



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
SELECT BOARD MINUTES
FEBRUARY 22, 2016 7PM

NORTH HAMPTON TOWN HALL
231 ATLANTIC AVENUE

1. Call To Order and Pledge of Allegiance

Chair Maggiore called the meeting to order at 7:05 PM. Those in attendance were Selectman Miller, Selectman Stanton and Town Administrator Apple.

Chair Maggiore led the Pledge of Allegiance.

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 during the First Public Comment Session 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 February 11 , 2016 in the amount of \$57,882.68

3.2 Payroll Manifest of February 18, 2016 in the amount of \$60,941.48

3.3 Accounts Payable Manifest of February 11, 2016 in the amount of \$219,460.31

3.4 Approval of Elderly Exemption Application

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

4. Communication to the Select Board

4.1 Correspondence from Jay Somers, Sr. Manager Comcast

Chair Maggiore read the letter into the record. A copy of said letter is available at the Town Offices during normal business hours for inspection.

5. Report of the Town Administrator

Town Administrator Apple briefed the Select Board on the following topics:

- Finance
- Personnel
- Winterfest
- Cell Tower on Municipal Land
- NH Primary Day
- Website Updates
- Oral Boards for Deputy Police Chief

Town Administrator Apple asked for a motion from the Select Board to approval received on this date from the Fire Chief seeking reimbursement from the State of New Hampshire for fire permits issued from January through December 2015.

Motion by Selectman Stanton to a approve the request seeking reimbursement from the State of New Hampshire for fire permits issued from January through December 2015. Seconded by Selectman Miller. Motion carries 3-0.

Selectman Stanton thanked Recreation Director Jim O'Hara as well as Optima for a job well done at Winterfest.

6. New Business

6.1 Promotion of Warrant Articles

Chair Maggiore stated he had received an email from North Hampton resident, Laurel Pohl in which Ms. Pohl expressed concerns of electioneering being done by town employees.

Chair Maggiore asked Town Attorney, John Rattigan to review and explain the law on electioneering.

Attorney Rattigan reviewed the RSA and stated it is the government's constitutional right to speak on their own behalf, and they are allowed to go out into the community and give opinions and talk about topics. He further stated the Select Board have the right to authorize an employee to state the Select Board's opinion, and that state statute cannot override federal statute.

Attorney Rattigan stated there is no New Hampshire statute that seeks to curtail a town communicating with its citizens.

Selectman Miller asked Attorney Rattigan whether or not the Select Board could send out materials regarding the elections and warrant articles and he stated they absolutely could send out materials.

Laurel Pohl spoke from a prepared statement regarding her concerns of electioneering by town employees.

Motion by Selectman Stanton: Be it resolved the Select Board unanimously recommend Warrant Articles 6 and 7; that the Select Board finds that it deems it appropriate that the Town Administrator make himself available to the community to answer questions about Warrant Articles 6 and 7 and any other warrant articles on behalf of the Select Board, and to convey to the public the Select Board's recommendations in favor of one or more of the articles. Seconded by Selectman Miller. Motion carries 3-0.

6.2 Request from Planning Board to Approve Revised Application Fee Schedule

Chair Maggiore stated the new Planning and Zoning Administrator, in his review of the Application Schedule, noticed the Excavation and Blasting fees were not listed on the schedule, and felt they should be.

Motion by Selectman Stanton to add the excavation and blasting fees to the application schedule of fees. Seconded by Selectman Miller. Motion carries 3-0.

6.3 Discussion of Conservation Deeds

Town Administrator Apple stated he had spoken with Andrew Vorkink, Conservation Commission member, regarding the state of deeds for town owned property. Mr. Vorkink stated many of the town properties do not have express conservation easements. The conservation properties fall into two categories; one where donative intent is clear and one in which no such intent is either apparent or, if implied, clear enough. Clear intent can be addressed by a corrective deed. Cases in which intent is not clear will have to move through the hearing process in RSA 41:14-a before a conservation easement is imposed.

There was a consensus on the Select Board to have Town Administrator Apple work with Mr. Vorkink.

6.4 Open Bids for Legal Services and Discussion of Next Steps

Legal bids were received from Soehl, Leslie and Kidder; Drummond Woodsum; Devine Millimet-for employment matters only; Donahue Tucker and Ciandella; Wadleigh Starr and the Mitchell Group.

Town Administrator Apple stated he would scan all of the proposals onto a thumb drive and distribute to the board members.

A time frame of the last meeting in April was set to review the board's three top candidates.

6.5 Approval of Large Assembly Permit for NEPBA Benefit for Cormier Family

Officer Rob Acres presented the application for a Large Assembly Permit for a benefit to be given at Local's Restaurant for the Cormier family.

Motion by Selectman Stanton to approve the application subject to all required approvals. Seconded by Selectman Miller. Motion carries 3-0.

7. **Approval of Minutes**

7.1 Minutes of February 8, 2016

Motion by Selectman Stanton to approve the minutes of February 8, 2016 as written. 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 which circumstances may require.

Public Safety Director Page asked for the Select Board's approval on a bid he had received on the new generator. Director Page stated because he applied for a membership with the NJPA (National Joint Power Alliance) he was able to secure a price of \$37,090. Site work will be done by the Public Works Department. Director Page reminded the Select Board the warrant article was approved for \$90,000.

The Select Board congratulated Director Page for finding such significant savings and essentially paying for his salary for the second year in a row.

Motion by Selectman Stanton to allow the Town of North Hampton to join the National Joint Power Alliance (NJPA.) Seconded by Selectman Miller. Motion carries 3-0.

Motion by Selectman Stanton to waive the procurement policy and proceed with the bid subject to approval through the National Joint Power Alliance (NJPA) for a price up to \$40,000. Seconded by Selectman Miller. Motion carries 3-0.

9. **Second Public Comment Session**

See Item 2, above.

No comments by the public.

10. **Adjournment**

Meeting adjourned at 8:10 PM.

Respectfully submitted,

Janet Facella