

March 11, 2013
Minutes of the Board of Selectmen

PRESENT: Rick Griffin, Chairman
Richard Nichols, Vice Chairman
Michael Pierce, Selectmen
Ben Moore, Selectmen
Philip Bean, Selectmen
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

SALUTE TO THE FLAG

I. Public Comment Period

Peter Tilton and Candace Stellmach present tonight to make a correction to an error (Candace) made in the Town Report in regards to Goody Cole. Ms. Stellmach presented a declaration to the Board and asked Mr. Bean to read for the public.

Roy Urdanoff, 972 Ocean Blvd – Spoke about his concerns with Vic Lessard and Sons in regards to the Tuck Road project. He expressed concerns with the lack of bids for this project.

Brian Warburton spoke about DRED's opening the parking meters on April 1st. He also commented on the fact that the State does make money at the beach. He suggested that the Selectmen ask to see the State financials. Chairman Griffin suggested that if Mr. Warburton wishes to speak longer he may want to be put on the agenda. Mr. Nichols made comments as follows: saw DOC down there working on the weeding in the fall, pay stations are all uncovered and the fine print describing time meters are running.

Chairman Griffin made it clear that he has not dropped out of the race as announced on Patch.

II. Announcements and Community Calendar

Mr. Pierce announced that voting is tomorrow and encouraged everyone to get out and vote.

Mr. Moore announced that next Wednesday at 6:30 there will be a premier of the film Flats, Shacks & Claws at Lane Library about clamming, fishing and lobstering.

Mr. Bean shared an email from Representative Emerick inviting everyone to a forum on what expanded Medicaid is, which will be held on Wednesday March 13th at 7 pm at the Congregational Church. He also congratulated Mr. Moore for his recent award.

Mr. Nichols announced Rockingham Planning Commission is planning on a public input meeting related to a feasibility study on Hampton Route 1 and Route 101 redesign and transfer center on Thursday March 14th at 7 pm.

Chairman Griffin commented on the award that both Mr. and Mrs. Moore received. He also mentioned that Doc Noel was also honored as Man of the Year.

III. Appointments

1. Ed Tinker, Assessing Chief Assessor
 - a. 176-178 Drakeside Road Land Use Change Tax

Mr. Tinker explained the following: new development, multi-family units and what properties need to be assessed a land use change tax.

Mr. Moore MOTIONED to APPROVE the work paper done by Mr. Tinker and to create a 2013 Land Use Change Tax Warrant for \$55,290.00. Mr. Pierce SECONDED.

VOTE: 5-0-0

- b. 2013 Sewer Abatement Rate

Mr. Tinker was asked about the tax rate and the total amount is similar to last year. Mr. Moore MOTIONED to APPROVE the 2013 Sewer Abatement in the amount of \$93,966.00. Mr. Pierce SECONDED.

VOTE: 5-0-0

Mr. Moore pointed out that there are items on the Consent Agenda that may need to be addressed by Mr. Tinker.

Mr. Tinker explained that he did provide a list of property owners including addresses to the Board and were emailed early this afternoon.

Mr. Nichols informed the Board that he did talk to Mr. Tinker about having only tax map and lot number. He does not have a problem with it being on the Consent Agenda but does feel the Board needs more information before the can vote. The names of the property owners will be included.

IV. Consent Agenda

1. Hampton Arts Networks Request to Display Art Work
2. Parade and Public Gathering License "Eastern State 20-mile Road Race" 03/24/13
3. Raffle Permit "Sacred Heart School"
4. Raffle Permit "Tuck Museum/Hampton Historical Society"
5. Parade and Public Gathering License "Cycle the Seacoast" 05/05/13
6. Elderly Exemptions New Tax Map/Lot: 134-53; 138-1-69; 43-3; 127-60; 123-1-22; 138-1-27; 220-30
7. Veteran Credit New Tax Map/Lot: 266-1-B8; 124-6-25; 139-17; 266-18-1B; 209-24-3; 162-49; 220-30; 131-7; 125-56; 57-10; 282-4; 151-5-19; 295-32; 176-19-15
8. Re-qualified Elderly Tax Map/Lot: 151-9-301; 222-42; 90-32-A2; 239-5; 14-2; 168-2-A2; 223-131-306; 178-60; 102-5-6; 178-82
9. Re-qualified Disabled Exemptions Tax Map/Lot: 296-70-1
10. Re-qualified Veteran Credit Tax Map/Lot: 172-6-123; 134-41-1; 133-43; 194-9; 163-48; 176-4; 23-1; 210-15-23; 88-16; 151-1-44; 128-3-6; 157-2A-19; 168-2-A9; 253-11-6; 69-23; 192-47; 151-1-40; 172-6-20; 35-10-8; 179-3; 209-14-2; 218-2; 54-14;

124-6-28; 172-6-128; 204-8; 245-8-12; 144-39; 208-22; 208-27; 188-5-2; 34-4-27; 201-42-1

11. Re-qualified Veteran Credit and Elderly Tax Map/Lot: 108-49; 150-22; 144-40; 178-29; 160-35-204; 57-24

Mr. Nichols MOTIONED to MOVE the Consent Agenda. Mr. Pierce SECONDED.

VOTE: 5-0-0

V. Approval of Minutes

1. February 25, 2013

Page 3: Insert the following sentence between paragraphs 3 and 4. "The Legislation that allowed the monies to be transfer a Revolving Fund instead of the General Fund was approved in August of 2012".

Page 6: Insert the word "February" before the word "report" in the second sentence of the first paragraph.

Delete the sentence "Mr. Pierce made comments and asked questions as follows: what did the Budget Committee spend money on, heating for Parks in the winter and gasoline in Parks" and replace with the following "Mr. Pierce asked what did the Budget Committee spend money on."

Insert the following after the third paragraph "Mr. Schwotzer confirmed there was a mistake in that Statement and that there will be a management discussion prepared by him and signed by the Town Manager included in it."

Page 10: Change the spelling of "Marberry" to "Mayberry"

Mr. Pierce MOTIONED to APPROVE the Minutes of February 25, 2013 as amended. Mr. Moore SECONDED.

VOTE: 5-0-0

VI. Town Manager's Report

1. The State DOT has reported that our Highway Block Grant has been readjusted downward by \$688.93 in accordance with the State's final audit.
2. DRED has inquired of the possibility of using our electronic bulletin boards to announce the opening of the parking meter season on April 1st. They were informed that use would be billed. To date no formal request has been received. DRED is looking to NH DOT for loan of electronic bulletin boards for this purpose.
3. Please VOTE tomorrow, March 12, 2013, the voting location is in the Cafeteria of Winnacunnet High School, 1 Alumni Drive.

Items added to report

Mr. Welch also spoke about the public meeting that the Rockingham Planning Commission as mentioned by Mr. Nichols earlier and explained in detail the topics that will be discussed at this meeting.

Discussion

The following members of the Board asked questions and made comments which were addressed by Mr. Welch.

Chairman Griffin commented that someone here mentioned allowing DRED use of the message boards for parking meters opening on April 1st. Mr. Welch explained that use would be allowed but that they would need to charge DRED and discussed in detail what the charge would be. Mr. Nichols would be in favor of charging for labor but does not feel there needs to be a rental charge.

Mr. Moore made comments and asked questions as follows: would be in favor of charging DRED for costs involved such as labor but a rental fee could be waived; asked if the discussion on Mary Batchelder Road in regards to speed and trucks has been addressed. Mr. Welch explained in detail what the Police Department is doing and a report will be forthcoming from the Police.

Mr. Pierce expressed concerns with the public comment in regards to Tuck Road project mentioned at the last meeting.

VII. Old Business

1. Sea Spray: Processing Approval of Application for Community Revitalization Tax Relief and Approval of Covenant

Atty. Gearreald and Mr. Tinker joined the Board to discuss this application. Atty. Gearreald provided the following update: application approved by the Board at the meeting on the 25th of February; discussed how the application was approved but on certain grounds, the Board needs to sign the application, and also to execute the covenant that will ensure the benefits for which the Board granted the application will be adhered to by the recipient, the tax credit can be rescinded if not adhered to, reviewed what guidelines the application was granted on, and read the uses that will not be allowed, relief granted for a 5 year period and restrictions of covenant can be extended longer up to 10 years. Mr. Tinker reminded everyone that the credit will not start until 2014 and will answer any questions the Board has.

Discussion

Mr. Pierce asked about the restrictions being put on the covenant since they are included in the Condo Documents. Mr. Moore reminded Mr. Pierce why it was added to the covenant. Mr. Pierce also asked about the length of the covenant and why they would not want to have it as long as possible.

Mr. Moore asked if there is an overall limit on how long the covenant can be by NH Statute. Atty. Gearreald explained that the limit is twice the number of years of the benefit. Mr. Moore would also be in favor of doing it as long as possible so 10 years.

Mr. Nichols and Chairman Griffin also agree with the 10 years length for the covenant.

Mr. Pierce MOTIONED to APPROVE to sign the signature pages of the RSA Chapter 79-E application of the Sea Spray Condominium as drafted and revised by the Town Attorney and to approve the covenant presented by the Town Attorney with the covenant to have a duration of 10 years. Mr. Moore SECONDED.

VOTE: 4-0-1(Beau)

Atty. Gearreald did comment on the attention that was given to this application by both the Board and employees. Atty. Gearreald stated that guidelines can be added for this type of application by the Board and it will be discussed at a future meeting.

Other Old Business

Mr. Nichols brought up the part of the motion to approve this application that references the methodology in the January 31st email from Mr. Tinker as provided to the Board by Atty. Gearreald as a confidential document. He would like to motion to make that methodology memo a public document.

Mr. Nichols MOTIONED to approve making the memo from Mr. Tinker dated January 31st in regards to the methodology used to calculate tax relief to be made a public document. Mr. Bean SECONDED.

VOTE: 5-0-0

Discussion on motion

There was further clarification on the document being discussed.

Mr. Nichols also brought up the following items: reverse 911 capability, he shared an update from the Fire Chief on the State reverse 911 plan, the capability to add email notification and reminded everyone of suggestion made by Mr. Moore to place in-progress Entertainment Licenses applications on the agenda a week before they are added to the Consent Agenda.

Mr. Moore made comments as follows: suggested that all applications that have been received for Entertainment Licenses be included on the agenda even if they have not gone through the complete process of being approved by departments, this is only for notification purposes that the license will be approved be at a future meeting and also suggested that maybe there be a place for residents to put down their email address at the election tomorrow to be included in notifications from Mr. Paquette. Mr. Nichols brought up security issues that Mr. Paquette is faced with in regards to email notifications and that it was shut down about 6 months ago.

VIII. New Business

1. Permission to Play the John Birch Society Video on “Agenda 21” on Channel 22 as requested by the Planning Board

Discussion

Mr. Pierce expressed concerns with showing this since it is from a very political group.

Mr. Nichols made comments as follows: has a little different take, has watched the video, content of the meeting of a different Board, asked to play during a Planning Board meeting and not sure this Board wants to begin controlling content at another Boards meetings, shared an example of a meeting held by the Energy Committee and having a guest speaker and this has nothing to do with his opinions on the video.

Mr. Bean reminded everyone who John Birch was and how he died.

Mr. Pierce brought up the aspect of “Agenda 21” and this might be something we want to discuss.

Mr. Moore brought up the following: policy for program guidelines that were approved in September of 2002 and revised twice since addresses this issue, thinks other elected Boards should follow these guidelines, the Planning Board should look at this before broadcasting and he did watch the video in its entirety and thinks it does carry a political message.

Mr. Welch mentioned the following: FCC regulations, if a program that is aired is considered political by someone else, then they have the right to request equal time for a program in opposition to it. This is would be the opening of Pandora's Box with this one program request.

Mr. Moore MOTIONED that the Board not grant their permission to play the John Birch Society's Video on "Agenda 21" on Channel 22 as requested by the Planning Board. Mr. Bean SECONDED.

VOTE: 4-1(Nichols)-0

Mr. Nichols asked if this goes on to cover speakers at meetings. Mr. Welch explained in detail what the rules are in regards to speakers.

Other New Business

Mr. Bean commented on completing his first year as a Selectman, that it has been an honor serving and thanked the Chairman, Vice Chair and Mr. Welch.

Mr. Nichols made the following comments in regards to HB672 and his testifying in Concord: HB672 seeks to mitigate the impact of the pollution control exemption, allows an entity such as the Seabrook Nuclear Plant to not have to pay taxes on those portions of their facility that are deemed to be pollution control, bill has gone to executive session and it was decided to retain bill in committee and review in the summer. He also explained why this is so important to the Town of Hampton and went into detail on the portion of the plant that is in Hampton. He thanked Mr. Cushing and Senator Stiles for their work on this bill.

Mr. Moore confirmed that they will be entering into a non-public session to discuss personnel matters.

A motion was made by Mr. Moore to go into a non-public session under RSA 91-A:3,II,(a,c), this motion was seconded by Mr. Pierce. A roll call vote was taken, and all 5 Selectmen were in favor.

Chairman Griffin stated that he was asked to go over Article 16, 17 & 18 for the public. Atty. Gearreald came forward and explained those articles for the public.

IX. Closing Comments - None

X. Adjournment

Mr. Bean MOTIONED to adjourn the public meeting. Mr. Pierce SECONDED.

VOTE: 5-0-0

Chairman