



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

SEPTEMBER 23, 2019 7:00 PM

NORTH HAMPTON TOWN HALL

APPROVED MINUTES

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

ALSO PRESENT: Town Administrator Bryan Kaenrath

AGENDA

Chairman Maggiore welcomed everyone to the September 23, 2019 Select Board Meeting, and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance. He said the minutes of the 5:30 Non-Public Session held earlier had been sealed.

First Public Comment Session

Casey O’Kane of Atlantic Avenue asked for clarification on the Select Board minutes posted online and Chairman Maggiore said “Draft” minutes were not yet approved by the Board. Mr. O’Kane stated that his comments in the last minutes were not accurately reflected. He read excerpts from an newspaper article with regard to the last Ethics Committee Meeting, and asked that the public have access to a confidential “Committee-only” memo from Town Counsel. Chairman Maggiore said it was up to the Ethics Committee.

Mr. O’Kane asked why two meetings ago Town Counsel commented on the merits of Mrs. Kilgore’s request for reimbursement of legal fees and not just on procedural issues. Chairman Maggiore said the Town Administrator has the prerogative to contact Counsel for clarity. Town Administrator Kaenrath said he wanted to make it clear, that in his understanding Public Comment Session was that comments were made, the Board listened, and there was no back-and-forth with the public.

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, and a DVD recording is available at the North Hampton Town Administrative Offices, 233 Atlantic Avenue, North Hampton, New Hampshire 03862.

Rick Stanton of 108 Walnut Avenue said with regard to Facilities, the Library Trustees had refused 4 times to consider a new Library on the Homestead, and it may be appropriate to pivot at this time. He proposed that a new 9,000 sq ft Fire Department be built on the Homestead Lot instead.

Laurel Pohl said 91-A governs what can be released and what cannot, and asked the Town Administrator how the memo to the Ethics Committee was not subject to 91-A. Town Administrator Kaenrath reiterated that this was not a time for himself or the Board to interact in back-and-forth with the public, but said in the advice of the Town Attorney it was his interpretation of 91-A with regard "written legal opinions".

Consent Calendar

- 4.1 Payroll Manifest of September 12, 2019 in the amount of \$238,639.67
- 4.2 Payroll Manifest of September 19, 2019 in the amount of \$73,853.00
- 4.3 Accounts Payable Manifest of September 19, 2019 in the amount of \$1,202,774.76
- 4.4 Select Board Signatures on Correspondence re: Energy Innovation and Carbon Dividend Act

Chairman Maggiore said with regard to item 4.4, there was a consensus at the last meeting that the Select Board sign on to the Energy Innovation & Carbon Dividend Act, and Town Administrator Kaenrath was asked to change the language and signatures for North Hampton.

Motion: To pull item 4.4 Energy Innovation & Carbon Dividend Act off of the Consent Calendar and make it item 9.5 under New Business.

Motioned: Selectwoman Kilgore

Seconded: Selectman Miller

Vote: Motion approved 3-0

Motion: To approve the Consent Calendar as it remains (items 4.1 through 4.3).

Motioned: Selectman Miller

Seconded: Selectwoman Kilgore

Vote: Motion approved 3-0

Selectman Miller requested a new item under New Business be added to discuss the Rail Trail Budget, and Chairman Maggiore said they could not add an item that was not posted for the public.

Correspondence

Correspondence from North Hampton Public Library Trustees

Chairman Maggiore read a letter received by the Select Board last week from the North Hampton Library Trustees in full. The letter stated that only the Library Trustees have the right to decide the future of the North Hampton Public Library and to present and implement a plan. The Library Trustees intended to move forward with their plans for expansion, and said at this point the citizens of North Hampton have the right to vote on the issue.

Committee Updates

Selectwoman Kilgore said the *Economic Development Committee* had not met since the last meeting but the Inventory Sub-Committee met last week to draft a letter of invitation. She said Planning & Informational Sessions for EDC were due to start next Thursday, October 3rd and invitations for the first meeting went out to all Business Property Owners in the IBR from Cedar to Hobbs on Route 1. The second

meeting would be for residents and other business operators on October 10th, with the final input session held on November 6, 2019. All input sessions would be held from 5:00 to 7:00 pm.

Chairman Maggiore said the *Heritage Commission* met on Thursday and have plans to move ahead with the CLG. Selectwoman Kilgore asked if CLG would impact the Village District and Chairman Maggiore said it would not as the defined CLG area would not go past Town property. Chairman Maggiore said the *Water Commission* had not met.

Selectman Miller said the *Budget Committee* met September 19, 2019 and Vice-Chair Sununu presented the Economic Status Report. He said he presented his plan for Town Facilities and a question was raised about majority consensus for him to present his plan. Chairman Maggiore said they would discuss it when under the Agenda item.

Report of the Town Administrator

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

Town Administrator Kaenrath said with 41 weeks remaining in the current fiscal year they have 78% of the Budget remaining. He said Mr. Schnitzler finished all three sides of Town Hall and the painting had also been completed, with the project under-budget by a substantial amount. He said a Rails-to-Trails Meeting would be held September 24th at 6:30 pm with Rockingham Planning Commission, and Selectman Miller asked if there would be any Rail Trail funds available in the next Budget.

Town Administrator Kaenrath said with regard to Philbrick Pond, there would be a meeting Thursday at 10:00 am at Long Marsh Road to look at the marsh. He said there would be an item on the next agenda to review the Wage Range Report and accept the associated classification scales. He said the next Select Board Meeting was scheduled for October 14th, Columbus Day, and would have to be rescheduled. The Select Board agreed to schedule the next regular meeting for Thursday, October 17, 2019.

Discussion: Chairman Maggiore said Phil D'Avanza, a Board Member of NHMA, had done the work on the Town Hall Clock and he spoke with him about the clock flashing and issues with water, and he agreed to provide a list of people for that kind of work. Selectwoman Kilgore asked about an update on Recreation Director Manzi's recent request with regard to fundraising, and Town Administrator Kaenrath said it would be on the next Select Board Agenda.

Items left on the Table – None

NEW BUSINESS

9.1 Bassett's Christmas Trees Request for Reimbursement of Permit Fee – Stephen Bassett

Chairman Maggiore said Mr. Bassett was not at the meeting but he would keep the item open.

9.2 Town Facilities Update – Selectman Miller

Selectwoman Kilgore recused herself from the discussion and moved to be seated with the public.

Selectman Miller first reviewed the background and stated that the highest priority was to update the Police/Fire Rescue building and the focus of this plan was to use buildings and land the Town has now to

its best purposes. He said the space above the Police Station, currently occupied by Town Administration, was inadequate with no room for storage, as well as the Police Department staff on the first floor, and read a list of inadequacies in the Fire Department building provided by Chief Michael Tully.

Selectman Miller said there was no alternative location for Town employees who must be relocated to address the needs of the Fire & Police Safety Center. He said there was only one undeveloped location, and the best, fastest, and most economical way was to build a new North Hampton Public Library on the Homestead Lot and said it will benefit all residents. Once the old Library is vacated it can be repurposed for Town employees.

Selectman Miller said the existing Library was never intended for expansion, was limited by its location and the location of the Stone Building, no additional parking would be added, and the plan does not comply with North Hampton's Town Zoning Ordinance. He went through each of the phases as planned and provided costs for building a new Public Library and expanding the old Library with associated costs for repurposing the old Library and for building a new Town Administration Building on the Homestead.

Selectman Miller said the Library Trustees have only one cost bid for expansion of over \$3.5 Mil and have spent \$95,000 to date on expansion plans, and said he believed the Select Board and the Library Trustees should work together on a completed design for the Homestead. He said the old building could be repurposed for Town employees and the Town Clerk would remain in place. He said the Select Board should create an RFP to study rebuilding or replacing the Fire Station, inquire the cost of loans from the Bond Bank, and place a Warrant on the March 2020 Ballot.

Selectman Miller reviewed all the costs of both options and provided drawings to scale of a new Public Library on the Homestead, one on the front of the lot with parking behind and Alden Avenue access and one on the back of the lot with parking in front and Atlantic Avenue access. He said for the new Library on the Homestead they would need an architectural fee and should approach Design-Build firms in the area to confirm costs on both sides.

Selectman Miller said to continue this quest they needed a good cost-estimate for a new stand-alone Public Library building on the Homestead Lot, and asked permission to contact 2 or 3 design-build firms. Chairman Maggiore said permission would be a motion by the Board and asked where the money would come from to fund this. Selectman Miller said from their Building Maintenance Capital Reserve Fund, and Town Administrator Kaenrath stated the fund currently had over \$200,000.

Chairman Maggiore said he read all of Selectman Miller's reports to date, compared them with the MRI Study from 2008, read the CIP presentation from the Library Trustees, and reviewed Select Board minutes and tapes. He said they needed to corroborate the costs for a new Library with real hard numbers and he supported going out to get them.

Motion: That this Board empower Selectman Miller, with the assistance of Town Administrator Kaenrath, to obtain costs from Design-Build Firms for building a 10,625 sq ft building on the Homestead, with parking and septic, to serve as the location for a North Hampton Public Library and come back with costs.

Motioned: Selectman Miller

Seconded: Chairman Maggiore

Chairman Maggiore asked Town Administrator Kaenrath if that gave him clarity to move forward with an RFP. Town Administrator Kaenrath stated, to be clear, that he was assisting Mr. Miller with this as it was

a prevailing motion of the Board and not because he personally supports this issue. He said the issue was very controversial and he was walking a tightrope between, and he wanted to make that very clear to the Board and everyone in the audience.

Vote: Motion approved 2-0, with Ms. Kilgore recusing herself from the vote

Selectman Miller said he also wanted to spray-paint the grass around the current Library to mark the outside perimeter of the expansion. Town Administrator Kaenrath said if he wanted to make a motion and pass it, he would again be acting on that motion, and said the Highway Department would need to do the work.

Motion: To ask the Town Administrator to ask the Highway Department to use marking paint to outline on the existing Library Lot where the perimeter of the proposed building will be all around to get an idea of what it looks like as relates to parking, Homestead Lot, and the Stone Building and septic field.

Motioned: Selectman Miller

Seconded: Chairman Maggiore

Discussion: Chairman Maggiore said the Library Trustees should be notified.

Vote: Motion approved 2-0, with Ms. Kilgore recusing herself from the vote

Selectman Miller also asked that questions be sent to Town Attorney Steve Bennett regarding his memo of 8/15/2019. (1) Do the Library Trustees have the right to expand the current Library building up to the lot line of the Homestead; (2) the present Library is close to the original Town Library repurposed for Town use long ago and existing parking lot will no longer be sufficient: do the Library Trustees have such a right; (3) the distance between the new Library and the Historic Stone Building will be shortened to approximately 10 feet: are Library Trustees entitled to diminish the value and utility of this historic building by such encroachment; (4) the Library Trustees propose keeping the Library open during construction: does the Select Board have the right to protect the Homestead Lot from being used for any purpose by Library Trustees.

Chairman Maggiore said the first three questions were clearly asking the right of Library Trustees, and said Selectman Miller had made some assumptions. He said in the 4th question he was asking if the Library Trustees have the right to use the Homestead Property. Selectman Miller said there will be two functions on the same parcel of land and there has to be a mitigating force between the right of the Town and its Stone Building and the right of the Trustees to do as they are allowed to do with the building they have.

Chairman Maggiore said he did not object to going to Counsel about rights as set out by Statute, as long as they are conveyed without opinion and there is no assumption of fact. Selectman Miller suggested adding "potential" as clarification.

Motion: To change to "potential" and ask that questions 1-4 on my memo dated 9/23/2019, with Chairman's emendations, go to Attorney Steve Bennett for answers.

Motioned: Selectman Miller

Seconded: Chairman Maggiore

Town Administrator Kaenrath said for procedure, so everyone is aware, there has been a vote of the Board to seek Counsel's opinion on these exact questions, and said he would email them to the Town Attorney,

copy all on correspondence and get a response back. Chairman Maggiore asked how any questions by Attorney Bennett would be resolved, and Town Administrator Kaenrath said to send them to him and he would copy all on correspondence.

Vote: Motion approved 2-0, with Ms. Kilgore recusing herself from the vote

9.3 Rockingham Planning Commission Dues Request for 2020

Chairman Maggiore called Selectwoman Kilgore back to the table.

Chairman Maggiore said they received a letter from Barbara Kravitz of the Rockingham Planning Commission that dues for North Hampton for the coming year would be \$4,579.

Motion: To approve the request for dues for the Rockingham Planning Commission as outlined in the letter of September 19, 2019 to Select Board Chair Maggiore for \$4,579.

Motioned: Selectwoman Kilgore

Seconded: Selectman Miller

Vote: Motion approved 3-0

9.4 Authorization for Police Cruiser Replacement

Chief Kathryn Mone said they were looking for an expenditure of \$13,910 from the Revolving Detail Fund to pay for a replacement cruiser. She said the amount is the difference between the new vehicle cost and the amount received from insurance.

Discussion: Selectman Miller asked about the vehicle and equipment transfer. Chief Mone said the new vehicle was a Ford SUV and the new 2020 cruisers require completely new equipment and at least a 6-month wait. She said they were able to locate a brand new 2017 Ford SUV in MA which they would be outfitted in 2 weeks. Selectwoman Kilgore asked about warranties and Chief Mone said they would be the same as the other vehicles.

Motion: To approve the expenditure of \$13,910 from the Revolving Detail Fund for the purchase of a replacement vehicle for a cruiser recently lost.

Motioned: Selectwoman Kilgore

Seconded: Selectman Miller

Vote: Motion approved 3-0

9.5 Energy Innovation & Carbon Dividend Act Correspondence

Selectwoman Kilgore said she understood the objective of the letter to show their support for the Energy Innovation & Carbon Dividend Act, but said her concern was that changes needed to be made locally in all communities and towns, and felt the Town could do more. Chairman Maggiore said solar was well-defined and permitted in North Hampton and energy systems were defined by RSA. Selectman Miller said they should take steps to put solar on the biggest Town Buildings. Chairman Maggiore said things were being done but there were also issues with State Law.

Motion: To apply our signatures to the letter presenting a resolution of the Town of North Hampton urging the US Congress to enact the Energy Innovation & Carbon Dividend Act of 2019.

Motioned: Selectman Miller
Seconded: Selectwoman Kilgore
Vote: Motion approved 3-0

Minutes of Prior Meetings

10.1 Approval of Regular Meeting Minutes of August 26, 2019

Selectwoman Kilgore explained that the minutes were tabled because she was concerned about missing information, and made numerous corrections and insertions to the minutes.

Per Recording Secretary Patricia Denmark the corrections were all inserted as stated.

Motion: To approve the Regular Meeting Minutes of August 26, 2019 as amended during discussion.

Motioned: Selectwoman Kilgore
Seconded: Selectman Miller
Vote: Motion approved as amended 3-0

10.2 Approval of Regular Meeting Minutes of September 9, 2019

Selectwoman Kilgore asked the minutes be held over until the next Select Board Meeting so she could provide corrections to the Second Public Comment Session.

Any other Item that may Legally come before the Board

Selectwoman Kilgore said she had made the minor corrections requested to the Organizational Chart. Chairman Maggiore explained that Selectwoman Kilgore had created a Town Organizational Chart showing Town structure, and said the chart could go on the website with unanimous consent of the Board.

Second Period of Public Comment

Laurel Pohl of North Road stated that there was outright disagreement at the Budget Committee Meeting with whether Mr. Miller had the authority to move forward. She said this should come about by taking a vote to authorize someone on a Board to go ahead, and said Mr. Miller's charge was to do research not present the information or put it on a Warrant Article. She asked that a vote be taken at tonight's meeting.

George Chauncey of Hobbs Road said he found Mr. Miller's explanation for why Library Trustees went out the lot lines of the Homestead absolutely outrageous, as it was by a suggestion of Mr. Miller. He said the Library already had the property staked out showing the perimeter and someone removed the flags. He said according to the opinion of the Town Attorney, the Library has control of the existing building and all lands associated with it, and said the Select Board may need the permission of the Library Trustees.

ADJOURNMENT

Chairman Maggiore adjourned the meeting at 8:50 pm.

Respectfully submitted,

328 Patricia Denmark, Recording Secretary

DRAFT