



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

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PUBLIC SESSION II –MONDAY, JULY 29, 2013 –7PM  
NORTH HAMPTON TOWN HALL

*These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription*

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**1. Non-Public Session Pursuant to RSA 91:A-3 II (e) 6:15 PM– Executive Conference Room**

**2. Call to Order**

Chair Maggiore called the meeting to order at 7:15 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 meeting. Seconded by Selectman Miller. Motion carries 3-0.**

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

3.1 Select Board Minutes of July 8, 2013

**Motion by Selectman Wilson to approve the minutes of July 8, 2013 as amended. Seconded by Selectman Miller. Motion carries 3-0.**

**4. Consent Calendar**

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

**5. Communications to the Select Board**

- 5.1 Email from Kathleen Kilgore
- 5.2 Correspondence from Comcast

Chair Maggiore read both items into the record. Said items are attached to these minutes.

**6. Report of the Town Administrator**

Finances	Personnel
Technology Inventory	Personnel Plan

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Statistical Update  
Finance Policies  
Hampton Rod and Gun Club  
Status of DOL Citation

Merit Pool Policy  
Reconstruction Town Clerk Building  
Earned Time Policy  
Storm Water Regulations

Town Administrator Apple reported that Fire Department overtime for the month of July was 533 hours, Police Department 113.25 hours and Public Works Department zero hours.

The unaudited final report for FY 2103 shows a current surplus of \$32,546 but is anticipated to change because there are several transfers from capital reserve accounts that have not yet been made, expenditures incurred in FY 2013 that have not been received at this time, and reimbursements for expenses related to Hurricane Sandy and Winter Storm Nemo have not yet arrived. It is anticipated that the surplus will be between \$25,000 and \$20,000.

Town Administrator Apple reported on the status of personnel, facilities, facilities committee, personnel plan, earned time policy, technology inventory, finance policies, statistical updates, Hampton Rod and Gun Club, reconstruction of the Town Clerk's building, storm water regulations, public hearings, mutual aid, municipal records, emergency dispatching, Local Government Center and economic development.

Town Administrator Apple stated that Building Inspector/Code Enforcement Officer Kelley needed to be duly sworn in retroactive to his hire date on August 12, 2012.

**Motion by Selectman Wilson to appoint Kevin Kelley as Building Inspector/Code Enforcement Officer retroactive to his hire date of August 12, 2012. Seconded by Selectman Miller. Motion carries 3-0.**

Selectman Wilson questioned whether or not line item 01-4197-10-560 Dues Local Government Center in the amount of \$5,356 should be paid because it would not preclude the Town of North Hampton from participating in the HealthTrust if it was not paid. He further stated when the Local Government Center submits the bill for the dues, he would like it to appear on the Select Board agenda.

Selectman Wilson noted that in the FY 2014 budget, the North Hampton Public Library has a budget of \$354,176 and in the month of July almost \$60,000 was already expended. He further stated he would like to see more visibility and details on the cause of such a large percentage of the budget being expended in the first month of the new budget.

## **7. New Business**

### **7.1 Large Assembly Permit – Seacoast Cross Country League**

Richard Luff, representing Sagamore-Hampton Golf Club, spoke to the application submitted by the Seacoast Cross Country League.

Mr. Luff stated that he has hosted this event at the golf club for the past nine years. Mr. Luff stated the event has grown by incredible numbers over the past years, and realized last year when he saw the number of runners and parents present at the event, that he needed to figure out a plan that would comply with the town large assembly ordinance.

Mr. Luff stated that he has addressed the major points, such as parking with a plan to park cars on property owned by Sagamore-Hampton Golf Club on Lovering Road. He further stated a shuttle bus would be provided by SAU 90 to bring runners and spectators to and from the event on North Road.

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Mr. Luff asked that the contact person for the event, Richard "Ozzy" Osborne be allowed to address the costs associated with hiring a detail officer and renting seven water closets, which they feel will be cost prohibitive in order for the event to take place.

Mr. Osborne stated he has been a Track and Field Coach at Hampton Academy for 20 years, and 11 years prior to that at Winnacunnet High School.

Mr. Osborne stated the cross country team does not have a budget to hire two detail officers and two cruisers. He further stated that this is a quick event from 4:00 PM to 6:00 PM, and felt it does not warrant renting seven water closets.

Selectman Miller asked Chief Page if he would allow for one police detail officer and one cruiser, if there is a shuttle bus to transport people to and from Lovering Road.

Chief Page stated he would allow for one police detail with a cruiser for the first year, and then review to see how the event went. If there were any problems with having only one officer, they would require two or more for the following years event.

Selectman Wilson stated that the town doesn't have much money in their budget either, but perhaps could waive the fee for the cruiser, but not the special detail officer. He asked Chief Page if it would be possible to have one of the officers on duty that day take care of the detail.

Chief Page stated due to budgetary issues, he would not be able to do that, because he cannot guarantee there would be two officers on duty that day.

**Motion by Selectman Wilson to approve the Large Assembly Permit for the Seacoast Cross Country League with the following conditions: two water closet rentals, shuttle bus provided, field to be mowed where cars will park, a resource officer may perform traffic control in the field but not in the public way, one detail officer and one cruiser, with the fee for a cruiser waived, and if funds are not available to pay for the conditions, Selectman Wilson will pay for the officer himself. Seconded by Chair Maggiore. Motion carries 2-1.**

**Motion by Chair Maggiore that fees for the detail officer from the Special Detail Revolving Fund need not be reimbursed for this event. No second. Motion fails.**

## 7.2 Approval of Rockingham Planning Commission Circuit Rider Planning Assistance

Selectman Wilson stated that the town's circuit rider is an individual that is a professional land use planner employed by the Rockingham Planning Commission who is assigned to various communities within the Rockingham Planning Commission's region, to provide the services of what would usually be provided by in larger towns in cities by a town planner.

Selectman Wilson stated the cost for the circuit rider is \$16,000 per year, and would cost the town upwards of \$60,000 to hire a full time planner.

**Motion by Selectman Wilson to approve the Circuit Rider Planner assistance to the Town of North Hampton over a 12 month period beginning July 1, 2013 and terminating June 30, 2014. Seconded by Selectman Miller. Motion carries 3-0.**

## 7.3 Update of Governor Dale Property – Chris Ganotis

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Chris Ganotis stated he was pleased to announce two weeks ago the Farm and Ranchland Protection Program approved the town's grant, and the Southeast Land Trust entered into an agreement with the FRPP. Funds were approved at last year's town meeting in the amount of \$150,000 and the Conservation Commission will expend \$350,000 from its Capital Reserve #8, leaving fund raising by the Southeast Land Trust in the amount of \$155,000. Mr. Ganotis stated he did not know the status of the amount that has been raised by the Southeast Land Trust to date.

Brian Hart, Southeast Land Trust stated they are making good progress in the fundraising efforts, and hoped to be able to make an announcement within the next few weeks.

#### 7.4 Southeast Land Trust – Brian Hart

Brian Hart gave the Select Board an overview of the conservation easement on the Governor Dale Farm. Mr. Hart stated that the Land Trust will be the holder of the conservation easement and will be responsible for completing all annual monitoring and reporting on the easement to the Town and federal government, and if necessary, enforcement.

The Town will have an Executory Interest, ensuring the Town can enforce the easement should we fail to do so, or if we cease to exist, become the Grantee.

The USA will have a Third Party Right of Enforcement, allowing them to enforce it (but not take it over) should we fail to enforce it.

The easement is based on a recent conservation easement completed with the Farm and Ranchland Protection Program funds.

Mr. Hart reviewed the key terms of the easement and gave a "snapshot" of the key terms.

Mr. Hart reviewed the draft of the survey and stated the only revision the Land Trust is requesting is that Building Envelope 2 be revised so that the southern half is a new Exclusion Area (#3) not subject to the easement. The change is being suggested because of the modern garage (used by the prior owner to store his collection of motorcycles) and the two regular garages. These structures will most likely want to be used for non-agricultural purposes, and if they are within the Building Envelope, and therefore subject to the conservation easement, such uses would not be allowed.

Mr. Hart explained that once the landowner, Land Trust and town are comfortable with the conservation easement, it will be sent to the Durham NRCS office for review. Once the review is completed for technical corrections, the easement will be sent to Washington, DC for the national FRPP review to undertake his approval review. The review will take at least 90 days, and given the closing date deadline of November 1, the submission to NRCS will have to be early August at the latest.

Selectman Wilson asked Mr. Hart if he had any concerns of the FRPP appraisal

#### **MOTION**

Chair Maggiore called a brief recess at 8:45 PM.

Chair Maggiore called the meeting back to order at 8:55 PM.

**Motion by Selectman Wilson to suspend the rules to allow new business to take place after 9:00 PM. Seconded by Selectman Miller. Motion carries 3-0.**

#### 7.5 Approval of Transfer of Conservation Land to Town of North Hampton Conservation Commission

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Chris Ganotis stated in October, 2012 the Conservation Commission received a proposal from Russell Jeppesen to convey, by fee simple interest, approximately 14.6 acres of land from his previously approved subdivision off of Atlantic and Mill Roads to the town for conservation land. On April 17, 2013, the Conservation Commission entered into a conditional purchase and sale agreement with Mr. Jeppesen to acquire the conservation parcel. On May 7, 2013, the Conservation Commission convened a public hearing and then passed a motion to make a recommendation to the Select Board to acquire the historically significant conservation land. The consensus of the Conservation Commission was the proposed parcel had several favorable attributes that would be in the best interest of the town to secure. One of the conditions of the purchase and sales agreement was that a lot line adjustment needed to be approved by the Planning Board which would allow for three remaining subdivision house lots bordering Mill Road, and a reconfiguration of parcels that would enable the rear portion of the former subdivision lots to be placed into conservation. On July 2, 2013 the Planning Board met and approved the lot line adjustment subject to certain conditions which will have to be met.

Mr. Ganotis stated the Conservation Commission is confident that the acquisition of the pastoral property will result in a significant benefit to the town to further preserve its historical natural resources value and to maintain its rural character the town residents continue to enjoy.

Mr. Ganotis presented a slide show of pictures of the Jeppesen property.

Mr. Ganotis stated that he was before the Select Board to get their approval on the acquisition of the conservation parcel; approval on the abatement of the current use penalty tax which has an estimated value of \$70,000 to \$75,000, which was a condition of the purchase of the property. The town assessor, Scott Marsh agreed that the estimated abatement would be in the \$70,000 to \$75,000 range. Mr. Ganotis stated the Conservation Commission is also seeking Select Board approval for the expenditure of funds for the stewardship and monitoring by a qualified Land Trust or similar organization; this was a recommendation made by the Planning Board. The Conservation Commission received quotes from the Rockingham County Conservation District in the amount of \$8,422, as well as the Southeast Land Trust was in excess of \$20,000. Mr. Ganotis stated he would like to recommend going with the Rockingham County Conservation District, who are currently conservation stewards of several other conservation parcels in North Hampton.

Mr. Ganotis stated that Michelle Peckham has been retained by the Conservation Commission to do the legal and title work associated with the closing of the property.

Selectman Miller asked several questions regarding lot line adjustments and public access to the property.

**Motion by Selectman Wilson to approve the acquisition of the Jeppesen property as proposed by the North Hampton Conservation Commission. Seconded by Selectman Miller. Motion carries 3-0.**

**Motion by Selectman Wilson to approve the abatement of the current use penalty taxes on the property as required to make the acquisition in an amount not to exceed \$80,000. Seconded by Chair Maggiore. Motion carries 3-0.**

**Motion by Selectman Wilson to approve the expenditure from the Conservation Commission Capital Reserve #8 an amount up to \$10,000 for the monitoring in perpetuity of the conservation restrictions on the property. Seconded by Selectman Miller. Motion carries 3-0.**

#### 7.6 Homewatch Caregivers – Chief Page and Don Marshall

Don Marshall, Homewatch Caregivers stated the his organization is based in Exeter and provides homecare services for senior citizens throughout the seacoast region.

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Mr. Marshall explained that all senior citizens in North Hampton can enroll in this free “wellness check” whereby someone from the organization calls the individual every morning to see how they are doing.

Mr. Marshall stated that Susan Hills of North Hampton has volunteered her time to visit with senior citizens who would like to sign up for this program so that they can get to know the resident and what their needs might be. Information will be taken from the resident on whom should be contacted if there is no answer when a phone call is placed to the resident.

#### 7.7 Prescription/Controlled Drug Drop Box – Federal Law and State Administrative Rules Violations – Chief Page

Chief Page stated that one of the last things he wants to do is take the drop box out of service however the problem is not as simple as telling his police officers to be careful, because there may be needles in the box.

Chief Page stated that the program started out with what was supposed to be a federal law, but the federal government failed to set up the rules for the program, and went to the state and told them to go ahead and set up the state statutes but unfortunately the legislature did not have any of the rules when they set up the statute. Temporary rules were operated under for approximately 18 months while they were setting up the permanent rules.

Chief Page stated that he testified before the Pharmaceutical Board during the process of setting up the permanent rules as far as what he thought would be problems. He stated that one of the concerns he had was a lot of the smaller police stations with a drop box, do not have the personnel to monitor the box and was concerned about “sharps” being disposed of into the drop box. State Statute and federal regulations state that needles cannot be dropped into the box.

Chief Page stated he does not want to have to shut the drop box down, and thought by being on the agenda and having the meeting broadcast, residents would hopefully see the meeting and understand that needles are not to be dropped into the box. Not only is putting needles into the drop box illegal, Wheelabrator Industries, where the drugs are brought to be destroyed, have told the Chief if they continue to find needles at the bottom of the incinerator, they will no longer accept any drugs at all. He further stated that even if he does not take it out of service, someone above him might.

Chief Page stated in section 1604 Periodic or One-Time Pharmaceutical Drug Take-Back Events , would allow the Chief to hold unlimited drug take back programs throughout the year, should the box have to be taken out of service. Chief Page stated that this would be a last resort.

Chief Page stated he cannot continue to send letters to the Attorney General’s office stating that the department is abiding by the rules when clearly they are not being followed.

Selectman Wilson stated that in 1604.02- Standards and Procedures for the Collection Event (f) the rules state that “no needles, syringes or lancets shall be placed in the collection box. A bulk sharps disposal container may be provided at each collection event for the disposal of sharps” and asked if we could get a bulk sharps disposal container and place it in the lobby next to the drug drop box.

Chief Page stated although it is an excellent question, it is a completely different rule under section 1603.2 Pharmaceutical Drugs Collected in Permanent Drop Box. The section that Selectman Wilson referred to was for a “collection event” and under no circumstances can sharps be collected in a permanent drop box.

Selectman Wilson asked what was illegal about collecting sharps.

Chief Page stated it is considered a hazardous material.

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Selectman Wilson stated that he would like the Town Administrator to confirm that the rules state that we cannot have a disposal box for sharps, as he cannot find anything in the rules that states we cannot put a permanent drop box for sharps in the lobby for the town's residents.

Chief Page stated that he is very clear on what the Attorney General's mandate is regarding the collection of sharps.

Selectman Miller asked what other towns are doing in this situation, and stated he would like to get their input as to what they are doing about problems with the collection of sharps.

Chief Page stated he would never discontinue the program; it just might have to be run a different way.

## **8. Closing Comments**

### **8.1 Closing Comments by Visitors**

### **8.2 Closing Comments by Select Board Member**

Selectman Miller stated that Henry Fuller has volunteered to participate on the Municipal Facilities Committee as an alternate member and he would like to nominate him. Selectman Wilson and Chair Maggiore stated they were in favor. Mr. Fuller was nominated as an alternate to the Municipal Facilities Committee.

Selectman Miller suggested that a Select Board member speak to Senator Stiles about the removal of the bridge on Atlantic Avenue over the railroad tracks. He further stated it should be on the radar screen to get rid of it, and by doing nothing we will get nothing.

Selectman Wilson stated thought should also be given to the North Road intersection now that the Department of Transportation has moved the reconstruction of that overpass to a higher level on the priorities list. If the town does not give any input, it is likely that the overpass will just be a reconstruct of the bridge with no reconstruction of North Road.

## **9. Adjournment**

Meeting adjourned at 10:15 PM.

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