



---

TOWN OF NORTH HAMPTON, NEW HAMPSHIRE

**SELECT BOARD DRAFT MINUTES**  
**NOTICE OF PUBLIC MEETING**  
**MONDAY, AUGUST 14, 2017**  
**5:30 PM**

**NON PUBLIC SESSION I: 5:30 O'CLOCK P.M.**  
**EXECUTIVE CONFERENCE ROOM**  
**TOWN ADMINISTRATIVE OFFICE**  
**233 ATLANTIC AVENUE**

**NON PUBLIC SESSION II: 6:00 O'CLOCK P.M.**  
**EXECUTIVE CONFERENCE ROOM**  
**TOWN ADMINISTRATIVE OFFICE**  
**233 ATLANTIC AVENUE**

---

1. 5:30 p.m. Non-public Session I Pursuant to RSA 91-A:3 II (a,c)
2. 6:00 p.m. Non-public Session II Pursuant to RSA 91-A:3 II (b)
3. 6:55 p.m. Return to Regular Session and Recess to Town Hall
4. 7:00 p.m. Reconvening of Public Session at Town Hall and Pledge of Allegiance

Chair Maggiore reconvened the public session of the meeting at 7:00 PM. Those in attendance were Selectman Miller, Selectwoman Kilgore and Town Administrator Apple.

Chair Maggiore led the Pledge of Allegiance.

*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.*

**Motion by Selectman Miller to seal the minutes from Non-Public Session I and II. Seconded by Selectwoman Kilgore. Motion carries 3-0.**

**5. 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.

George Chauncey, Hobbs Road asked for the status of the siding for the Town Hall as it has been several months since the issue was discussed.

Chair Maggiore stated he had planned to give an update under agenda item 8, "Committee Updates" however with the board's permission he would give the update now.

Chair Maggiore stated at a prior Select Board meeting he had taken on the responsibility to acquire more Request For Proposals (RFP's). and on this date he had sent out 11 RFP's by email to companies that were listed on the New Hampshire Division of Historical Resources website. He further stated the reason he just submitted them was due to his absence from town for the better part of a month.

Chair Maggiore stated as soon as he receives the proposals he would forward to Town Administrator Apple who will then present them to the Select Board.

Mr. Chauncey stated this project had been going on for months, and that "fall is just around the corner." He further stated that if this process has to be gone through every time it was becoming "ridiculous."

Mr. Chauncey stated he had read the rules for the National Register and stated until the town accepts Federal funds, the town can do anything it wanted to the Town Hall. He further stated he also could not find any rule that you couldn't apply for grant monies in the future.

***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.***

Mr. Chauncey stated the air conditioning was recently installed and didn't believe permission was asked of the National Registry. He further stated things can get done if the town wants to, and it was just a matter of getting it done.

Mr. Chauncey stated Mr. Apple wanted to have a Facilities Manager, but can't imagine having that job and having the two most important buildings in the town wait for months to get something done. He further stated the Town Hall should be on the National Registry once the building is retired, not when it is being used on a daily basis. Mr. Chauncey went on to state he is not against the National Registry, but is frustrated by the length of time it is taking to complete projects, "but it depends on what you want done, and then there is no backlash."

Chair Maggiore stated he would let everyone know once the RFP's have been received and what the results were.

## **6. Consent Calendar**

- 6.1 Payroll Manifest of 07/27/2017 in the amount of \$65,803.79
- 6.2 Payroll Manifest of 08/3/2017 in the amount of \$218,746.60
- 6.3 Payroll Manifest of 08/10/2017 in the amount of \$78,845.90
- 6.4 Accounts Payable Manifest of 07/27/2017 in the amount of \$98,721.41
- 6.5 Accounts Payable Manifest of 08/01/2017 in the amount of \$131,851.82
- 6.6 Accounts Payable Manifest of 08/10/2017 in the amount of \$1,089,670.71
- 6.7 Approval of Abatement Recommendation
- 6.8 Approval of BTLA Settlement Agreement
- 6.9 Approval of BTLA Settlement Agreement

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

## **7. Correspondence**

- 7.1 Correspondence from Jay Somers, Comcast Senior Manager  
Chair Maggiore read the letter from Mr. Somers into the record.
- 7.2 Correspondence from Department of Environmental Services Re: Hampton Rod and Gun Club  
Chair Maggiore read a letter written by Ted Diers of the NH Department of Environmental Services.

***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.***

Selectwoman Kilgore stated she was concerned with a line in the letter that read, “if we determine additional data we will communicate to the club and the town.” She further stated the town has spent money to put the report together regarding the deficiencies so far and would like to request a response from the New Hampshire Department of Environmental Services if they decide additional data is not needed.

Selectwoman Kilgore stated she felt they were rushing to the finish line of the remedial action plan, and if that plan does not cover everything then what would happen.

Selectman Miller concurred with Selectwoman Kilgore.

Town Administrator Apple stated he would draft a letter to the New Hampshire Department of Environmental Services asking them to notify the town if no additional data will be requested and provide them with an explanation.

Town Administrator Apple stated three additional pieces of correspondence had been received after the Select Board packets had been posted. He further stated they will be posted on the town website.

## **8. Committee Updates**

### **8.1 Budget Committee**

Selectman Miller stated the last Budget Committee meeting was productive.

### **8.2 Economic Development Committee**

Selectwoman Kilgore stated the Economic Development Committee had met on August 9 whereby they held an organizational meeting. James Better was voted in as chair and Kristen Larsen Shultz as vice chair. A workshop will be held on September 11 where a mission statement and vision will be worked on. She further stated she hoped to have the Planning Board’s town survey results prior to that workshop.

Chair Maggiore stated the survey was being presented to the Planning Board at their August 15 meeting. He further stated it took more time than anticipated to put all of the survey answers together.

Selectwoman Kilgore stated the Economic Development Committee will meet the first Wednesday of every month in the Town Hall at 4:00 PM starting with the first meeting in October.

### **8.3 Heritage Commission**

(Secretary’s Note: This item was taken up under Comments from 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](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.***

#### 8.4 Water Commission

Town Administrator Apple stated he would speak to this under Agenda Item 11.2

#### 8.5 Capital Improvement Committee

Selectwoman Kilgore stated the Capital Improvement Committee met on July 28 and the Department of Public Works and North Hampton School presented. She further stated the next meeting will be held on August 11 and the Town Administration piece would be presented.

#### 8.6 Bandstand Committee

Selectwoman Kilgore stated the Bandstand would like to repair the bricks that are in disrepair at the bandstand. Several bricks have become cracked and they have made contact with a vendor to make new bricks that would replace those that have been bought privately, at the Bandstand Committee's expense. She further stated the committee would like to sell more bricks beginning now through January 15, 2018 for installation in the spring, and prior to the next bandstand season.

Selectwoman Kilgore asked if the Select Board would approve.

Delores Chase and Wally Kilgore showed examples of the bricks that could be purchased for \$75, \$125 and a granite brick for \$300. Mrs. Chase gave the application to buy a brick to the Select Board and she was asked to provide an electronic copy so it could be posted on the Bandstand Committee page on the town website.

Mr. Kilgore stated they would like to design a larger space to accommodate larger bands and the people that enjoy dancing along to the music.

**Motion by Chair Maggiore to approve the scope of work envisioned at the bandstand to replace the bricks. Seconded by Selectman Miller. Motion carries 3-0.**

Selectwoman Kilgore stated on August 16 the Club Soda Band would be performing from 6pm to 8pm; August 23 will feature the J C Underwood Band from 5:30pm to 7:30 pm; and on August 30 the Soul Mate band will perform from 5:30 pm to 7:30 pm and it was being sponsored by the North Hampton Business Association. She further stated the 275<sup>th</sup> Anniversary Committee will be serving birthday cake.

#### 8.7 275<sup>th</sup> Anniversary Committee

Nancy-Jane Luff, Co-Chair of the 275<sup>th</sup> Anniversary Committee reiterated that birthday cake would be served at the August 30 bandstand concert.

*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.*

Mrs. Luff reviewed upcoming events for fall which is when the town was incorporated. Updated flyers are being prepared and free trolley tours will be offered with narration by Robert Southworth.

## **9. Report of the Town Administrator**

### **9.1 General Report**

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

Town Administrator Apple stated the library will be closed from September 14 through September 25 for repair work and that there is a plan to have a book cart available at the town hall staffed by the library.

Town Administrator Apple asked what the consensus of the board was regarding the light fixtures for the library; would the board like to chose or would they allow Library Director Susan Grant to make that decision as she is the one that will be using them.

Discussion ensued with community member, Robert Landman offering his opinion on different types of lighting, particularly LED lighting proposed was better than fluorescent. He further stated he had a light meter and would be willing to check the current brightness factor at the library.

Selectman Miller stated he would suggest putting the brightest lights in with a dimmer switch on them.

Town Administrator Apple stated the Coakley Landfill Group would be holding their meeting at the Town Hall on August 17, 2017 at 11AM. He noted that this is the first time the group has met in public and encouraged members of the community to attend.

Town Administrator Apple stated there were no objections from the Conservation Commission regarding the easement on 20 Chapel Road and they will draw up the deed documents to have before the Select Board at their August 28 meeting.

Town Administrator Apple stated the air conditioning in the Town Hall had been completed.

Selectwoman Kilgore asked about telephone issues in the Town Hall and that a cell phone had to be used at the last Economic Development Committee meeting and it was hard to hear the member who was participating.

Town Administrator Apple explained the complexity of the town's phone lines as well as the three companies that must work together. He further stated they were working to have the line working prior to the Coakley Landfill Group meeting.

***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.***

9.2 Discussion of Community Newsletter: FY18 Funding Sources, Size and Content

The Select Board discussed funding the newsletter for 2018 with Town Administrator Apple confident there would be sufficient funds within the Police Department budget to pay for this year's newsletter. A line item will be added to the FY19 budget.

Selectwoman Kilgore asked if there were any talks of expanding the newsletter.

Town Administrator Apple stated he had not heard of any but if he does he will certainly let the Select Board know.

9.3 Discussion of FY17 Year End (preliminary)

Town Administrator Apple stated year end materials were in the Select Board packet and an approximate surplus of \$56,000 is estimated. Audit work is set for September which will usually last three to four days. It is the Town Administrator's hope to have the completed audit in time for the budget committee.

Chair Maggiore stated August 28 will be the last Select Board meeting that Chief Maddocks will attend as he will be retiring on the 30<sup>th</sup>. He further stated the process is underway to hire and interim and a full time Police Chief.

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

10.1 Discussion of Economic Development Committee Charge Revisions

(Secretary's Note: This item will remain on Items Left on the Table until the Economic Development Committee's workshop.

10.2 Approval of Meeting Minutes of June 12, 2017

**Motion by Selectwoman Kilgore to approve the June 12, 2017 as reported in this document. Seconded by Selectman Miller. Motion carries 3-0.**

## **11. New Business**

11.1 Fern Road and Route 1 Road Configuration

Public Works Director John Hubbard presented the Select Board with a plan to start the process to change the intersection of Fern Road and Route 1. Mr. Hubbard stated the intersection was a safety issue with traffic pulling out from Fern Road, Al's Seafood, the new apartment building across from Al's Seafood as well as south bound and north bound traffic on Route 1.

Mr. Hubbard stated there is a need from the New Hampshire Department of Transportation and he would like to proceed with getting a survey and existing conditions plan done with a

*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.*

cost of \$3,200. He further stated the total cost of the project would be \$20,000 and Greg Bauer of Bauer Construction has offered to donate his time and equipment to help complete the project.

Town Administrator Apple noted that Senate Bill 38 Local Highway Aid, would help pay for this project.

**Motion by Selectman Miller to approve the expenditure of \$3,200 to complete a site plan of existing conditions as well as a survey as presented by Mr. Hubbard. Seconded by Selectwoman Kilgore. Motion carries 3-0.**

#### 11.2 Discussion of Acquisition of Aquarion Water Company, Inc. by Eversource Energy

Town Administrator Apple stated the Water Commission is recommending intervenor status which simply means “getting a seat at the table.” He further stated whether or not the sale goes through is a different and complicated question and requires a great deal more time than the Select Board has at this meeting.

Town Administrator Apple stated that Hampton has sought intervenor status and asked the Select Board whether they wished to do the same.

Town Administrator Apple stated the Water Commission had voted 4-0 in favor of intervenor status. A second vote to ask the Select Board to join with the Water Commission in seeking the same was 3-0-1 with Chair Maggiore abstaining as he wished to discuss with the Select Board.

Town Administrator Apple stated it was important to remember the Select Board oversees the expenses in the Legal budget and it is the Select Board who will be deciding on behalf of the town whether or not to seek intervenor status. The Water Commission has made a recommendation to the board and are essentially authorizing their recommendation and authorizing papers to be filed.

Robert Landman, Water Commissioner suggested using the same language as in the Wiggins Way petition.

Selectwoman Kilgore wanted to make clear that the town is not buying the water company.

***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.***



Town Administrator Apple stated the motion and filing would go to Attorney Bennett to file in the same language as Wiggins Way.

**Motion by Selectwoman Kilgore that the Select Board authorize the petition for intervener status in the case of the Public Utilities Case DW17-114. Seconded by Selectman Miller. Motion carries 3-0.**

#### 11.2.1 Discussion of Escrow of Hydrant Payment

Chair Maggiore gave a summary of the hydrant fees in which the town must pay. He stated on July 1, 2017 a payment of \$131,000 was due, and the Water Commission believes Aquarion Water may or may not have provided the service they are obligated to do and if that is the case could payment be withheld.

Town Administrator Apple stated the town has escrowed \$124,000 for the hydrant fee; the difference of \$7,000 in WICA charges was paid.

Town Administrator Apple stated representatives from Aquarion Water asked to meet and they had met today and had a lengthy conversation about what the town is looking for. He further stated the four components of the Public Utilities Commission order were:

1. Brush being removed around hydrants;
2. Hydrants are to be flushed;
3. Hydrants are to be winterized;
4. Hydrants are to be painted according to NFPA standards, which is different colors that denote what kind of pressure is needed so a responding firefighter will know.

Town Administrator Apple stated he received a commitment on this date to do the painting of the hydrants as well as a commitment to sit down and come up with a definition of what “flushing” means and what “winterizing” means. He further stated a commitment was given to creating a new method in which maintenance records are sent to the town as current ones are unintelligible to a lay person which is causing part of the problem.

Town Administrator Apple stated if everything is in agreement the escrow payment could be released.

Henry Fuller, Water Commission stated that the town has heard all of these promises before; in 2006 they promised the same thing but have not followed through with that promise. He further stated in 2016 79 out of 150 hydrants were not winterized; 4 out of 150 were flushed.

***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.***

In 2015 53 out of 148 hydrants were not winterized, with one person responsible for completely the work.

#### 11.3 Discussion of CIP Administration Presentation

Town Administrator Apple stated most of the items with respect to maintenance of facilities were going to be taken out of the Capital Reserve accounts so he would like to present to the Capital Improvement Plan committee only items such as a septic system for the Town Hall and maybe a roof on the Recycling Center.

Town Administrator Apple stated more importantly is the fact the board has decided despite the ongoing issues with town facilities, they would take a year off so it is his intention not to present on major facilities projects or a Public Safety facility unless the board instructs him otherwise.

Chair Maggiore indicated he hoped the Capital Improvements committee will show in their report something on infrastructure and buildings.

Discussion ensued amongst the board members with all in agreement with Town Administrator Apple's plan.

#### 11.4 Petition and Pole License for Pole 49/2, Appledore Avenue

**Motion by Selectwoman Kilgore to approve the petition and pole license for Pole 49/2. Seconded by Selectman Miller. Motion carries 3-0.**

#### 11.5 Discussion of Policy for Broadcasting and Posting Meetings on Ch. 22 and the Website

Town Administrator Apple stated the library trustees were meeting in the town hall, and as he understood, Mr. Savastano was tasked somewhere else and arrived to the meeting a little late. He further stated Mr. Savastano had set up the meeting to begin recording at a time certain and the library trustees were not made aware of the automatic video recording, so they objected when they found out they had been recorded without being informed.

Town Administrator Apple stated he was seeking guidance from the Select Board on whether or not they were comfortable with automatic recording, and were they comfortable with posting a sign at the town hall so people are informed they could be videotaped or audio

***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.***

recorded at any time. He further stated the trustees of the library were not in favor of the automatic recording, and that they would rather be told they are about to be recorded.

Town Administrator Apple noted there was no unprofessionalism or inappropriate comments made.

After much discussion the board agreed that going forward the Program Director or his designee should make an announcement that recording is about to begin; the Program Director or his designee shall turn on the sign that says "On Air;" and the board chair of the committee or commission shall announce to the public the meeting is being recorded.

Town Administrator Apple stated he would draft the policy for the Select Board to sign.

**Motion by Selectman Miller to a policy with the following three points:**

- 1. The Program Director or his designee will make an announcement that recording is about to begin;**
- 2. The Program Director or his designee shall turn on the sign that says "On Air;"**
- 3. The board chair or presiding officer will announce to the public the meeting is being recorded.**

**Seconded by Selectwoman Kilgore. Motion carries 3-0.**

11.6 Approval of Appointment of William L. Adams, III as Part-Time Police Officer

**Motion by Selectwoman Kilgore to accept and approve the appointment of William L. Adams, III as a part time police officer and to welcome him back to the department.**

**Seconded by Selectman Miller. Motion carries 3-0.**

## **12. Minutes of Prior Meetings**

12.1 Approval of July 10, 2017 Meeting Minutes

**Motion by Selectwoman Kilgore to accept the July 10, 2017 minutes as reported in the draft minutes. Seconded by Selectman Miller. Motion carries 3-0.**

12.2 Approval of July 24, 2017 Meeting Minutes

**Motion by Selectman Miller to approve the July 24, 2017 minutes as presented.**

**Seconded by Selectwoman Kilgore. Motion carries 3-0.**

## **13. Any Other Item that may legally come before the Board**

*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.*

No items.

**14. Second Public Comment Session**

See Item 8, above.

Laurel Pohl stated that any public meeting is capable of being recorded and that per New Hampshire law she could record the meeting without making an announcement. She agreed that having the chair of the committee or commission make the announcement as well as a sign on the wall follows the law.

**15. Adjournment**

Meeting adjourned at 9:17 PM.

Respectfully,  
Janet L. Facella

*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.*