



**TOWN OF NORTH HAMPTON, NEW HAMPSHIRE  
NORTH HAMPTON SELECT BOARD MEETING**

**OCTOBER 28, 2019 7:00 PM**

**NORTH HAMPTON TOWN HALL**

***DRAFT MINUTES***

SELECT BOARD MEMBERS PRESENT: Chairman Jim Maggiore, Vice-Chairman Larry Miller, Member Kathleen Kilgore

ALSO PRESENT: Deputy Town Administrator Michael Tully

**AGENDA**

Chairman Maggiore welcomed everyone to the October 28, 2019 North Hampton Select Board Meeting and called the meeting to order at 7:04 pm, followed by the Pledge of Allegiance.

Chairman Maggiore said they were coming from a Non-Public Session where one motion was made and approved unanimously and the Board will act on the intent.

**Motion:** To seal the minutes of the Non-Public Session of October 28, 2019 pursuant to RSA 91-A:3 II (a,c).

**Motioned:** Selectman Miller

**Seconded:** Selectwoman Kilgore

**Vote:** Motion approved 3-0

**First Public Comment Session**

George Chauncey of Hobbs Road said at the last Select Board Meeting concerns were raised about water runoff from the new Library renovation, and said all plans show that it meets EPA requirements. He said there were also concerns about the buildings being too close and water from the new Library roof running on people on the walkway. He said Mr. Miller and Mr. Maggiore are continuing with their design for a new

***Disclaimer –These minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.***

***A recording of the meeting can be found at: [http://www.townhallstreams.com/towns/north\\_hampton\\_nh](http://www.townhallstreams.com/towns/north_hampton_nh), and a DVD recording is available at the North Hampton Town Administrative Offices, 233 Atlantic Avenue, North Hampton, New Hampshire 03862.***

Library on the Homestead Property though they do not have that authority. He said the matter will need to be decided by the Supreme Court, and there could be a charge of misappropriation of funds.

Jane Boesch of Atlantic Avenue said all residents in Town received a green envelope from the Friends of the North Hampton Public Library, and she urged everyone to respond and support the Town Library.

Casey O’Kane of Atlantic Avenue said ever since Kathleen Kilgore successfully defended herself again the Ethics Complaint he has had concerns about the Ethics Committee as well as this Board. He said one concern is conflict of interest and other obligations to recuse where there is a conflict. He said the rules of the Select Board do not match the Code of Ethics Rules which are more descriptive and prescriptive.

Scott Baker of Atlantic Avenue said he had looked into the Dog Park Committee work and where they stand at this point. He said he reached out to Dog Park Committee members and was disappointed to see they did not yet have a site and suggested he would volunteer the use of the yard across the Street at the Depot. He said he would like to volunteer the 4,000 square feet to be used on an interim basis on weekends only, and asked that the Select Board to talk with the Dog Park Committee to discuss how to effectuate this, if interested.

#### **Consent Calendar**

- 4.1 Payroll Manifest of October 17, 2019 in the amount of \$74,291.54
- 4.2 Payroll Manifest of October 24, 2019 in the amount of \$73,793.76
- 4.3 Accounts Payable Manifest of October 17, 2019 in the amount of \$1,268,260.85
- 4.4 Acceptance of MS-1 and Signatures of the Board

**Motion:** To accept the Consent Calendar as presented in the packets this evening.

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0

#### **Correspondence** – None

Selectwoman Kilgore said correspondence had come in from the Library Trustees. Chairman Maggiore said it had come in today from the North Hampton Public Library Board of Trustees to the Select Board, and he read the correspondence in full. The Library Trustees stated that the Library project will meet New Hampshire Department of Environmental Services (NHES) storm drainage permitting requirements, and Lavallee Brensinger Architects and Bonnette, Page & Stone construction services have the expertise to address any questions of potential Stormwater and drainage issues.

Selectwoman Kilgore said there was another email from the Library Trustees asking for a meeting with the Select Board, and Chairman Maggiore said the Town Administrator felt the consensus was to not have the meeting at this point.

#### **Committee Updates**

Selectwoman Kilgore said the Economic Development Committee had not met, and said the Board agreed to expend up to \$1,000 for a mailing to North Hampton residents regarding the Public Meeting with

Ironwood on the design phase of the Village District on Route 1. She said the entire EDC Committee worked on the letter and agreed to it, and thanked the Select Board for their support. She said the meeting would be held on Wednesday, November 6, 2019 from 5:00 pm to 7:00 pm.

Chairman Maggiore said the Heritage Commission had not met and the Water Commission had not met.

Selectman Miller said the Budget Committee last met October 7, 2019 and has not met again. He said Town Budget Books are now available in the Fire Department, and the next Budget Committee Meeting would be a week from today.

Chairman Maggiore said the New Hampshire Municipal Association (NHMA) Annual Conference would be held on November 13 and 14, 2019. He said they received a notice today about nominees to the Board of Director due to several people leaving.

## **Public Hearings**

### **7.1 Acceptance of Funds in the Amount of \$19,912.71 for Reimbursement from the Department of Homeland Security/Federal Emergency Management Agency (FEMA-4370-DR-NH)**

Fire Chief Michael Tully said there were different amounts of money coming in for different tasks from the June 8, 2019 flooding. He said this \$19,912.71 is reimbursement for the sidewalks on Route 1-A, and said the Town will get fees returned with the remainder being transferred to Little Boar's Head. He said the State plans to rip out the piles at some point and funds would be provided for that.

Chairman Maggiore opened the Public Hearing on 7.1 Acceptance of Funds in the Amount of \$19,912.71 for Reimbursement from the Department of Homeland Security/Federal Emergency Management Agency (FEMA-4370-DR-NH) at 7:23 pm. As no one from the public came forward he closed the Public Hearing on 7.1 at 7:23 pm.

**Motion:** To accept the funds in the amount of \$19,912.71 from the June 8, 2019 FEMA-declared major disaster from the State of New Hampshire Public Assistance Grant Program.

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

Discussion: Fire Chief Tully said the Board should vote at the next Meeting to transfer the remainder of the funds to Little Boar's Head.

**Vote:** Motion Approved 3-0

### **7.2 Acceptance of Funds in the Amount of \$27,985.00 for Reimbursement from the Department of Homeland Security and Emergency Management for the REP Program FY2020**

Fire Chief Tully said every year he puts a budget in to the State for Emergency Preparedness and this \$27,985.00 is that Budget. He said they keep track of their expenses and put in for reimbursement from these funds, and said it is easier to accept in one lump sum.

Chairman Maggiore opened the Public Hearing on 7.2 Acceptance of Funds in the Amount of \$27,985.00 for Reimbursement from the Department of Homeland Security and Emergency Management for the REP

Program FY2020 at 7:26 pm. As no one from the public came forward he closed the Public Hearing on 7.2 at 7:26 pm.

**Motion:** To accept the \$27,985.00 for reimbursement from the Department of Homeland Security Management for the REP Program of 2020.

**Motioned:** Selectman Miller

**Seconded:** Selectwoman Kilgore

**Vote:** Motion approved 3-0

**Report of the Town Administrator**

*A copy of the Report of the Town Administrator will be attached to these minutes.*

Deputy Town Administrator Michael Tully said with 37 weeks left in the current fiscal year, approximately 73% of the Budget is remaining. He said the gas lines were installed at the Fire Department and Public Works Director Hubbard is working on getting gas in all the buildings so they can be changed over. He said there was a meeting this morning in Town Hall with stakeholders in the Philbrick Pond Study to discuss next steps.

Deputy Town Administrator Tully said the next regular Select Board meeting is scheduled for November 11, 2019 which is a holiday and will need to be rescheduled, with Thanksgiving coming up the week of the next Select Board meeting. Chairman Maggiore said possibly they could have one meeting on November 18, 2019 and said he would discuss it with the Board and Town Administrator Kaenrath.

**Items left on the Table** – None

**NEW BUSINESS**

**10.1 Capital Improvement Plan Presentation** – Nancy Monaghan

CIP Chairman Nancy Monaghan said the Capital Improvement Committee has recommended 7 projects for FY2021 for Fire & Rescue, Police, Department of Public Works (DPW), Town Administration and the North Hampton School totaling \$827,621, with about half to be funded by various Capital Research Accounts with no impact on taxes. She said the total to be funded by Warrant Articles will be \$315,000, and said CIP considered the Library proposal separately.

Ms. Monaghan listed the CIP Prioritization of the projects for FY2021: (1) Police Vehicles \$84,000; (2) Town Hall Restoration year two \$23,621; (3) North Hampton School parking resurfacing \$40,000 (to Warrant); (4) Fire & Rescue for new Ambulance \$275,000; (5) DPW Annual Road Maintenance \$260,000; (6) North Hampton School exterior brick \$20,000; (7) DPW Case Backhoe \$125,000.

Ms. Monaghan showed a chart of Fire Department proposals for the next 6 years. She said Chief Tully had put in for a new Ambulance for FY2022 but the purchase was moved up one year. She said all the equipment on the chart through FY2025 will be paid out of the Fire & Rescue Department Capital Reserve Fund with no impact on taxation. She said the Ladder Truck proposed for FY2025 is just a place holder until the new Fire Department is built.

Ms. Monaghan said the only Police Department request for FY2021 is 2 new cruisers, and said the rotation schedule was changed to one every year skipping FY2020 but two were being replaced that had been in

accidents. She said the Police Department is now fully staffed and vehicle mileage is adding up more quickly. She said the Police Department buys extended warranties on all vehicles, and the vehicles will be paid for out of the Police Detail Fund with no impact on taxes. Two future requests are for a new speed trailer and an automatic fingerprint scanner.

Ms. Monaghan said the Department of Public Works has 2 projects for FY2021, Annual Road Maintenance for \$260,000 and a Case Backhoe for \$125,000. She said the Annual Road Maintenance was part of a 15-year plan to keep up with paving, and the Municipal Transportation Reserve Fund is used to offset the cost by \$30,000/year. She said the CIP Committee also recommends the Select Board change the current lease/purchase arrangement to outright purchase.

Ms. Monaghan said the only Town Administration project is finalizing the Town Hall Restoration at \$23,000. For the School, the only long-term maintenance article is \$40,000 for paving in FY2021 and \$20,000 for brick resealing, with no other Capital Projects through FY2025.

Ms. Monaghan said the CIP Committee considered the Library at some length. She said the Committee heard the plan from the Library Trustees for expansion and renovation, and heard the alternate proposal by Mr. Miller to build a Library on the Homestead Property on August 29, 2019. She said the Library Trustees at that time had their not-to-exceed cost of \$3.4 Mil and the alternate proposal and estimates had since been revised. She said the Committee ultimately voted to recommend the alternate proposal by Mr. Miller, with a vote of 6 in favor and 1 opposed.

Ms. Monaghan said the CIP Committee discussed many of the Library issues, with key ones being: (1) the Trustees plan is for one building in isolation and Mr. Miller's plan considers all Town building needs and total cost to the Town; (2) the Trustees plan to add no additional parking and Mr. Miller's plan will add 31-41 new spaces; (3) cost difference was a major consideration and Mr. Miller's plan appeared clear there would be significant cost savings to build a new Library on the Homestead Property and remodel the old Library for Town employees. She said for 5 years CIP has designated Municipal Buildings as the top Capital priority for the Town.

Ms. Monaghan said there were 6 projects addressed in the CIP Summary Report. She said the Committee recommends: (1) the Town begin regular contributions to the Coakley Capital Reserve Fund for the Coakley Landfill; (2) the Town address Winnicut River flooding issues; and (3) the Committee commends the Select Board for trying to work out a plan with DOT to address Philbrick Pond flooding issues.

Discussion: Selectwoman Kilgore voiced concerns about the process/procedure and read RSA 674 of the local land use and regulatory powers. She stated that the alternate plan was not put forth to the CIP by a department or agency of the Town and did not meet the requirements of this RSA. Ms. Monaghan said she sought legal advice from NHMA Legal Counsel Stephen Buckley, who said Mr. Miller as a Select Board member is authorized to present a plan to the CIP Committee and the CIP Committee can hear from anyone it so designates. Ms. Monaghan stated that the CIP Committee did act properly in hearing and considering the alternate plan.

Selectwoman Kilgore asked that a copy of the 91-A be forwarded to her, and said she would like to see the 91-A opinion before voting to accept the CIP Plan.

**Motion:** To table the Capital Improvements Plan Report until the next Select Board meeting.

**Motioned:** Chairman Maggione

**Seconded:** Selectwoman Kilgore

**Vote:** Motion approved 3-0

**10.2 Update on Homestead Property** – Larry Miller

Selectwoman Kilgore recused herself from the conversation and moved to the public area.

Selectman Miller said they had hired a surveyor to survey the Homestead lot and hired a septic person to locate a septic field on the property. He said 3 design-builders were previously interviewed and an architect was hired for a simple plan to be developed and then given to 3 Design-Build companies, after which there will be something to bid to get 3 prices.

Selectman Miller said he would like to speak to a newspaper article by Mr. Bottomley with regard to expanding the Library where it is, and said the misnomer is that the Library does not own the land. He said he asked for help from the Heritage Commission and the deed for the property of the old Library, the deed for the expansion of the lot in the 1970s, and the deed for the Homestead Property are in the name of the Town of North Hampton.

Ms. Kilgore returned to her seat at the table as Selectwoman.

**Minutes of Prior Meetings**

**11.1 Approval of Regular Meeting Minutes of September 19, 2019**

**Motion:** To approve the Regular Meeting minutes of September 19, 2019 as presented in the packet.

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0

**11.2 Approval of Regular Meeting Minutes of September 23, 2019**

Chairman Maggiore said he needed to add a comment at the beginning that there was a motion made in the September 3, 2019 Non-Public Session approved by a vote of 3-0 and the Town Administrator will act on the matter. He said he was not amending these minutes.

**Motion:** To approve the minutes of the Regular Meeting of September 23, 2019 as presented.

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0

**11.3 Approval of Non-Public Meeting Minutes of September 23, 2019**

**Motion:** To approve the minutes of the Non-Public Session of September 23, 2019 with the Chair's emendation.

**Motioned:** Selectman Miller

**Seconded:** Chairman Maggiore

**Vote:** Motion approved as amended 3-0; minutes will remain sealed

**11.4 Approval of the Regular Meeting Minutes of October 17, 2019**

Chairman Maggiore made a correction to correct line 152 changing "Ron Hilliard" to *Jeff Hillier*. Selectwoman Kilgore said there was also something she wanted to add and asked that the minutes be tabled.

**Motion:** To table the Regular Meeting Minutes of October 17, 2019 until the next meeting.

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0

**11.5 Approval of the Non-Public Meeting Minutes of October 17, 2019**

**Motion:** To approve the minutes of the Non-Public Session of October 17, 2019

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0

**Any Other Item that may legally come before the Board**

Selectwoman Kilgore said the Board had still not approved the meeting minutes of September 9, 2019 and she needed to make an amendment and said she had spoken with Bryan earlier about this.

Chairman Maggiore said there has been a lot of information out there about the piece of property with both the Library and the Stone Building, and said the Heritage Commission has gone through a lot of work to put the Stone Building on the National Register of Historic Places. He suggested putting non-partisan information on the Town Website with the history of the lot and the deeds and deed research that has been done, also for the Homestead Property because pieces of the property were given to the Library. He said this would provide all the official information from the Town to provide transparency in this matter.

Selectwoman Kilgore recommended any information put on the Town Website be verified as accurate by Town Counsel, including deeds. Chairman Maggiore said he would begin to put the packet together to be sent out for discussion at the next Select Board Meeting.

**Second Period of Public Comment**

Cynthia Swank said talking about the deeds relating to the property, she was fine with anyone who looked up the deeds putting them online. She also clarified that a portion of the Homestead Property was not given to the Library but was given to the Town.

Frank Ferraro of Post Road said he had 2 questions for which he needed a yes or no answer for clarification from one of the reports. He said the first was Mr. Miller's report on design and getting an estimate, and said he understood that was not yet completed. He said also when the design drawing is completed he assumed it would go out to bid to the 3 firms referred to. Chairman Maggiore said they made the rule that there would be no discussion, and said he did not know the answer but transparency would be of utmost importance. Selectwoman Kilgore suggested it could be an agenda item at the next meeting.

Select Board Regular Meeting  
October 28, 2019

326 Cable Director John Savastano said the department was trying to roll out new products with podcasts  
327 every 2 weeks and the Guest Host Show which will be done every 6 weeks. He said they were also starting  
328 a lecture series called "Town Centre Talks" to talk about things current now. He also recommended a large  
329 arrow be painted on the alleyway to indicate it is one way going out.

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331 Mr. Maggiore said the 1-year extension on the Cable Contract is expiring in November, and Selectwoman  
332 Kilgore said she was already working on that.

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334 **ADJOURNMENT**

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336 Chairman Maggiore adjourned the meeting at 8:27 pm.

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338 Respectfully submitted,

339 Patricia Denmark, Recording Secretary