



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

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REGULAR MEETING –MONDAY, JANUARY 28, 2013 –7PM  
NORTH HAMPTON TOWN HALL

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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 to order at 7:00 PM. Those in attendance were Selectman Wilson, Selectman Miller and Town Administrator Apple.

Chair Maggiore led the Pledge of Allegiance.

**2. Approval of Minutes of Previous Meetings**

2.1 Select Board Minutes of December 17, 2012

**Motion by Selectman Wilson to approve the minutes of December 17, 2012 as emended. Seconded by Selectman Miller. Motion carries 3-0.**

2.2 Select Board Minutes of January 14, 2013

**Motion by Selectman Miller to approve the minutes of January 14, 2013 as written. Seconded by Selectman Wilson. Motion carries 3-0.**

2.3 Select Board Minutes of January 17, 2013

**Motion by Selectman Miller to approve the minutes of January 17, 2013 as written. Seconded by Selectman Wilson. Motion carries 3-0.**

**3. Consent Calendar**

*No Items*

**4. Communications to the Select Board**

4.1 Correspondence from Attorney Thomas Hildreth Regarding Hampton Rod and Gun Club Complaint

Chair Maggiore stated that the Select Board had received communication from Attorney Hildreth that is very lengthy, and asked the Select Board if they preferred that he read the abbreviated version or the lengthy version.

Selectman Wilson stated that abbreviated versions are often subject to misinterpretation and misunderstanding. He suggested that the Select Board make clear that the correspondence is available in the Town Office as a matter of public record, and suggested Chair Maggiore simply state what the subject matter is.

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Chair Maggiore stated that on December 20, 2012, the town received a letter from Thomas Hildreth of the law firm of McLane, Graf, Raulerson and Middleton regarding pending litigation with the Hampton Rod and Gun Club.

Copies of the letter will be available for public review in the town office and will also be included as an attachment to this set of minutes.

Selectman Wilson stated that the gist of the letter is that Mr. Hildreth has notified the town that a group of citizens are challenging whether the Hampton Rod and Gun Club has a right to operate under the zoning ordinance that was in effect at times when they have done various things.

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

Town Administrator Apple stated that his first ten days had gone fairly smoothly, and that he has met with all major department heads as well as a number of employees.

Town Administrator Apple stated that the MS-7, MS-DT and warrant were posted on January 24, 2013. He further stated that a typographical change had been made to the warrant and needed to be ratified by the Select Board.

Repairs have been done in the Town Hall, and the Town Clerk's window is a process that is moving forward.

Town Administrator Apple stated that a copy of a proposed policy regarding non public minutes was included with the Select Board materials for their consideration at a future meeting.

Chair Maggiore stated the issue of approving non public minutes has been brought up before by Selectman Miller and asked the board if they would like to take up this issue at this evenings meeting. All board members agreed.

Chair Maggiore stated that the current Select Board has never gone through sealed non public minutes to review and approve them. The proposed policy states that non public minutes would be reviewed, amended, emended and approved in a public meeting. A decision can be made whether to keep the minutes sealed or not.

Selectman Miller stated that there clearly is a need for certain non public minutes to be sealed in order to protect someone's reputation, but there are some sealed minutes that do not have to remain so. In order to comply with public awareness, sealed minutes should be reviewed.

Selectman Wilson stated the policy substantively suggests that as far as he knows the town has never had a process that is routinely and rigorously executed, and checked to deal with sealed minutes. He further stated that this would not only be a policy but a process, and as long as the Select Board follows the process to make sure the policy is being followed and it fills a large gap in the towns execution of the spirit of the right to know law.

Chair Maggiore reviewed Section 4 (B) regarding the Select Board appointing one of its members who with the Town Administrator shall open the envelopes containing sealed non public minutes and review them for the purpose of determining whether the reason justifying the seal still exists.

Selectman Wilson asked Town Administrator Apple what his feeling was on non public minutes that contain personnel matters and if there is ever a point in which they should ever be unsealed.

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Town Administrator Apple stated that in many instances, discipline or contemplated discipline would adversely affect the reputation of a current or former employee. Without knowing the specifics of a particular case, his response would be the average personnel matter would likely remained sealed.

Selectman Wilson asked if the same criterion applies for evaluating the adequacy of regular minutes as opposed to non public minutes.

Town Administrator Apple stated that state statute, 91-A:3 III, states that minutes shall be kept and they should record the action in the non public session.

Selectman Wilson stated that if no action was taken in the non public session, the minutes would only need to reflect that, and would not need to be sealed.

Town Administrator Apple confirmed that there would be no detailed information of the deliberations discussed in non public.

**Motion by Selectman Miller to adopt the proposed policy on non public minutes dated January 23, 2013 as written. Seconded by Selectman Wilson. Motion carries 3-0.**

**Motion by Selectman Wilson to appoint Chair Maggiore to represent the Select Board to review the non public minutes with the Town Administrator. Seconded by Selectman Miller. Motion carries 3-0.**

## **6. New Business**

### **6.1 Approval of Expenditure from Capital Reserve #8 of \$350,000 for Governor Dale Estate Easement**

Chair Maggiore stated that the Select Board had received a request from Conservation Commission chair Chris Ganotis, asking that the Select Board approve the expenditure from Capital Reserve #8 for \$350,000 for the purchase of the easement on the Governor Dale property.

Chris Ganotis, chair of the Conservation Commission stated to the Select Board that the Conservation Commission had met on January 17, 2013, and following their public hearing, the Conservation Commission convened a special business meeting to consider public comment and a recommendation to the Select Board to expend \$350,000 from Capital Reserve #8 for the partial payment of the purchase of a conservation easement for the Governor Dale Estate and further subject to conditions precedent in the project option agreement.

Mr. Ganotis stated that at the January 17, 2013 meeting, the Conservation Commission voted unanimously on a motion to recommend the purchase to the Select Board pursuant to RSA 36-A, and RSA 79-A. He further stated that the Select Board must make the final decision on whether to approve the recommendation to expend the funds.

Mr. Ganotis offered several comments to highlight the importance of the purchase of the Governor Dale property easement:

- There will be no impact on the tax rate as the funds in Capital Reserve #8 are monies that were accumulated over a decade from taxes paid for property owners taking land out of current use.
- RSA 79-A:25 provides for the establishment of a conservation fund into which money is deposited from current use taxes.
- At the 1989 town meeting, the Town of North Hampton voted affirmatively to create such a fund with 100% of the current use taxes to be deposited into that fund.
- RSA 36-A requires the money in the conservation fund must be used exclusively for conservation purposes.

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- The Governor Dale Estate property offers the advantage of historical, conservation, natural resources and public safety values while preserving open space and the rural character of the town. The investment would be approximately ¼ of the total value of the land, with the rest of the money coming primarily from federal grants and other sources.
- By placing the property into conservation, a significant potential economic property tax burden to North Hampton taxpayers can be avoided for the cost of schooling and town infrastructure to support a 49 +/- units.

Selectman Wilson stated that the correct appraised value of the easement is 2.4 million dollars, not 1.8 million dollars as Mr. Ganotis stated. He further stated that Mr. Falzone is donating \$600,000 by way of a bargain sale, which is a discount of 25 percent and makes the *purchase* price 1.8 million dollars.

**Motion by Selectman Wilson to authorize the expenditure of \$350,000 from Capital Reserve Fund #8 for the purpose of contributing to the acquisition of a conservation easement on the Governor Dale property which will be held by the Southeast Land Trust of New Hampshire in which the town will hold an executory interest. Seconded by Selectman Miller. Motion carries 3-0.**

6.2 Authorization to Install/Replace Public Service of New Hampshire Pole 2/159, 6/1PB, and 5/21PB

**Motion by Selectman Miller to authorize Public Service of New Hampshire to install or replace pole numbers 2/159, 6/1PB and 5/21PB. Seconded by Chair Maggiore. Motion carries 3-0.**

6.3 Auditor's Report for Fiscal Year Ended June 30, 2012

Eric Demas from Melanson, Heath & Company presented an overview of the financial statements and the management letter for the fiscal year ended June 30, 2012.

Mr. Demas stated that the audit for 2012 went well, and that the towns books and records were well maintained and materially reconciled with the supporting documentation provided by the town. He further stated that during the audit no proposed audit adjustments were made to the towns records, and there were no disagreements with management on the applicability of GAAP – Generally Accepted Accounting Principles.

Mr. Demas reviewed the Management's Discussion and Analysis, the Statement of Net Assets, State of Activities, Balance Sheet, Statement of Revenues, Expenditures and Changes in Fund Balances, Statement of Fiduciary Net Assets and Notes to the Financial Statements.

Mr. Demas stated that there are not any new recommendations being made this year in the Management Letter. The letter is giving a status update of the recommendations that were made by the auditors in the prior year that had not yet been implemented. A number of comments that had been made have now been removed because they have been fully implemented by the town.

Mr. Demas stated that the auditing standards require auditors to report what the status of prior recommendations were as of June 30 which may not reflect what the status is as of today. He further stated that there have been significant improvements made in financial reporting, accounting system and transition of other funds to the general ledger.

Doug Smith, Finance Director thanked Eric Demas and his staff from Melanson, Heath & Company, as it has truly been a partnership. He further stated that from the finance department's perspective they have been a great help in enabling them to make the progress over the past several years.

Mr. Smith assured the Select Board that the material weaknesses that were reported in the 2012 management letter would not be reported on the 2013 management letter.

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Selectman Wilson asked Mr. Smith if it would be reasonable to come back to the Select Board at the last meeting in March or the first meeting in April to update the board on the progress that finance department is making on the issues that the auditors reported on.

Mr. Smith agreed and stated he would report back to the Select Board at that time.

#### 6.4 Finalize Location of March 12, 2013 Election

Selectman Miller stated that a small election such as the March election would be adequately serviced at the Town Hall, and that one of the reasons the Town Hall was renovated was to allow elections to be held in them.

Selectman Wilson stated that although it is inconvenient to bring all of the necessary election equipment to the school, perhaps they could have it there this year and have a discussion with the School Board next year on changing to the Town Hall.

**Motion by Selectman Wilson to ratify the posting of the polling place as the school for the March election. Seconded by Selectman Miller. Motion carries 3-0.**

#### 6.5 Approval of Heritage Commission Standing Policy

The North Hampton Heritage Commission requested that the Select Board adopt a standing policy as follows:

“The North Hampton Heritage Commission will be consulted in an advisory capacity in the review of any proposal to renovate historic town-owned buildings or development plans for town owned buildings and sites. The definition of historic will include any building/structure or portion thereof at least fifty (50) years old.”

**Motion by Selectman Wilson to adopt the policy. Seconded by Selectman Miller. Motion carries 3-0.**

Selectman Wilson stated the Heritage Commission is to be commended for their active role over the past years in preserving the historical assets of the town.

#### 6.6 Preparation for Deliberative Session

The Select Board reviewed the warrant and which member would be making the motion and who would second the motion at the Deliberative Session on Saturday, February 2, 2013. The following was decided:

Article 5 will be moved by Selectman Miller, seconded by Chair Maggiore with Selectman Miller speaking to the article.

Article 6 will be moved by Selectman Wilson, seconded by Chair Maggiore;

Article 7 will be moved by Chair Maggiore, seconded by Selectman Wilson;

Article 8 will be moved by Selectman Miller, seconded by Chair Maggiore;

Article 9 will be moved by Selectman Wilson, seconded by Selectman Miller;

Article 10 will be moved by Chair Maggiore, seconded by Selectman Wilson;

Article 11, 12 and 13 will be moved by Selectman Miller, seconded by Chair Maggiore;

Discussion ensued with Chief Cote with issues surrounding Warrant Articles 11, 12 and 13 and the need to purchase a new ambulance this year.

Town Administrator Apple will be consulting with the Moderator and counsel with respect to a possible amendment on the floor of Deliberative Session that would add language that ties the ratification to decisions to expend from the Capital Reserve fund, \$200,000 for the ambulance and associated equipment, and \$18,500 for turnout gear.

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Article 14 will be moved by Selectman Wilson, seconded by Chair Maggiore;  
Article 15 will be moved by Chair Maggiore, seconded by Selectman Miller;  
Article 16 will be moved by Selectman Miller, seconded by Selectman Wilson;  
Article 17 will be moved by Selectman Wilson, seconded by Chair Maggiore;  
Article 18 is a petitioned warrant article  
Article 19 will be moved by Chair Maggiore, seconded by Selectman Miller;  
Article 20 is a petitioned warrant article  
Article 21 is a petitioned warrant article

**7. Closing Comments**

7.1 Closing Comments by Visitors

7.2 Closing Comments by Select Board Member

Town Administrator Apple commended Jim O'Hara for his efforts on a successful Winterfest

**8. Adjournment**

Chair Maggiore adjourned the meeting at 9:50 PM.

Respectfully submitted,

*Janet Facella*

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