of Allegiance.

3. Approval of Minutes of Previous Meetings

3.1 Regular Meeting Minutes of July 25, 2011

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

4. Consent Calendar

No items

5. Communications to the Select Board

No items

6. Report of the Town Administrator

The New Hampshire Retirement System Board of Trustees met on August 4, 2011 and recertified the retirement rates to reflect the changes put forth by legislature during the last session. Although this does not return the State's contribution to fire, police and teacher retirement, the legislature did however authorize the state to spend \$3.5 million toward political subdivision employer contributions for fire, police and teacher members in Fiscal Year 2012. It is estimated that instead of the \$110,000 that was going to have to be cut from the current budget, there is actually a potential savings of \$11,000.

Disclaimer – These minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.

The Coakley Landfill is currently being worked on to remedy and to clean the site that is a natural reduction of groundwater contaminants and landfill gas. Since the site was listed under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or commonly referred to as Superfund) there has been quite a reduction in contaminants and in landfill gas. The most persistent contaminants are arsenic and manganese, which are also naturally occurring in groundwater in our region, and it is not clear exactly how much is from the landfill and how much is background. The current projected date for having the remedy complete is 2021. This may change as the EPA is set to release their latest five-year report in September of this year. An EPA website dedicated to the Coakley Landfill is available through a link on the town's website. At the end of the fiscal year, there is \$391,077 in a trust fund for monitoring and clean up.

Town Administrator Fournier stated that about a month in a half ago, he, the Code Enforcement Officer, and Town Counsel drove to a number of sites in town that have been continuously brought up as junkyards to be reviewed. There were about seven or eight that they felt were problem ones and they are going forward with more background information so the town can build the case to go to court in order to have those materials removed. A plan of attack will be completed by the second Select Board meeting of September.

Selectman Wilson stated that some of the other issues the Planning Board has raised over time is the fact that even though a junkyard has been grandfathered, they still have to comply with the laws that were passed a couple of years ago about licensing and inspections. He further asked if there are any plans to develop some type of ordinance or procedure.

Town Administrator Fournier stated part of the plan is to get together a list of ordinances that will need to be voted on at next year's town meeting.

Selectman Wilson stated that when the legislature passed the new RSA's (Revised Statutes Annotated) governing junkyards and authorizing town's to take certain steps to protect towns, they said that although a junkyard is grandfathered, they still must comply with certain provisions of the RSA which included licensing, inspections, screening amongst others, and it may be that some of the properties in town that are alleged to be junkyards, are not even grandfathered; A different course of action would need to be taken. Those that pre existed the town adopting the ordinance saying we don't allow junkyards can still be required to comply with the licensing and things that are essentially to protect the environment, the esthetic environment as well as the safety.

Selectman Miller stated that we are allowed to use these provisions; it is just that the town has not yet adopted the ordinances to do it.

Selectman Miller asked Town Administrator Fournier to continue to list action items. He further stated that he had also asked for a monthly activity report from the Chiefs' in which was included in their packet of information. Selectman Miller stated that it helps him to understand how busy the departments are and that there is a lot going on.

7. New Business

7.1 Public Hearing on Natural Hazard Mitigation Plan – Chief Brian Page

Chief Page stated that he had been told by Dylan Smith of Rockingham Planning Commission that the town needs to accept public input before a public hearing is held. Once public input is given, the report goes to FEMA for their approval and then comes back to the Select Board for approval and a public hearing.

Michael Donahue, 8 Old Locke Road stated that after reviewing the Natural Hazard Mitigation Plan he was in attendance to advance the cause and priority of culvert improvement throughout the community and particularly on Old Locke Road.

Disclaimer – These minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.

Mr. Donahue stated that the most prevalent natural hazard events that are confronted in this community are flooding. He stated that the highway department has done the best they could to maintain the culverts, but at this point it clearly is not an issue of maintenance. The culvert capacity has been overtaken by the nature of the development upstream of the culverts. Mr. Donahue stated that he is certain that there are homes on Old Locke Road that has their septic systems affected, which is not good for the environment. There have been multiple testing's of the water quality to support the fact that there is poor water quality in several areas that include Philbrick's Pond and Bass Beach. Mr. Donahue stated that the town needs to revisit and pursue the effort that was underway in connection with the coastal program for the construction of an outlet under Route 1A, that runs from Philbrick's Pond to Bass Beach; the same project that was done at Little River. Greater drainage capacity needs to be made out of Philbrick's Pond. Mr. Donahue stated that he felt that culverts should be given a higher rating in the Hazard Mitigation plan.

Tim Harned, Lovering Road stated that he would like to speak to a similar issue regarding flooding on Lovering Road. Mr. Harned stated that he felt the highway department does a great job of keeping the culverts cleaned of beaver debris.

Mr. Harned stated that there was some information in the report regarding dredging and expanding the capacity for the storage of water. Mr. Harned stated that this may work on other situations in North Hampton, but it is his experience and observation that it is not really the solution to Lovering Road. The Winnicut River flows from south to north in that area, and goes under Lovering Road, which goes east, and west, crossing each other at a ninety-degree angle. When there is flooding, there is enough water is coming downstream on the Winnicut River, and that Lovering Road acts as a dam. The water level rises to the point where it breeches the crown of Lovering Road. Lovering Road is flat enough in that area that when it breeches the crown of the road, it typically breeches the crown 200 to 300 feet. Because the water is breeched for 200 to 300 feet, the depth of the water is only a few inches deep. Mr. Harned stated that in his opinion what needs to be done to solve the problem is that a second culvert underneath Lovering Road needs to be put in to double the capacity of water.

Mary Lou Wollmar, Walnut Avenue asked if made sense to try and make the town's roads higher given the amount of storms we have.

Selectman Wilson stated that he felt that there might be strategically in certain areas, elevating the road, but that the roads act as dams, and many times when the fill was put in to build the road through a wetland, which should never have been built in the first place, the knowledge of hydrology was far less sophisticated than it is today, so folks put in whatever culvert they estimated would work. Selectman Wilson stated that the flooding on Lovering Road is an example of an important reason why you should not fill wetlands, because they are a natural flood control that are better than anything man could ever create.

7.2 Energy Committee Update – Peter Philbrook

Mr. Philbrook updated the Select Board on the Bandstand/Town Common lighting audit, the results of the follow up audit of town facilities, metrics of town energy use and the result of a street light audit with committee recommendations.

Mr. Philbrook thanked members of the Energy Committee Mary Lou Wollmar, Bob Copp, Dieter Ebert and Select Board representative Jon Rineman for all of their hard work.

Mr. Philbrook explained metrics and the importance of them when initiating a town energy policy.

Mr. Philbrook stated that the energy committee had contacted Public Service of New Hampshire for an inventory of all streetlights in the town. They then mapped all of the streetlights using a handheld GPS unit. Mr. Philbrook stated that the town currently has the lowest rate available and that we are using efficient high-pressure sodium lamps. The town currently has 155 streetlights with an annual cost of \$19,278. A fixed amount per luminaire is charged to the town by PSNH, with the price determined by type of luminaire and watts of the fixture.

Mr. Philbrook stated that the only reason for streetlights is for public safety. The streetlights are placed at major intersections, curves in roads, pedestrian traffic and walkways.

Disclaimer – These minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.

Dick Wollmar of Walnut Avenue suggested following Mr. Philbrook's suggestion of limiting the number of streetlights.

Chair Maggiore stated that he would like the input from the Police Chief and the Fire Chief for safety issues. He further asked if there would need to be a public hearing on the removal of streetlights.

Town Administrator Fournier stated that he would like to have the Police Chief and the Public Works Director look at the plan of removal with members of the Energy Committee. The Select Board could then at that point conduct a public hearing to receive public input.

Chief Page stated that the town needs to get as much information out to the public as possible regarding the removal of certain streetlights. The last time this project was done, many lights ended up being put back at the expense of the residents.

7.3 Unregistered and Unlicensed Dog List

Chair Maggiore stated that dogs must be registered and licensed in North Hampton, and all unregistered and unlicensed dogs must be reported by the Town Clerk to the Select Board.

Chief Page stated that the police department goes to the address listed on the report and tell the resident they are on the delinquency list. If this does not work, a fine will be given to the resident for an unlicensed dog.

Motion by Selectman Wilson to accept the dog license report and to instruct the Police Chief to warn the residents who haven't updated the town and/or paid the license. Seconded by Selectman Miller for discussion. Selectman Miller asked if when a resident goes into the Town Clerk's office to conduct business, are they told at that time that they need to license their dog. Town Administrator Fournier stated that they were told at that time. Motion carries 3-0.

7.4 Prescription Drug Take Back Program – Selectman Miller

Selectman Miller stated that in the Town of Seabrook there is a program that was started by the Seabrook Police Department to accept prescription drugs anonymously. Selectman Miller asked one of the lieutenant's in Seabrook why they decided to do this program and he responded that they felt it was a problem in their town to remove prescription drugs that were not wanted anymore, and it keeps them from being disposed of improperly and out of schools as well. A local contractor built a receptacle that is located in the vestibule of the Seabrook Police Station. That State of New Hampshire has since passed enabling legislation to encourage this. Selectman Miller stated that the police dispose of the drugs collected when they dispose of their own evidentiary drugs, they then take them to the disposal site and the service is free. Selectman Miller encouraged the Select Board to visit the Seabrook Police Department to see the disposal box and to form their own opinion, and then carry the discussion forward to see if the town could benefit.

Selectman Wilson stated that he had visited the Seabrook Police Station and took a picture of the facility in order to show it to everybody. Selectman Wilson described the procedure saying that he found it to be a very simple and straight forward program, and that he would second what Selectman Miller has said.

Town Administrator Fournier stated that he would put this as an action item.

7.5 Performance Measurements – Selectman Wilson

Selectman Wilson stated that he would rename this to performance "management" rather than measurement. Selectman Wilson stated that when you are managing any organization of a certain size, it is important that the people working in that organization are clear what is expected of them and how those expectations will be observed and monitored as well as how they will get feedback along the way about how well they are doing. That should all play into what kinds of compensation recommendations come in. Selectman Wilson stated that he felt it was important to have that kind of clarity so that people know what their jobs are and what is expected of them. Selectman Wilson stated that in his experience he also takes performance management a step beyond

Disclaimer – These minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.

and call it performance development. He further stated that when you are giving people increases in compensation the justification for that in the private sector is because they developed more skills and capabilities over time and make a greater contribution to the success of the organization as a whole. Selectman Wilson stated that he felt it was important to give people the opportunity to learn new skills.

7.6 Runnymede Concert/Large Assembly – Selectman Wilson

Chair Maggiore stated that larger issues have started to mushroom out of the proposed concert that cannot be ignored.

Motion by Selectman Wilson to suspend the rules of ending the meeting at 9:00 PM. Seconded by Selectman Miller. Motion carries 3-0.

Chair Maggiore stated that the organizers of the Runnymede Concert were given a list of 11 items that needed to be addressed.

Town Administrator Fournier stated that the Chiefs of Police and Fire, Code Enforcement Officer as well as himself, met with Asher Woodworth and Trevor Wilson on July 28, 2011 to review what would be needed in order to be placed on the Select Board's agenda to grant the approval to have the concerts. The following 11 items needed to be in place to hold the event:

1. A letter from the property owner agreeing to the concert
2. Certificate of Event Insurance
3. Registration with the State Attorney General Office that they are a charity
4. If greater than 200 attendees- 2 Police Officers if less – 1 Police Officer
5. If less than 250, but more than 150 attendees – 1 EMT
6. The parking field must be mowed so green grass is showing in order to limit fires
7. Post Maple Road as No Parking (Chief will approve)
8. An electrical inspection prior to each concert
9. No tents/camping on site other than volunteers (maximum of 25 volunteers)
10. Porta-Potties
11. No later than 11:00 PM

Town Administrator Fournier stated that the first six items needed to be in place in order to be placed on the agenda. The remaining five items needed to be in place prior to the event after Select Board approval. These items were not in place in time so they will not be up for consideration at this meeting. All information to be included on an agenda must be received prior to 12:00 PM on the Thursday before a Select Board meeting. This rule is the same for anyone requesting to be placed on the agenda. Town Administrator Fournier stated that he had not received a letter from the homeowner giving permission for the event and he had only received a quote for a certificate of insurance not an actual certificate. He further stated that he had not received notification that they had registered with the State Attorney General's Office.

Chair Maggiore stated that all of those things have to be considered before giving any approval.

Selectman Wilson stated that he asked for this agenda item so that the Select Board could deal with not only the specific issue of the event but to also introduce the necessity to deal with this on a broader level.

Asher Woodworth read from a prepared statement that he, Trevor Wilson and Emma Morehouse had written. Mr. Woodworth expressed their frustration in not having a clear set of guidelines to make the process much more transparent. Mr. Woodworth stated that he felt that all of the conditions that were asked of them were met, but that administration was not satisfied and denied them the opportunity to meet with the Select Board.

Selectman Miller stated that he was sorry the event was taking place in Kittery, but he felt that they had to have been a little bit ambitious to think that with an event this size, there would not be some fences to jump.

Town Administrator Fournier stated that everyone tried to work together on this event, but that the first the town had heard of the event was when it was advertised in the newspaper and phone calls from concerned

Disclaimer – These minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.

citizens started to come in to the office. He further stated that it was pretty “black and white” as to what was expected in order to go forward with approval of this event.

Selectman Wilson stated that he felt that this had come to the best conclusion that it could have come to and that is that a venue has been found to hold the event. He further stated that he did not feel that the things that were asked of the organizers to do was unreasonable. The town must pay attention to public safety as well as what abutters are concerned about. Selectman Wilson stated that he is not entirely sure that the Select Board has the authority to approve this type of event in a residential zone that is not clearly a charitable event. Selectman Wilson stated that this has brought out for the town a clear necessity to have a large assembly ordinance.

George Lagassa, 26 Maple Road, thanked the Select Board for allowing him to speak. Mr. Lagassa stated that he first heard of the concerts being held at 19 Maple Road when he read the article in the *Hampton Union*. He further stated that he became increasingly concerned when he found out there was to be another concert in a residential neighborhood that was, what he thought, a commercial venture. Mr. Lagassa stated that he lives at the end of a very secluded driveway on Maple Road, and it concerns him to think of people wandering around his neighborhood. Mr. Lagassa stated that he felt the bar was too low and that he hoped that the Select Board would adopt some important principles such as informing abutters when an event such as this is proposed, and perhaps a limit of how many events someone can hold per year on the same property. Mr. Lagassa stated that he was not sure if people that rent properties should be allowed to hold an event, and that clearly the owners of the property have to have more intimately involved. Mr. Lagassa also stated that he felt that there should not be any advertising allowed until approval is received and also he urged the Select Board to consider the importance of the difference between a commercial and residential ventures.

Chief Page stated that he had spoken with Asher Woodworth in March and he told him at that time to make sure that he gets in touch with him two to three months before the event is to take place so that he can assemble the parties in order to get things done. Chief Page stated that after learning from Red Mabey about the event that was advertised in the newspaper, he called Mr. Woodworth and was told that they [police] weren’t needed, as it wasn’t going to be “that big of deal.” Chief Page stated that it was made clear to this group how long ahead of time they needed to contact the town and what the requirements were.

Town Administrator Fournier stated that he is going to list the large assembly ordinance as an action item.

8. Closing Comments

8.1. Closing Comments by Visitors

8.2. Closing Comments by Select Board Member

Selectman Wilson asked what the action items were that came out of this meeting.

Town Administrator Fournier stated that the items were as follows: large assembly ordinance; Public Works Director to contact Mr. Donahue regarding culverts; the Chief of Police to review the list of potential streetlights to be shut off with the Energy Committee; Selectman Miller’s key fob will be fixed, and an update of performance measurements.

9. Adjournment

Chair Maggiore adjourned the meeting at 9:43 PM.

Respectfully submitted,

Janet L. Facella
Administrative Assistant

Disclaimer – These minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.

Disclaimer – These minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.