



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
SELECT BOARD
APPROVED MINUTES

REGULAR MEETING - MAY 11, 2015 -7PM
NORTH HAMPTON TOWN HALL
231 ATLANTIC AVENUE

1. Call To Order

Chair Maggiore called the meeting to order at 7:00 PM. Those in attendance were Selectman Miller, Selectman Stanton and Town Administrator Apple.

Chair Maggiore led the Pledge of Allegiance.

Chair Maggiore stated that a new firefighter and a new police officer will be sworn in.

Chief Maddocks introduced Officer James Mascioli.

Town Administrator Apple swore in Officer Mascioli.

Chief Tully introduced Firefighter Colin Chevalier.

Town Administrator Apple swore in Firefighter Chevalier. Mr. Chevalier's Uncle, Kendall Chevalier, presented Colin with several mementos from the Chevalier family when they served as firefighters.

2. First Public Comment Session

Public Comment is an opportunity for residents to ask questions, request information and make comments on issues facing the Town. Individuals ordinarily will be given not more than three (3) minutes to speak, and people who have already spoken will be asked to wait until everyone has had the chance to speak once. The total time devoted to this agenda item is fifteen (15) minutes. Individuals who are not able to speak will be given first opportunity to speak during the Second Public Comment Session at the end of the Meeting.

No public comments.

3. Consent Calendar

- 3.1 Payroll Manifest of 04/30/2015 in the amount of \$60,685.96
- 3.2 Payroll Manifest of 05/07/2015 in the amount of \$169,508.30
- 3.3 Accounts Payable Manifest of 04/24/2015 in the amount of \$902,500.17
- 3.4 Accounts Payable Manifest of 05/07/2015 in the amount of \$45,379.29
- 3.5 Yield Tax – Timber Cut Warrant for Map 019, Lot 006 in the amount of \$841.01
- 3.6 Approval of Elderly Exemption Application for Map 006, Lot 156
- 3.7 Cemetery Deed for Judith M & Laurence Lavery
- 3.8 Approval of Exempt Properties For Religious, Charitable or Education for Maps 007 Lots 058 02M; 007/058/01M; 001/122; 001/123; 006/068; 14/50; 001/150; 014/101; 014/049; 001/042; 001/043; 001/45; 001/037; 001/047; 001/051; 001/054; 001/055; 001/059; 001/060; 001/061; 001/066; 001/067; 001/068; 001/058
- 3.9 Approval of Abatement Application for Map 007, Lot 019
- 3.10 Discussion of Involuntary Merged Lots – Sally Marcotte, Map 001, Lot 118

Motion by Selectman Stanton to place items 3.5 and 3.10 on the agenda under New Business, and approve the rest of the items on the Consent Calendar. Seconded by Selectman Miller. Motion carries 3-0.

4. Public Hearing

- 4.1 Discretionary Barn Preservation Easement Applications
 - a. Map 013, Lot 009, 2 Elm Road Annette Lee & Nicole Carrier
 - b. Map 018, Lot 038, 182 Post Road Henry & Jacqueline Brandt

Chair Maggiore stated there were two Discretionary Barn Preservation Easement applications before the Select Board. He explained according to the State of New Hampshire there is a desire to preserve historic structures, barns in particular but not limited to them.

The Discretionary Barn Preservation Easement allows the governing body to grant a reduction in the assessed value of the barn and the property for ten years. The reduction could be anywhere between 25% and 75%.

The applications are forwarded to the Heritage Commission for their review and a site visit. After the commission makes a recommendation, that application then moves on to the Select Board for a public hearing.

Chair Maggiore stated he would be recusing himself from the first application for Map 013, Lot 009 because his daughter works for the owners.

Vice Chair Miller opened the public hearing to those from the audience that wished to speak.

Annette Lee, 2 Elm Road stated since moving the business to the Hobbs Farm it has always been her intent to preserve the barn.

Donna Etela, Chair of the Heritage Commission stated the property fulfills two of the three named public benefits. She stated one of the conditions in the guidelines is that the building must be 75 years of age or older, but there is an acceptance that can be made. If a building is less than 75 years old, and can be deemed as significant. In the case of the Hobbs Farm and in researching

the silo it is historic on its own, having been built in 1942. The Heritage Commission decided they would forgive the two years to make it to 75 years old because of the significance of the silo and having been part of the landscape for so many years.

Mrs. Etela stated the Heritage Commission had made the following recommendations:

While the property does maintain an agricultural use and the structures maintain their historic character, the issue of change of use is noted. The purpose of the statute is to encourage the maintenance and preservation of structures. Conversion as a restaurant and tasting room, event space and beer garden is beyond the maintenance and repair. However, the adaptation of the large barn retains the historic integrity of the building the carriage house and the silo remain as is. The guidelines suggest the conversion may be eligible but only for the level of maintenance and repair not for the value added by the conversion. Therefore the Heritage Commission recommends a 25% reduction of the structures full assessed value.

Scott Marsh, North Hampton Property Assessor stated he reviewed the assessments on the structures, as they existed prior to any changes. A 25% reduction would result in approximately come to \$150 to \$200 in taxes is what would be granted based on last year's tax rate.

Selectman Stanton reviewed the checklist for the Select Board hearing qualifications.

Vice Chair Miller closed the public hearing at 7:40 PM.

Motion by Selectman Stanton to approve the Discretionary Barn Easement application of the historic barn located at 2 Elm Road, Map 013, Lot 009. The current registered owners are Annette Lee and Nicole Carrier. This barn has existed in excess of 75 years and meets one or more of the requirements as stated in RSA 79-D. Therefore in consideration of RSA 79-D:3, plus the guidelines of the NH Historic Agricultural Structures Advisory Committee dated August, 2002 and the recommendation of the North Hampton Heritage Commission the barn is deemed to have added a significant public benefit as follows: It adds to the scenic enjoyment of the general public from a public way; the barn is a historically important agricultural structure to the town and state, and the barn's physical and aesthetic features contribute to the historic and cultural integrity of the community. Accordingly the value of this easement on both barns in the amount equal to the reduction of 25% of its full value assessment resulting in a corresponding tax liability of 75% of its full value tax. This easement shall commence in the 2015 tax year and is subject to the following conditions to be included in the easement deed: the reason for the determination of the demonstrated public benefit; the amount of the easement granted; the term of ten years not automatically renewed and a compliance inspection provision. Furthermore the easement shall be drawn by the town and recorded at the applicant's expense at the Rockingham County Registry of Deeds in accordance with the statute. The file shall include a copy of recorded deed, a copy of the application, any related correspondence from the Heritage Commission and a copy of the minutes of this meeting. Seconded by Selectman Miller. Motion carries 2-0.

Chair Maggiore rejoined the meeting and proceeded with the next Discretionary Barn Easement.

Chair Maggiore opened the next public hearing at 8:43 PM.

Hank Brandt, owner of 182 Post Road gave a presentation on his Discretionary Hank Brandt presented his application for a Discretionary Barn Easement noting that he was seeking an easement on two of the barns on the property; A 19th century barn at the center of the property, and the poultry and swine barn on the south side of the property. He spoke to the scenic enjoyment of the property, and the fabulousness of structures as well as the local historical significance. The large barn will be maintained for horses and the poultry and swine will be used for just that. Upgrades to electrical will be done, and structures would be brought into up to compliance.

Scott Marsh stated the rough estimates on taxes would be \$200, \$450 \$700 at 25%, 50% and 75%.

Donna Etela stated the Heritage Commission would like to suspend the 75 year rule on the structure, as the exact date of construction is not known. She further stated the commission recommended a 75 % reduction, and it was voted on unanimously by the commission

Mr Brandt read a letter into the record from Lisa Mausolf, Preservation Consultant.

Chair Maggiore closed the public hearing at 7:59 PM.

Motion by Selectman Stanton to approve the discretionary easement application of two historic barns located at 182 Post Rd Map 018, Lot 38. The current registered owners of the property are 182 Post Rd LLC, Henry and Jacqueline Brandt. Both barns have existed in excess of 75 years and meet one or more of the requirements as stated in RSA 79-D. Therefore in consideration of RSA 79-D:3 plus the guidelines published by the NH Historic Agriculture Structures Advisory Committee dated August 2002, and the recommendation of the North Hampton Heritage Commission these barns are deemed to have added a significant public benefit as follows: they add to the scenic enjoyment of the general public from a public way; the barns are historically important agriculture structures to the town and state; and the barns features and esthetic features contribute to the historical and cultural integrity of our community. Accordingly the value of the easement on both barns in the amount equal to the reduction of 75% of its full value assessment resulting in a corresponding tax liability of 25% of its full value tax. This easement shall commence in the 2015 tax year and is subject to the following conditions to be included in the easement deed: the reason for the determination of the public benefit; the amount of the easement granted the term of ten years not automatically renewed; a compliance inspection provision. Furthermore, the easement shall be drawn by the town and recorded at the applicant's expense at the Rockingham County Registry of Deeds in accordance with the statute. The file shall include a copy of the recorded easement deed, the complete application and any correspondence from the Heritage Commission and a copy of the minutes of this meeting. Seconded by Selectman Miller. Motion carries 3-0.

5. Communications to the Select Board

- 5.1 Correspondence from State of New Hampshire Department of Revenue Administration
- 5.2 Correspondence from Sally Ann Marcotte
- 5.3 Correspondence from Kelly Parrott
- 5.4 Correspondence from American Legion Post 35

Chair Maggiore read the correspondence received into the record.

Chair Maggiore read a letter from Kelly Parrott regarding the Boy Scouts 75th anniversary, and requested a letter of congratulations sent to them.

Town Administrator Apple stated he had prepared a draft letter and read it aloud.

Chair Maggiore read the letter received from American Legion Post 35 inviting the Select Board to participate in the Memorial Day parade.

Chair Maggiore read a letter received from Sally Ann Marcotte. Alex Loth, spoke to the letter that he had written regarding Ms. Marcotte's property, and the confusion surrounding whether it was actually one lot or two.

Scott Marsh spoke to the involuntary lot merger and the statute that states they are entitled to come back to however many lots they want. Therefore, the request for the merger should be granted as it meets the criteria to become unmerged.

Motion by Selectman Stanton that the Town of North Hampton comply with Ms. Sally Marcotte's request to have her land currently shown as map 001 lot 118 to be reinstated as two separate lots of record and for the town to comply with RSA 674:39-aa and to have all zoning and tax maps show that she owns two separate lots with their pretax assessment merger boundaries. These boundaries are to be show with an approved lot line adjustment in the July 2004 Ambit Engineering plan that was incorporated into the North Hampton ZBA decision letter dated January 19, 2005. At that time, the ZBA granted a variance for the lot line merger requirement in the north Hampton Zoning Ordinance section 406.2. Further, that Ms. Marcotte be notified by the town once all corrections are made. Seconded by Selectman Miller. Motion carries 3-0.

6. Report of the Town Administrator

Town Administrator Apple gave his report and stated the financial report looks good thanks in part to the efforts of the department heads. The current projected surplus is now projected at \$100,000 but there are still some expenses coming in the eight remaining weeks. He further stated that figure doesn't include the police department retention bonuses and does not include reimbursements for insurance claims from the lightning strike last year, or the winter weather damage claims this year. Also not included are the FEMA reimbursements for Category B aid and Category E aid.

Town Administrator Apple stated the town's bookkeeper, Brandon Kottage has graduated from UNH with his Master's Degree in Accounting and would be leaving the town. He stated the town has hired his replacement, Anne Marie Kenny, who will be training with Brandon before his departure.

Town Administrator Apple stated he had hoped to have RFP's for the bid on the library roof, but extensions have been granted on those. He further stated that mold remediation had begun and carpets had been cleaned at the library. Director Grant corrected him and stated that nothing has been done in the library regarding the mold issue. Town Administrator Apple stated he would take care of the issues at the library himself.

The CIP had its first meeting of the new budget cycle and Ms. Swank was named Chair and Mr. O'Heir Vice Chair. A deadline of July 3 has been given to department heads for CIP projects with the first round of meetings with department heads set to begin on July 10. Selectman Stanton added that the CIP committee is looking for alternates if anyone would like to volunteer they would be more than welcome.

Town Administrator Apple stated a joint meeting with the Hampton Rod and Gun Club will be held on June 8 and the annual joint meeting with Little Boar's Head commissioners will be held on June 22 at 5:30 pm.

Selectman Miller asked about having someone educate the Select Board prior to the joint meeting with the reports received on the Hampton Rod and Gun Club. Town Administrator Apple stated he had received word from Forest Bell of FB Environmental that he felt the town should hire a hydrologist, and has asked him for recommendations on who to hire.

7. New Business

- 7.1 Meet with Carl McMorran, Operations Manager of Aquarion Water to discuss status of Aquarion operations;

Carl McMorran Aquarion Water Company submitted a handout to the board that gave an overview of Aquarion's efforts over the past year.

Selectman Miller asked how often hydrants are maintained. Mr. McMorran stated twice a year each hydrant is maintained.

Selectman Miller stated the North Hampton Water Commissioners have expressed concern over the record keeping of the hydrant maintenance. Mr. McMorran stated that up until ten years ago, before going to electronic records, the documentation was not maintained well. He stated that since 2007 they have an electronic system.

Selectman Stanton asked about the painting schedule on the hydrants and Mr. McMorran stated they are on a four-year painting schedule.

Discussion on the monthly billing cycle instead of quarterly will begin in approximately three months. He also discussed capital projects to be completed in the coming year; water main replacements will begin in three areas in Hampton in a short stretch in Rye.

John Walsh from Aquarion spoke about the Water Infrastructure Adjustment Program (WICA). WICA is a program that was designed and is governed by the NH Public Utilities Commission. The program was designed to encourage utilities to invest in infrastructure and replacement of infrastructure in particular as well as replacement of water mains. Several water mains have been replaced in North Hampton over the past several years. A WICA surcharge of approximately 1.5% will be seen on customers' bills starting in January 2016. A recent rate reduction implemented by Aquarion due to an IRS change in a tax law resulted in a tax credit; the approved credit by the PUC to pass on to the customers resulted in a 4% credit on customers' bills for the next three years. An overall net result is a rate reduction of 1.46%.

- 7.2 Meet with Scott Marsh, of MRI, the contract assessor, to discuss the impact of HB 547 on the Fairpoint litigation and the value of utility property generally in North Hampton;

Scott Marsh spoke about utility tax litigation with the most recent information received stating house bills have been passed on to the ASB (Assessing Standards Board) to be reviewed by December 1, 2015 with a final report due by December 1, 2016. He further stated there are no changes at this time despite talk of a procedure that was going to have to be used regarding the assessing of telephone poles versus electric poles using two different methods. The Town of North Hampton has roughly 1,900 poles that Fairpoint Communications own with an average age of 1977; the oldest in town is from 1920. The value on the poles are roughly \$300 per pole with a total assessment of all poles roughly \$600,000. Litigation continues and there are no changes at this time. Joe Lessard of MRI is keeping track of this right now as well as all of the appeals and litigation.

Town Administrator Apple stated some communities were taking a more aggressive approach on the assessment of utility poles and may have set themselves up for a significant liability should the litigation be resolved, and a standard assessing practice on utility poles pass. The Town of North Hampton has taken a less aggressive approach with assessments and therefore has not set themselves up for a liability.

7.3 Presentation by Municipal Facilities Committee on the committee's findings and recommendations for municipal facilities planning in FY 16;

Chair Maggiore stated at the last Select Board workshop meeting the board agreed to hold a public hearing on May 27 to invite public input on the findings and recommendation of the Municipal Advisory Committee as everyone is hearing and seeing the report for the first time at this meeting.

George Chauncey, Chair of the committee, stated the official presentation would be given by Michael Castagna. Mr. Chauncey introduced the seated members of the committee: Jenny Marshall, Kendall Chevalier, Sandy Dewing, Paul Marquis and Wally Kilgore. Alternate members were Angie Lombard, Kevin Frenette and Vin Carbone. Mr. Chauncey stated the committee was charged with coming up with a plan that the voters would support. He stated the committee members included non-supporters and supporters of the last two warrant articles. He further stated at the first meeting each committee members was given a chance to express their opinion on what they felt went wrong or right with the last two plans. After giving members a chance to express their thoughts Mr. Chauncey encouraged members to move forward in a positive manner from that point on. Mr. Chauncey stated the committee realized from the beginning that the art of compromise would be critical in order to get anything done. He stated the committees' charge was not to get into the "nuts and bolts" of the plan. Mr. Chauncey asked the Select Board to consider their proposal, and to do so with an open mind. If they disagree with something he asked them not to dig in their heels, but compromise. Mr. Chauncey stated the committee felt the proposal they are presenting will be accepted by the town.

Michael Castagna stated the reason for the prior two proposals failing came down to two things. The first was a matter of trust by the voters, and the second, residents of the town felt the process in which it was done led to the bottom line of the price being too high. He further stated there was no way someone was going to vote for something they did not understand, as no one understood how the figure or plan was arrived at. The trust factor came in when residents felt the process had been done in a vacuum.

Mr. Castagna feels the town realized something needed to be done with the police and fire stations but were unsure as to why. He further stated his personal problem with the project was that it was not properly vetted, as well as a problem with the individuals that were ultimately hired. He further stated he felt they did not listen to the Select Board, and most importantly the voters.

Mr. Castagna stated that building maintenance with town buildings is also an issue, as it does not give the benefit of extending the life cycle of the buildings

Mr. Castagna reviewed the recommendations of the committee, and stated the library should be given the homestead property with a standalone building; the town offices would move to the current library after some renovations; the police department would take over the current town offices, and the fire department would remain in the same spot. He further spoke about the whether the fire station should be razed or renovated with some of the committee of the mindset not to tear it done. Mr. Castagna's professional opinion is the fire station cannot be renovated.

Mr. Castagna stated that eventually towns are going to have to realize the only way they can sustain a budget is to regionalize fire and police services. He further stated discussion needs to be held further at future meetings, and should be discussed with the fire and police chiefs as that will affect their future as to what the needs will be.

Phasing of the buildings was discussed with fire station going first. Temporary buildings for the fire department could be put on the homestead. Mr. Castagna felt the budget could be reduced from the original costs, and cut in half.

Selectman Stanton asked Mr. Castagna to expand on his comment the project could be done for half of the cost as the last proposal.

Mr. Castagna stated based on the three fire stations he has done over the past several years he would propose a 9,500 to 10,000 square foot facility, which will give the fire station ample space and give some room for growth and reducing the size of the library with costs to renovate the old library and police station for a low cost would project the proposal will come in at under \$4 million.

Chair Maggiore asked if Mr. Castagna was suggesting a brand new team of architect and construction manager be sought.

Mr. Castagna stated that would absolutely be his opinion as he felt the interview process for the architect or construction managers was not transparent and that he frankly did not know who was asking the questions

Mr. Chauncey clarified that the library received 12 proposals from architects, they interviewed five and it was a very intense project.

Mr. Castagna stated that may be true, but they then inherited the rest of the project and he felt that was wrong.

Harold Mailhot, 10 Glendale Road expressed his concern over the hiring of a female firefighter and costs could be reduced by not having to provide a separate area for females. He further stated he would not want to rely on a female to carry him out of a burning building as he has heard the restriction on women is that they are only allowed to carry 75 pounds.

Chair Maggiore asked if there were further questions, the public should send them to the town administrator to disseminate to the Select Board.

The Select Board suggested the committee give a presentation of their proposal at the public hearing on May 27, 2015.

Mr. Castagna asked the Select Board what their opinion of the proposal was and the Select Board decided to think about the presentation and commit to having an open mind as the committee has suggested.

Paul Marquis stated the most controversial item in the plan is the fire station with some members feeling that the current building be remodeled while other would propose razing the building.

The Select Board took up the Timber Tax invoice with a **Motion by Selectman Stanton to correct the invoice with the correct due date of June 30, 2015 as the due date given was April 30 and the meeting to approve the invoice is May 11. Town Administrator Apple suggested checking the law to be certain the date can be changed, and if it isn't allowed, to direct the assessor's to abate any interest from April 30 to June 30. Seconded by Selectman Miller. Motion carries 3-0.**

- 7.4 Open and consider bids for work to repair the North Hampton Public Library roof;
(Secretary's Note: the bids were not ready at this time)

7.5 Discussion and approval of Planning Board's Proposed Piscataqua Region Estuaries Partnership Grant Application for updating storm-water regulations.

Chair Maggiore stated the town's circuit rider, Jenn Rowden had brought up the fact this grant was available and read the updated storm water management requirements. This grant would might help reduce costs regarding the MS-4 and has a proposed cost of 3,350.00, and an in kind match by the town.

Motion by Selectman Stanton to approve the ability of the Planning Board to proceed with the grant application for storm water management regulations as detailed in the plan assuming that Epping has been replaced with North Hampton. Seconded by Selectman Miller. Motion carries 3-0.

8. Any Other Item that may legally come before the Board

The Board reserves the right to take action on any item relative to the prudential administration of the Town's affairs that circumstances may require.

9. Second Public Comment Session

See Item 2, above.

Sandy Dewing, Walnut Avenue asked for clarification on the mold issue at the library, and who has the responsibility of taking care of it, the Library Trustees or the Select Board. He further stated nothing had been done.

Town Administrator Apple stated he was aghast that nothing has been done, and assured Mr. Dewing that he would see to it that something is done starting tomorrow.

Mr. Dewing stated there was a grey area as to who is responsible for getting something done, and asked if someone gets sick because of the problems who is responsible the Trustees or Select Board.

Mr. Apple stated the report is very clear that there is not a public health hazard within the building he further stated he is shocked the person in charge of the building has not moved forward and the mold remediation plan has not been executed.

Director Page stated if something occurs at the police or fire station or in the town administration office the Chiefs and the Town Administrator take care of it. He further stated the library has a director who is in charge of the library that should have done something about the mold issues to avoid finger pointing as to why it wasn't done. He further stated he was going to recommend the Select Board put in their motion there is no legal level of mold in the library that gives Kevin Kelley the ability to close the facility and would recommend the Select Board write a letter to the trustees recommending the building be closed until the mold mitigation is completed which will then take the legal onerous off the Select Board.

Sandy Dewing stated he wasn't trying to "stir things up" but that he just wanted to make it known to the Select Board that nothing is being done at the library, and that he understands there is not a health hazard with the current levels of mold in the library.

10. Approval of Minutes of Previous Meetings

10.1 Approval of Minutes of April 27, 2015

**Motion by Selectman Stanton to accept the minutes with correction to line 172 to read "outreach".
Seconded by Selectman Miller. Motion carries 3-0.**

11. Adjournment

Meeting adjourned at 10:17 PM.

Respectfully submitted,

Janet L. Facella
Administrative Assistant