



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE

**SELECT BOARD MINUTES
APRIL 10, 2017**

**JOINT NON-PUBLIC SESSION WITH LIBRARY TRUSTEES 5:30 PM
CHEVALIER BUILDING
233 ATLANTIC AVENUE**

**REGULAR MEETING 7:00PM
NORTH HAMPTON TOWN HALL
231 ATLANTIC AVENUE**

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

1. **Joint Non-Public Session with Library Trustees**
5:30 p.m. Mary Herbert Room, Chevalier Building, 233 Atlantic Avenue.

The Select Board and the Library Trustees will meet in nonpublic session to consider the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party whose interests are adverse to those of the general community, pursuant to RSA 91-A:3, II(d).

2. **Call To Order for the Public Session**
7:00 p.m. North Hampton Town Hall, 231 Atlantic Avenue.

Chair Maggiore called the meeting to order at 7:05 PM. Those in attendance were Selectwoman Kilgore, Selectman Miller and Town Administrator Apple.

3. **Pledge of Allegiance**
Chair Maggiore led the pledge of allegiance.

Chair Maggiore stated a motion was made at the Non Public session with the Library Trustees, specifically Mrs. Brandt and seconded by Mrs. Leonardi , to authorize the architect to act in a manner consistent with the discussion in the Non Public. The vote was 3-0 in favor.

A motion to seal the minutes was made by Selectwoman Kilgore and seconded by Selectman Miller on the basis that public disclosure would render a proposed action ineffective. The vote was unanimous by both the Select Board and the Library Trustees.

Chair Maggiore stated it should be noted that they were in Non Public pursuant to RSA 91-A:3, II (d), to consider the acquisition, sale or lease of real or personal property, which if discussed in public would likely benefit a party whose interests are adverse to those of the general community.

4. 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 ordinarily 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.

Bill Gosselin, 2 Maple Road stated over a year ago there were “truckloads of soil being imported all over the Lamprey Conservation property.” Neighbors began to question this and further stated “easement violations had been going on for some time on this property.”

Mr. Gosselin stated “they” tried to go through the proper chain of commands by going to the Town Administrator and he informed “us” that we need to go through the Conservation Commission chairman.

Mr. Gosselin stated that the “Conservation Commission was informed by the Town Administrator not to answer any questions because it could become legal complications [sic] in an email dated twelve twenty second the fourteenth [sic].” He further stated, “this prevented any dialogue to the Conservation Commission.”

Mr. Gosselin stated, “This all began when the owner met with the Conservation Commission and the Town Administrator. This was to discuss what the owner’s plans were. His intent for the Lamprey Conservation Commission [sic] from the very beginning was to have a private party barn.” “This was informed [sic] to a number of people on the seacoast including myself on two separate occasions.”

Mr. Gosselin stated, “He never mentioned any type of agriculture for this barn or the conservation property. Just the plans for the party barn.”

Mr. Gosselin stated, "The feedback we got from the vote in March was that the voter's thought that financial responsibility for the correction of the conservation property would be the responsibility of the Select Board and the Conservation Commission." "The second part of the warrant article stated it should be the responsibility of the owner, and this is stated in the Lamprey deed in section six that any easement violation would be the responsibility of the owner."

Mr. Gosselin stated, "the owner knew what the easements were when he purchased the property. After purchasing the property, all the, it seems like all the every [sic] easement was violated and was approved by the Conservation Commission and the Town Administrator was a part of this. He was part of this because he told the Conservation Commission not to answer any questions."

Mr. Gosselin went on to say many voters were not aware of what was going on with the property and that was another reason for his attendance at this Select Board meeting. He also stated the property is a "disaster" and that the "prime hay" is now "all weeds."

Mr. Gosselin stated he spoke with his neighbors about "this" and that he told them he would be part of "it" as long as he didn't have to get up and speak due to his "medical condition." He further stated he was denied a request by the Select Board to read his letter for him at the Deliberative Session. Mr. Gosselin stated it was his understanding that if someone had a medical condition, reasonable accommodations have to be made so that someone's due process would not be comprised.

Chair Maggiore stated to Mr. Gosselin that he had been before the board several times, and that he had just stated facts the have been stated previously, and the three warrant articles have gone before the voters and in fact the Select Board have made public that they are looking for a declaration from a judge and are waiting for a response.

Chair Maggiore further asked if perhaps Mr. Gosselin would like this as an agenda item at a future meeting.

Mr. Gosselin asked that Chair Maggiore allow him to continue.

Mr. Gosselin stated "the term agriculture has been a blanket term used by the Select Board and the Conservation Commission to for all the damages done because the deed said it could be agricultural work done on this property."

Mr. Gosselin stated Attorney General Foster was given faulty information. He was given information that the barn was going to be used for agriculture.

Chair Maggiore stated the information given to the Attorney General came from Mr. O'Kane, not the Select Board.

Mr. Gosselin stated "the Attorney General's opinion is not binding and is not enforceable."

Mr. Gosselin stated, “two town officer’s, the Town Administrator and the Conservation Commission chairman broke two state statutes in order to be part of the scheme with the owner.”

Town Administrator Apple stated that Mr. Gosselin is now alleging a criminal violation on the part of the Town Administrator and invoked his right for a Non Public Hearing under RSA 91.

Mr. Gosselin went on to state “the Select Board approved this and there were more violations done to the property, and it was approved by the Select Board and promoted.”

Selectman Miller asked Mr. Gosselin if he was accusing him of a crime, and asked for a yes or no answer.

Mr. Gosselin stated he was not accusing him of a crime.

Chair Maggiore stated that Mr. Gosselin had been speaking for over 20 minutes when the agenda clearly states you are allowed three minutes. He further stated that the Select Board has willingly said the town will go to a judge and get a declaration that will then bind them.

Mr. Gosselin stated, “on May 9 the Select Board was notified of what was going on with the property, and instead of having the meeting, and Selectman Miller said he would investigate it, he came back with a statement saying he found no evidence that this was going to be a party barn.” He further stated, “when I asked for a copy of the correspondence from the owner and Selectman Miller, he was told there was not investigation done.”

Mr. Gosselin stated, “not only is it concerning what the Select Board has done by approving the destruction of this property, but trees out of 42 acres of conservation property, the only place the trees were planted [sic] was in the eastern part of the conservation property, and at the time Mr. O’Kane was trying to get an answer, these trees were planted as a harassment [sic].”

Mr. Gosselin went on to say he would like this to be put on the goal setting agenda the Select Board is having to make all attempts to rectify what is going on. He further stated he “would like all of the easements to be halted until this matter can be resolved, and the easement violations corrected.”

Mr. Gosselin asked that the Select Board appoint Selectwoman Kilgore to be a representative to the Conservation Commission.

Chair Maggiore stated he understood Mr. Gosselin’s requests.

Chair Maggiore stated he wished to make the following statement:

“Finding solutions”. “Working together”. “Objective perspective”. “Return to a family friendly town”. “Supporting our community”. “These are some of the calls to action espoused during our last election,

almost exclusively by a group of North Hampton residents who align themselves with the domestic non-profit group “We Are 03862Strong”.

Groups that use “strong” in their title are usually attempting to unify masses of people against some malfeasance. When we think of Boston Strong we think of unification against the terrorist attacks at the Boston Marathon. North Hampton “strong” has come to symbolize an effort to reduce municipal spending, especially spending in the fire/rescue department.

So where in the phrases “finding solutions”, “working together”, “objective perspective”, “returning to a family friendly town”, “supporting our community”, or North Hampton “strong” is there room for taunting and verbal abuse of members of the North Hampton Fire/Rescue Department? I assert there is no room for taunting or verbal abuse against any fire fighter or paramedic who, with no more than a moment’s notice would risk his life to save yours. Yet one of our bravest fire fighters was verbally taunted right here in North Hampton last week. Two citizens followed our fighter up and down the aisles of Shaw’s supermarket taunting him with “North Hampton Strong!” and taking pictures of him buying groceries. Where is the “family friendly” and “supporting our community” in such harassment? How does such taunting make us truly strong? I had hoped that the vitriol against our fire/rescue department had hit an all-time low with the desecration of a family gravesite here in North Hampton. But apparently the frustration with policy-makers is still being directed our bravest and finest.

“We Are 03862 Strong” makes clear their concern that the cost of providing 24-hour fire/rescue/paramedic/and police protection is too high. “We Are 03862 Strong”, whoever you are, (no names are listed on their website and only an address is listed on the NH Corporation Division of the NH Secretary of State’s website) if you would like to engage in open, honest, productive discussions about the value of town services, contact me or the Town Administrator and we will schedule meetings. If you have comments, questions, or concerns about any policy issues.....talk to the Board that sets the policy; if you have a problems with the budget.....talk to the Board who sets the budget; If you have questions about staffing levels.....talk to the Board that negotiates the contracts and honors the warrants that set the staffing levels; if you have a problem with personnel.....ask for a non-public meeting to voice your concerns. In my tenure on this Select Board, the Municipal Budget Committee, the Planning Board, the Heritage Committee, the Water Commission, the Capital Improvements Committee, and at least two subcommittees of the North Hampton School, board chairs have always welcomed public input on any subject. This Board welcomes cooperation, public input, and yes, public criticism. We may not agree, but I promise you will have the opportunity to speak. And even if our discussions become so heated that you feel it necessary to take shots at me and/or the Board, I promise you will have the opportunity to take those shots. I can handle the black eye. If instead your group prefers to lie and wait for the opportunity to pounce on the innocent with caustic language then you have given all of North Hampton a black eye.”

Casey O’Kane, 45 Atlantic Avenue stated he “didn’t know why a taxpayers association would in any way be linked with that kind of behavior.” He further stated that “the comments made that a taxpayers group would somehow be affiliated with this are unfounded.”

Chair Maggiore stated that there is an active investigation by the North Hampton Police Department about this incident.

5. Consent Calendar

- 5.1 Payroll Manifest of March 30, 2017 in the amount of \$67,163.05
- 5.2 Payroll Manifest of April 6, 2017 in the amount of \$226,486.84
- 5.3 Accounts Payable Manifest of March 23, 2017 in the amount of \$1,022,066.51
- 5.4 Accounts Payable Manifest of April 6, 2017 in the amount of \$43,321.38
- 5.5 Veteran's Tax Credit Application
- 5.6 Veteran's Tax Credit Application
- 5.7 Veteran's Tax Credit Application

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

6. Correspondence

No items

7. Public Hearing

7.1 To Accept Unanticipated Funds pursuant to RSA 31:95-b, in the amount of \$2,132.50 from a Grant from the Ballistic Vest Program of U.S. Department of Justice

Chief Maddocks stated the Police Department received a grant for the purchase of five Ballistic Vests at 50% reimbursement from the Ballistic Vest Program of the United States Department of Justice.

Chief Maddocks stated the life cycle of a ballistic vest is five years. He further stated the grant will reduce expenditures by paying 50% toward five ballistic vests. He recommended the Select Board accept the \$2,132.50 in funding from the Department of Justice.

Chair Maggiore opened the Public Hearing at 7:47 PM.

No comments or questions from the public.

Chair Maggiore closed the Public Hearing at 7:48 PM.

Selectman Miller asked Chief Maddocks if this was a reimbursement for already purchased items.

Chief Maddocks stated that was correct. He further stated anything purchase from April, 2016 to present qualifies for reimbursement.

Motion by Selectwoman Kilgore to accept \$2,132.50 in funding from the Department of Justice, so that the grant can be used by the police department to offset the costs of five (5) ballistic vests. Seconded by Selectman Miller. Motion carries 3-0.

8. Committee Updates

Selectman Miller asked of the possibility of having Selectwoman Kilgore attend the Coakley Landfill Group meeting with him.

Selectwoman Kilgore stated she had attended some meetings and have been reading a lot. She further stated that Selectman Miller has been invited to attend and she would rather he go alone in order to be hopefully invited back. She also stated Selectman Miller was more up to speed and he might pick up some information that she might not.

Discussion ensued regarding the Coakley Landfill Groups agreement to hold a public meeting in North Hampton.

Chair Maggiore reported on the Water Commission and the proposed hook up to water on Wiggin's Way in Stratham and the administrative order that has come through.

Selectwoman Kilgore stated that she has met with Henry Fuller on two occasions as well as Carl McMorran once.

Chair Maggiore stated the Administrative Order states that the DES is going ahead with the hookup of water of those homes in Wiggin's Way.

Chair Maggiore asked the board members if they would allow him to engage in conversation about the administrative order at the next Water Commission meeting.

Chair Maggiore moved to item 10.2 on the agenda with no objections from the other board members.

9. Report of the Town Administrator

9.1 General Report

(Recorder's Note: A copy of the Town Administrator's report are attached to these minutes.)

Selectwoman Kilgore asked for an update on the Regionalization meeting in Rye and asked if there were minutes. She further stated she was in attendance just to observe.

Chief Tully stated the Sub Committee happened in Rye and Rye is in charge of completing the minutes and he would check to see if they are available.

Chief Tully stated most of the discussion at the meeting centered around operations and decided on points that will be worked on for an operational plan.

10. New Business

10.1 Ratify Financial Policies

10.1.1 Purchasing Policy;

10.1.2 Investment Policy;

10.1.3 Fraud Policy;

10.1.4 Credit Card Policy;

10.1.5 Information Security Policy;

- 10.1.6 Deposit Policy;
- 10.1.7 Fund Balance Ordinance;
- 10.1.8 Employee Email, Internet and Computer Use Policy;
- 10.1.9 Internal Control Policy;
- 10.1.10 Delegation of Duties of Treasurer to Finance Department;
- 10.1.11 Regulations Governing Delegation
- 10.1.12 Delegation of Deposit Authority by Treasurer;

Selectwoman Kilgore stated she had questions on all of the policies and wondered if the board would entertain having a work session to go through it.

Chair Maggiore suggested having Selectwoman Kilgore's items circulated to all members.

Motion by Selectman Miller to provisionally accept the policies before them including the Purchase Policy , Investment Policy, Fraud Policy, Credit Card Policy, Information Security Policy, Deposit Policy, Fund Balance Ordinance, Employee Email, Internet and Computer Use Policy, Internal Control Policy, Delegation of Duties of Treasurer to Finance Department, Regulations Governing Delegation and Delegation of Deposit Authority by Treasurer. Seconded by Selectwoman Kilgore. Motion carries 3-0.

This item will be taken up on the April 24, 2017 meeting agenda.

10.2 Presentation of Drought Conditions – Carl McMorran

(Recorder's note: Mr. McMorran's Power Point slides are attached to these minutes.)

Mr. McMorran stated the conditions of the drought are definitely trending in the right direction. He further stated there isn't any justification or need for a mandatory water restrictions.

A current drought summary of April 3, 2017 states that Aquarion's service territory continues to be in a Moderate Drought condition, and customers are being asked to observe the voluntary lawn watering practices, with landscape watering not occurring between the hours of 8AM and 7PM.

Chief Tully stated he would be in support of the Select Board changing from a Level Four Restriction to a Level One Restriction with voluntary usage.

Selectwoman Kilgore would like to see the Friday Folders used to educate residents on good practices so that we can be more conscientious. She also suggested putting the information "bullets" on Channel 22. She further stated she would like to see a "good example set at the Bandstand and the town doing it smarter."

Selectwoman Kilgore asked to have an email go out about the watering.

Motion by Chair Maggiore to repeal the Level Four Restriction from the Resolution dated September 26, 2016 and insert a Level One Restriction until the expiration of the regulation. Seconded by Selectwoman Kilgore. Motion carries 3-0.

10.3 Appointments to Economic Development Committee

Selectwoman Kilgore asked how nominees for appointment are indentified. She further noted that the web site does not list terms and asked for it to be “tightened up.”

Selectwoman Kilgore asked where these positions were advertised. She asked that it be more structured and people given more opportunity to know these positions are available, because it seems to be “kind of buried.”

Chair Maggiore stated he would read the minutes from when the Economic Development committee was created to see how the positions were created.

Selectwoman Kilgore stated she wasn’t comfortable nominating the three nominees before the board.

Chair Maggiore asked to have this agenda item moved to the second meeting in May.

10.4 Approval of MS-232 – Report of Appropriations Actually Voted

Chair Maggiore stated these were items including warrant articles approved at the March elections and the Department of Revenue Administration requires the MS-232 form completed and signed 20 days after the election.

Chair Maggiore stated he had signed the form in order to comply with those terms, and the board would now be ratifying his action.

Motion by Chair Maggiore to approve the MS-232 Report of Appropriations Actually Voted. Seconded by Selectwoman Kilgore. Motion carries 3-0.

10.5 Petition and Pole License for 4 Hillside Road

Chair Maggiore stated the Select Board have received a request from Eversource to replace poles at 4 Hillside Road and 5 Appledore Avenue.

Motion by Selectman Miller to approve the Petition and Pole License for 4 Hillside Road and 5 Appledore Avenue. Seconded by Selectman Miller. Motion carries 3-0.

10.6 Petition and Pole License for 5 Appledore Avenue

(See motion above)

10.7 Approval of Forest Fire Report/Bill

Chief Tully explained the town is allowed to charge the state a minimal fee for the amount of time required to issue the fire permits, and the bill before the Select Board is for a six month period and requires a Select Board's signature in order to go forward.

Motion by Selectman Miller to approve the Forest Fire Report and Bill in the amount of \$741.80 for reimbursement of fire permits. Seconded by Selectwoman Kilgore. Motion carries 3-0.

11. Minutes of Prior Meetings

11.1 Approval of March 20, 2017 Meeting Minutes

Selectwoman Kilgore stated the minutes do not have enough substance and they are inconsistent. She further stated there needed to be more information on the discussion that took place when board members were speaking about which committees they would like to serve on.

Selectwoman Kilgore stated that there was more information put in to the discussion on the 275th Anniversary committee.

Selectwoman Kilgore stated there isn't enough information in the minutes to go back to when looking for information about the meeting. She further stated the written minutes are the legal document of the meeting.

Selectwoman Kilgore stated the minutes are not a true reflection of the meeting and what discussions took place.

Chair Maggiore stated that Jan Facella has always done the minutes and has completed them within the five day time frame. He further stated he didn't disagree with Selectwoman Kilgore but wasn't sure how to get "there" along with all of the other responsibilities.

Town Administrator Apple stated if you read the State Statute, it was more than apparent that our minutes exceed the standards set out in the Right-to-Know statute. He further stated the question for the Select Board in their goal setting, is how far do they want to exceed the statutory standard and are they willing to pay for it.

Selectman Miller stated the board had talked about having a recorder for more than just the Select Board, Budget Committee and the Planning Board.

Town Administrator Apple stated there have been problems getting someone to transcribe minutes when the town is only offering to pay him or her \$11.00 per hour. Many attempts have been made by advertising and no one is interested.

Selectwoman Kilgore stated that Jan "does everything, touches everything and is Gal Friday," however she is hearing the board agree "the content needs to be clearer, more thorough." She further asked if there had been any thought of reaching out to the high school's and the business program.

Town Administrator Apple stated that they have done that in the past with limited success. Selectman Miller stated he agreed with Selectwoman Kilgore in that we could do better, it is just a matter of how.

Selectwoman Kilgore suggested that Nancy Monaghan might volunteer as she “takes great minutes.”

Chair Maggiore stated it sounded like this is an item that needs to be taken up at the goal setting session.

Selectwoman Kilgore stated she did not wish to “shoot the idea down” however for example she has looked at Rye’s meeting minutes and although not “elaborate” they are “better detailed than ours.”

Motion by Selectwoman Kilgore to table the minutes of the March 20, 2017 Select Board meeting to be revised to include a better detail of the discussion items of the committee assignments. Discussion. Chair Maggiore asked Selectwoman Kilgore to send her amendments to the Town Administrator for review at the next Select Board meeting of April 24, 2017. Seconded by Selectman Miller. Motion carries 3-0.

12. Any Other Item that may legally come before the Board

The Board reserves the right to take action on any item relative to the prudential administration of the Town’s affairs, which circumstances may require.

13. Second Public Comment Session

See Item 2, above.

Selectwoman Kilgore wanted it noted that Chair Maggiore is closing the meeting two hours and nine minutes after it opened.

Chair Maggiore stated that four firefighters helped out at the Portsmouth fire at State Street Saloon and thanked them for their service.

14. Adjournment

Meeting adjourned at 9:10 PM.

Respectfully,
Janet L. Facella