



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE  
SELECT BOARD  
APPROVED MINUTES

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REGULAR MEETING –MONDAY, MARCH 11, 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. **Non-Public Session Pursuant to RSA 91:A-3 II (e) 6:30 PM– Executive Conference Room**

2. **Call to Order**

Chair Maggiore called the meeting to order at 7:09 PM. Those in attendance were Selectman Wilson, Selectman Miller and Town Administrator Apple.

Chair Maggiore led the Pledge of Allegiance.

**Motion by Selectman Wilson to seal the minutes of the Non-Public session as provided by RSA 91:A-3 II (e). Seconded by Selectman Miller. Motion carries 3-0.**

3. **Approval of Minutes of Previous Meetings**

3.1 Select Board Minutes of February 25, 2013

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

4. **Consent Calendar**

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

5. **Communications to the Select Board**

5.1 Correspondence from Homeland Security and Emergency Management

Chair Maggiore stated that on November 27, 2012 President Barack Obama declared a major disaster for the State of New Hampshire due to Hurricane Sandy with an incident period of October 26 through November 8, 2012.

5.2 Correspondence from Little Boar's Head Commissioners

Chair Maggiore read the letter into the record. A copy of the commissioners of Little Boar's Head letter is attached to these minutes.

Chair Maggiore suggested arranging a mutually convenient meeting with town counsel, Little Boar's Head officials and their counsel, Chair Maggiore, Town Administrator Apple.

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### 5.3 Report of the North Hampton Building Inspector/Code Enforcement Officer

Chair Maggiore stated that a copy of the Building Inspector's report is available at the town offices. A copy is also attached to these minutes.

### 5.4 Correspondence from State of New Hampshire, Department of Transportation

Chair Maggiore read correspondence received regarding a decrease in the amount of North Hampton Highway Block Grant Aid.

### 5.5 Memorandum from Scott Marsh, Municipal Resources Incorporated

Chair Maggiore stated that the Town of North Hampton's median assessment to sales ratio for the 2012 tax year is 104.0%. The planned 2013 revaluation will correct this unacceptable PRD (price-related differential).

Chair Maggiore read a letter that the Select Board received from "Meals on Wheels."

## 6. Report of the Town Administrator

Town Administrator Apple stated that he would be focusing his report on the completion of the fiscal year. At present, the spending is at a rate that if departments were to continue would result in a deficit of the general fund. At the Select Board's direction, department heads worked to identify some reductions in services and reductions in expenditures that would help to meet the gap. Significant money has been spent for snow removal, but if the weather cooperates during the next few months the public works department budget should be in good shape. Another area of concern are the overtime budget in the three largest departments, which are both structural issues as well as some difficulties in terms of managing to the standard that was provided to departments heads by the budget committee. It is the opinion of the department heads that historically "burn rates" on overtime begin to go down significantly in the last quarter of the fiscal year.

Town Administrator Apple stated that he has made recommendations to the Select Board based on moderate service reductions. He stated that he felt the police department would end the year with a surplus in large part because of savings in health insurance. Additionally, the police department has been aggressive in controlling overtime and working to contain spending. Minor service reductions will be made, but nothing of substantive value.

Town Administrator Apple stated that reductions have been made in the fire department to training, physicals, fire prevention and vehicle maintenance. Reductions such as these are usually short term gains, and often times end up paying for those long term. He further stated there will be minor reductions in service.

The director of public works has projected that if the weather cooperates, he will need \$3,000 to \$4,000 out of his paving line item to cover expenses. As a result, there may be fewer pot holes filled in the spring.

Town Administrator Apple commended all of the department heads for the work they have done. The recreation director is reducing some of his line items, but nothing that will have an impact on programs that are ongoing for the remainder of the fiscal year.

Town Administrator Apple stated in the administration line items there has been savings realized from a vacancy in the building inspector and code enforcement office earlier in the year.

Town Administrator Apple stated if "burn rates" were to continue, they can be offset by a commitment of funds that have been made by department heads and most likely finish "ahead of the game."

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He further stated that another three to six weeks are needed to determine whether the predictions are correct. If they are not correct, it will require some more substantial effort and difficult decisions by the Select Board.

Selectman Miller asked if Town Administrator Apple's report included reimbursement from the Federal Government for Hurricane Sandy.

Town Administrator Apple stated it does include FEMA reimbursement. From an auditing prospective, 75% of the expenditures can be removed from the general fund and transferred to the grant fund where they will be reimbursed.

Town Accountant, Tom McCormick stated funds received from Hurricane Sandy are a small amount of approximately \$5,000, and will not result in a large budget impact.

Selectman Wilson stated that as he understands, the Town Administrator is recommending going with the baseline, and the baseline represents the analysis of the budget as of February 28, 2013. This analysis led to concern on what was going to be overspent. Department heads have made commitments about funds they would not spend that would offset the projected deficit, and the result of the commitment of those funds is that if things go according to the baseline, the year should end with approximately \$53,884 "in the black."

Selectman Wilson stated that there is obviously no control over the weather; however one thing that could be controlled is overtime. He further stated that he had asked the Town Administrator if there not been over expenditures in overtime, would the Select Board be having this discussion, and his answer was no. Selectman Wilson questioned whether overtime management was a problem.

Selectman Wilson stated that his conclusion would be that the Town Administrator's recommendation for the baseline option is good, with one caveat; to the extent that overtime can be controlled, it should be. He further stated overtime is the source of the problem primarily, and to the extent that it can be controlled it should.

Town Administrator Apple stated that his observation of the systemic problem, in his judgment, is that he is uncertain on whether or not overtime budgets have been funded in a way that reflects the level of service the town enjoys. Reductions in overtime will clearly mean reductions in service. If a shift is not fully staffed, there are safety and service implications. The law however is absolute in that the bottom line cannot be overspent, so there are service reductions that will have to be lived with.

Selectman Wilson asked if there is training that could be postponed to help control the cost of overtime.

Town Administrator Apple stated that both Chief Page and Chief Cote have engaged in an effort to manage training carefully given the circumstances.

Selectman Wilson encouraged department heads to "bend over backwards" to control expenses between now and June 30. In doing so, it will increase the probability of the success of the baseline case. He further stated the more flexibility that is created by managing the budget tightly, the better off the town will be.

Selectman Miller stated that one of the liabilities that the town faces is responding to Stratham with mutual aid. He further that they should not respond.

Town Administrator Apple stated that the town is party to a mutual aid agreement, and as frustrating as it is for our town, it is most likely equally as frustrating for our neighboring towns when they come to help us.

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Selectman Miller stated that this issue has been discussed before, and Stratham does not provide North Hampton with any mutual aid. He further stated that our own chief was hurt on a job in Stratham, and if costs are going to be controlled, mutual aid needs to be stopped to Stratham.

Chair Maggiore stated that he would like to reach out to all of the communities that are part of the mutual aid agreement.

Selectman Miller stated that he did not want to reach out to all of the communities; he only wanted to reach out to the one that does not give North Hampton mutual aid, and tell Stratham that the Town of North Hampton will not be responding because the town is out of money.

Selectman Wilson stated that Stratham has been in serious discussions for a while now about the possibility of collaborating with Exeter to extend their sewer system into Stratham, along Route 33. Stratham has taken the position to press for quite a bit of development along Portsmouth Road [sic], and Exeter is faced with extraordinary expenses to upgrade their sewer system. He further stated that he raised this issue because one of the things that concerns him, is Stratham cannot possibly continue to exist with an all volunteer fire department, if they achieve what they are hoping to achieve as far as residential and commercial development. It would be totally unreasonable for them to expect other towns, in his opinion, to come in and respond to their needs whether it is emergency services or fire, given the decisions they are taking regarding how they want to develop their town. Selectman Wilson stated that this is a live issue that the Select Board should try to get ahead of.

Chair Maggiore stated that after the election, the Select Board should sit down with their goals and priorities for the next year on what they wish to accomplish, and determine where the topic of mutual aid exists on their list of priorities.

Selectman Wilson stated that this situation should be very clearly presented to the budget committee, and the consequences of them tightening the budget so much it is now at the point there is no flexibility for uncontrollable expenses such as storms or mutual aid agreements and if the budget committee continues to put pressure on reductions in allocations, particularly in overtime, then the consequences of doing that must be made clear. The consequences would be to look at reducing shift levels and getting out of mutual aid agreements. He further stated that the invisible must be made visible.

Selectman Wilson stated that he would recommend that the baseline be pursued, watch it very carefully and come back to the Select Board if there is any inkling that the budget is not going to make it.

Town Administrator Apple stated the Select Board would be receiving regular reports from him regarding the budget between now and April 22. At the April 22 Select Board meeting, Town Administrator Apple stated it is his intention to make a presentation such as the one this evening with figures that are updated through the end of March because then they will be able to make a better prediction.

Town Administrator Apple stated that with the Select Board's permission he would like to give the budget committee a summary of his report that he had presented tonight.

## **7. New Business**

### **7.1 Large Assembly Permit Application – John Dionne - Reach the Beach Relay**

Mr. Dionne stated that the "Reach the Beach Relay" is a 200 mile running race that starts at Cannon Mountain and ends at Hampton Beach.

The race comes through town at approximately 9:00 AM until approximately 6:30 PM. Overall, there will be approximately 2,500 runners coming through the Town of North Hampton.

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Selectman Miller inquired about portable toilets, lights and EMT coverage. Mr. Dionne stated that they provided 10 portable toilets, there is no need of lighting, and they have their own team of EMT's that marshal throughout the race course with a tent set up at the North Hampton School with EMT's.

Selectman Miller asked Chief Page if the police details meet his requirements.

Chief Page stated that he has been working with Mr. Dionne for the past 15 years and he has always adhered to every change that he has required them to make, and he is comfortable with the location of the details. He further stated that it was important to state that all costs associated with the police detail rate; salary, FICA, retirement and uniforms are all borne by the race organizer. There are no costs to the town.

Selectman Wilson asked Mr. Dionne to explain the purpose of the organization.

The Select Board spoke regarding the number of road races that should be allowed in North Hampton each year.

Mr. Dionne stated that it is a "for profit" organization with roughly half of the proceeds being donated to local communities. A fee of \$1,440 is charged to every team of 12 runners.

The Select Board asked that Mr. Dionne's Large Assembly Permit application circulate amongst the department heads for their approval. Once department heads have reviewed, it can then be placed on the Consent Calendar at the next Select Board meeting.

#### 7.2 Large Assembly Permit Application – Don Allison – Eastern State 20 Mile Race

Mr. Allison was not in attendance at the meeting to speak to the permit application. Chair Maggiore read from the application that stated the road race runs along Route 1A from Portsmouth to Seabrook, and passes through North Hampton along the way. The road race does not start or finish in North Hampton.

Ambulance service will be provided through Rockingham Ambulance and traffic control by three North Hampton police officers. Portable toilets will not be located in North Hampton.

Chief Page stated that despite the fact that Mr. Allison was not in attendance to make his presentation, he did not have any objections with the road race.

Town Administrator Apple suggested having the permit conditionally approved and he will have it circulated for signature from department heads, and place the permit on the agenda for March 19.

#### 7.3 North Hampton State Beach Parking Lease Program for 2013

Chair Maggiore stated the New Hampshire Division of Parks and Recreation had submitted their annual lease parking application for the North Hampton State Beach, and noted that there would be a price increase. He further stated that the Select Board needed to decide whether or not to keep the price of a beach parking sticker the same, or to increase the fee.

Chair Maggiore stated that fees collected from the sales of beach parking stickers are deposited into the Recreation Revolving Fund and in turn helps to support programs. The average revenue over the past three years has been \$6,100. If the Select Board chooses to leave the fee as is, it would reduce the revenue to approximately \$2,700.

Selectman Miller asked how many beach stickers are printed each year.

Town Administrator Apple stated that he did not know the answer to that question, but would speculate the amount purchased is based on prior sales.

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Selectman Wilson stated that several years ago, the town had run out of parking stickers and had to have more printed.

Selectman Miller stated if the town is "maxed out" on utility of the space, then perhaps there should be a price increase because the area has also been improved.

Selectman Wilson stated the revenue is an important contribution to the recreation department, and if the Select Board does not improve a modest fee increase of five dollars, it will reduce their income by approximately \$3,500, and the recreation department counts on this money to operate their programs.

Chair Maggiore stated that as much as he dislikes having to increase taxes or fees, but doing so at a modest, one time five dollar increase for a parking sticker, he hopes that people can appreciate that five dollars helps continue the programs that everyone in town has come to enjoy.

**Motion by Chair Maggiore to increase the beach parking permit fee from \$25 to \$30, and to allow the Town Administrator to execute the documents for the lease program. Seconded by Selectman Wilson. Motion carries 3-0.**

Selectman Wilson suggested that the Town Administrator make sure there is enough beach parking stickers purchased so the town does not have to deny any residents.

#### 7.4 Approval to Establish the North Hampton Economic Development Committee

Chair Maggiore read the following proposal for an Economic Development Committee:

"The Select Board hereby establishes the North Hampton Economic Development Committee with the following charge:

The North Hampton Economic Development Committee (EDC) is a committee created by the Select Board to advise and assist the Board in accomplishing the objectives of the Town for economic development. The EDC shall be responsible for promoting the economic prosperity of the Town through identifying and soliciting appropriate business development, encouraging job creation and retention and increasing the tax base. In considering any project, program, or activity, the EDC shall balance proposed revenues with any direct or indirect costs, including possible burdens on services, which such development may impose upon the Town. The Committee shall perform such other duties as are prescribed by federal, state and local law and may receive staff support from the departments of the town, other public, non-profit and private entities as the Select Board shall authorize.

The Committee shall consist of five (5) members: (1) a Select Board member; (2) a Planning Board member; (3) a member of the North Hampton Business Association who is a resident of North Hampton; (4) the Executive Director of the Rockingham Planning Commission, or the Director's designee who is familiar with economic development; and (5) an at-large resident of the Town.

The Town Administrator shall serve as the committee's adjutant and department heads shall serve the Committee in advisory roles upon the request of the Committee's Chair. The Select Board shall appoint members to the Committee for a one (1) year term. The Committee will make an annual report to the Town in the Town Report as to its activities. The Committee will appoint its own officers as needed on an annual basis, and may consult with any person of its choosing.

The Committee has authority to expend funds that are included in any annual budget made for it, and all such expenditures shall be in accordance with the Town's purchasing and financial policies. The Committee shall propose an annual budget to the Select Board in accordance with procedures established by the Board.

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Members of the Committee shall serve without compensation. Committee members must comply with the policies and procedures of the Town.”

Selectman Wilson stated that the Select Board has discussed this, made their contributions, and the document reflected the revisions the Select Board asked the Town Administrator to make.

**Motion by Selectman Wilson to accept and approve the document as presented. Seconded by Selectman Miller for discussion.**

Selectman Miller stated that he is in favor of the committee and asked how the Select Board would proceed with filling the positions on the committee.

Town Administrator Apple stated that it is up to the Select Board how the committee will work, but it would be his suggestion that the Select Board, Planning Board and the North Hampton Business Association nominate members and assuming the nominations are acceptable to the Select Board they would then be appointed. He further stated to those watching from home, if they had an interest in serving on the Economic Development Committee to email him at [papple@northhampton-nh.gov](mailto:papple@northhampton-nh.gov).

Selectman Wilson stated that his inclination for the at-large resident of the Town would be to appoint someone that does not fall into one of the other categories such as a Planning Board member, Select Board member or a member of the North Hampton Business Association.

**Selectman Wilson called the question. Motion carries 3-0.**

## **8. Closing Comments**

8.1 Closing Comments by Visitors

8.2 Closing Comments by Select Board Member

Chair Maggiore reminded everyone that tomorrow, March 12 is Election Day. Elections will be held at the North Hampton School from 8:00 AM until 7:00 PM.

Selectman Wilson stated they would like to see a turnout above 1,000 voters.

## **9. Adjournment**

Chair Maggiore adjourned the meeting at 9:15 PM.

Respectfully submitted,

Janet Facella, Administrative Assistant

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**The Village District of Little Boar's Head**  
In the Town of North Hampton, New Hampshire  
PO Box 133, North Hampton, NH. 03862-0133

March 4, 2013



Board of Selectmen  
Town of North Hampton, New Hampshire  
233 Atlantic Avenue  
North Hampton, New Hampshire 03862

Re: Concurrent Jurisdiction of Zoning Boards

Dear Sirs,

This is in response to a question raised at some recent Town of North Hampton Zoning Board meetings as to that Board's jurisdiction in the Little Boar's Head Village District section of the Town. After research, including review of the 1937 enabling legislation granting the Village District authority to enact zoning regulations, the initial (1946) Town of North Hampton Zoning Ordinance, the 1963 revision and restatement of that Ordinance and the current version of the Town Zoning Ordinance, as well as the November 21, 2012 letter from Attorney Serge to Mr. Field, Chair of the Town Zoning Board, it is the position of the Village District Commissioners, based on the advice of our counsel, that the practice of concurrent jurisdiction, which we believe has been in place at least since 1963, is valid.

Accordingly, the Village District Zoning Inspector and our Zoning Board of Adjustment will continue their practices of noting on Village District Zoning Compliance Certificates and in Village District Zoning Board proceedings the requirement of corresponding action by Town of North Hampton officials under the terms of the Town Zoning Ordinance. In this connection, we expect that the Town Building Inspector will continue operating as in the past with respect to construction activities in the Village District.

If you wish, we would be pleased to discuss this matter with you at a mutually convenient time or to consider any information you have that might cause us or our counsel to alter our position on this matter.

On behalf of the LBH Commissioners,

Richard Garnett, Chair



KEVIN KELLEY  
BUILDING INSPECTOR/CODE  
ENFORCEMENT OFFICER  
[KKELLEY@NORTHHAMPTON-NH.GOV](mailto:KKELLEY@NORTHHAMPTON-NH.GOV)

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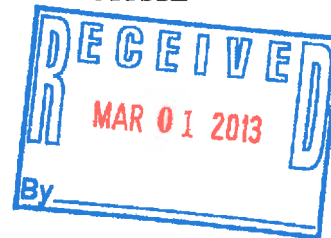
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TOWN OF NORTH HAMPTON, NEW HAMPSHIRE  
BUILDING INSPECTOR/CODE ENFORCEMENT OFFICE

March 1, 2013

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 February 2013.

**Building Department:** 25 Permits were issued this month with inspections on a daily basis on new and existing permits. Chief Cote and I have met with several business owners on conversions, existing occupancies, and change of use issues. I began to review past permit applications after issuing Occupancy Permits at an over 55 development and discovered that a Gas provider had been applying for permits, but not for every installation. I notified the provider and nine (9) after the fact permits were issued. With the applications was a separate safety installation check list for each location. I also have been here long enough to know where my active job locations are and am stopping at any location I see a contractors vehicle which resulted in two electricians, an HVAC contractor and one General Contractor coming in for permits for three different locations. I began to get inspection requests from a long ongoing construction project where different contractors have been replaced. A check of that file resulted in the new contractor applying for a permit which totaled \$1.2 million dollars (6K in fees). I will be reviewing the other ongoing projects I inherited to see if additional permitting is required. If a new Building Permit is required all associated licensed tradesmen, electricians, plumbers, and mechanical technicians are required to apply for new permits as well. As usual Chief Cote and I will conduct mutual inspections for fire and life safety compliance at this location, and all others before occupancy.

**Code Enforcement:** I received a Change of Business Application for a business on Lafayette Road and the applicant wanted to rent office space for paperwork transfers and needs the approval from the town to get the Bureau of Alcohol Tobacco and Firearms to issue a Federal Firearms License (FFL). Chief Cote and I went to the location and after a walkthrough we discovered violations of the State Fire and Building Codes. A review of the file and tax cards revealed that the issues go back to 1997 when the Planning Board waived Site Plan Review to allow another business to operate as long as there was no occupancy of the 2<sup>nd</sup> and 3<sup>rd</sup> floor. The

conditions also stated that permits may be issued at the discretion of the Building Inspector after engineered plans are submitted to correct the Code violations. The submitted plans were not implemented and in 1998 after more work was done illegally a Cease and Desist was issued. No permits were granted for any of the work we observed and the property manager admitted he had partitioned off the offices we looked at. The applicant has found another space to rent which has a valid site plan, and Chief Cote and I will be conducting additional inspections to assure that no occupancy happens until permits are applied for and the conditions of 1997 are met.

Last month I reported that Fire Chief Dennis Cote and I had informed two individuals, one residential and one commercial that they are required 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. On following up on the requirement I received an email reply from the commercial business owners attorney that he has hired an FPE. The residential owner is still trying to negotiate the requirement with Chief Cote. I have been in contact with the State Fire Marshal's office in this regard as they have authority to assist in enforcement on rental properties containing more than two units.

I received a call from Christian Smith of Beal's and Associates that work may commence mid March on property located on Post Road that is in violation of Planning Board conditions. The drainage was directed (piped) toward Post Road as opposed to the back of the property which causes flooding on property across Post Road. Christian also said they may be doing a septic plan for permit issuance. I informed him that I need to witness that it does in fact work properly, and that no permits will be issued until all conditions are met. I will also invite Conservation Chair Chris Gonatis to assure the excavation and construction of the drainage system satisfies both boards.

**Town Buildings:** Last month I reported on the door security access system (Fobs) and since then the system seems to be working and then its not. The problem is intermittent and has been a minor inconvenience. Once we are into the new fiscal year I will get the quote on the controller for the one door that is not operational, and also look into what may be the cause of the intermittent issues of the system.

Sincerely,



Kevin Kelley  
Building Inspector  
Code Enforcement Officer  
233 Atlantic Avenue  
Town of North Hampton NH 03862-2352  
(603) 964-8650  
(603) 964-1514 Fax