



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
SELECT BOARD
APPROVED MINUTES

REGULAR MEETING –MONDAY, DECEMBER 3, 2012 –7PM
NORTH HAMPTON TOWN HALL

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 Interim Town Administrator Caron.

Chair Maggiore invited those in attendance to join in the Pledge of Allegiance.

2. Approval of Minutes of Previous Meetings

2.1 Select Board Minutes of November 13, 2012

Chair Maggiore reviewed two action items from the November 13, 2012 meeting.

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

3. Consent Calendar

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

4. Communications to the Select Board

4.1 Correspondence from Upton & Hatfield – Rate Increase

Chair Maggiore stated that Upton & Hatfield wrote to advise the Select Board of the first rate increase in three years of \$10 per hour, per attorney.

Chair Maggiore read the correspondence into the record, and a copy of items 4.1 and 4.2 are attached to these minutes.

4.2 Monthly Report from Building Inspector/Code Enforcement Officer – Kevin Kelley

5. Report of the Town Administrator

A meeting has been scheduled for December 5 at the Department of Labor office in Concord to review North Hampton's case, and to provide an opportunity to discuss the \$500 fine preliminarily assessed against the Town for non-compliance with Department of Labor regulations.

The Budget Committee met with town staff on Wednesday, November 28 and reviewed the Library, Police, Fire, and Public Works budgets. The next budget committee meeting will be on December 12 to review the balance of the town budget.

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The Town's auditor will be attending the December 17 Select Board meeting to review the results of the audit for the fiscal year ending June 30, 2012.

Chair Maggiore stated that he would like to move the last item on the agenda to the first item on the agenda.

6. New Business

6.1 Public Hearing on Acceptance of Portable Radio Grant – Deputy Chief Michael Maddocks

Chair Maggiore opened the public hearing at 7:26 AM.

Deputy Chief Maddocks stated that in May of 2012, the police chief was asked by the Commissioner of Safety to sit on a committee to test and make a recommendation on the model and brand of portable radio that would be purchased for local police departments throughout the state. A large number of portable radios to be used throughout the state were purchased using a Homeland Security grant.

Following the efforts of the committee, the Motorola APX-7000 was chosen due to advanced technology, ease of use in the field, and reliable and successful communications.

Deputy Chief Maddocks stated the current portable radios are 12 years old, with three of them recently failing. The police department received six radios through a grant valued at \$19,393.44. If the radios had been purchased at retail the cost would be \$25,528.80.

The APX-7000 models fit the Federal Mandate for two way communications equipment to have the capability to be Backward Compatible, as well as meeting the APCO-25 Government Standard because of Narrow Banding capability that becomes a Federal Mandate as of January 13, 2013.

Deputy Chief Maddocks stated that there will be a cost to the town of \$75 per radio for programming that is not covered under the grant.

Motion by Selectman Wilson to accept six (6) APX-7000 portable radios, that are valued at \$19,393.44 for the use of the police department, and direct the Chief of Police to ensure they are properly programmed prior to January 15, 2013, and for the Chief of Police to request reimbursement from the Grants Management Unit for the programming no later than February 1, 2013. Seconded by Selectman Miller. Motion carries 3-0.

Chair Maggiore closed the public hearing at 7:32 PM.

6.2 Acceptance of Grant for Traffic Control Equipment

Interim Town Administrator Caron stated this grant was applied for by the fire department, and the matching local share of \$1,550 will be coming from the highway department operating budget. No public hearing is needed because the grant is under \$5,000.

Motion by Selectman Miller to accept a grant for traffic control equipment in the amount of \$1,550 from the New Hampshire Homeland Security and Emergency Management Bureau, and to authorize the Town Administrator to sign all grant documents. Seconded by Selectman Wilson. Motion carries 3-0.

6.3 Report on Southeast Regional Refuse Disposal District – Tom McManus

Mr. McManus introduced himself to the Select Board stating he is the Town of North Hampton's representative to the Southeast Regional Refuse Disposal District 53-B. The SRRD is comprised of ten towns that pay dues to the district to oversee and perform administrative work in negotiating and overseeing the contract that is currently with Waste Management. The town is currently in the 22nd year of a 25 year contract with the contract

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expiring in December of 2015.

Mr. McManus stated that he wanted the Select Board to have this information “on the edge of their radar,” because the district is now beginning to look at what the next contract will be. He further stated that he would like the Select Board to start thinking about if they would like to continue as a member of the SRRD.

Selectman Wilson stated he suspected that the advantage of dealing with Waste Management collectively as a district was to get the best possible tipping fees.

Mr. McManus agreed with Selectman Wilson, and stated as a small town there is not a lot of power to negotiate contracts with a large company such as Waste Management.

Mr. McManus gave a comprehensive overview of tipping fees.

Chair Maggiore stated that tipping fees last year were almost \$92,000, and the discussion on a new contract is certainly not a light matter as it will be one that the town will be considering for twenty years.

Selectman Wilson asked if there were any towns considering leaving the district.

Mr. McManus stated that there is “rumor” that Hampton is considering leaving the district. Hampton accounts for 40 to 45 percent of the tonnage of refuse collected. He further stated that he believed there would be a warrant article in Hampton this year with this question on it.

Chair Maggiore suggested keeping this item on the Select Board’s “open item” list, and making a decision sometime before February of 2013.

Motion by Selectman Wilson that unless Mr. McManus comes to the Select Board with some material change in circumstances that would make it imprudent for the Town of North Hampton to stay within the district, the intention of the Select Board is to stay within the district. Seconded by Selectman Miller. Motion carries 3-0.

Mr. McManus asked if the Select Board would write a letter to the district stating their intention to stay with the district.

Secretary's Note: The Select Board took a brief recess. When the Select Board resumed, item 6.7 on the agenda was moved to this point in the meeting.

6.4 Large Assembly Ordinance

Chair Maggiore stated that it was brought to the town’s attention when somebody wanted to hold an outdoor concert, and it was discovered that the town did not have any type of large assembly permit. The town came up with an ordinance that has needed much consideration on more than one occasion, so the Select Board has suggestions for possible amendments to the large assembly ordinance.

Chair Maggiore stated that one of the issues that has come up is the section of the ordinance that states the application must be received within 60 days prior to the event. The Select Board received several applications that did not meet the deadline, and therefore by the ordinance, could not be approved or considered.

Chair Maggiore stated that another issue that the Select Board had was in regard to businesses that already have occupancy permits, or place of assembly permits, and whether or not they fall within the requirements of needing a large assembly permit if they were holding an event on their own property.

Chair Maggiore stated that if any changes are to be made to this town ordinance, the Select Board must hold a public hearing.

The Select Board discussed changes to the deadline in which an applicant needed to submit a completed

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application before the Select Board; making the ordinance a land use regulation; dates and times for public hearings to be held; and further to have Attorney Serge review the ordinance, as well as receiving input from the police chief, fire chief and building inspector.

No votes or actions taken.

6.5 Capital Reserve #4/Special Revenue Fund Restructuring

Interim Town Administrator Caron stated that at prior town meetings, the voters established clear direction to place ambulance fees into a special fund, and those funds would be used to pay for fire department equipment. Through the evolution of a number of warrant articles over the past several years, the town is in a position where the process is not in conformance with state statute. The funds are in a special revenue fund called Capital Reserve #4 which names the Select Board as special agents to expend. Funds in a special revenue fund cannot be placed in a fund that names the Select Board as agents to expend.

Interim Town Administrator Caron stated that he has spoken with the Department of Revenue Administration and they have "embraced" the town's recommendation to place a warrant article on the town warrant to ratify prior town meeting actions. If the town establishes a revolving fund, it will allow the town to do exactly what it is doing, and that is to take money from a dedicated source, put money into a fund, and then the governing body is allowed to expend those funds for a specific purpose. The third step would be to rescind the special revenue fund, because if it is not rescinded there will be conflicting direction from town meeting.

Motion by Selectman Wilson to recommend the legislative body approve warrant articles 13, 14 and 15 as amended by the Select Board. Seconded by Selectman Miller. Motion carries 3-0.

6.6 Statistical Revaluation Proposals

Chair Maggiore stated that the Select Board had received three proposals for statistical revaluation. He stated that the town is obligated every five years to do a town wide revaluation. The Select Board has opted to start this procedure one year ahead of time so that there is time allowed to address any questions, concerns or comments that residents may have instead of being pushed up against the state's window of time.

Interim Town Administrator Caron stated that proposals were sent out to 23 firms that are licensed or approved by the Department of Revenue Administration to perform this type of work. The town received proposals from KRT Appraisal, Granite Hill and Vision Appraisal. The Interim Town Administrator stated that he had reviewed the proposals as had the town's contracted assessor Municipal Resources Incorporated, and it is recommended that the Select Board interview KRT Appraisal and Vision Appraisal.

Granite Hill's proposal was the lowest bid at \$37,500; KRT Appraisal was \$46,000 and Vision Appraisal was \$46,800. The revaluation will be funded from the existing Capital Reserve Revaluation Fund which currently has a balance of approximately \$80,000.

Interim Town Administrator Caron stated that KRT and Vision are very similar proposals, and although Granite Hill was the lowest cost proposed, they had some significant differences; namely they are proposing not to post a performance bond and suggest that the town only pay them 40% of their fee until the end of the project; they do not propose any direct communication of new values to the property owners whereby both KRT and Vision include in their price, notification to property owners as well as the associated costs. Granite Hill is also asking to have all mailing costs covered by the town, and the use of town staff to input property data into the assessing software, whereby the other two firms include that in their price.

Interim Town Administrator Caron stated that he felt KRT and Vision presented proposals that were more comprehensive, and the companies take more responsibility for their work.

Interim Town Administrator Caron stated the goal is to start the work in the spring of 2013 with completion in August 2013. Values would be used on the final tax bill in December of 2013.

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Selectman Wilson stated that although Granite Hill was the least expensive, they were also proposing to do the least amount of work, and gave him the least amount of confidence that the work done would be of the caliber the town would expect. He further stated that he did not see a good reason to interview Granite Hill, but did feel that KRT and Vision should be interviewed.

Selectman Miller stated that he concurred with Selectman Wilson, and that the lowest bidder would not be in the town's best interest.

Chair Maggiore agreed that the Select Board should interview KRT and Vision.

Interim Town Administrator Caron stated he would check the calendar and schedule the interviews for after the holidays.

6.7 FY14 Warrant Article Review

Secretary's Note: At this point in the meeting the Select Board took a brief recess. When the meeting resumed, the Select Board began discussion of Warrant Articles 5 through 19.

Article 5 FY 2013-2014 Operating Budget

Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$5,863,326? Should this article be defeated, the default budget shall be \$5,865,508, which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget.

Interim Town Administrator Caron stated that no vote or action was needed by the Select Board for this article.

Article 6 Contribution to the Health Benefit Stabilization Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of Twenty-Five Thousand Dollars (\$25,000) to be placed in the Health Benefits Stabilization Capital Reserve Fund for the purpose of stabilizing health benefit increases for employees. (Majority vote required).

Motion by Selectman Wilson to recommend Article 6 as read. Seconded by Selectman Miller. Motion carries 3-0.

Article 7 Contribution to the Mosquito Control Capital Reserve Fund

To see if the Town will vote to raise and appropriate through taxation the sum of One Hundred Fifty Eight Thousand Five Hundred Ninety Seven Dollars (\$158,597) for deposit into the Mosquito Control Capital Reserve Fund to fund mosquito control activities in FY14 and to eliminate the deficit which currently exists in the fund. (Majority vote required.)

Chair Maggiore explained that there was a deficit in the mosquito control fund because of funds that were not transferred over. \$83,597 can be taken from the undesignated fund balance to pay this or set the article forth as is.

Selectman Miller stated that he has changed his mind regarding using the fund balance for this warrant article, and he would be willing to use it due to the tight fiscal constraints on the budget

Selectman Wilson stated that under the circumstances this year, it would be reasonable thing to do to remedy this mistake and not burden the legislative body with another 8.3 cents on the tax rate.

Chair Maggiore stated that he agreed with Selectmen Wilson and Miller, but did want taxpayers to

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understand that this is not something they were being double taxed on. The balance in the mosquito fund was not what was thought to be there so an appropriation was not made one year but the funds were expended.

Motion by Selectman Wilson to amend the warrant article to include \$75,000 to be raised through taxation, and \$83,597 to come from undesignated fund balance. Seconded by Selectman Miller. Motion carries 3-0.

Article 8 Contribution to the Earned Time Settlement Capital Reserve Fund

To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) to be placed in the Earned Time Settlement Capital Reserve Fund. The purpose of this fund is to allow the Select Board to implement its Earned Time Policy which is designed to limit the Town's unfunded accrued leave liability. (Majority vote required.)

Motion by Selectman Miller to recommend Article 8 as read. Seconded by Selectman Wilson. Motion carries 3-0.

Article 9 Town Building Maintenance Capital Reserve Fund

To see if the Town will vote to raise and appropriate through taxation the sum of One Hundred Ten Thousand Dollars (\$110,000) to be placed in the Town Building Maintenance Capital Reserve. The purpose of this fund is to perform improvement projects and regular maintenance at the various Town owned buildings. (Majority vote required.)

Selectman Miller noted that should this Warrant Article pass, the money will be used to renovate the Town Clerk/Tax Collector's Office.

Motion by Selectman Wilson to recommend Article 9 as read. Seconded by Selectman Miller. Motion carries 3-0.

Article 10 Road Resurfacing

To see if the Town will vote to raise and appropriate the sum of One Hundred Sixty Five Thousand Dollars (\$165,000) for the purpose of repaving approximately three miles of roads and withdraw Thirty Thousand Dollars (\$30,000) from the previously established Municipal Transportation Improvement Capital Reserve Fund created for this purpose and to raise the remaining One Hundred Thirty Five Thousand Dollars (\$135,000) from taxation. (Majority vote required.)

Selectman Wilson stated that the \$30,000 that would be withdrawn was from a prior warrant article whereby the voters voted last year to place a \$5 fee on all vehicle registrations for this purpose.

Motion by Selectman Miller to recommend Article 10 as read. Seconded by Selectman Wilson. Motion carries 3-0.

Article 11 Lease Purchase Agreement for Two Police Cruisers

To see if the Town will vote to authorize the Select Board to enter into a three-year lease/purchase agreement for Seventy-Nine Thousand Two Hundred Dollars (\$79,200) for the purpose of leasing and equipping two police cruisers for the Police Department and to raise and appropriate Twenty Six Thousand Four Hundred Dollars (\$26,400) for the first year's payment and further to authorize this sum to come from the Public Safety Service Detail Fund. This article will have no impact on the tax rate in the first year. The second and third year payments will be contained in the operating budget. This lease agreement contains a fiscal funding escape clause. (Majority vote required.)

Selectman Wilson noted that Ford will no longer be producing the Crown Victoria Police Interceptor and are now using the Taurus as police cruisers.

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Selectman Wilson stated that although it may appear that the cruisers have not exceeded recommended mileage, they often sit idling when on a special detail assignment which adds to engine hours calculated at 33 miles per hour of idling.

Motion by Selectman Miller to recommend Article 11 as read. Seconded by Selectman Wilson. Motion carries 3-0.

Article 12 Lease Purchase Agreement for Public Works Department Six Wheel Dump Truck

To see if the Town will vote to authorize the Select Board to enter into a seven year lease/purchase agreement for One Hundred Seventy-Seven Thousand One Hundred Dollars (\$177,100) for the purpose of leasing and equipping one six-wheel dump truck with plow and wing for the Public Works Department, and to raise and appropriate Twenty-Five Thousand Three Hundred Dollars (\$25,300) for the first year's payment for that purpose. The existing 1994 International will be traded towards the lease purchase of this vehicle. This lease agreement contains a fiscal funding (escape) clause. (Majority vote required.)

Selectman Wilson stated that Public Works Director John Hubbard is moving toward purchasing heavier duty vehicles that will have a longer life provided that are well maintained.

Motion by Selectman Wilson to recommend Article 12 as read. Seconded by Selectman Miller. Motion carries 3-0.

Article 13 Ratify Town Meeting Actions Regarding Purchase of Fire Equipment and Disposition of Ambulance Fees

To see if the Town will vote to ratify past actions by Town Meeting and the Select Board, in accordance with the direction of past Town Meeting votes, to use ambulance revenues to purchase, repair and maintain Fire Department capital equipment. (Majority vote required.)

Article 14 Establish Ambulance Fee Revolving Fund

To see if the Town will vote to establish an Ambulance Fee Revolving Fund pursuant to RSA 31:95-h, for the purpose of providing ambulance services, which includes the purchase, maintenance and repair of Fire Department emergency equipment and apparatus, and payment of ambulance billing and collection expenses. All revenues received for ambulance services will be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the town's general fund balance. The town treasurer shall have custody of all moneys in the fund and shall pay out the same only upon order of the governing body and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose for which the fund was created. (Majority vote required.)

Article 15 Discontinue Ambulance Billing and Collection Special Revenue Fund

Shall the Town vote to rescind the provisions of RSA 31:95-c to restrict 100% of all of the revenues from Ambulance Billing and Collection to expenditures for purpose of Fire Department Capital Equipment? Any surplus in said fund shall lapse to the General Fund. (Majority vote required.)

Chair Maggiore stated that Warrant Articles 13, 14 and 15 were discussed and voted on under New Business item 6.5

Chair Maggiore read the Library Capital Reserve Fund warrant article into the record as follows:

Article 16 Library Capital Reserve Fund

Shall the town vote to raise and appropriate by taxation the sum of one hundred thousand dollars (\$100,000) to be placed in the Library Capital Reserve Fund established in March 2006, for the planning and construction of a new building?

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Kelly Parrott, Chair of the Library Trustees stated that there have been four warrant articles in the past with an amount of \$50,000 raised for the Library Capital Reserve Fund. The Library Trustees are requesting a \$100,000 warrant article to help with the site work, build a model of the new library, and to continue with their fundraising efforts.

Selectman Miller asked what the anticipated percentage of funds the library is looking for through fund raising.

Mrs. Parrott stated that it is the Trustees goal to have over half of the funds raised by the public in terms of fundraising.

Selectman Miller asked Mrs. Parrott what would happen if the warrant article did not pass, and she stated that they would continue with fundraising on their own to achieve their goal.

Selectman Miller stated that as long as the Select Board determines the numbering of the warrant articles, he would have no problem with this warrant article.

Selectman Wilson asked Mrs. Parrott if the warrant article was worded exactly the same as prior warrant articles written for the Library Capital Reserve Fund.

Mrs. Parrott stated that it is the same except for the part that describes "adding an addition or a new library."

Selectman Wilson asked why the wording "or an addition" was removed and the wording left was as purely the construction of a new library, when the CIP committee advised the library not to write the warrant article in such a way that would be a referendum on whether or not the people of the town want a new library. He further stated that he felt the language should be added back in so that there is a fallback position if fund raising efforts are unsuccessful, or if the bond fails.

Mrs. Parrott stated that they would be happy to change the wording to state "for the planning and construction of a library addition or new building."

Selectman Wilson suggested using the same language that was on the ballot in 2010.

Mrs. Parrott stated that she would make the modifications and submit to the Town Administrator.

Motion by Selectman Wilson to recommend the warrant article for the Library Capital Reserve Fund using language identical to that which was used in prior warrant articles with respect to the Library Capital Reserve Fund, except for the amount, which shall be \$100,000. Seconded by Selectman Miller. Motion carries 3-0.

Article 17 Large Assembly Ordinance

To see if the Town will vote to amend the Large Assembly Ordinance adopted by voters at the 2012 Town Meeting. A full copy of the text of proposed amendments is available at the Town Offices and the Town Clerk/Tax Collector's Office during regular business hours. It is also available on the Town's website at northhampton-nh.gov.
(Majority vote required.)

Chair Maggiore stated that the Select Board would take this up at their meeting in January, as it needs further review by Attorney Serge and the fire, police and highway departments.

Article 18 Dearborn Park Parking and Drainage Improvements

To see if the Town will vote to raise and appropriate Twenty-Five Thousand Dollars (\$25,000) for the purpose of replacing the existing drainage and pavement to the front parking area at Dearborn Park. (Majority vote

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required.)

Motion by Selectman Wilson to recommend Article 18 as read. Seconded by Selectman Miller. Motion carries 3-0.

6.8 Local Government Center/Bureau of Security Regulations Issue

Selectman Wilson stated that the administrative judge in the Local Government Center case ruled that the LGC had to return, in cash, \$52,000,000 to member towns by December 17, but the LGC has stated they will be giving members a "premium holiday."

Selectman Wilson stated that he felt what the LGC is proposing to do is not consistent with the judge's order or consistent with the law, and felt that the town should be ready to deal with this issue if the Bureau of Security Regulations decides to dig their heels in on this matter, and it is found that the LGC is operating illegally and is no longer a not for profit risk pool agency in the state. In this case the town may be faced with the question of how this may affect town employees' insurance coverage.

Chair Maggiore stated that he would compare a rate holiday to the fund balance ordinance the town has adopted.

In the past, the fund balance had been used to offset tax increases, and suddenly there would be a large increase because the fund balance had been used to artificially lower the tax rate. He further stated that if the LGC returns excess premiums by giving a premium holiday, there will be a large increase the following year in health insurance rates.

The Select Board asked Interim Town Administrator Caron to follow up to see if the town was going to be receiving a premium holiday or a check.

Motion by Selectman Miller to suspend the rules not to take up any new business after 9:00 PM. Seconded by Selectman Wilson. Motion carries 3-0.

6.9 Electrical Bids for Department of Labor Compliance Project

Interim Town Administrator Caron stated that he is seeking the Select Board's authorization to proceed with an agreement with Ramsdell Electric for a not to exceed amount of \$4,430 for electrical improvements throughout town facilities in order to be in compliance with Department of Labor's requirements.

Selectman Miller asked where the money would come from for these repairs.

Interim Town Administrator Caron stated that the balance in the Building Maintenance Fund was approximately \$4,000, and that the money would be taken out of the Public Works Department budget.

Selectman Miller stated that this was a perfect example of what the Budget Committee needs to know about. If something needs to be repaired, it does not matter if the money is there or not, it has to be fixed. He further stated that the mistaken idea that the town can make plans for the year, and stick to the plan, does not work; it is the best guess that can be made seven months ahead of time before the town can even spend the money.

Selectman Miller stated this is why the Budget Committee cannot send the town forth into the next budget year with no slack whatsoever.

Motion by Selectman Wilson to approve the bid from Jeffrey Jousset of Ramsdell Electric for \$4,180 plus up to an additional \$250 to deal with issues in the Mary B. Herbert Conference Room, for a not to exceed bid of \$4,430. Seconded by Selectman Miller. Motion carries 3-0.

6.10 Approval of Owner Consent Form for State Register Application for 237 Atlantic Avenue

Chair Maggiore stated that the Heritage Commission is asking for permission to file an application to place the

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Town Clerk/Tax Collector's office on the State Register.

Chair Maggiore stated that placing the building on the State Register would not limit what has to be done for renovations to bring the building into compliance.

Donna Etela, Chair of the Heritage Commission stated that she and Cynthia Swank contacted the same person who did the work for the Town Hall National Register application to ask how much she would charge for completing the application to place 237 Atlantic Avenue on the State Register. Ms. Etela stated that they were told that they had done a very good job and they wouldn't need her assistance with the application.

Mrs. Etela stated that she was before the board to seek their approval of the application, and further to have the application signed.

Motion by Selectman Wilson to approve the Heritage Commission's application to have the Town Clerk/Tax Collector's building nominated to the State Registry, and to authorize the Select Board chair to sign the documents. Seconded by Selectman Miller. Motion carries 3-0.

7. Unfinished Business

7.1. Cycle the Seacoast Request to Use North Hampton Town Common

Chair Maggiore stated that at the last Select Board meeting, they were asked to approve the use of the North Hampton Town Common for the Cycle the Seacoast event. There were several questions that the Select Board had and asked that the American Lung Association answer those questions.

The Select Board reviewed the route of the course and felt that more information would be needed in order for them to make an informed decision.

Selectman Miller stated it would be helpful if they were to know the number of cyclists that are registered and he would also like them contact the police department to let them know of their plans.

Selectman Wilson stated that he did not feel the Select Board had been given enough comprehensive information that would allow them to make a decision. He further suggested that the Select Board invite the representative from the American Lung Association to a meeting so they can ask questions of the organization and try to settle the request.

8. Closing Comments

8.1 Closing Comments by Visitors

8.2 Closing Comments by Select Board Member

Chair Maggiore stated that the Select Board is moving ahead with the interview process for the new Town Administrator, and a decision should be made within the next few weeks.

9. Adjournment

Chair Maggiore adjourned the meeting at 9:45 PM.

Respectfully submitted,

Janet L. Facella

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**Upton
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ATTORNEYS AT LAW

Please respond to the Concord office

November 19, 2012

David Caron, Interim Town Administrator
Town of North Hampton
233 Atlantic Ave., 2nd Floor
North Hampton, NH 03862

Re: Rate Increase

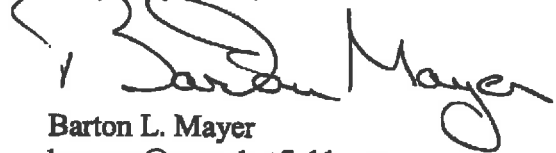
Dear Dave:

We pride ourselves on maintaining a low hourly rate for our towns, and resist increases as long as possible. It has been three years since we last made any adjustment. Since then, costs have continued to increase and we now find it necessary to adjust our rates.

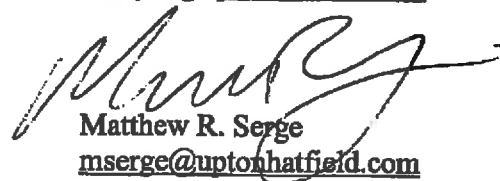
As of January 1, 2013, the rate for Barton L. Mayer's services will be \$195.00 and Matthew R. Serge's rate will be \$180.00.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact either of us.

Very truly yours,



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BLM/bgb

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TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
BUILDING INSPECTOR/CODE ENFORCEMENT OFFICE

November 30, 2012

Building Inspectors Monthly Report.

Dear Honorable Board,

This is a brief overview of activity of the Building Inspector, and Code Enforcement Officer for the month of November 2012.

Building Department: 35 Permits were issued this month with multiple inspections on a daily basis continues on existing permits. Chief Cote and I have met with several business owners on conversions, existing occupancies, and change of use issues. Any change of use is denied if applicable and referred to the appropriate board.

Code Enforcement: I accompanied Interim Town Administrator Dave Caron to a meeting to attempt mitigation between the Towns attorney and the property owner's attorney on a property that the Town owns where trees were cut. I reserve comment on the mitigation attempt, but further investigation from Ariel maps, photographs on file here, and photos provided by the City of Portsmouth revealed that after the trees were cut, the area was excavated, stumps removed and filled without the required Dredge and Fill Permit from the DES. This violation is on the Towns property and three (3) abutting properties as well. The owner is using the lots illegally and he has refused to get Planning Board approval as there is no site plan on file. I have filed the complaint to the DES Wetlands on the property owner and hope to hear from Eben Lewis in the near future.

I will be filing another wetland violation on commercial property on Lafayette Road. I spoke with the property owner who informed me that he has an "approved wetlands survey from Jamie Long of the former NH Soils, and you can cut trees in the wetlands" I called Jamie and he doubts it, and told me to ask him for it....I told the owner prior to the call to produce the alleged file and since he has not the complaint will be filed on Monday December 3rd after I take photographs of the trees (today) that were cut, or pulled out of the wetlands roots and all. The pile is in plain view from the road so there will be no trespass or expectation of privacy issues to deal with.

Fire Chief Dennis Cote accompanied me on a re-inspection of the Atlantic Avenue property that was illegally converted to a 4-unit apartment building without any approvals or permits. The

building had been converted in such a way that we are requiring the owner to hire a Fire Protection Engineer (FPE) under NFPA 1 to provide documentation on how to meet the NH Fire Codes on fire separation, and the many egress issues.

The site plan requirement for a Lafayette Road business I was working with has issues that were discovered while researching the Deeds. The owner has notified the Planning Board of the problem and is working to correct them and continue with the required Site Plan. According to the owner his attorney, Peter Saari will appear before the Board to explain in detail.

I met with two residents yesterday to discuss their complaint on a parcel that has existed since 1946. The residents are concerned over the amount of noise and possible pollution issues from the use of the property. The residents had complained to the prior Inspector and the interim Inspector as well. The conversation was lengthy with ideas and information coming from both sides of the table. I let them know of my concerns of pre-dating zoning, and that existing non-conforming uses are allowed to continue. I informed them that my work load has others ahead of them, but their concerns will be answered. I informed T/A Dave Caron of the meeting and will keep him apprised of all complaints.

I received a call from Jim Driver of the NH Department of Transportation that a Line of Sight Easement is in violation on Winnicut Road. The property owner had placed a decorative fence and planted trees to improve the looks of his property. The owner said he had spoke to the DOT and thought he was ok with the improvement. I have known the owner for several years and he is a gentleman and was gracious in understanding and will do what's right. He has asked for a little time to remove the trees and fence so as to protect his almost \$5000.00 dollars spent. With the ground frozen the trees and fence would be at risk if corrected now. I will monitor the situation.

Signage: No change here as I continuing to pick away at the illegal signage as time allows and have been getting voluntary compliance. This will always be a work in progress as time goes on.

Town Buildings: I answered the deficiency report from the Department of Labor and it was mailed on Tuesday. Work continues on the deficiencies noted on the Department of Labor report which I have attached to this report. I mounted the Eye Wash Station in the Police Department and need to have a plumber make the connections. Yesterday I received a call from the PD that water was shooting across the parking lot and it appears that the pipe has burst and that needs to be repaired as well. The valve controls both the eye wash and the burst pipe which I had located above the ceiling earlier this week so it was shut off pretty quickly with no damage to the building.

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**TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
BUILDING INSPECTOR/CODE ENFORCEMENT OFFICE**

November 27, 2012

Dear Inspector Roy,

The Select Board for the Town of North Hampton has taken note of the deficiencies of the October 16, 2012 Safety Inspection Report and Department heads are working diligently to correct them.

As the Building Inspector a majority of the corrections are my responsibility and plans are in place to correct all deficiencies.

A majority of the deficiencies have been corrected, but some require engineering and in one instance a complete makeover of the Town Clerks office work stations which have been in place for over 30 years. Because of the financial cost to the residents and the employees desire to "do it once" the Town Clerk is working with a local tradesman trying out different elevations and work station width and lengths. Ideas on reducing the window are also being explored.

The following is the current status of the deficiencies;

- 1) Safety Program Requirements- The Lab 1400 rules are being incorporated into the safety and health manual and will be reviewed for completeness by the committee at our scheduled December 18th meeting.
- 2) Filing Procedure for Safety Summary Form-The 2012 Summery Form was submitted by Police Chief Brian Page on October 2, 2012
- 3) Establishment of JLMC-No violation
- 4) Duties and Responsibilities of JLMC-Committee has been reactivated with new members and quarterly meeting dates have been set for the remainder of 2012, and all of 2013.
- 5) Workers Right-to-Know-The program has been written into the policy, and MSDS are accessible and will be maintained by the Public Works Director or his designee. Training on the hazards of associated with toxic chemicals is ongoing with the Police and Fire Department, and training of other employees will be conducted by department heads. All transfer containers must be labeled-Corrected-Labels were provided with spare labels.
- 6) Maintenance of First Aid Equipment-No Violation- All First Aid maintained by vendor.

- 7) Sanitary and Hygiene-5 gallons of Potable water and a container of hand sanitizing wipes are available on site at the transfer station.
- 8) Added Safeguards-Exit and Emergency Lighting-I personally inspected all emergency lighting and repaired several. The Town has contracted with Ramsdell Electric and additional emergency lighting and Exit Signage to be installed. (See attached)
- 9) Safety and Health Requirements-Work Place Violence- See Page one, 3rd Paragraph
Unsafe Work Practices- Transfer Station-LP Bottles have been removed from the building, and an outside storage locker to be provided.
Trip Hazards-Fire Department-See attached report from Fire Chief Dennis Cote
- 11) Abrasive Grinding-Fire Department-See Fire Chief's Report-Public Works-New shield on order, and work rest and distance have been adjusted.
- 12) Accident Reporting- The Rule has been incorporated in the Safety and Health Manual.
- 14) Air Tools-The Rule has been incorporated in the Safety and Health Manual.
- 16) Bloodborne Pathogens- The Rule has been incorporated in the Safety and Health Manual, and training provided by Department Head or Primex
- 17) Chains, Cables, Ropes and Hooks-Public Works-New Chains were purchased, and a custom made display-inspection stand in place-Daily inspection by P.W. Director or his designee.
- 19) Compressed Air Use-The Rule has been incorporated in the Safety and Health Manual.
- 20) Compressed Gas Cylinders-The Rule has been incorporated in the Safety and Health Manual.
- 27) Excavating and Trenching-The Rule has been incorporated in the Safety and Health Manual.
- 28) Fall Protection-The Rule has been incorporated in the Safety and Health Manual.
- 29) Flag person-The Rule has been incorporated in the Safety and Health Manual, and Police Chief Brian Page has instituted a Temporary Traffic Policy (Attached) Public Works personnel have a refresher scheduled for December for the STOP/SLOW Paddle.
- 31) Fork Trucks-The Rule has been incorporated in the Safety and Health Manual.
- 33) Hand Tools-The Rule has been incorporated in the Safety and Health Manual.
- 35) Housekeeping-All deficiencies corrected in the Library, Fire Department, and Transfer Station
- 38) Ladders-Fire Department-See Fire Chief's report
- 40) Lock Out-The Rule has been incorporated in the Safety and Health Manual. New Locks, Tags and isolation devices are on order for Electrical and Air operated equipment.
- 41) Machine Guarding-The Rule has been incorporated in the Safety and Health Manual. See Fire Chiefs report.
- 42) Machinery in a Fixed Location-The Rule has been incorporated in the Safety and Health Manual.
- 45) Mechanical Equipment-The Rule has been incorporated in the Safety and Health Manual.
- 46) Noise Exposure-The Rule has been incorporated in the Safety and Health Manual.
Training by P.W Director-New Ear protection provided to each employee with sanitizing wipes and individual storage bags.
- 48) Personal Protective Equipment-The Rule has been incorporated in the Safety and Health Manual. Corrected-Eye Wash Stations have been installed in the Police Department and Public Works Department.

53) Railing-The Railing and Toe Board will be completed by November 30th 2012. Note: Weight Capacity of Floor. The size of the framing members and the width are determined to be adequate by this Building Inspector.

54) Record Keeping-An annual log will be created, maintained and be available at all times.

55) Respiratory Protection-The Rule has been incorporated in the Safety and Health Manual.

New approved Respirators were purchased and employees to be trained on use and care

57) Rollover Protective Structures-The Rule has been incorporated in the Safety and Health Manual.

59) Saws-The Rule has been incorporated in the Safety and Health Manual.

65) Toxic Substances-The Rule has been incorporated in the Safety and Health Manual.

Training to be provided by Department Heads or Primex

66) Traffic Control-See Police Chief Brian Page's Report

The above corrections, actions of the Department Heads and the support of the Select Board should demonstrate the commitment to the safety of the employees, residents, and visitors alike. The Select Board and we the employee's do not take safety for granted and look forward to an inspection by your office when all deficiencies are corrected.

There are items noted that are time consuming and require engineering that we are subject to abide by the schedules of others, but they will be corrected.

With that said I respectfully request a sixty (60) day extension in order to assure all deficiencies are corrected.

Respectfully submitted,

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