



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

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REGULAR MEETING – JULY 9, 2012 –7PM  
MARY B. HERBERT CONFERENCE ROOM

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*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 together at 7:05 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 Minutes of June 25, 2012

**Motion by Selectman Wilson to approve the minutes of June 25, 2012 as emended. Seconded by Selectman Miller. Motion carries 3-0.**

**3. Consent Calendar**

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

**4. Communications to the Select Board**

*No items*

Chair Maggiore stated that the Select Board was in receipt of a piece of communication that came in late, and was received on Saturday, July 7, 2012. He stated that items to be placed on the Select Board agenda are due by 12:00 PM on the Thursday before the next scheduled meeting.

Chair Maggiore stated that unless there were objections from his colleagues, he would have no problem reading the letter, but that the Select Board could not truly act on it because Chief Page was not able to attend the meeting.

Selectman Miller asked whether or not this letter would be on the agenda for the next Select Board meeting.

Town Administrator Fournier stated that it was his intention to schedule the letter to be on the agenda at the next Select Board meeting.

Selectman Miller and Selectman Wilson stated that they didn't agree with Chair Maggiore that Chief Page needed to be at the meeting because it was a discussion of policy, and not a specific decision.

Selectman Miller stated he felt there would be no harm in discussing something if no decision is being made.

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Town Administrator Fournier stated that staff prefers to be prepared to answer any questions that may come up instead of having questions asked that cannot be answered.

Selectman Wilson asked who is in charge of the Large Assembly ordinance; the Select Board or their designee. He stated that he believed it is the Select Board, and that at no time did the Select Board delegate the authority to grant permits for activities under the Large Assembly ordinance to anybody else.

Selectman Wilson stated that he felt the rules should be suspended in order to discuss this question.

**Motion by Selectman Wilson to suspend the rules in order to discuss an item that did not appear on the agenda. Seconded by Selectman Miller for discussion.**

Selectman Miller stated that the point would be moot if the Select Board waited two weeks until their next meeting to discuss. He further stated that in this case, timeliness is important.

**Motion carries 3-0.**

Selectman Wilson stated that it is his belief that the Large Assembly Ordinance is very clear that the Select Board is the only designated authority to grant a permit.

Selectman Miller read from section 6.1 of the ordinance that states, "When the Select Board is approving or disapproving any application..."

Selectman Miller stated that the Select Board has not designated anyone else to approve or disapprove an application.

Selectman Wilson and Selectman Miller stated that they have no intention of designating anyone to approve or disapprove an application.

Selectman Miller stated that the ordinance does say that prior to review by the Select Board, the Police Chief, Fire Chief and Code Enforcement Officer shall review the application and approve whether the property's security and safety measures have been made or not, but it does not have anything to do with whether they get a permit or not.

Selectman Miller stated that the Select Board certainly wants to receive input from the professionals on staff, however the Select Board has not asked them to be responsible.

Town Administrator Fournier stated that he would be sure to let the staff know that if an applicant submits an application for a Large Assembly permit, it shall be forwarded to the Select Board for the next regularly scheduled Select Board meeting.

Selectman Wilson stated that the question of how the town administers a permit is straightforward. When an applicant goes to the town office and applies for a permit, it would then be referred to the Chief of Police. The Chief of Police would then make a recommendation to the Town Administrator, and the Town Administrator would bring it to the Select Board at its next meeting, and the Select Board would act on the application.

Selectman Wilson stated that the more difficult question is what happens when a town administrative official says that they don't believe that something requires a permit, and the Select Board disagrees.

Selectman Wilson stated that he believed the Select Board should have a discussion with the Town Administrator and the responsible town officials regarding the Select Board's expectations, what the town official's expectations are, and iron out any differences.

Chair Maggiore stated that it is important that the Select Board not let the public think any decision they make would trump the suggestions of the Police or Fire Chief.

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Selectman Wilson stated that he disagreed with that completely, because that is abrogating the governing authority of the town. He further stated that the Police Chief and the Fire Chief are not the governing body of the town.

Chair Maggiore stated that he agreed with Selectman Wilson, but to what extent does their input weigh on the Select Board's decision.

Selectman Wilson stated that their input weighs very heavily on the decision; however he has no problem disagreeing with the Chief of Police because he felt having a display of exotic cars was in the normal course of business, therefore saying that a Large Assembly permit was not needed at the Harley-Davidson

Selectman Miller stated that he wanted to reiterate that the responsibility lies with the Select Board, and of course they would always take in as much information from any source that they could.

Selectman Wilson suggested that because this is the first year with the Large Assembly ordinance, he would urge the Town Administrator to ensure that he and the staff "bend over backwards" and err on the side of caution in bringing applications to the Select Board.

Chair Maggiore read a letter from Nancy Monaghan of 132 Mill Road that was received on Saturday, July 7, 2012.

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

Town Administrator Fournier reported on the status of the Solid Waste Advisory committee and suggested posting an advertisement to solicit volunteers and appoint them at a future meeting.

Beach parking was addressed and the confusion that has been caused by the State of New Hampshire moving the spots from the southern end to the northern end, and back to the southern end. Town Administrator Fournier stated that the State had contacted him and told him that the move of the leased parking spots back to the southern end had been a mistake made by the State, and that the leased parking spots were going to be moved once again to the northern end.

## **6. New Business**

### **6.1 Naming of Public Lands and Facilities and Placement of Memorials Policy**

Chair Maggiore stated that amendments were made to this policy at the last meeting and the Town Administrator was asked to make the changes and have it on this agenda.

Selectman Wilson stated that the way the document reads, you cannot name a building, a facility or a room after a living person.

Selectman Miller asked if the policy could be worded more clearly to indicate that a living person cannot be named, or does the Select Board want to tell the electorate that they cannot have a living person memorialized.

After discussion on proposed changes, Town Administrator Fournier recommended tabling the policy while he does some research on how to amend the language to include those who are living.

Chair Maggiore stated that they would want to change the language to include three categories: an event, living persons, and deceased persons.

The Select Board tabled this item until the July 23, 2012 Select Board meeting.

## **7. Closing Comments**

### **7.1. Closing Comments by Visitors**

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## 7.2. Closing Comments by Select Board Member

Selectman Miller reviewed the following items on his “to do” list:

- The Select Board is waiting for a report from Chief Cote
- Work on the role descriptions and salary ranges
- Compliance with the new Junk Yard ordinance
- The Water Commission charter needs to be clarified
- Questions have been asked by residents about the status Municipal Complex Study
- Questions have been asked by residents about selling bricks such as the ones that were sold at the Bandstand to offset the cost for a monument

Selectman Wilson stated that another thing on the “to do” list was the financial process documentation that the Select Board is waiting for from the Finance Director, Doug Smith.

## 8. Adjournment

**Chair Maggiore adjourned the meeting at 8:14 PM.**

Respectfully submitted,

*Janet L. Facella*