



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

**REGULAR MEETING – JANUARY 9, 2012 –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

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

Chair Maggiore led the Pledge of Allegiance.

2. Approval of Minutes of Previous Meetings

2.1 Select Board Workshop Minutes of December 5, 2011

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

2.2 Regular Meeting Minutes of December 12, 2011

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

3. Consent Calendar

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

4. Communications to the Select Board

4.1 Correspondence from David W. Carlino, Sr.

Town Administrator Fournier read Mr. Carlino's letter into the record. A copy is attached to these minutes.

4.2 Correspondence from Rich Skowronski

Mr. Skowronski read his letter into the record. A copy is attached to these minutes.

Mr. Skowronski asked if the Select Board had plans to discuss the noise ordinance at this meeting.

Chair Maggiore stated that there was no plan to discuss the noise ordinance at this meeting.

Mr. Skowronski asked if he could have the Select Board's word that the issue would not be discussed or voted on at this meeting.

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Chair Maggiore stated that it is not on the agenda, and it has been past practice that if an item is not on the agenda it is not talked about.

Selectman Wilson proposed that the Select Board discuss the letter.

Selectman Miller thanked Mr. Skowronski for his letter, and stated that he had no intention of recusing himself.

Selectman Wilson stated that there is a very significant distinct difference between the role of a Select Board, which is the governing body, and the role of a Zoning Board of Adjustment or Planning Board. The Zoning Board and the Planning Board are both quasi-judicial bodies. He further stated that the standards for recusal for a Select Board versus Zoning Board or Planning Board are very different things. In all cases in the State of New Hampshire, any individual sitting on any board is a personal decision whether they wish to recuse themselves or not. In the cases of Zoning or Planning Boards, which are quasi-judicial, they are expected to hold themselves to a higher standard, which is usually referred to as the juror standard. This does not apply to a Select Board because members of a governing body are elected just as governor or a president is elected because of his or her opinions, judgments or positions about specific issues. Asking a Select Board member to recuse themselves it essentially saying that they can't do anything because they are elected by expressing your opinion and judgment about something, and you are also elected in order to exercise those opinions and judgments in the context of the role of a governing body in a municipal government.

Selectman Wilson stated that he has no prejudice against buying guns, selling guns or ammunition, but that doesn't mean that he might walk into a meeting with an idea of the problems that gun noise is causing in a densely populated area. He further stated that he did not feel that anyone on the Select Board has to recuse them self regardless of what position they may have. Selectman Wilson stated that whatever may come up with regard to Mr. Skowronski's letter will be treated fairly and with the respect that it deserves.

Mr. Skowronski thanked Selectman Wilson for his response, but stated that Selectman Miller is not an elected member of the Select Board, and there is a significant paper trail what appears to be a bias.

Selectman Wilson stated that it makes no difference whether Selectman Miller was elected or duly appointed, he is a fully qualified member of the Select Board.

Mr. Skowronski stated that he would like to reserve his right to object to any outcome while Selectman Miller is involved in the noise ordinance when it comes time to deliberate.

Chair Maggiore stated that he respected Mr. Skowronski's point of view and concerns, but that there are no pecuniary interests for Selectman Miller. He further stated that in reference to Mr. Skowronski's letter, item number four, he is in no way interested in debating the rights of anyone to the second amendment.

Selectman Miller summarized a Supreme Court decision in 1992 of Quinlan vs Dover that was taken from the 2011 New Hampshire Local Government Center manual.

Selectman Miller stated to Mr. Skowronski that he had no pecuniary interest in gun noise.

Selectman Miller asked Mr. Skowronski if he had any pecuniary interest in gun noise.

Mr. Skowronski indicated that he would not answer the question, and he was not on trial.

5. Report of the Town Administrator

The Town Administrator reported on the following items:

The New Hampshire House of Representatives has established a special committee to redraw the House Districts. Every ten years after the census is taken, the legislature must review the district boundaries to make sure that they achieve a certain population and are equal. After the last census, North Hampton was placed into a large district with Stratham and Exeter with seven representatives. The committee is proposing that North Hampton have two representatives with one a North Hampton only representative, and the second would be a flatorial district.

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The Code Enforcement office has been actively asking individuals with "feather flags" and other roadside advertisements to remove them explaining that they are in violation of the town Zoning Ordinance Section 506.3. As of today only one business has not fully complied and could face fines of up to \$550 per day since December 20, 2011. Legal counsel will be moving forward with the violations.

The Building Inspector/Code Enforcement Officer, Red Mabey, will be retiring from service after 10 years with the town. He will be finishing up at the end of March. Advertisement for the position will begin after a revised job description has been done.

Winterfest begins on January 27, 2012 with a Comedy Night at the Old Salt. On Saturday, January 28, 2012 there will be a pancake breakfast, magic show, chili cook off, horse drawn rides, face painting, bonfire and fireworks.

A budget workshop will be held with the Select Board and department heads on January 18 at 1:00 PM in the Town Hall.

Consumer Price Index numbers for the end of November in the Northeast Region decreased 0.8% over the previous month, and the national and Boston rates decreased 0.5% and 0.8% respectively. These figures are well over the previous year when the CPI increase last year was only 0.6% for the Boston region while it is 2.9% this year. Unemployment in town remains at 3.8% which is much lower than all other areas that we measure unemployment by.

6. New Business

6.1 Request from the American Lung Association to use the North Hampton Town Common on May 6, 2012

Motion by Selectman Miller to allow the American Lung Association to use the North Hampton Town Common on May 6, 2012 and to allow the Town Administrator to sign the documentation. Seconded by Selectman Wilson. Motion carries 3-0.

6.2 Exploration of Moving the Date of Town Meeting to March

Chair Maggiore explained that the town meeting date was moved from March to May three years ago in order to give the budget committee better numbers when it came to reviewing the budget. He further stated that moving the meeting to May might have brought the number of voters down because they had to vote once in March and then again in May.

Town Administrator Fournier stated that RSA 40:14 outlines the times in which towns operating under a town meeting form of government can hold town meeting. Town meeting can be held in March, April or May. In order to change the date the Select Board has to agree to place an article on the warrant to do so or a petitioned article will have to be submitted. The wording of the article has to be "substantially similar" to the one set forth by state statute, and a public hearing would then need to be held no less than 15 days prior to the vote on the article and no more than 30 days. This public hearing is actually after the deliberative session.

Selectman Miller asked if an explanation could be added to the end of the warrant article.

Town Administrator Fournier stated that he is looking into that and checking with other communities as to how they have done it.

Selectman Wilson stated that the school and town elections have had a lower turn out, and turn out at both are lower than the sum of what they use to be when they were held together. He further stated that each election costs the town \$5,000, and the town is trying to save as much money as possible.

Motion by Chair Maggiore to change town meeting from May to March. Seconded by Selectman Wilson. Motion carries 3-0.

6.3 Approval of Large Assembly Ordinance for Town Warrant

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Chair Maggiore stated that this would be an ordinance that would regulate large assemblies that may be held in town. The purpose is to make sure that large assemblies are done following proper safety and health measures for the general public as well as those in attendance.

Selectman Wilson stated that in drafting this ordinance is designed in part based on some experience and he believes that it was drafted as best as they can and it needs to be put before the voters, and if there are problems with it, it will have to be amended.

Motion by Selectman Wilson to approve the large assembly ordinance as written, and place it as an article on the 2012 town meeting warrant recommending the voters approval. Seconded by Selectman Miller. Motion carries 3-0.

7. Closing Comments

7.1. Closing Comments by Visitors

7.2. Closing Comments by Select Board Member

Selectman Miller stated that he felt Chief Page deserved accolades for getting the drug disposal program done. It was stated that if the door to the police station is locked, a call can be placed to Rockingham County dispatch and a police officer will come to the station to let the person in.

Chair Maggiore stated that the school public hearing will be held at the town hall on January 17, 2012 at 7:00 PM. The school budget has come in with a 2.26% increase over last year, excluding warrant articles. If both of the school contracts (SEA and SESPA) pass, the budget will increase 3.3%.

8. Adjournment

Chair Maggiore adjourned the meeting at 8:05 PM.

Respectfully submitted,

Janet Facella
Administrative Assistant

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Dec 92/19/11

Dec. 16-2011

North Hampton Selectmen.

I would like to inform you
of the great service that was provided
to me from Dec. 2010 thru Feb. 2011
then again Aug and Sept. 2011.

The T.A.S.C. organization from Hampton
provided me with transportation
to the dialysis facility in Exeter
every Tues. Thurs and Saturday, they
picked me up at 6: A.M. and came
back for me at 10:00 A.M. I can't express
to you what they did for me. They
were the most dedicated people, without
them, I don't know what I would
have done.

Please support this
these great citizens and T.A.S.C.

Sincerely

David W. Carlinio Sr.

268 Post Rd.

NO. Hampton,

N.H. 03862

Rich Skowronski
142 Mill Road
North Hampton, NH 03862

1-4-12

Jim Maggiore, Chairman, and Members of the Board
North Hampton Select Board
Town of North Hampton
233 Atlantic Ave.
North Hampton, NH 03862



Subject: Proposed Noise Ordinance

Dear Chairman Maggiore and Members of the Board:

In order to assure that the proposed Noise Ordinance is deliberated in a fair and impartial manner, I believe that it is important to address certain matters at the earliest time possible.

1. Regarding the proposed Noise Ordinance under consideration by the Board, I request that the Board explicitly and permanently exempt noise from firearms before any further consideration of this issue.

If the Board formally decides to take this action, then the remainder of this letter may be ignored, thank you.

If the Board decides to continue inclusion of noise from firearms, then I request the following:

2. I request that Mr. Miller immediately recuse himself from all further involvement with any noise ordinance. The record shows that Mr. Miller has a personal attachment to this issue, particularly where it relates to regulation of the use of and noise from firearms. In the interest of a fair and impartial hearing on the issue, I believe it is important that Mr. Miller remove himself from further involvement.

3. I also request that the Board remove from consideration all prior contributions by Mr. Miller on this issue. Since his personal attachments may have influenced the content and direction of his contributions, I believe they should be stricken from the record. This should include all emails, documents, conversations on and off the record, his contributions to the existing draft noise ordinance(s), and any other verbal, electronic, written or printed communication or record.

4. In the interest of full disclosure, I ask the remaining Board members to each state for the record during the next regular Board meeting whether they have any personal feelings or attachment to:

The "sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearm supplies".

And if so, please explain those personal feelings or attachment issues.

Your timely consideration of these requests will be greatly appreciated.

Thank you,

A handwritten signature in black ink, appearing to read 'Rich Skowronski', with a stylized, cursive script.

Rich Skowronski