



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
SELECT BOARD
DRAFT MINUTES

MEETING –FRIDAY, FEBRUARY 1, 2013 – 10:00 AM
NORTH HAMPTON EXECUTIVE CONFERENCE ROOM

1. Call to Order

Chair Maggiore called the meeting to order at 10:05 AM. Those in attendance were Selectman Wilson, Town Administrator Apple, Lieutenant Tully and Chief Page. Absent was Selectman Miller.

Selectman Wilson suggested moving item 2.2 to first on the agenda.

Town Administrator Apple discussed the need to sign a Release of Access Easement Rights for property on Exeter Road.

Selectman Wilson explained this was a 75 acre piece of property on which an easement was acquired with the assistance of the Trust for Public Land owned by Jane Robie. The Town acquired additional acreage on the south side of Exeter Road with part of the initial agreement being that access to the conservation parcel behind her house on Exeter Road would be allowed, but reserved the right in the agreement that if there were ever access from any other place, she would be allowed to be released from the agreement. With the acquisition of the Corbett property, the access is now connected, and the easement is accomplishing what the conservation commission foresaw doing at the outset.

Chair Maggiore and Selectman Wilson decided to wait to execute the document with Selectman Miller the following day.

Town Administrator Apple suggested putting together a commendation for Dave Caron for his work as Acting Town Administrator.

The Select Board agreed that this was a great idea, and Selectman Wilson offered his assistance editing the document.

2. New Business

2.1 Preparation for the Deliberation Session

Town Administrator Apple stated that the Select Board needed to decide how to proceed with the ambulance warrant article, and which option would be used at the deliberative session.

Chair Maggiore asked Lieutenant Tully if he was up to speed with the conundrum the town is in regarding the correct way to proceed with the ambulance warrant articles.

Lieutenant Tully stated that he understood how the accounts were set up and how they would be used in the future, but was not clear on the status of where the warrant articles went to or if they are “hanging somewhere.”

Chair Maggiore stated that there are three warrant articles; the first warrant article blesses the past actions of town vote. The next warrant article allows for 15% of monies in the account for repairs, and 85% for new purchases with one being contingent upon the other.

Chair Maggiore stated that the problem is the consideration of the purchase of a new ambulance.

Town Administrator Apple stated that there were three options for a way to handle the situation.

Town Administrator Apple stated the first option is to do nothing. If the Select Board does nothing at the deliberative session, and article 11 passes which blesses the funding mechanism for the capital reserve account. The Select Board are already agents to expend from that fund, would make a decision on whether to spend that money out of that account and purchase the ambulance and the turnout gear.

Town Administrator Apple stated that option two is to move to amend article 11 which is the ratification article, to add a clause at the end which is advisory in nature, would say to the Select Board that it is understood what is being said, think it is a good idea, and authorize them to go ahead and spend the money out of the capital reserve account.

Town Administrator Apple stated that the third option would be to take the old article 15 and article 17 in the original draft of the warrant articles, which had to do with the ambulance and equipment, and attach them to article 22 which is to transact any other lawful business, and make them advisory to get a sense of the house.

Town Administrator Apple stated that the benefit with using article 22 would be that there would be a vote. He further stated that another benefit of proceeding under article 22, is that it is clear and it doesn't muddy the waters with respect to what is trying to be done in the future with warrant articles 11, 12 and 13. The risk is that once the door is opened on advisory articles there tends to be the "slippery slope" in the coming years.

Selectman Wilson stated that the risk could somewhat be mitigated by a very good introductory statement that the Select Board is doing this for the current year only and because they have been told by the Fire Chief that the town must purchase an ambulance, and the Select Board has the authority to spend this money, believes it is a prudent expenditure, but because the Select Board also believes strongly in transparency and the legislative body approving capital expenditures, they are asking for the advisory article this year only, and have no intention of ever asking again unless equally extreme circumstances come up in the future.

Town Administrator Apple stated that he would be meeting with the town moderator later in the day to discuss this issue and see what his opinion is. If the moderator were to rule the motions to be inappropriate under RSA 40:4-e, which does not permit the submission of articles unless they are authorized by law, then there would have to be a Plan B.

Chair Maggiore stated that Plan B is that the Select Board are agents to expend from the fund and they could go ahead and purchase the ambulance.

Town Administrator Apple stated the third option would be to amend article 11 with an advisory clause at the end with the benefit of receiving a vote. The risk would be if by including that language, it invalidates the article, the plan for the future will not be accomplished.

Motion by Selectman Wilson to deal with the issues related to article 11 under article 22 and to have the wording of the warrant for the ambulance and the bunker gear put in front of the deliberative session for consideration to be added to the official ballot as an advisory vote. Seconded by Chair Maggiore. Motion carries 2-0.

2.2 Vote to Recommend Operating Budget

Motion by Selectman Wilson to approve the operating budget as presented. Seconded by Chair Maggiore. Motion carries 2-0.

Town Administrator Apple stated the Select Board have a meeting at 8:15 AM Saturday, February 2, 2013, and when Selectman Miller is back in jurisdiction there can be a short meeting to get his vote on the operating budget so that the warrant article can read 3-0.

3. Adjournment

Chair Maggiore adjourned the meeting at 10:48 AM.

Respectfully submitted,

Janet Facella

