



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

**OCTOBER 17, 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, Police Chief Kathy Mone, Fire Chief Michael Tully

**AGENDA**

Chairman Maggiore welcomed everyone to the October 17, 2019 North Hampton Select Board Meeting and called the meeting to order at 7:04 pm, followed by the Pledge of Allegiance.

Chairman Maggiore asked that everyone please rise for moment of silence for those who recently passed away so tragically in North Hampton.

Chairman Maggiore said they had just come from a Budget Workshop next door and a few adjustments were made to the Budget, and said they had a Non-Public Session with no motions made.

**Motion:** To seal the meeting minutes of the Non-Public Session of Thursday, October 17, 2019 pursuant to RSA 91-A:3 II (a,c).

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0

**First Public Comment Session**

*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.*

Select Board Regular Meeting  
October 17, 2019

Chairman Maggiore apologized to Town Administrator Kaenrath for putting him in an uncomfortable position at the last meeting during Public Comment. He said Public Comment is a chance for the public to be free to speak and not a period of engagement.

George Chauncey of Hobbs Road said at an earlier meeting the Select Board voted to spend Town funds to come up with a cost for Mr. Miller's plan, knowing the Select Board cannot put a Warrant Article for the Library on the Town Ballot. He said Mr. Miller says it is best for the Town, but 2 Warrants on the Ballot would not be best for the Town and he asked for more consideration from the Select Board. He said the answers to questions proposed by Mr. Miller to be sent to Town Counsel were never made public.

Larry Miller said on Saturday October 19, 2019 at a Scarecrow Festival would be held at the North Hampton School from 9:00 to 11:00 am, followed by a dog costume parade in the afternoon.

Kathleen Kilgore said the dog costume parade would start at the Bandstand at 1:00 pm, followed by a classic rock concert from 2:00 to 4:00 pm in conjunction with the Scarecrow Festival.

**Consent Calendar**

- 4.1 Payroll Manifest of September 26, 2019 in the amount of \$73,101.16
- 4.2 Payroll Manifest of October 3, 2019 in the amount of \$78,226.50
- 4.3 Payroll Manifest of October 10, 2019 in the amount of \$219,618.62
- 4.4 Accounts Payable Manifest of October 3, 2019 in the amount of \$217,525.81

**Motion:** To accept the Consent Calendar as presented in the Select Board Agenda & Packet.

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0

**Correspondence**

*Notification of the NHMA Conference*

Chairman Maggiore said he encouraged the Board and any elected/appointed officials in Town to attend the 78<sup>th</sup> Annual Conference for NHMA to be held Wednesday November 13 and Thursday, November 14, 2019 in Manchester, New Hampshire with two all-day sessions.

**Committee Updates**

Selectwoman Kilgore said the *Economic Development Committee* held public sessions with business property owners and business operators in the last two weeks to hear input on the Ironwood Village District Proposal. She said the third session will be on Wednesday, November 6, 2019 from 5:00 pm to 7:00 pm for residents, and with business property owners and operators also welcome.

Chairman Maggiore said the *Heritage Commission* was an agenda item, and the *Water Commission* had not met.

Selectman Miller said the *Budget Committee* met October 7, 2019 to review the North Hampton School Year-End figures ending June 20, 2019, and examined the Default Budget for FY2021.

Final *CIP Committee* Report to be presented to the Select Board at their meeting on October 28, 2019.

**Report of the Town Administrator**

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

Town Administrator Bryan Kaenrath said with 38 weeks remaining in the fiscal year they had 74% of the Budget remaining, and said the Town Audit was in progress. He said the next Coakley Landfill Meeting would be held at Portsmouth City Hall on November 4, 2019 at 9:00 am. He said the Wage-Range Analysis was on the agenda to approve the wage scales and classification plan.

Town Administrator Kaenrath said he heard from NHDOT about Philbrick Pond and they had approved the Town's request that the culvert replacement/cobble-weir project be municipally managed, but it was not a green light to move forward. He said the Nature Conservancy has some potential funds, talks would be held with impacted property owners, and they would also be contacting Dr. Burdick at UNH.

Discussion: Selectman Miller asked if Town flags had been ordered, and Town Administrator Kaenrath said for their flagpoles at \$100 each. Selectwoman Kilgore suggested reaching out to residents for a pre-order, and Town Administrator Kaenrath said he would send a note they were placing an order with a 2-week window for response.

**Items left on the Table** – None

**NEW BUSINESS**

**9.1 Rail to Trail Discussion and Agreement Signing** – Scott Bogle, Rockingham Planning Commission

Scott Bogle of the Rockingham Planning Commission said he would provide an update, explain the agreement, and talk about what group is best suited to represent the Rail Trail. He said in August the department closed a deal with Pan Am Railways and the contract was approved by the Governor to purchase the 9.7 miles from Hampton to Portsmouth. He said a meeting was held with DOT-assigned Project Manager for the design and construction phase of the project, Chief Safety Engineer Mike Dugas.

Mr. Bogle said they were seeking initial input on known corridor constraints, opportunities for Trail head access, and would provide general information about the project schedule. He said the Project Manager would be a new hire overseen by Mike Dugas, and his best estimate was 18-24 months for preliminary design and environmental permitting process and probably late 2021 Or 2022 for construction. He said they walked a segment of the corridor, and there is a parcel where the corridor crosses Route 1 that could be used as a Trail Head.

Mr. Bogle said there would be many public meetings with municipal officials and the public over the next 18 months. He said DOT reported a hitch with the agreements signed in January by 4 communities, and said the language in Section 4 pertaining to insurance during construction needs to be that of DOT and the contract needs to be re-signed with the new language.

Chairman Maggiore asked if there was agreement from the Select Board on Section 4.1 of the Rail to Trail Agreement. Selectwoman Kilgore said they would be providing insurance for a piece of land they do not own, and Mr. Bogle said the State would be turning over maintenance and management responsibilities

to the towns when construction starts. He said DOT will still notify North Hampton when construction begins, and some of the communities were starting to organize volunteers.

Selectman Miller asked about a Trail Head for North Hampton and about the removal of vehicles and trailers now being stored on the property. Mr. Bogle said it was part of the role of DOT to remove the vehicles, and said barriers also needed to be put in place at the crossings and it would be a local decision to provide adequate right-of-way in certain areas. Fire Chief Tully said access would be needed for emergency vehicles on the trail, and Mr. Bogle said moveable gates might make more sense and he would make a point to DOT. Selectman Miller asked about the possible use of the DOT Shed for the Town's access point, and Mr. Bogle said he would check with Mike Dugas.

**Motion:** That the Select Board empower Town Administrator Kaenrath to sign the agreement with DOT dated October 1, 2019 for the purpose of starting the Rail Trail.

**Motioned:** Selectman Miller

**Seconded:** Selectwoman Kilgore

**Vote:** Motion approved 3-0

Chairman Maggiore said the next issue is regarding the Rail Trail delegates in North Hampton, Ron Hilliard and Tom Argue, working with Jeff Latimer of Gus's Bike Shop to head up what would eventually be a non-profit to build coalitions for seeking donations. Mr. Bogle said a Design Implementation Study was completed in 2009, and since then they have an Ad hoc group of formal municipal representatives and interested citizens. He said there are multiple iterations of community groups and asked if it made sense to have 7 separate non-profits or one regional.

Mr. Bogle said the New Hampshire Greenway Committee, an advisory committee to RPC, came up with by-laws and articles to establish a new regional non-profit organization called the New Hampshire Seacoast Greenway Alliance (NHSGA), and asked if it was worth establishing a new non-profit group to work with Seacoast area bicycle riders and use their 501 C-3 status. He said the decision was made to incorporate the NHSGA as a private non-profit organization to be a coordinating point for each community. He said North Hampton could keep its own 501 -3 status of be one of the partners, and said he would talk to Mike Dugas about interim access.

## **9.2 Wage Scale Plan Adoption**

Chairman Maggiore said MRI completed a Wage-Range analysis for North Hampton and it was the recommendation of Town Administrator Kaenrath to adopt the study scale plan, but not specific salaries. Town Administrator Kaenrath said they will be adopting the study and a new classification plan breaking employees into steps with associated pay ranges.

**Motion:** To adopt the Wage Range and Job Classification Plan as presented in the MRI Report to the Town of North Hampton in the Pay & Classification Study dated September 2019.

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0

## **9.3 Settlement Agreement of Consolidated Communications v. Town of North Hampton**

Chairman Maggiore said this was the Fairpoint case about how their poles and utilities would be taxed, ongoing since 2010, and they came up with a negotiated agreement. Town Administrator Kaenrath said the agreement resulted in considerable savings for the Town over what their exposure would be otherwise. Chairman Maggiore said they have an assessment from Finance Director Ryan Cornwell on what they owe.

**Motion:** To accept and instruct the Town Administrator to sign the Northern New England Telephone Operations, LLC v. Town of North Hampton settlement agreement in our possession today.

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0

#### **9.4 Police Department IT Upgrades Funding Approval**

Police Chief Mone said the department was requesting an expenditure be approved for upgrades and extensive modifications to the computer network of the Police Department. She said the FBI through the State Police were mandating higher standards involving completely separating Police email accounts from those of the Town, and moving the physical server downstairs in the actual Police Department. She said it would be a one-time cost of \$13,958 from the Cable/IT Funds now at approximately \$70,000.

Discussion: Selectman Miller asked if Portsmouth Computer Group (PCG) would be the administrator, and Town Administrator Kaenrath said PCG would remain the Town's IT provider. Selectman Miller asked about a timeframe and Police Chief Mone said as soon as possible. Chairman Maggiore asked about the \$508 monthly fee in the quote, and Chief Mone said they already pay the Office 360 fee per user. Town Administrator Kaenrath said it would be an upgrade to the government cloud, and Chief Mone said Ryan was already working to integrate that figure into future budgets.

**Motion:** To approve the quote provided by PCG, our IT service, for Police Department upgrades to meet the standards mandated by the FBI through the New Hampshire State Police and approve the single funding of \$13,958, funding to come from the Cable/IT Capital Fund, and authorize the Town Administrator to implement the contract.

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0

#### **9.5 Health Officer Appointment**

Town Administrator Kaenrath said the Town Building Inspector passed away earlier this year also leaving a vacant Health Officer position. He said the goal was to appoint *Travis Murray* as the new Building Inspector/Health Officer for North Hampton. He said the position is indefinite.

**Motion:** To appoint *Travis Murray* as the new *Health Officer* for North Hampton effective October 17, 2019.

**Motioned:** Selectman Miller

**Seconded:** Selectwoman Kilgore

**Vote:** Motion approved 3-0

#### **9.6 MS4 Stormwater Mitigation from North Hampton Public Library Renovation**

Chairman Maggiore said the Heritage Commission Sub-Committee met to discuss potential upgrades to the Master Plan and talked about forming a Historic District with boundaries to be established. He said a question came up about whether there was any concern about possible Stormwater runoff from the Library renovation flooding the historic Stone Building and whether they should have some mitigation for that. He said he contacted Rockingham Planning Commission (RPC) and the Planning Board.

Chairman Maggiore said as part of the planning process, projects with potential adverse effects on Historic Properties from Stormwater discharges must be in written compliance with the State Historic Preservation Officer, outlining all measures that will be carried out to mitigate or prevent adverse effects on Historic Properties and must comply with all conditions of the MS4 Permit. He said as part of the Clean Water Act, the Town is required to be compliant with Stormwater moving off of properties/projects.

Chairman Maggiore said the Town has a potential new project that may impact a historic property, and a drainage study from the Library Trustees for their project is needed by the State Department of Historic Resources (NHDHR) to understand if the drainage and mitigation will have any impact on the Historic Property, as well as a full request for project review by NHDHR. He said as a representative of the Heritage Commission he is requesting a letter be sent from the Select Board asking Library Trustees to produce a drainage study for their project.

**Motion:** To authorize a letter be sent to Library Trustees requesting a drainage report to be submitted to State Historic Preservation Officer (NHDHR) according to Appendix D of the MS4 Stormwater Permit.

**Motioned:** Chairman Maggiore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0

#### **9.7 Library Plan Update** – Larry Miller

Selectwoman Kilgore recused herself from the discussion and moved to the public area at 8:28 pm.

Selectman Miller said he and the Town Administrator met with 3 design-build firms about building a 10,625 sq ft building on the Homestead Property. He said they also found the original ledge study for that property, and contacted a septic design company to locate a septic field on the land. He said it was suggested they come up with a conceptual idea to send to 3 firms for competitive bidding to come up with a design. He said 3 local firms are excited to do it and felt the cost would be significantly less even including the septic and parking.

Selectman Miller said he met with one of the designers to come up with a schematic and plan plus minimal requirements for the building, not including engineering drawings. He said the cost will be \$2,900 and can probably be done in 2 weeks, then they could bid to get concrete numbers, go to the Planning Board, and include the MS4 drainage requirements on the effect of water flow off the property. He said there will be an idea for a floor plan and a meeting room for 100 people, and Town Administrator Kaenrath said it was a similar plan to what the Library already presented.

Selectman Miller said they would get back 3 proposals with guaranteed maximum prices for each. He said because no engineering money was being spent on the design of the building, they could approve the concept and overall costs and changes to the plan could be made later. Chairman Maggiore said they needed to see a guaranteed maximum price based on a plan, and said he was in favor of getting that information to be able to make an informed decision.

**Motion:** To approve the expenditure of \$2,900 for contract design services as proposed this evening and empower the Town Administrator to sign.

**Motioned:** Chairman Maggiore

**Seconded:** Selectman Miller

**Vote:** Motion approved 2-0

Ms. Kilgore returned to her seat at the table at approximately 8:38 pm.

#### **9.8 Exeter Road/Route 151 Stop Sign**

Town Administrator Kaenrath said the Town may have a new solar-powered flashing stop sign at the corner of the Exeter Road and Post Road intersection.

Fire Chief Michael Tully said they were trying to identify problem intersections in Town and make them safer. He said he worked with Jen Rowden of RPC to put in a Road Safety Audit to the State of New Hampshire which was refused because it involved too many intersections. He said they met with DOT and currently installed 2 flashing lights, and agreed to put in a long-term plan to redesign the intersection with an intern from UNH. He said the lighted stop sign was not allowed in the State of New Hampshire but DOT agreed to let North Hampton be a test case.

Chief Tully said a long-term plan for the intersection to be redone would take 5-7 years. He said he asked about changing the Atlantic Avenue intersection so you have to stop and make a turn, and DOT said it was not a major change and the Town might be able to do it in the yearly Budget.

#### **9.9 Town-Wide Mailing for November Economic Development Committee Meeting**

Selectwoman Kilgore said the last EDC public input session would be for residents, and she was wondering if the Board would consider authorizing a small mailing to all Town residents notifying them and inviting them to the meeting on Wednesday, November 6, 2019. Chairman Maggiore asked that a sentence be added that any questions or concerns be forwarded to EDC if unable to attend the meeting.

Town Administrator Kaenrath asked if the Town was just responsible for absorbing the cost of postage, or if they would also be responsible for the design and printing, and Selectwoman Kilgore said EDC had a rough idea of the design.

**Motion:** To approve an expenditure not to exceed \$1,000 for creation and postage for a Town-wide mailing for the November 6<sup>th</sup> EDC meeting.

**Motioned:** Chairman Maggiore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0

#### **9.10 Town Board/Committee Members Assignment of Government E-mail Addresses**

Selectwoman Kilgore said this is to address the fact that most boards and committee members are using their personal emails to conduct Town business and issues with 91-A. Town Administrator Kaenrath said the cost is \$8/user per month or \$96,000/year for each one. Chairman Maggiore said they went through that and came up with 115 appointed/elected officials including Little Boar's Head.

Selectwoman Kilgore suggested having 1 email receptacle for each committee and board to be cc'd to provide a public copy. Chairman Maggiore said he could not see logistically or cost-wise, and could not justify an investment of \$11,000/year for solution to a problem he could not identify. Selectwoman Kilgore said she would like some commitment on moving forward with a document management system, and Town Administrator Kaenrath said he would set up some dates in November.

### **Minutes of Prior Meetings**

#### **10.1 Approval of Regular Meeting Minutes of September 19, 2019**

#### **10.2 Approval of Regular Meeting Minutes of September 23, 2019**

#### **10.3 Approval of Non-Public Meeting Minutes of September 23, 2019**

**Motion:** To table all 3 sets of minutes, as well as the September 9, 2019 meeting minutes, until the next meeting on October 28, 2019.

**Motioned:** Chairman Maggiore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0

### **Any other Item that may Legally come before the Board**

Selectwoman Kilgore said at the last Select Board meeting the Town Administrator was to ask some additional questions of the Town Attorney regarding the Library. She said the Town has gotten those answers back and asked they be made public. Selectman Miller said the note back from the attorney did not have the questions on it, not all his questions got answered, and answers were provided that were not asked for. Town Administrator Kaenrath said if someone were to request them he would provide the questions with the responses.

Chairman Maggiore said he was looking to the Board for permission to speak with Town Counsel to understand the relationship between the Library and the Stone Building, given that they are on one piece of property owned by the Town as explained in the responses specifically in relation to MS4. Selectwoman Kilgore said she had no objection to that but preferred the questions and answers from the Attorney be in writing as they are public.

Chairman Maggiore said he would write it up and have the Town Administrator submit it to the Town Attorney for an understanding of the rights and responsibilities of the entities on a singular piece of property given one is a municipal building and the other a Library. Selectman Miller said he needed to make sure that person has the information he needs to answer a technical question with an informed answer. He said there is no law that says the Library can be expanded or that they own outside of it, only that they have custody of what they have now.

### **Second Period of Public Comment**

Donna Etela said when the State Registry of Historic Places was done, the Town was required to use the original Stone Building lot and there were no longer 2 lots there. She said both buildings are on one site on the National Registry with 10 feet 10 inches between them and just 4 feet from the handicap ramp and the building wall in which to put passage. She said it was concerning as there is an overhang on the building



Select Board Regular Meeting  
October 17, 2019

and said they had to have an actual drainage plan for Stormwater which now goes all the way to the end of the lot into the Homestead Property.

**ADJOURNMENT**

Chairman Maggiore adjourned the meeting at 9:06 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary