



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

JANUARY 28, 2019 7:00 PM

**NORTH HAMPTON TOWN HALL
233 ATLANTIC AVENUE**

DRAFT MINUTES

NON-PUBLIC SESSIONS I & II PURSUANT TO RSA 91-A:3, II (c)

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

ALSO PRESENT: Town Administrator Bryan Kaenrath, Fire Chief Michael J. Tully

AGENDA

Chairman Jim Maggiore welcomed everyone to the Select Board Regular Meeting of January 28, 2019 and called the meeting to order followed by the Pledge of Allegiance.

Please Note: *The beginning of this meeting was missing from the tape which started at 7:20 pm with the Economic Development Committee Update already in progress.*

FIRST PERIOD OF PUBLIC COMMENT

NEW BUSINESS *(Taken out of order)*

Swearing in of Paramedic Steven Turner

Economic Development Committee Report – Jim Better

Jim Better of the Economic Development Committee (EDC) spoke about the Community Center envisioned for the Town of North Hampton, and said they needed a visual representation to show what they were planning and how it would improve the Town, and estimated the cost of creating a draft to be approximately \$3,000. He said once the property owners and operators were identified and the buy-in achieved, they would hire a landscape architect to create a representation of the Village Center, to see what zoning rules needed to be established and create a liaison with the Planning Board.

Mr. Better said UNH had done two major surveys and would help determine State and Federal resources related to funding, and a marketing plan would be created to promote North Hampton. He said a major issue raised in the Town Survey was taxes, and an objective of the EDC was to provide some tax relief through more income from development. He introduced Joe Bernardo to cover what was found. Mr. Bernardo said they went to the Town Assessor for access to all the properties along the IBR District and then compared improved and unimproved land by acre, subtracting unimproved areas and wetlands. He said they then took the average per acre which came to a \$38M improvement in the Town tax base using 2017 rates, and found a tax improvement of 4% for the Town, a 0.21% savings on the Town tax extrapolated for a \$500,000 home with an average savings per home of \$105/year if every lot were upgraded to today's standards, not including any infrastructure improvements. He said as a result they would end up with a tax-neutral status relative to development of the Town Center.

Mr. Better said one major area of concern was infrastructure, and Leszek Stachow did an extensive review of issues related to installation of a sewer on Lafayette Road in North Hampton. He said the economic costs of putting in a sewer were very expensive, and EDC would not be getting involved in the sewer debate controversy and would deal with development of the center. He said the 1st survey conducted last year by UNH Extension Services showed that 46% of North Hampton residents were in favor of allocating money from the budget for development of economic activities, and the 2nd survey interviewed businesses in Town to determine their support. He said the Select Board had the choice to either take this under advisement, or accept the EDC proposal and buy into their vision to allow them to move forward.

Discussion: Selectwoman Kilgore said she was a member of the EDC and they had been working tirelessly for over a year, and she felt the Town did not have an option and needed to move forward and allow the EDC to continue its work to improve the quality of the Town. Selectman Miller said he did think the Business Corridor could be improved, but he first wanted to read through the document. He asked if it was possible to get input from the Planning Board on this, and Selectwoman Kilgore suggested having a joint meeting with the Planning Board to discuss the Economic Development Committee.

Chairman Maggiore said he felt the work of the EDC was substantial and worthy of more effort, and the Town needed to move forward. He said to be able to allow the EDC to move forward, they needed to depart from normal process and move to re-appoint all existing members, who wanted to continue, to a term that would expire in 2020. Mr. Bernardo stated that in August when the term was up, everyone wanted to continue as there was still a lot of work to complete.

Motion: To re-appoint James Better, Nancy Monaghan, Gary Stevens, Philip Wilson, Kathleen Kilgore, Dan Derby, Kirsten Larson Schultz, Rick Stanton, Anthony Pastelis, Joseph Bernardo, Leszek Stachow, and Glenn Martin as members of the Economic Development Committee with a term to expire in March 2020.

Motioned: Selectwoman Kilgore

Seconded: Selectman Miller

Vote: Approved 3-0

Mr. Bernardo stated that the EDC had done a lot of work to date with minimal funding, and said they needed to start engaging the people who owned the land to determine their interest or nothing would happen. He recommended that some money be given to EDC to make a pitch to owners and operators to show what this plan would look like, and said they absolutely believed a liaison with the Planning Board needed to be established. He said they could inventory properties, get a liaison with the Planning

Board together, and put a recommendation to this group with agreement from the Planning Board on how it would work. He said they would also need to find funding to engage professionals to determine what their downtown would look like conceptually so they could work with property owners to meet this 2030 vision.

Chairman Maggiore asked how he envisioned the Planning Board liaison, and Mr. Bernardo said their mission statement needed to be accepted and codified, and Planning Board members on the EDC could make those recommendations and come back with a proposal. Chairman Maggiore said the issue could be raised at the next Planning Board meeting with a member of EDC presenting to the full Planning Board to discuss how that would work.

Mr. Better said to sum up North Hampton had a lot of real assets, and by creating a Village Center they had an opportunity to make the Town attractive and create a vibrant community.

Chairman Maggiore thanked all EDC members and said this would come up at the Planning Board meeting next week. He said the joint meeting of the Select Board with the Planning Board would be penciled in for their second meeting in February.

Rails to Trails Agreement

Chairman Maggiore said at the last Select Board meeting questions were raised about the draft Rails to Trails Agreement, and Town Administrator Kaenrath reached out to Scott Vogel of the Rockingham Planning Commission who was present this evening.

Scott Vogel of the Rockingham Planning Commission said concerns had been raised that the Town had seen nothing in writing from NHDOT as to exactly what work they would completed as part of the construction of the corridor provided by Federal Grant. He said he addressed those concerns to Patrick Herlihy, Director of Aeronautics Rail & Transit at DOT, and he responded that a formal scope of work for the construction project had not yet been developed, and plans would not be developed until the corridor was purchased from Boston & Maine Corporation. He also stated that communities would have ample time to review and comment on the plans before the project went out to bid, and he anticipated the scope to include removal of the railroad ties, rehabilitation/replacement of drainage infrastructure, base material installation with a stone dust surface, and safety and access controls at grade crossings.

Discussion: Selectman Miller asked how long it would be after the signing of the agreement before the State purchased the land. Mr. Vogel said DOT had been in negotiations for over 5 years to acquire the corridor and were close to an agreed-upon price, but first needed to know they had partners in all the communities to maintain the trail. He said Federal Grant Funding was set aside based on the advocacy of the corridor communities and legislative delegation. He said the latest DOT construction cost estimate was approximately \$2.5M, but they would have access to additional funding and would only ask communities to accept responsibility for routine maintenance after the rail was completed.

Mr. Vogel said in the event of a storm-related washout the State would come in to handle major repairs, and he estimated maintenance costs at around \$1,000/mile per year using Town Public Works staff. He said typically for trails in NH, volunteers were organized by a local non-profit to provide maintenance, and said advocates from corridor communities were in the process of establishing a regional non-profit organization for that purpose. Selectman Miller asked what the role of the Town would be after the purchase until the trail was designed and constructed. Mr. Vogel said his understanding from the

wording of the agreement was that the towns would not have any maintenance responsibilities until the State began the project.

Selectman Miller said the problem was that was not stated in the agreement, and they needed something from DOT in writing that stated the towns were not expected to have any responsibility until the date construction began, and they would provide no police protection, insurance or liability because they could not control anything. Mr. Vogel said Section 2.2 specified obligations by permittees for management, maintenance, and operations would apply only where the Rail Trail was under construction or had been constructed. He added that under those categories would be any sort of law enforcement, and Selectman Miller said he would like that to be stated. He added that as soon as the land was purchased the Town would lose their \$25,000/year tax revenue, and said the agreement required the Town to have insurance after signing the agreement or they would be in default.

Mr. Vogel said his interpretation of Section 2.2 was that the responsibilities of the towns began at the point the State started construction, and they would carry insurance and the State had their own coverage. He said Rye had other issues with the agreement and their determination was to sign the agreement and include a signing statement along with it saying this was their interpretation. Selectman Miller felt that would be appropriate for North Hampton. Mr. Vogel said Portsmouth had agreed to sign and the city manager was comfortable with the document. Selectman Miller said if the Select Board would be willing he would author a signing statement.

Mr. Vogel recommended that the motion state that the Town of North Hampton will sign the agreement with the understanding that Section 2.2 "shall be interpreted to mean that the Town shall only assume maintenance and management responsibilities at the point DOT begins construction." Selectman Miller clarified that the Town would assume no responsibility of any kind until notification that construction had begun in their Town. Town Administrator Kaenrath asked Mr. Vogel if he thought the DOT would be okay with this and Mr. Vogel felt it was a reasonable approach that the Town would sign the agreement with the understanding this was what Section 2.2 meant.

Chairman Maggiore asked Selectman Miller if he was agreeable to this and he said as long as the Select Board made a signing statement and attached it to the letter. Chairman Maggiore asked Selectman Miller to craft the motion. Selectman Miller said if they changed Section 2.2 to include meaning that in the last sentence they were understanding the Town of North Hampton would have no responsibility of any kind until DOT began construction in North Hampton. Chairman Maggiore said to sum up, "the Town of North Hampton will have no security or financial liability of any kind until the State begins construction on the Rail Trail within the Town of North Hampton" would be included as their signing statement.

Motion: That the Town of North Hampton approve the Rails to Trails agreement, including a signing statement that *"the Town of North Hampton will have no security or financial liability of any kind until the State begins construction on the Rail Trail within the Town of North Hampton"*.

Motioned: Selectman Miller

Seconded: Chairman Maggiore

Vote: Approved 3-0

Chairman Maggiore returned the order of the meeting back to the beginning.

Consent Calendar

Payroll Manifest of 01/17/2019 in the amount of \$65,240.73
Payroll Manifest of 01/24/2019 in the amount of \$66,169.81
Accounts Payable Manifest of 01/24/2019 in the amount of \$1,214,068.06

Motion: Selectman Miller made a motion to accept the Consent Calendar as presented, which was seconded by Selectwoman Kilgore. The Consent Calendar was approved by a vote of 3-0.

Correspondence

1. Correspondence from Nancy Monaghan - Chairman Maggiore said they had received a letter from Nancy Monaghan which was emailed to Chief Michael J. Tully and he read the letter in full. He said she had written to praise North Hampton Fire & Rescue for the new ice rink which was constructed next to the library, and said it was the perfect place for winter recreation.

Chief Michael Tully said the Firefighters Union came in on their own time, and he thanked John Hubbard and the Highway Department and Recreation Director Joe Manzi for their work in making it possible.

2. NHMA Update – Chairman Maggiore said this was a Legal Inquiry Volume Comparison for 2017 and 2018 showing NHMA receiving approximately 3,200 legal inquiries per year. He said the service was provided as part of their dues and included legislative advocacy, legal services, and workshops and trainings.

Committee Updates

Economic Development Committee - Selectwoman Kilgore stated that the next Economic Development Committee meeting would be held February 6, 2019.

Heritage & Water Commissions – no updates

Budget Committee – nothing new to add

Public Hearing – To consider the unanticipated revenue in the amount of \$11,139.77 from FEMA

Chairman Maggiore read the Notice of Public Hearing in full and referred to RSA Chapter 31:95-b III (a).

Chief Tully said at the last meeting he discussed with the Select Board that he was working on 5 projects with FEMA and another of the projects was completed. He said these funds were for John Hubbard's crew for sidewalk work on the left side of the beach, and said they would see 2-3 more reimbursements in the next few months.

Chairman Maggiore opened the Public Hearing at 8:32 pm.

As no one from the public came forward, Chairman Maggiore closed the Public Hearing at 8:33 pm.

Motion: To accept the unanticipated revenue in the amount of \$11,139.77 from the Department of Homeland Security Federal Emergency Management Agency (FEMA).

Motioned: Selectwoman Kilgore

Seconded: Selectman Miller

Vote: Approved 3-0

Report of the Town Administrator – Bryan Kaenrath

Personnel:

Police Department - New hire Meagan McBride currently at the Police Academy.

Facilities:

Town Hall Restoration Project – John Schnitzler is interested in doing the project if it can be broken up into phases. Immediate projects could begin in spring/summer, with the balance completed in 2020. Chairman Maggiore said they would need to make a motion accept the RFP bid, and Town Administrator Kaenrath said Mr. Schnitzler was reviewing his report, and he would ask him to verify the price first.

Town Office Building – Getting quotes on siding; painting by Rockingham County inmate trustees in progress.

Projects:

Coakley Landfill Group – Next meeting February 14, 2019 at Portsmouth City Hall.

Elections – Reminder that first day for candidates to file with Town Clerk was January 3rd and the last day is February 1, 2019. Deliberative Session Saturday morning February 2nd at 8:30 am at the School, and March elections on the second Tuesday in March.

Recreation Department – Winterfest will be held on February 16, 2019; another Red Sox trip planned for June 9, 2019. The new Recreation van arrived at Erwin Ford and Joe Manzi will be picking it up and trading in the old van this week.

Public Works – Town Administrator Kaenrath thanked John Hubbard for his attention to Town roads and the new Ice Rink setup.

Community Outreach – Next Town Administrator open office hours will be held on Monday February 25, 2019 from 3:30-5:00 pm at the Town Clerk's office. Next Public Policy Committee meeting of the Hampton Area Chamber of Commerce on February 6, 2019.

Philbrick Pond Study – Letters send out to property owners potentially impacted by access road between Bradley Lane and Woodland Road. Initial feedback from property owners was not positive about building a road across their property.

Document Management Systems – RFP sent out to 6 firms and 3 responses received. Scheduled first presentation to the Select Board before their February 11th meeting at 5:00 pm, with a presentation by Inception Technologies of Manchester, NH. Other meetings will be scheduled for the next two following Select Board meetings.

Meeting Schedule – Next regularly scheduled Select Board Meeting February 11, 2019.

Items left on the Table - None

NEW BUSINESS (Continued)

Request for Permission to use Town Green from American Lung Association

Chairman Maggiore explained that each year the American Lung Association sponsors a Cycle the Seacoast bike ride that runs through North Hampton and requested the use of the Town Green as a rest stop. He said in the contract with Police and Fire, for safety regulations a permit for large assemblies was required, and they were asking permission from the Select Board to use Town property for that purpose.

Bob Betts stated that he was the lead volunteer for the American Lung Association and worked with them throughout the year. He said the ride this year was basically the same setup as prior years, with police details at a few locations, and specified that this was not a race but a charity ride. He said he expected the same scope in size and said there were 3 different ride lengths of 25, 50, and 100 miles

and he expected between 200-300 riders to be in North Hampton from 7:30 am to 11 am. He said there were 2 parking blocks on the map for volunteer passenger vehicles.

Chairman Maggiore said the certification of liability insurance was enclosed with the confirmation of Sunday, May 5, 2019 for the event.

Motion: To approve the request of the American Lung Association to use the North Hampton Town Green from 7:00 am to 12 noon on May 5, 2019 as long as they obtain a large assembly permit.

Motioned: Selectman Miller

Seconded: Selectwoman Kilgore

Vote: Approved 3-0

Cable Television Agreement

Chairman Maggiore said this was discussed at the last meeting, and the Cable Television Agreement expired in November 2018 and was up for renegotiation. He said there was a question whether to re-constitute the entire negotiating committee and the Town Administrator had gotten feedback from Attorney Kate Miller.

Town Administrator Kaenrath said that Kate Miller recommended the Town do an amendment to sign a 5-year extension, and said the cost in legal fees was approximately \$14,500 for the last negotiation. He said if they were to go with the extension a Public Hearing would be needed with a 2 weeks' notice which would be their last meeting in February. He said the other option would involve re-instituting the committee for a re-negotiation.

Discussion: Selectwoman Kilgore said at the last EDC meeting concerns were raised that their cable infrastructure was lacking, and uploading speeds were not what they should be for residents and business owners. Chairman Maggiore said they were currently out of contract, and Selectwoman Kilgore said they could exercise an extension. Town Administrator Kaenrath said Kate Miller suggested if they needed more time they could ask for a shorter extension. Selectman Miller felt they should listen to the advice of Kate Miller that the Town had the option to streamline the renewal process, and said no changes had been made to the law or the current franchise agreement and she recommended a simple amendment of the current franchise agreement to last another 5 years.

Chairman Maggiore said he had spoken with their Cable Director who voiced no objections to Kate Miller's proposal, and said the Town would not get anything more than that and would have the financial expense of re-negotiating the contract. Selectwoman Kilgore said she was not asking to change providers but to improve broadband in the Town, and Chairman Maggiore said all points were addressed by Kate Miller.

Motion: To put the Cable Franchise Agreement to a Public Hearing to be held on February 28, 2019.

Motioned: Chairman Maggiore

Seconded: Selectman Miller

Vote: Approved by a vote of 2-1

Deliberative Session Warrant Article Preparation

Chairman Maggiore stated that the Select Board would move, second, then discuss the Warrant Articles at the Deliberative Session. He said Articles 02-06 were Zoning Ordinances, and Article 07 - FY2020 Operating Budget would be presented by Town Administrator Kaenrath. He said the Select Board members would then take turns moving and seconding articles 08-24, with the mover presenting the narratives, a list of which would be presented to the Town Moderator.

Article 07: FY2020 Operating Budget – move Selectwoman Kilgore; second Selectman Miller
Article 08: Proposed Police Department CBA Agreement – move Selectwoman Kilgore; second Selectman Miller
Article 09: Town Offices/Police Building Weatherization – move Chairman Maggiore; second Selectwoman Kilgore
Article 10: Upgrade Police Video Surveillance System – move Selectman Miller; second Chairman Maggiore
Article 11: Paving Town Complex – move Chairman Maggiore; second Selectwoman Kilgore
Article 12: Road Resurfacing – move Selectwoman Kilgore; second Selectman Miller
Article 13: Land & Building Acquisition – move Selectman Miller; second Chairman Maggiore
Article 14: Contribution to Earned Time Settlement Capital Reserve Fund – move Selectwoman Kilgore; second Chairman Maggiore
Article 15: Contribution to Town Revaluation Capital Reserve Fund – move Chairman Maggiore; second Selectwoman Kilgore
Article 16: Contribution to Coakley Landfill Capital Reserve Fund – move Selectman Miller; second Selectwoman Kilgore
Article 17: Contribution to Library Capital Reserve Fund – move Selectwoman Kilgore; second Selectman Miller
Article 18: Amendment to Authorizing Legislation: Tennis Courts Capital Reserve Fund – move Chairman Maggiore; second Selectwoman Kilgore
Article 19: Close Road Reclamation Capital Reserve Fund – move Selectman Miller; second Chairman Maggiore
Chairman Maggiore stated that DRA suggested some language changes for Article 20 and Article 21. He said some of the revenues would go to equipment and some to maintenance and repairs, like the Ambulance Revolving Fund. He said one of the biggest changes to both articles would be to change *Majority Ballot Vote Required* to *2/3 Ballot Vote Required*.
Article 20: Modify the Purpose of the Cable Access Television Revolving Fund - move Selectwoman Kilgore; second Selectman Miller
Article 21: Establish Information and Internet Technology Equipment & Program Fund – move Selectwoman Kilgore; second Selectman Miller
Article 22: Adopt Official Town Flag – move Chairman Maggiore; second Selectwoman Kilgore
Article 23: Contribution to Library Capital Reserve Fund (Citizens Petition) – move Selectwoman Kilgore; second Chairman Maggiore (*Moving to Warrant which does not affect the vote: Select Board 1-2, Budget Committee 1-5*)
Article 24: Support Centennial Hall (Citizens Petition) – move Selectwoman Kilgore; second Selectman Miller

Board Members Adherence to the Code of Ethics

Chairman Maggiore said in March, after the elections, the Chairs read the Preamble to the Code of Ethics which stated that “the Town of North Hampton values honesty, transparency, accountability, respect, and civility in the behavior of its officials.” He said he had received some comments from someone who grew up in Salisbury, MA who did not think it was appropriate to be comparing North Hampton to their town. He said he sent an apology to Salisbury saying nothing was intended, and a week later heard comments that Select Board members should not make derogatory comments during their speeches. He said no matter how heated discussions became, Board members needed to adhere to the code of ethics and remember that they represent the Town of North Hampton.

ACCEPTANCE OF THE MINUTES OF PRIOR MEETINGS

Approval of January 14, 2019 Regular Meeting Minutes

Approval of January 14, 2019 Non-Public Sessions I & II Minutes

Selectwoman Kilgore said the minutes of the Regular Meeting were in a different format, and Town Administrator Kaenrath said the minutes were done by Patricia Denmark who did the Budget Committee minutes. Selectwoman Kilgore said it was helpful to have line numbers and said she was misquoted about Heritage. Selectman Miller said he had not had time to review the Non-Public Session, and asked that the line numbers be added to the Regular Meeting and both sets of minutes be brought back for the next meeting.

Chairman Maggiore said they would table all the minutes from January 14, 2019 until the next meeting.

Approval of July 10, 2017 Non-Public Session Minutes

Town Administrator Kaenrath said the minutes from this meeting were missing.

Approval of July 24, 2017 Non-Public Sessions I, II & III Minutes

Town Administrator Kaenrath said the minutes from Non-Public Session II were also missing.

Motion: Motion by Selectwoman Kilgore to *approve July 24, 2017 Non-Public Session I Minutes*, seconded by Selectman Miller

Motion: Motion by Selectwoman Kilgore to *unseal July 24, 2017 Non-Public Session I Minutes*, seconded by Selectman Miller.

Motion: Motion by Selectwoman Kilgore to *approve July 24, 2017 Non-Public Session III Minutes*, seconded by Selectman Miller

Any Other Item that may legally come before the Board – None

SECOND PERIOD OF PUBLIC COMMENT

Scott Baker of Square Drive said that the website for the Town was woefully inadequate in terms of talking about the Town itself. He said many of the sections were old and obsolete, the Master Plan was from 2006, and he felt the Town needed to be a better job of marketing and describing what it had to offer. He also brought up the issue of population, and said the report for 2017 listed 9 births in North Hampton, and he suggested that forecasts predicting 25-30 births would not happen. He said he was concerned about dropping class sizes in the Schools without an influx of young families, and asked what actions the Town would take with regard to a plan or a solution. Selectman Miller said he thought the School Board would be foremost in that.

Adjournment

Chairman Maggiore adjourned the meeting at approximately 9:22 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary