



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
SELECT BOARD
APPROVED MINUTES

REGULAR MEETING –MONDAY, DECEMBER 09, 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

1. Call to Order

Chair Maggiore called the meeting to order at 7:05 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 November 25, 2013

Motion by Selectman Wilson to accept the minutes of November 25, 2013 as presented. Seconded by Selectman Miller. Motion carries 3-0.

3. Consent Calendar

3.1 Abatements for Land Use Change Taxes on Jeppesen Property

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

4. Communications to the Select Board

4.1 Correspondence from Carolyn Charette

Chair Maggiore read a letter from Ms. Charette regarding the street light that was shut off at 83 Atlantic Avenue.

Town Administrator Apple stated he is awaiting an answer from PSNH as to whether or not the homeowner can adopt this street light.

4.2 Correspondence from Kathleen Kilgore

Chair Maggiore read an email that was received via the town website from Mrs. Kilgore that requested a full accounting of money spent and money anticipated to be spent on the municipal complex project to date.

5. Report of the Town Administrator

Finances
Technology Inventory

Personnel
Personnel Plan

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Municipal Facilities
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 stated he had received a phone call from Dover City Council member Catherine Cheney. Ms. Cheney is running for a seat on the LGC Board of Trustees and was looking for North Hampton's support.

Motion by Selectman Wilson to authorize Chair Maggiore to represent the Town of North Hampton at the Board of Directors meeting of the HealthTrust on December 10, 2013, and to cast a vote in favor of Counselor Cheney for a seat on that board on behalf of the town. Seconded by Selectman Miller. Motion carries 3-0.

Motion by Selectman Wilson to authorize the Town Administrator to craft a resolution stating that the Town of North Hampton wishes to cast its vote through Chair Maggiore on behalf of Ms. Cheney for a seat on the board in the event that the Chair Maggiore must leave the meeting prior to the time that the vote is taken. Seconded by Selectman Miller. Motion carries 3-0.

Town Administrator Apple reported on overtime expenses in the fire, police and highway departments. He noted that Firefighter Leon MacCorkle resigned effective November 1, 2013.

Town Administrator Apple reported on expenditures to date, as well as expenditures anticipated pursuant to Mrs. Kilgore's request. Total anticipated costs for the Municipal Facilities project from charrette until March is approximately \$62,000.

Town Administrator Apple reported on conference call meetings held with the architect, town and construction manager regarding the municipal facilities project.

John Ricci, Ricci Construction gave an update on the municipal facility project.

Town Administrator Apple reported on communication received from the Department of Environmental Service regarding the ongoing investigation of the Hampton Rod and Gun Club.

Selectman Miller stated it was important to stay on top of this situation with the Department of Environmental Service and not let things "slide."

6. New Business

6.1 Representative Chris Muns

Mr. Muns stated he chaired a study committee over the summer that was established by the legislature to look into the hearing officers report on the Local Government Center. The committee was charged with providing a report to the Governor, Speaker of the House, and President of the Senate by October 31. He stated the committee's report was approached from wanting to create a road map the legislature could follow to hopefully strengthen the regulations as well as clarify them.

Members of the Select Board thanked Mr. Muns and his committee for taking the project on and doing such a responsible job.

6.2 Review of Draft Large Assembly Ordinance

Chair Maggiore stated the Large Assembly Review Committee had completed its work on the ordinance and have unanimously recommended the draft be placed on the warrant for March, 2014.

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Selectman Wilson gave special thanks to chair of the committee, James Better, who is also the representative from the North Hampton Business Association. He further stated Nancy Monaghan was responsible for drafting the ordinance and obtaining six or seven other towns ordinances and brought them to the committee.

Selectman Wilson stated the ordinance is short and to the point, increases the number of people expected at an event, puts the Chief of Police in the position of deciding whether a permit is issued or not, and the Select Board becomes the appellate authority if someone wished to appeal the decision of the Chief. The ordinance is also divided into two categories such as private events versus public events.

Selectman Miller stated he would like to see an example of what the application is going to look like and have Chief Page present it to the Select Board. He further stated he would like to see the application before he decides how to vote regarding including the ordinance on the warrant.

The Select Board discussed the receipt of applications outside the 30 day timeline and whether or not it must automatically come before the Select Board. It was further discussed on how to make people aware of the deadline.

6.3 Nominations to Municipal Complex Building Committee

Town Administrator Apple read the charge of the Municipal Complex Building Committee which is as follows:

The Municipal Complex Building Committee is an advisory committee to the Select Board and will be responsible for working with the architect and construction manager to ensure proper management of the project costs, material, methods, goals, timelines, and aesthetics. Additionally we would hope that the Committee would be as responsive as possible to residents' input and questions. It is the intent of this Select Board that the Committee will serve throughout the construction period from inception; however, subsequent to the election of a new member of the Select Board in March or the re-election of the member whose term expires in March, the Municipal Complex Building Committee may be asked to continue to serve in its same capacity or in a capacity agreed upon by the new Board.

Town Administrator Apple stated the following people were nominees for the committee:

- Library Trustee: John Kollmorgen
- Historical Society: George Chauncey
- Budget Committee Rep: Mike Walzak
- Energy Committee Rep: OPEN
- At-Large: John Sillay
- At-Large: Lauri Etela
- Glendale/Alden resident: OPEN
- Little Boar's Head District Alternate Rep: Richard "Dickie" Garnett

Selectman Wilson stated Dan Derby would be an excellent addition to the committee. Mr. Derby was in charge of facility development and management for Hewlett Packard Corporation. He further stated if the Energy Committee does not have someone on the committee that would be willing to serve, perhaps the Select Board could ask Mr. Derby to serve.

Motion by Chair Maggiore to accept the charge of the Municipal Complex Building Committee as amended. Seconded by Selectman Wilson. Motion carries 3-0.

Motion by Selectman Wilson to accept the nominations of John Kollmorgen, George Chauncey, Mike Walzak, John Sillay, Lauri Etela and Dickie Garnett as an alternate. Seconded by Selectman Miller. Motion carries 3-0.

6.4 Nominations to Municipal Complex Finance Committee

Town Administrator Apple read the charge of the Municipal Finance Committee as follows:

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The Municipal Finance Committee is a charge of the Select Board that is responsible for exploring various financing options for a \$6.1M +/- construction project and to scrutinize the true costs of new construction versus the costs of addressing only the necessary repairs of each building versus the costs of maintaining the status quo (i.e. doing nothing).

Town Administrator Apple stated the nominees for the committee are:

- Michael Golden
- Susan Hills
- Terrence Conklin

Selectman Wilson suggested adding the following to the charge of the committee:

Undertake such additional analysis of the financing, benefits and costs of this project found to be necessary by the committee.

Motion by Selectman Miller to amend the charge as stated by Selectman Wilson. Seconded by Selectman Wilson. Motion carries 3-0.

Motion by Selectman Wilson to accept the nominations of Michael Golden, Susan Hills and Terrence Conklin. Seconded by Selectman Miller. Motion carries 3-0.

6.5 Authorization to Execute Documents on Governor Dale Farm Purchase

Chair Maggiore stated the \$150,000 was raised at the 2013 Town Meeting for the easement of the Governor Dale Farm property.

Motion by Selectman Wilson to expend \$150,000 as authorized by the 2013 Town Meeting through the passage of Warrant Article VII, and the use of \$350,000 from the Conservation Fund as approved by the North Hampton Conservation Commission to acquire a conservation easement on 52.713 acres of the Governor Dale Farm, located on Post Road, with the Southeast Land Trust of New Hampshire holding the Grantee interest, the Town of North Hampton holding the Executory Interest, and the United States of America holding a third party right of enforcement; and further to authorize Chairman James Maggiore or Town Administrator Paul Apple to execute the necessary closing documents, including the baseline documentation report, on behalf of the Town of North Hampton. Seconded by Selectman Miller. Motion carries 3-0.

6.6 Authorization of Bond Counsel

Selectman Wilson stated he would be recusing himself.

Chair Maggiore stated Attorney David Barnes had submitted his engagement letter as bond counsel.

Town Administrator Apple stated Attorney Barnes is one of the foremost bond counsel in New Hampshire, and has represented the town in the past. He further stated Attorney Barnes had made him aware of several cases that are pending in his firm, and Selectman Wilson has recused himself because of one of those cases. Town Administrator Apple stated that neither he nor Attorney Barnes felt there was a conflict in this representation because the representations are not at all related, and are completely different.

Town Administrator Apple stated the purpose of the bond counsel is to review the town warrant and other technicalities such as the posting of the bond hearing and to make sure the law is followed precisely, as any error in the process will void the request for the bond. In addition, the application to the bond bank will require the opinion of bond counsel.

Town Administrator Apple stated he had reviewed the standard retainer agreement and it sets forth a general proposition of the work to be performed, and Attorney Barnes' anticipated fee of between \$4,500 and \$7,500.

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Town Administrator Apple stated his recommendation is that the Select Board approve the retainer agreement, and authorize him to sign it on behalf of the Town of North Hampton.

Motion by Chair Maggiore to accept the engagement letter from the law firm of Devine Millimet for purposes of bond counsel for purposes of the Municipal Complex and to authorize Town Administrator Apple to sign the necessary documents. Seconded by Selectman Miller. Motion carries 2-0.

6.7 Review of Draft Warrant Articles

The Select Board reviewed draft warrant articles for the Municipal Complex, FY 2015 Operating Budget, Road Resurfacing, Police Cruiser, Portable Radios, Light Bars for Police Cruisers, Mosquito Control Capital Reserve, Health Benefits Stabilization Capital Reserve, Earned Time Settlement Capital Reserve, Information Technology Capital Reserve, Town Building Maintenance Capital Reserve, Dearborn Park Parking Lot Resurfacing, and Large Gathering Ordinance.

The Select Board discussed a gas line warrant article and which warrant, school or town, would be appropriate.

Selectman Wilson stated he would hope the North Hampton School Board would make a reasonable decision to put it on the school warrant, if however they do not, he suggested the Select Board revisit the issue and state that since the Select Board realizes this is a benefit to the town, regardless of whose warrant it goes on, decide whether or not the town will authorize it on the town warrant. He stated it would be wise to wait to see what the School Board decides to do.

Selectman Wilson suggested having a report from the Capital Improvement Committee and their recommendations on the warrant articles that pertain to the CIP.

Motion by Selectman Wilson to suspend the rules to entertain no new business after 9:00 PM. Seconded by Selectman Miller. Motion carries 3-0.

The Select Board discussed the language in the Municipal Complex warrant article.

Selectman Wilson stated he objected to part of the language because it ties the town's hands if a disaster were to occur and action needed to be taken. The proposed warrant gives no flexibility to deal with an emergency unless there was a special town meeting held.

Chair Maggiore stated that at the last neighborhood meeting with residents of the Alden/Glendale/Atlantic areas that would be directly affected, it was made clear there were past decisions made or lack of communication from other boards and they now will not tolerate any such thing.

Selectman Wilson suggested an alternative to the current proposed language on the Municipal Complex warrant article.

7. Closing Comments

7.1 Closing Comments by Visitors

7.2 Closing Comments by Select Board Member

7. Adjournment

Chair Maggiore adjourned the meeting at 10:00 PM.

Respectfully submitted,

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Janet L. Facella

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