



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

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REGULAR MEETING – DECEMBER 12, 2011 –7PM  
TOWN HALL

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

**2. Call to order**

Chair Maggiore called the meeting to order at 7:00 PM. Those in attendance were Selectman Wilson, Selectman Miller and Town Administrator Fournier.

Town Administrator Fournier stated that in the non-public session, there was action taken by the Select Board to approve a tax deferral for B & G Realty Trust, Henry Fuller Trustee, and further to have the Town Administrator review it with the assessor to be sure it is complete.

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

Chair Maggiore led the Pledge of Allegiance.

Chair Maggiore stated that if there were no objections he would like to move item 7.1 up on the agenda. There were no objections from Selectman Wilson or Selectman Miller.

Chief Cote presented Unit Citation awards to members from the Towns of North Hampton and Greenland and the City of Portsmouth for their meritorious service on July 26, 2011 during which time they responded to Interstate 95 in North Hampton for a serious motor vehicle accident. Those receiving a unit citation were:

Chief Ralph Cresta, Rich Brooks, Assistant Chief Steve Achilles, Lt. Jim Heinz, Firefighter Steve Smith, Firefighter/Paramedic Seth Kenneway, Lt. Jason Gionet, Firefighter Ken Ward, Firefighter Duncan Regonini, Firefighter Brian Wade, Firefighter/Paramedic Chris Chenoweth, Lt. Michael Tully, Lt. Peter Francis and Firefighter Will Taber.

Chair Maggiore called for a brief recess.

Chair Maggiore called the meeting back to order.

**3. Approval of Minutes of Previous Meetings**

3.1 Regular Meeting Minutes of November 28, 2011

**Motion by Selectman Miller to accept the minutes as amended by Selectman Wilson. Seconded by Selectman Wilson. Motion carries 3-0.**

#### **4. Consent Calendar**

**Motion by Selectman Wilson to remove item 7 from the Consent Calendar and add it to New Business. Seconded by Selectman Miller. Motion carries 3-0.**

**Motion by Selectman Wilson to approve the Consent Calendar as modified. Seconded by Selectman Miller. Motion carries 3-0.**

#### **5. Communications to the Select Board**

5.1 Letter from the Department of Environmental Services Re: HB71-2011/RSA 318-E – Relative to the Medicine Collection Drop Boxes

Town Administrator Fournier read the letter into the minutes and a copy is attached to these minutes.

#### **6. Report of the Town Administrator**

Town Administrator Fournier reported to the Select Board that at the end of November, there is 55% remaining in the expense budget. Additionally, 64% of revenues still need to be collected.

Town Administrator Fournier stated that it has come to the attention of the staff that the town does not charge an after the fact building permit fee. Most communities have a fee that is significantly higher than the original permit fee, and serves as a penalty for not coming in before doing the project. The fee that is being looked at is \$200 or 300% of the cost, whichever is higher. The Select Board will be kept posted on this issue.

Selectman Wilson stated that he would ask that thought is given for a trade off. The trade off would be, on the negative side, a fee that will discourage people who discover after the fact that they should have come in to get a permit. A positive would be that it may increase some revenue for the town, however the net of this is that it discourages people from reporting improvements they make, and it diminishes the towns ability to correct the assessment base for that property, and the loss of tax from the increased value of the property may be far greater than the pittance the town would get by charging a late fee. He further stated that he would rather encourage people to come in and get a building permit, rather than discouraging them and waiting until the property changes hands to find any changes.

Robert Field, 123 Mill Road stated that one of the matters that the Zoning Board of Adjustment has been looking into is proposed changes to the Zoning Ordinance, and after the Zoning Board of Adjustment's next meeting, there may be up to six zoning proposal changes to present to the Planning Board and the Conservation Commission.

Mr. Field stated that the building permitting process is one that has been, and continues to be, fraught with some difficulty. There is the expectation that the Building Inspector and Code Enforcement Officer represents the town and any abutters to any project, and is therefore the one in the town who is authorized to enter upon private property in order to determine whether or not a building permit is needed, and if it is granted, whether or not it is being executed in the proper way.

Mr. Field stated that he wanted the Select Board to be aware, that if building permits are allowed to be resolved for failure to get a permit after the construction has taken place, that creates a real dilemma for the private citizen. The private citizen has a "reasonable period of time" within which to appeal any action of the Building Inspector. If the Building Inspector is not asked to issue a permit, the work is done, and there is no sanction for going in late, it raises the question of when the 30 day period is triggered for an abutter who objects to what is going on, on his or her neighbors property, perhaps unlawfully because the building permit has not been taken out, or unlawfully because there was a building permit taken out, but the construction that is taking place is not in conformance with the building permit.

Mr. Field stated that by not having a strict structure or a strict enforcement procedure of issuing a building permit and following the construction under the building permit, there is a myriad of questions raised for the private citizens of the town who have an objection or have a problem with what may or may not be done on an abutting property.

Mr. Field stated that the Zoning Board of Adjustment would be proposing an amendment that requires the Building Inspector or the Code Enforcement Officer to post building permits and occupancy certificates on line at the point of issuance. He further stated that the Zoning Board of Adjustment is going to suggest that the certificate of occupancy has to be filed, and the right of the public to appeal continues for 30 days from the point in time of the issuance of the permit. If the permit is not issued until it is a corrective permit, all the work could be done, an appeal taken, resulting in a lot of unhappy people.

Town Administrator Fournier stated that the New Hampshire Division of Parks and Recreation will be holding a design and site-planning meeting for the public and is looking for input on the construction of a new bathhouse and the North Hampton State Beach. The redevelopment of North Hampton State Beach is funded through a capital appropriation by the State of New Hampshire and a grant from the Land and Water Conservation Fund. In addition to the new building and site improvements, the Division will be seeking approval from the Town of Hampton to dispose of wastewater from the bathhouse into the Hampton municipal sewer system by connecting with the existing Rye to Hampton sewer line that runs through the North Hampton State Beach property. The towns of North Hampton, Hampton and Rye have been working on this issue with Senator Stiles for over a year.

## 7. New Business

### 7.1 Unit Citation Awards – Chief Dennis Cote

*This item was moved to the beginning of the meeting agenda.*

### 7.2 Use of Property Room.com for Evidence and Property Disposal – Chief Brian Page

Chief Page stated that because of the need to keep police officers on the road performing their duties, and with much less bottom line in the budget to pay overtime to inventory and dispose of unclaimed property, he is asking the Select Board to approve the use of PropertyRoom.com to conduct the process for the Police Department.

Chief Page stated that there is no additional funding required. The Contractor will take their service fees from the items sold. PropertyRoom.com will receive 50% of the selling price, less any possible credit card fees. Items sold for over \$1,000 would be awarded an additional commission of 25% of the winning bid portion.

Chief Page explained that PropertyRoom.com would send out bar code labels for each piece of inventory, and then they would come with a truck to the station, scan all of the items, print out a copy of the inventory and take the items with them for sale on their website.

**Motion by Selectman Wilson to accept Chief Page's recommendation to use PropertyRoom.com and to authorize the Town Administrator to sign the contract on behalf of the Town. Seconded by Selectman Miller. Motion carries 3-0.**

### 7.3 Presentation of Proposed Operating Budget for FY 2012/2013 – Town Administrator Fournier

Town Administrator Fournier stated that Department Heads are recommending a bottom line budget of \$5,722,475, which is an increase over FY2012 of 2.5%.

The proposed budget by function is as follows:

- Public Safety                      \$2,738,332

- Public Works \$1,014,205
- General Government \$1,135,868
- Debt Service \$345,962
- Culture & Recreation \$414,503
- Health & Welfare \$59,005
- Conservation \$14,600

Increases to the budget include:

- Health Insurance +\$64,589
- Fire Department Overtime +\$11,065
- Debt Service +\$26,142
- Conservation Commission –  
Little River Monitoring +\$10,000

Decreases to the budget include:

- Retirement -\$10,685
- Police Salaries -\$19,242
- Police Vehicle Lease -\$12,020

Town Administrator Fournier stated that the default budget would reduce the proposed budget by \$46,678. He further stated that the default budget is last year's budget minus any one-time expenditures, plus contractual obligations.

Town Administrator Fournier stated that the Municipal Budget Committee requested a budget with a 1.5% increase. This amount would allow an increase of \$82,570, or a reduction of the proposed budget of \$55,295. Accounts that would be reduced or eliminated with a 1.5% budget increase are as follows:

- Town Contribution to Coalition Communities -\$3,000
- Elimination of addition voter box for election -\$4,500
- Reduction in Merit Pool -\$5,000
- Reduce Fire Dept. Overtime -\$4,610
- Reduce Fire Dept. Equipment -\$2,600
- Reduce Hours and Days of Operation at the  
Recycling Center and Brush Facility -\$11,354
- No new Social Services
- Remove Little River Monitoring -\$10,000

Town Administrator Fournier stated that there are Warrant Articles in the amount of \$507,000 proposed through taxation, \$62,000 to be withdrawn from Capital Reserve Funds, and \$110,000 to be withdrawn through Fund Balance.

Selectman Wilson stated that his personal goal is to see the tax rate remain \$4.84 for the town in FY2013.

Selectman Miller stated to get to a 1.5% budget, it is going to be very difficult.

Town Administrator Fournier stated that he has looked very closely at everything to see where savings could be made. A reduction in the hours and days of operation at the Recycling Center are being looked at during certain months of the year.

Chair Maggiore stated that the Select Board is probably going to have to make some tough decisions that will not please everyone. He further stated that efforts being made right now are reflective of the ability of the residents to be able to afford to live in North Hampton.

Selectman Wilson stated that the reason he stated he would like to see a 0% increase is because when talking about budgets, he looks at it as providing something to someone, and expecting them to pay for it. He further stated that prices should be kept the same unless you can justify some improvement in cost, quality, or delivery.

Selectman Wilson stated that the mindset that any government body can continue to raise taxes to pay for whatever “it” is, is the wrong mindset. He further stated that he knows there is a difference between business and government, but does not think the chasm between the two are as great as our mindset has trained us to think it is.

#### 7.4 Approval of DRA Sales Ratio Survey

Selectman Miller asked for edification as to why the town is doing the Sales Ratio Survey, and why it is necessary.

Town Administrator Fournier stated that every year the assessor’s review the sales in the town to determine what the ratio is. He further stated that the town’s ratio cannot always be at 100% unless you are doing a revaluation all of the time. Currently, the ratio for North Hampton is 108%, which means it is slightly over valued, and the current property sales are indicating that homes are selling for less than what the town has them assessed at. The town is within the acceptable range allowed by the DRA before they step in and order a revaluation of the town.

Selectman Miller stated that he had once thought that the town should do a full measure and list, but has since changed his mind after receiving the news of the \$200,000 cost. He further stated it is important to continue the quarterly updates to keep the town within the window of correctness, and it is necessary to spend the \$50,000 every year to know that the town is right.

Chair Maggiore stated that he too was in favor of a full measure and list, and then after listening to what the cost is going to be as well as the process for the quarterly reviews, he feels that the town is doing what it can afford to do while giving the town the fairest assessment.

Town Administrator Fournier stated that the assessor’s did state that manufactured housing assessments seem to be higher than the selling price.

Selectman Wilson stated that manufactured housing is selling at 60% of the current assessed value.

Selectman Wilson stated that the ratio is the assessed value over an average of what properties in the various categories have sold for. A ratio of 108% means that assessments are high, and sales values are low. The sales ratio survey is different from a full measure and list or quarterly review. This ratio is determined from a survey that the assessor’s perform. The assessor’s look at actual sales of properties over a period of a year, and they stratify those sales into various categories. Some, but not all, of the categories listed are: single-family homes, multifamily homes, manufactured housing without land, and residential land to name a few. The assessor’s look at each of these categories and come up with an aggregate number that says, in aggregate, the town is assessed at a certain level, divided by an aggregate of what the actual sales are. A rate is then determined that shows that properties are overvalued or undervalued.

Selectman Wilson stated that the reason why the town does a quarterly review each year is because it is important to identify and take care of internal equity, which does not have anything to do with sales. It is important to make sure that the properties that are assessed are assessed fairly compared to other properties. The sales ratio survey is something that is has to be done by the law, and the DRA, because they want to know that our assessments of properties fall within reasonable market perimeters.

**Motion by Selectman Wilson to approve the Sales Ratio Survey. Seconded by Selectman Miller. Motion carries 3-0.**

## 8. Closing Comments

### 8.1. Closing Comments by Visitors

Rich Skowronski, 142 Mill Road stated that he would like to ask a few questions regarding the noise ordinance that was discussed at the December 5, 2011 workshop.

Mr. Skowronski asked what triggered the noise ordinance to be placed on the agenda for the workshop.

Chair Maggiore stated that the Select Board was addressing a noise ordinance issue, and Mr. Skowronski asked who brought it up.

Chair Maggiore stated he does not know who the first person to bring it up was.

Selectman Wilson stated that the first time the issue came up was with the motorcycle noise two years ago, and then there was an issue that came up when there was a proposal to do a concert on Maple Road. He further stated that more recently a letter was received about the construction noise on Chapel Road and Willow Avenue. Selectman Wilson stated that over time, there have been various concerns about noise from the gun club, and more recently, there have been expressions of concerns about noise from properties around the gun club or in the Mill Road area.

Mr. Skowronski stated that the article in the newspaper was only specific on the firearms category.

Selectman Wilson stated that the reason for that is because that was the last issue that was raised about the noise ordinance, but the noise ordinance development began last spring.

Mr. Skowronski asked, relative to the range and firearms, what is the intent of the Select Board. He further stated that the firearms were the only thing that was mentioned in the article, and it caught his eye. Mr. Skowronski stated that there is a range in town and that he knows for a fact that various law enforcement agencies use the range on a regular basis for training. He further stated that he lives close to the range and hears it all of the time. Mr. Skowronski stated that law enforcement also does night training there as well, and that there have been complaints about the gun club while law enforcement training was under way. He further stated that he hopes that this is not something resulting from complaints about the use of the range by law enforcement, and would hate to see the Board reacting to complaints that would affect some of the residents in a negative way when actually the complaints were based on law enforcement actions.

Mr. Skowronski stated that the article talks about discharging of firearms at all hours of the day and night. He further stated that he lives "over there" and is not aware of any discharging of firearms at night, although he is awoken in the morning during hunting season.

Mr. Skowronski asked if there were specific complaints from someone about firing at night.

Selectman Wilson stated that his specific complaint that he talked about at the work session, was that every year, during the first day of hunting season, he is awakened by rapid action shot gunfire at three or four o'clock in the morning.

Selectman Wilson stated that he believes people should be allowed to hunt and to own guns, but he believes his property is his castle. He further stated that during that meeting, he asked the Police Chief very pointedly, the question as to whether or not a property owner can go out and tell a hunter not to fire his gun within one thousand feet of his house. He stated that the Police Chief told him if your property is not posted, you could not.

Selectman Wilson stated that he does not want to stop people from hunting, owning guns or shooting guns, but he does want people to respect the interests of their neighbors.

Mr. Skowronski stated that he was not aware that he could not ask someone to leave his property.

Selectman Wilson stated that the Police Chief told him that someone could not fire a gun within 300 feet of someone's house.

Chief Page stated that Selectman Wilson's comment was correct, because it is a hunting law. He further stated if it is outside of hunting season, and someone is outside of your property shooting a firearm 1,000 feet away,

then there is a completely different situation, and the police can be contacted. In a hunting scenario, it does have to be properly posted in order to ask someone to leave your property.

Chair Maggiore stated that he wanted to caution getting too in depth into this discussion because it is not an agenda item, but that it would be in the future.

Mr. Skowronski stated that the firing range has been in town since the 1940's or perhaps even earlier than that, and asked if the Board is looking to restrict the hours of the range.

Chair Maggiore stated that the only thing under consideration at this point, is what can be done about noise control.

Town Administrator Fournier stated that the ordinance, as it is currently proposed, is being reviewed by town counsel, and as it is currently written, does not have anything about gunfire noise in it. He further stated that the Select Board asked counsel if under the definitions, there is a way to include gunfire noise as a definition and what can be done to regulate the noise portion of it.

## 8.2. Closing Comments by Select Board Member

Selectman Miller stated that he is concerned that after the job descriptions are completed, there would not be enough time for the Select Board to do anything about them.

Town Administrator Fournier stated that it is an ongoing project and when certain goals are set it is important to prioritize the goals when other subjects come up during the year, with the budget being a priority at this time. He further stated that he and Selectman Wilson are working on it, and are discussing a date after the holidays to continue working on the project.

Chair Maggiore stated that due to the holidays in December there would not be another regularly scheduled Select Board meeting in December. He further stated that the next regularly scheduled Select Board meeting will be held on January 9, 2012, and wished everyone a happy and healthy holiday.

## 9. Adjournment

Chair Maggiore adjourned the meeting at 8:30 PM.

Respectfully submitted,

Janet L. Facella  
Administrative Assistant