



---

TOWN OF NORTH HAMPTON, NEW HAMPSHIRE

**SELECT BOARD MINUTES  
MONDAY, JANUARY 22, 2018  
NOTICE OF PUBLIC MEETING  
NORTH HAMPTON TOWN HALL  
231 ATLANTIC AVENUE  
5:15 O'CLOCK PM**

**NON PUBLIC SESSION I: 5:16 O'CLOCK P.M.  
EXECUTIVE CONFERENCE ROOM  
TOWN ADMINISTRATIVE OFFICE  
233 ATLANTIC AVENUE**

**NON PUBLIC SESSION II: 5:45 O'CLOCK P.M.  
EXECUTIVE CONFERENCE ROOM  
TOWN ADMINISTRATIVE OFFICE  
233 ATLANTIC AVENUE**

**NON PUBLIC SESSION III: 6:30 O'CLOCK P.M.  
EXECUTIVE CONFERENCE ROOM  
TOWN ADMINISTRATIVE OFFICE  
233 ATLANTIC AVENUE**

- 
- |              |   |
|--------------|---|
| 1. 5:15 p.m. | <u>Call to Order</u>  |
| 2. 5:16 p.m. | <u>Non-Public Session I Pursuant to RSA 91-A:3, II (a)</u>                    |
| 3. 5:45 p.m. | <u>Non-Public Session II Pursuant to RSA 91-A:2, I (e)</u>                    |
| 4. 6:30 p.m. | <u>Non-Public Session III Pursuant to RSA 91-A:3, II (e)</u>                  |
| 5. 6:55 p.m. | <u>Return to Regular Session and Recess to Town Hall, 231 Atlantic Avenue</u> |
| 6. 7:00 p.m. | <u>Reconvening of Public Session at Town Hall and Pledge of Allegiance</u>    |

Chair Maggiore called the meeting to order at 7:05PM and led the Pledge of Allegiance.

Those in attendance were Selectman Miller, Selectwoman Kilgore and Interim Town Administrator Tully. Chair Maggiore asked to have agenda item 14.1 moved up, as Mr. McIntyre had a meeting to attend in another community.

Chair Maggiore stated there were three Non-Public Sessions on the agenda, however Non-Public Session II was cancelled.

Chair Maggiore stated in the first Non-Public Session there were no motions or votes taken.

**Motion by Selectwoman Kilgore to seal the minutes of Non-Public Session I, pursuant to RSA 91-A:3, III. Seconded by Selectman Miller. Motion carries 3-0.**

Chair Maggiore stated in the third Non-Public Session a motion had been made and the vote was 3-0, and there was no need to seal the minutes. He further stated in lieu of taking further legal action with Wiggins Way Homeowner Association, the Select Board is going to seek alternative methods with local representatives in the legislature.

Chair Maggiore stated the Select Board would be inviting them to a future Select Board meeting to engage in discussions.

Mr. McIntyre explained Chapter 29 of the 2017 New Hampshire Laws, SB 191, which provides for additional education grants to school districts that have full-day kindergarten, with the funding for those grants to come, in part, from the proceeds of keno operations.

Mr. McIntyre stated each community must approve of keno in their jurisdiction, and it has to go on the official ballot in order to get approval or disapproval by the voters.

Mr. McIntyre stated Keno is only sold in licensed establishments or bars, or what he characterizes as "pouring establishments" during certain hours of the day.

Mr. McIntyre stated through this program the State will be sending a minimum of \$1,100 per full day Kindergarten student regardless of whether or not the town approves Keno.

Selectwoman Kilgore asked what the cost to business owners is and Mr. McIntyre stated there is an application fee of \$500, with no additional costs.

Selectwoman Kilgore asked Chief French if he anticipated an increase in police services because of Keno.

Chief French stated it is hard to predict, however he didn't think there would be an instantaneous demand for additional services.

Selectwoman Kilgore asked Mr. McIntyre what deductions were being referred in the informational letter on Keno the board had received.

Mr. McIntyre stated that they are expenses which are two cents on every dollar. He further stated expenses total approximately nine million dollars and revenues are approximately three hundred million dollars.

The Select Board decided to table a vote on this issue until a later meeting date and time.

Chair Maggiore asked to allow agenda item 14.3 next. The board was in agreement.

Max Reich, St. Thomas Aquinas student presented the Select Board with a newer version of his flag design.

Master Reich explained that each color on the flag represented something; blue is for the ocean and Little River; yellow is for the sand and the land; white is for purity and peace; and the 13 stars represent the 13 colonies as well as 13 characteristics of the Town of North Hampton.

The Select Board stated they liked the symmetry better on the new design and were very impressed with Mr. Reich's work.

Chair Maggiore stated it not need to go on the ballot and stated there could be several different options.

Selectman Miller asked who actually owns the design of the town seal and Chair Maggiore stated that would need to be looked into.

Selectwoman Kilgore stated she would like to pursue the flag and felt it should be a decision of the town not a sitting board to decide changing the current town flag.

Chair Maggiore stated three things needed to happen: 1) Ask about ownership; 2) Ask about showing proposal at the Deliberative Session; 3) Ask the Town Moderator if it would be allowed at the Deliberative Session.

7. **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 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.

Jan Gosselin, Maple Road stated that Mr. Miller had made condescending remarks regarding her husband at the January 8, 2018 meeting and asked the Chair to insure that type of behavior does not happen again.

Lisa Wilson, Runnymede Drive stated that the Portsmouth City Council had voted not to allow Keno on the ballot, and encouraged the Select Board to do the same.

Chair Maggiore announced that Mr. Bryan Kaenwrath had signed a contract with the town as the new Town Administrator, and his first day will be on March 12, 2018.

8. **Consent Calendar**

8.1 Payroll Manifest of 01/11/2018

8.2 Payroll Manifest of 01/18/2018

Chair Maggiore explained the payroll manifest totals were not available at the time the Select Board packets were distributed.

**Motion by Selectwoman Kilgore to accept the Payroll Manifest in the Consent Calendar with an amendment of the dollar amounts as follows: January 11, 2018 in the amount of \$187,684.01 and the January 18, 2018 in the amount of \$57,266.90. Seconded by Selectman Miller. Motion carries 3-0.**

9. **Correspondence**

9.1 Correspondence from Rockingham County Commissioners

Chair Maggiore read the letter into the record. A copy is on file at the Town Offices.

## **10. Committee Updates**

### **10.1 Budget Committee**

Selectman Miller stated some members of the Budget Committee had voted for a reduction of 1% of the school budget.

### **10.2 Economic Development Committee**

Selectwoman Kildogre stated the sub-committee on the Town Survey had finalized the survey questions, and that they wished to have a meeting of the Economic Development Committee on Wednesday, January 24, however she has asked to reschedule to a different date as she has a Select Board meeting that evening.

### **10.3 Heritage Commission**

Chair Maggiore stated the commission has been working on a draft Barn Preservation Easement policy. He further stated members of the Amherst (NH) Heritage Commission joined them at their last meeting and everyone shared ideas.

### **10.4 Water Commission**

Chair Maggiore stated there had been a meeting last week to discuss the issue of an appeal going before the Zoning Board of Adjustment.

### **10.5 Bandstand Committee**

Selectwoman Kilgore stated she had attended an Eagle Scout ceremony whereby Jacob Higgins earned this honor by illuminating the flag at the common as per proper flag etiquette.

Selectwoman Kilgore stated bricks are still for sale at the Bandstand, and a link can be found on the Bandstand page of the website.

## **11. Public Hearing**

### **11.1 To Consider the Acceptance of Real Property as a Gift, Located on Mill Road, Map 006, Lot 080**

Selectman Miller stated he was an abutter to the property, and would therefore be recusing himself.

Lisa Wilson, Chair of the Conservation Commission discussed the conveyance of a donation of property located on Mill Road. Mrs. Wilson stated the land has 24 acres with an appraised value of \$73,200.

Two Non-Public meetings were held by the Conservation Commission regarding the donation of this property, and Mrs. Wilson stated the Conservation Commission recommended the Select Board accept the gift and generous donation.

Selectwoman Kilgore asked about public access to the property to which Mrs. Wilson replied there is none, and the only time access is allowed is for Conservation Commission members to perform their monitoring duties.

Selectwoman Kilgore asked what percentage of the property is wetland.

Mrs. Wilson stated that not all of the property is wet and that depending on the time of year some parts are wetter than others.

Selectwoman Kilgore stated her concerns regarding the possibility of dumping on the property.

Kathy Grant, Vice Chair of the Conservation Commission stated she and her husband had walked the central portion, northerly strip of the land and described it as a lovely wooded dry land and there were no signs of dumping of any kinds.

Chair Maggiore asked why North Hampton Forever did not purchase the property.

Mrs. Wilson stated there were preliminary talks however the Fields had first right of refusal on the property.

Selectwoman Kilgore asked if it were possible that any contamination from the Hampton Rod and Gun Club was possible.

Selectman Miller stated (as a member of the public) that the property is above the Little River and that it is actually along "Oliver Brook."

Chair Maggiore opened the Public Hearing at 8:14 PM.

Andrew Vorkink, Conservation Commission spoke however due to technical difficulties with the recording, his comments were inaudible.

The board asked if any costs were associated with this donation, and Mrs. Wilson stated there would be a legal expense from Michele Peckham of \$5,000.

**Motion by Selectwoman Kilgore to accept the real property as gifted, located on Mill Road, Tax Map 006, Lot 080. Mrs. Wilson suggested adding "to accept, sign and modify the warranty deed to eliminate cross offs and to eliminate Mr. Miller's name as he had recused himself from the discussion." Mrs. Wilson asked to add that two Select Board members voted in favor of the recommendation of the Conservation Commission. Seconded by Chair Maggiore. Motion carries 2-0 with Chair Maggiore and Selectwoman Kilgore in favor. (Selectman Miller did not vote as he had recused himself from the proceedings.)**

## **12. Report of the Interim Town Administrator**

### **12.1 General Report**

A copy of the Town Administrator's report is on file at the Town Offices for review.

## **13. Items Left on the Table**

### **13.1 Discussion of Document Management System**

The Select Board agreed to leave this item on the table until a future meeting.

## **14. New Business**

Discussion of Senate Bill 191 "Director Charlie McIntyre, NH Lottery Commission

The majority of this discussion took place at the beginning of the meeting, however the Select Board continued.

Selectwoman Kilgore asked if there are any town ordinances against gambling, and if the state laws supersede town ordinances.

Selectman Miller stated this issue should go before the voters to decide, and Chair Maggiore and Selectwoman Kilgore agreed.

The board discussed whether or not it would go on a ballot with the Select Board vote.

Chair Maggiore stated he would check with the New Hampshire Municipal Association and would report back at the January 30 meeting.

#### 14.1 Discussion of Proposed Copy Machine for Police Department ó Chief Michael French

Chief French presented a proposal to the board to replace the current copy machine that the police department took delivery on in March 2014. He stated the machine is a five year lease to which they are in the fourth year of the lease.

Chief French stated the department continuously exceeds the maximum amount of black and white and color copies allotted each month, and they also have had extended periods of time when the copier is out of service and parts to fix the machine are not readily accessible. He further stated it is difficult to function without a copy machine as there are many needs for immediate use, and it is a mission critical machine.

Chief French stated an average of \$479.15 is spent each month on the machine due to overages. He researched a new five year lease with Toshiba as they were willing to forgive the remaining year on the current lease, and received a proposed cost of \$399 per month or a savings of \$80.15 per month. The amount proposed can be supported in the current and next year's budget. He further stated the price of \$399 per month includes overage charges.

**Motion by Selectman Miller to enter into a five year lease agreement of a copier, with permission given to Chief French executing the lease documents. Seconded by Selectwoman Kilgore. Motion carries 3-0.**

#### 14.2 Discussion of Proposed Town of North Hampton Flag ó Max Reich (This item was taken up at the beginning of the meeting.)

#### 14.3 Discussion of Primex Contribution Assurance Program (CAP) for Workers' Compensation Program and Property Liability Program

Interim Town Administrator Tully stated after research conducted in surrounding towns, it was discovered that they all use Primex for both Workers' Compensation and Property Liability. He further stated the only other options available were to go out into the open market, as the New Hampshire Municipal Association no longer offers either coverage.

**Motion by Selectman Miller to accept the three year Workers' Compensation program offered by Primex with a date of December 1, 2017. Seconded by Selectwoman Kilgore. Motion carries 3-0**

**Motion by Selectman Miller to accept the three year Property and Liability program offered by Primex with a date of December 1, 2017. Seconded by Selectwoman Kilgore. Motion carries 3-0.**

#### 14.4 Discussion of Coakley Landfill Bedrock Study

Selectwoman Kilgore expressed her concern that the Environmental Protection Agency (EPA) has set no timeline to move forward with the clean up at the Coakley Landfill. She further stated she felt they were going backwards and that is unacceptable.

Chair Maggiore suggested the Select Board draft a letter to the EPA and refer back to the verbal commitments they made during a meeting held in North Hampton.

The board decided to each draft letters and blend the contents into one letter. They also agreed of a deadline of January 30, 2018 in which to have it to Interim Town Administrator Tully.

#### 14.5 Discussion of Schedule at the Town Deliberative Session

Chair Maggiore stated the Deliberative Session for the town will be held on Saturday, February 3, 2018 at 8:30 AM at the North Hampton School.

The Select Board agreed to move and second the following Warrant Articles:

The Operating Budget will moved and discussed by Interim Town Administrator Tully.

Article 8, Property Tax and Exemptions: Selectman Miller to move, Chair Maggiore to second with Selectman Miller speaking to the article.

Article 9, Modify Disabled Exemption: Selectman Miller to move, Chair Maggiore to second.

Article 10, Veteranø Tax Credit: Selectman Miller to move, Selectwoman Kilgore to second.

Article 11, Collective Bargaining Agreement: Selectwoman Kilgore to move and Selectman Miller to second.

Article 12, Replace 6-Wheel DPW Dump Truck with Plow and Wing: Chair Maggiore to move, Selectwoman Kilgore to second.

Article 13, Road Resurfacing, Selectwoman Kilgore to move, Chair Maggiore to second.

Article 14, Replace Fire & Rescue Department Command Vehicle: Selectman Miller to move, Chair Maggiore to second.

Article 15, Purchase of a Police Cruiser: Selectwoman Kilgore to move, Selectman Miller to second.

Article 16 Resurfacing of Dearborn Park Parking Lot: Chair Maggiore to move, Selectwoman Kilgore to second.

Article 17, Replace Septic System at Town Hall: Selectman Miller to move, Selectwoman Kilgore to second.

Article 18, Contributions to Health Agencies: Chair Maggiore to move, Selectwoman Kilgore to second.

Article 19, Contribution to Earned Time Settlement Capital Reserve Fund: Selectwoman Kilgore to move, Chair Maggiore to second.

Article 20, Contribution to Town Building Maintenance Capital Reserve Fund: Selectman Miller to move, Selectwoman Kilgore to second.

Article 21, Modify the Purpose of the Town Building Capital Reserve Fund: Selectwoman Kilgore to move, Chair Maggiore to second.

Article 22, Contribution to the Town Building Capital Reserve Fund: Selectwoman Kilgore to move, Selectman Miller to second.

Article 23, Modify the Purpose of the Town Revaluation Capital Reserve Fund: Selectwoman Kilgore to move, Selectman Miller to second.

Article 24, Close the Fire Department Equipment Fund: Chair Maggiore to move, Seconded by Selectwoman Kilgore.

The board discussed election day and the fact Selectman Miller could not work at the elections due to the fact that he was on the ballot. All agreed asked to have at least two former Select Board members contacted to see if they would be willing to perform the duties.

#### 14.6 Discussion of North Hampton Business Association Community Newsletter Advertising

All board members agreed this was a great idea and asked to set a date with the North Hampton Business Association to meet on this. Chair Maggiore stated he would get in touch with Kristen Larsen-Schultz to set something up.

#### 14.7 Discussion of Select Board Letter for Town Report

All board members agreed on the last draft, and asked to be sure it is checked for spelling and grammar.

#### 14.8 Discussion of Request from John Walsh, Aquarion Water Company for Meeting re: Presentation Regarding Ongoing PFC Testing and Treatment Evaluation Efforts

Carl McMorran, Aquarion Water Company, stated he would like to meet with the Select Board with Mr. Walsh and discuss updates with them.

The board discussed meeting on February 26 or March 12. Mr. McMorran will check with Mr. Walsh and get back to Interim Town Administrator Tully.

#### 14.10 Discussion of Items Aquarion Agreed to Going Forward Regarding Maintenance, Reports & Meeting

Carl McMorran stated it is the goal of Aquarion to meet with the Select Board on a quarterly basis as stated in the settlement agreement.

The board discussed when the first meeting would be held and agreed to settle on a date in the first week of April.

### 15. Minutes of Prior Meetings

#### 15.1 Approval of January 4, 2018 Workshop Meeting Minutes

**Motion by Selectman Miller to approve the January 4, 2018 workshop minutes as presented. Seconded by Selectwoman Kilgore. Motion carries 3-0.**

#### 15.2 Approval of January 8, 2018 Regular Meeting Minutes

**Motion by Selectman Miller to approve the January 8, 2018 minutes as presented. Seconded by Selectwoman Kilgore. Motion carries 3-0.**

The Select Board discussed how to properly approve sealed and unsealed non-public minutes.

Chair Maggiore stated he had contacted the New Hampshire Municipal Association and they told him if sealed minutes need to be revised, they must go into a non-public session to discuss and amend, and then return to a public session to take a vote.

Chair Maggiore stated he is uncomfortable with going into a non-public session that had not been properly posted.

The board discussed approving both sealed and unsealed minutes in public and making them part of their Select Board packet. They further discussed having a work session to decide which minutes should remain sealed.

It was noted the December 21, 2017 minutes were not sealed and need to be approved and posted.

Selectman Miller suggested calling other towns to see what their procedures are.

### 16. 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.

**17. Second Public Comment Session**

See Item 7, above.

Casey O'Kane, Atlantic Avenue stated he had been looking for the Non-Public minutes of December 22, 2017 [sic] and could not find them anywhere. He also stated the November 13, 2017 minutes did not include an attachment to the minutes as was stated.

Interim Town Administrator Tully told Mr. O'Kane he would send him the December 21, 2017 minutes and take care of the attachment posting.

**18. Adjournment**

Meeting adjourned at 9:45 PM.

Respectfully,  
Janet L. Facella