



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE

SELECT BOARD MINUTES

NOVEMBER 28, 2016

**REGULAR MEETING 7:00PM
NORTH HAMPTON TOWN HALL
231 ATLANTIC AVENUE**

1. Call To Order and Pledge of Allegiance

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.

Chief Tully introduced the newest member of North Hampton Fire and Rescue, Zachary Greenbaum.

The Select Board congratulated and welcomed Mr. Greenbaum to the town.

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.

Jean Robinson, Pine Road asked the Select Board to consider adding a warrant article for the purchase of a new or used Recreation Van. Mrs. Robinson stated the current van is very cumbersome and difficult to navigate for the older residents. She further stated because of this, several seniors no longer attend the field trips they have.

The Board suggested that Mrs. Robinson submit a citizen's petition with 25 signatures from current, registered voters in the town.

3. Consent Calendar

- 3.1 Payroll Manifest of November 17, 2016 in the amount of \$65,041.70
- 3.2 Payroll Manifest of November 24, 2016 in the amount of \$63,763.90
- 3.3 Accounts Payable Manifest of November 17, 2016 in the amount of \$79,024.65
- 3.4 Abatement Application

Chair Maggiore noted there is an addition to the Consent Calendar and Item 3.5 is a Cemetery Deed.

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

4. Correspondence

- 4.1 Correspondence from Comcast/Xfinity
- 4.2 Correspondence from NHDES re: Luck Enterprises Wells
- 4.3 Correspondence from Brice Shearburn, JDL Castle Corporation
- 4.4 Correspondence from Donald Gould

Chair Maggiore read each letter into the record. A copy of each may be found attached to the minutes or by visiting the town offices.

Chair Maggiore stated the correspondence from JDL Castle was a proposal for an 11,000-sqaure foot fire station only at the same location as the first proposal.

Selectman Stanton stated the price is going up, not down as would be expected with just the fire department.

Michael Castagna attended and was asked to speak to the correspondence from JDL Castle Corporation.

Discussion of the land purchase ensued and Mr. Castagna stated the new purchase price of \$300,000 is still the five acres only, and the current owner wants to put solar arrays on a portion of the remaining 80+/- acres.

The Select Board agreed to notice the December 12 agenda with Brice Shearburn and Michael Castagna on the agenda.

5. Committee Updates

6. Report of the Town Administrator

- 6.1 General Report

A copy of the Town Administrator's report will be attached to these minutes.

Motion by Selectman Stanton to amend the November 14, 2016 motion that reads:

“Motion by Selectman Stanton to authorize Town Administrator Apple to enter into negotiations with the property owner to accept in the name of the town a donation of land at 20 Chapel Road, Tax Map 005, Lot 032 with the following conditions:

- 1. The property owner grant to the town by means of a warranty deed and;**
- 2. The property owner commission and deliver to the town an appraisal of value in time to notice a proper public hearing prior to December 21, 2016. Seconded by Selectman Miller. Motion carries 3-0.”**

With an amendment to provide an additional 60 days to provide the appraisal to the town and the assessed value will be used on December 12, 2016 for the purpose of a public hearing. Seconded by Selectman Miller. Motion carries 3-0.

7. New Business

7.1 Coakley Update

Chair Maggiore stated an article in last week’s Portsmouth Herald and Hampton Union insinuated the North Hampton Select Board authorized putting in a water line and no such thing was stated. Chair Maggiore further stated that the board did not make any decisions about anything going on whatsoever.

Motion by Selectman Stanton to set the record straight regarding an article in the Portsmouth Herald and Hampton Union, titled “Board may ask Landfill to pay for Water,” dated November 18, 2016. First: There was no Select Board meeting on Thursday, November 17, 2016 as implied in the article. Talking to two Selectmen in separate conversations does not constitute a meeting, nor a Select Board decision. Second: The Select Board has no intention presently and foreseeable future to ask the Coakley Group for any public water in the Coakley area. Third: The Select Board, at its meeting on November 14, 2016 directed the Town Administrator to attend any future meetings in person or by phone of the Coakley Group. Fourth: That the Town Administrator will direct the UNH Environmental Studies Intern to continue to collect testing data from Aquarion Water, EPA and DES and plot results on the tax map. Finally, the Select Board takes its public health responsibilities seriously and shall remain at the data gathering stage and monitor events until such time as any action, if any, is required. Seconded by Chair Maggiore. Motion carries 3-0.

Chair Maggiore read a letter received from Donald Gould regarding Coakley. A copy will be attached to these minutes.

Motion by Selectman Miller to send the following questions to town counsel:

- 1. Identify members of the Coakley Group, their voting structure and their requirements to meet. Include frequency, location, quorum and necessity to vote in a public or private venue, then contrast this information to historical practice.**
- 2. If Portsmouth, which has represented the Towns so far (check this assertion), does not represent the interests of North Hampton, what actions are possible for North Hampton to represent itself?**

3. The Coakley Site is not in Portsmouth. It is very unlikely the pollution at Coakley will ever threaten any Portsmouth resident. There is no sunset for the responsibility of the towns and companies found responsible (Coakley Group). The expenses of the Coakley Group member towns are funded by taxation. Expenses for remediation must have been anticipated with the establishment of the site. Is Portsmouth in a position of conflict with respect to remediation costs?

4. Does the Coakley Group have the authority under the participation agreement or any other provision of law to spend money or refuse to spend money for the purpose of remediation at the Coakley Landfill without direction from the EPA?

5. Is the construction of or provision for public water service to private homes “remediation” under the Coakley Group’s participation agreement? What other forms of remediation were specifically anticipated or allowed?

6. Does the Coakley Group have the authority under the participation agreement to pay for the construction of or provision for public water to private homes?

Seconded by Selectman Stanton. Motion carries 3-0.

Motion by Selectman Stanton to direct the Town Attorney, Wadleigh, Starr and Peters, to review Coakley Super Fund documents such as the EPA Consent Decree and the Coakley Group Participation Agreement (CGPA), and any other documents as will be necessary to determine the degree and extent of North Hampton’s future financial obligations and limits. In addition, Wadleigh, Starr and Peters should determine and advise the Town of the extent of the authority of the Executive Committee formed under the Coakley Group Participation Agreement to expend any funds for remediation activities beyond those specified by the EPA in the Consent Decree; specifically, does the CGPA include authority to provide water to any properties absent an EPA order? Unless otherwise agreed to then all documents needed by Wadleigh, Starr and Peters will be provided by the Town at the Town expense. A meeting with Town Counsel shall be scheduled for early January 2017 to discuss these issues. Seconded by Selectman Miller. Motion carries 3-0.

Motion by Selectman Miller to have Town Administrator Apple consolidate the two motions into one document to send to Town Counsel. Seconded by Selectman Stanton. Motion carries 3-0.

Town Administrator Apple discussed the map provided by DES of testing that has been done to date regarding Coakley Landfill. He also read a letter that he asked the board’s permission to send to residents regarding wells that surround Coakley.

Discussion and edits were made to the letter that is to be sent out to approximately 11 residents. Consensus amongst the board to authorize Town Administrator Apple to send the letter out.

7.2 Discussion of Role of Town Counsel in Pending Cases

Selectman Stanton stated he had wanted to discuss this because of the high legal costs that are currently being spent on two cases. He further stated he was assured by Town Administrator Apple and Building Inspector Kelley that it would be detrimental to the cases to change attorneys at this point in time.

7.3 Budget Discussion

Town Administrator Apple stated there is a Budget Committee meeting on December 5, 2016 and asked that the full board to attend. A notice will be posted and if any votes or changes need to be made at that time, the board will be able to do so.

8. Minutes of Prior Meetings

8.1 Minutes of November 2, 2016

**Motion by Selectman Miller to approve the minutes of November 2, 2016 as amended.
Seconded by Selectman Stanton. Motion carries 3-0.**

8.2 Minutes of November 14, 2016

**Motion by Selectman Stanton to approve the minutes of November 14, 2016 as presented.
Seconded by Selectman Miller. Motion carries 3-0.**

9. 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.

10. Second Public Comment Session

See Item 2, above.

11. Adjournment

Meeting adjourned at 9:00 PM.

Respectfully submitted,
Janet L. Facella