



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE

SELECT BOARD DRAFT MINUTES
MONDAY, JANUARY 22, 2018
NOTICE OF PUBLIC MEETING
NORTH HAMPTON TOWN HALL
231 ATLANTIC AVENUE
5:15 O'CLOCK PM

NON PUBLIC SESSION I: 5:16 O'CLOCK P.M.
EXECUTIVE CONFERENCE ROOM
TOWN ADMINISTRATIVE OFFICE
233 ATLANTIC AVENUE

NON PUBLIC SESSION II: 5:45 O'CLOCK P.M.
EXECUTIVE CONFERENCE ROOM
TOWN ADMINISTRATIVE OFFICE
233 ATLANTIC AVENUE

NON PUBLIC SESSION III: 6:30 O'CLOCK P.M.
EXECUTIVE CONFERENCE ROOM
TOWN ADMINISTRATIVE OFFICE
233 ATLANTIC AVENUE

1. 5:15 p.m. Call to Order
2. 5:16 p.m. Non-Public Session I Pursuant to RSA 91-A:3, II (a)
3. 5:45 p.m. Non-Public Session II Pursuant to RSA 91-A:2, I (e)
4. 6:30 p.m. Non-Public Session III Pursuant to RSA 91-A:3, II (e)
5. 6:55 p.m. Return to Regular Session and Recess to Town Hall, 231 Atlantic Avenue
6. 7:00 p.m. Reconvening of Public Session at Town Hall and Pledge of Allegiance

Chair Maggiore called the meeting to order at 7:05PM and led the Pledge of Allegiance.

Those in attendance were Selectman Miller, Selectwoman Kilgore and Interim Town Administrator Tully. Chair Maggiore asked to have agenda item 14.1 moved up, as Mr. McIntyre had a meeting to attend in another community.

44 Chair Maggiore stated there were three Non-Public Sessions on the agenda, however Non-Public Session II
45 was cancelled.

46 Chair Maggiore stated in the first Non-Public Session there were no motions or votes taken.

47
48 **Motion by Selectwoman Kilgore to seal the minutes of Non-Public Session I, pursuant to RSA 91-A:3,**
49 **III. Seconded by Selectman Miller. Motion carries 3-0.**

50
51 Chair Maggiore stated in the third Non-Public Session a motion had been made and the vote was 3-0, and
52 there was no need to seal the minutes. He further stated in lieu of taking further legal action with Wiggins
53 Way Homeowner Association, the Select Board is going to seek alternative methods with local
54 representatives in the legislature.

55
56 Chair Maggiore stated the Select Board would be inviting them to a future Select Board meeting to engage
57 in discussions.

58
59 Mr. McIntyre explained Chapter 29 of the 2017 New Hampshire Laws, SB 191, which provides for
60 additional education grants to school districts that have full-day kindergarten, with the funding for those
61 grants to come, in part, from the proceeds of keno operations.

62
63 Mr. McIntyre stated each community must approve of keno in their jurisdiction, and it has to go on the
64 official ballot in order to get approval or disapproval by the voters.

65
66 Mr. McIntyre stated Keno is only sold in licensed establishments or bars, or what he characterizes as
67 “pouring establishments” during certain hours of the day.

68
69 Mr. McIntyre stated through this program the State will be sending a minimum of \$1,100 per full day
70 Kindergarten student regardless of whether or not the town approves Keno.

71
72 Selectwoman Kilgore asked what the cost to business owners is and Mr. MyIntyre stated there is an
73 application fee of \$500, with no additional costs.

74
75 Selectwoman Kilgore asked Chief French if he anticipated an increase in police services because of Keno.

76
77 Chief French stated it is hard to predict, however he didn’t think there would be an instantaneous demand
78 for additional services.

79
80 Selectwoman Kilgore asked Mr. McIntyre what deductions where being referred in the informational letter
81 on Keno the board had received.

82
83 Mr. McIntyre state that they are expenses which are two cents on every dollar. He further stated expenses
84 total approximately nine million dollars and revenues are approximately three hundred million dollars.

85
86 The Select Board decided to table a vote on this issue until a later meeting date and time.

87
88 Chair Maggiore asked to allow agenda item 14.3 next. The board was in agreement.

89
90 Max Reich, St. Thomas Aquinas student presented the Select Board with a newer version of his flag design.

91

92 Master Reich explained that each color on the flag represented something; blue is for the ocean and Little
93 River; yellow is for the sand and the land; white is for purity and peace; and the 13 stars represent the 13
94 colonies as well as 13 characteristics of the Town of North Hampton.

95
96 The Select Board stated they liked the symmetry better on the new design and were very impressed with
97 Mr. Reich's work.

98
99 Chair Maggiore stated it not need to go on the ballot and stated there could be several different options.

100
101 Selectman Miller asked who actually owns the design of the town seal and Chair Maggiore stated that
102 would need to be looked into.

103
104 Selectwoman Kilgore stated she would like to pursue the flag and felt it should be a decision of the town
105 not a sitting board to decide changing the current town flag.

106
107 Chair Maggiore stated three things needed to happen: 1) Ask about ownership; 2) Ask about showing
108 proposal at the Deliberative Session; 3) Ask the Town Moderator if it would be allowed at the Deliberative
109 Session.

110

111 **7. First Public Comment Session**

112 Public Comment is an opportunity for residents to ask questions, request information and make comments
113 on issues facing the Town. Individuals will be given not more than three (3) minutes to speak, and people
114 who have already spoken will be asked to wait until everyone has had the chance to speak once. The total
115 time devoted to this agenda item is fifteen (15) minutes. Individuals who are not able to speak during the
116 First Public Comment Session will be given first opportunity to speak during the Second Public Comment
117 Session at the end of the Meeting.

118
119 Jan Gosselin, Maple Road stated that Mr. Miller had made condescending remarks regarding her husband
120 at the January 8, 2018 meeting and asked the Chair to insure that type of behavior does not happen again.

121
122 Lisa Wilson, Runnymede Drive stated that the Portsmouth City Council had voted not to allow Keno on the
123 ballot, and encouraged the Select Board to do the same.

124
125 Chair Maggiore announced that Mr. Bryan Kaenwrath had signed a contract with the town as the new
126 Town Administrator, and his first day will be on March 12, 2018.

127

128 **8. Consent Calendar**

129 8.1 Payroll Manifest of 01/11/2018

130 8.2 Payroll Manifest of 01/18/2018

131
132 Chair Maggiore explained the payroll manifest totals were not available at the time the Select Board
133 packets were distributed.

134
135 **Motion by Selectwoman Kilgore to accept the Payroll Manifest in the Consent Calendar with an**
136 **amendment of the dollar amounts as follows: January 11, 2018 in the amount of \$187,684.01 and the**
137 **January 18, 2018 in the amount of \$57,266.90. Seconded by Selectman Miller. Motion carries 3-0.**

138

139 **9. Correspondence**

140 9.1 Correspondence from Rockingham County Commissioners

141

142 Chair Maggiore read the letter into the record. A copy is on file at the Town Offices.
143

144 **10. Committee Updates**

145 10.1 Budget Committee

146 Selectman Miller stated some members of the Budget Committee had voted for a reduction of 1% of the
147 school budget.
148

149 10.2 Economic Development Committee

150 Selectwoman Kildogre stated the sub-committee on the Town Survey had finalized the survey questions,
151 and that they wished to have a meeting of the Economic Development Committee on Wednesday, January
152 24, however she has asked to reschedule to a different date as she has a Select Board meeting that evening.
153

154 10.3 Heritage Commission

155 Chair Maggiore stated the commission has been working on a draft Barn Preservation Easement policy. He
156 further stated members of the Amherst (NH) Heritage Commission joined them at their last meeting and
157 everyone shared ideas.
158

159 10.4 Water Commission

160 Chair Maggiore stated there had been a meeting last week to discuss the issue of an appeal going before the
161 Zoning Board of Adjustment.
162

163 10.5 Bandstand Committee

164 Selectwoman Kilgore stated she had attended an Eagle Scout ceremony whereby Jacob Higgins earned this
165 honor by illuminating the flag at the common as per proper flag etiquette.
166

167 Selectwoman Kilgore stated bricks are still for sale at the Bandstand, and a link can be found on the
168 Bandstand page of the website.
169

170 **11. Public Hearing**

171 11.1 To Consider the Acceptance of Real Property as a Gift, Located on Mill Road, Map 006, Lot 080
172

173 Selectman Miller stated he was an abutter to the property, and would therefore be recusing himself.
174

175 Lisa Wilson, Chair of the Conservation Commission discussed the conveyance of a donation of property
176 located on Mill Road. Mrs. Wilson stated the land has 24 acres with an appraised value of \$73,200.
177

178 Two Non-Public meetings were held by the Conservation Commission regarding the donation of this
179 property, and Mrs. Wilson stated the Conservation Commission recommended the Select Board accept the
180 gift and generous donation.
181

182 Selectwoman Kilgore asked about public access to the property to which Mrs. Wilson replied there is none,
183 and the only time access is allowed is for Conservation Commission members to perform their monitoring
184 duties.
185

186 Selectwoman Kilgore asked what percentage of the property is wetland.
187

188 Mrs. Wilson stated that not all of the property is wet and that depending on the time of year some parts are
189 wetter than others.
190

191 Selectwoman Kilgore stated her concerns regarding the possibility of “dumping” on the property.
192

193 Kathy Grant, Vice Chair of the Conservation Commission stated she and her husband had walked the
194 central portion, northerly strip of the land and described it as a lovely wooded dry land and there were no
195 signs of “dumping” of any kinds.
196

197 Chair Maggiore asked why North Hampton Forever did not purchase the property.

198
199 Mrs. Wilson stated there were preliminary talks however the Field's had first right of refusal on the
200 property.

201
202 Selectwoman Kilgore asked if it were possible that any contamination from the Hampton Rod and Gun
203 Club was possible.

204
205 Selectman Miller stated (as a member of the public) that the property is above the Little River and that it is
206 actually along "Oliver Brook."

207
208 Chair Maggiore opened the Public Hearing at 8:14 PM.

209
210 Andrew Vorkink, Conservation Commission spoke however due to technical difficulties with the
211 recording, his comments were inaudible.

212
213 The board asked if any costs were associated with this donation, and Mrs. Wilson stated there would be a
214 legal expense from Michele Peckham of \$5,000.

215
216 **Motion by Selectwoman Kilgore to accept the real property as gifted, located on Mill Road, Tax Map**
217 **006, Lot 080. Mrs. Wilson suggested adding "to accept, sign and modify the warranty deed to**
218 **eliminate cross offs and to eliminate Mr. Miller's name as he had recused himself from the**
219 **discussion." Mrs. Wilson asked to add that two Select Board members voted in favor of the**
220 **recommendation of the Conservation Commission. Seconded by Chair Maggiore. Motion carries 2-**
221 **0 with Chair Maggiore and Selectwoman Kilgore in favor. (Selectman Miller did not vote as he had**
222 **recused himself from the proceedings.)**

223
224

225 **12. Report of the Interim Town Administrator**

226 12.1 General Report
227 A copy of the Town Administrator's report is on file at the Town Offices for review.

228
229

230 **13. Items Left on the Table**

231 13.1 Discussion of Document Management System
232 The Select Board agreed to leave this item on the table until a future meeting.

233
234

235 **14. New Business**

236 Discussion of Senate Bill 191 –Director Charlie McIntyre, NH Lottery Commission
237 The majority of this discussion took place at the beginning of the meeting, however the Select Board
238 continued.

239
240 Selectwoman Kilgore asked if there are any town ordinances against gambling, and if the state laws
241 supersede town ordinances.

242
243 Selectman Miller stated this issue should go before the voters to decide, and Chair Maggiore and
244 Selectwoman Kilgore agreed.

245
246 The board discussed whether or not it would go on a ballot with the Select Board vote.

247
248 Chair Maggiore stated he would check with the New Hampshire Municipal Association and would report
249 back at the January 30 meeting.

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14.1 Discussion of Proposed Copy Machine for Police Department – Chief Michael French

Chief French presented a proposal to the board to replace the current copy machine that the police department took delivery on in March 2014. He stated the machine is a five year lease to which they are in the fourth year of the lease.

Chief French stated the department continuously exceeds the maximum amount of black and white and color copies allotted each month, and they also have had extended periods of time when the copier is out of service and parts to fix the machine are not readily accessible. He further stated it is difficult to function without a copy machine as there are many needs for immediate use, and it is a mission critical machine.

Chief French stated an average of \$479.15 is spent each month on the machine due to overages. He researched a new five year lease with Toshiba as they were willing to forgive the remaining year on the current lease, and received a proposed cost of \$399 per month or a savings of \$80.15 per month. The amount proposed can be supported in the current and next year’s budget. He further stated the price of \$399 per month includes overage charges.

Motion by Selectman Miller to enter into a five year lease agreement of a copier, with permission given to Chief French executing the lease documents. Seconded by Selectwoman Kilgore. Motion carries 3-0.

14.2 Discussion of Proposed Town of North Hampton Flag – Max Reich
(This item was taken up at the beginning of the meeting.)

14.3 Discussion of Primex Contribution Assurance Program (CAP) for Workers’ Compensation Program and Property Liability Program

Interim Town Administrator Tully stated after research conducted in surrounding towns, it was discovered that they all use Primex for both Workers’ Compensation and Property Liability. He further stated the only other options available were to go out into the open market, as the New Hampshire Municipal Association no longer offers either coverage.

Motion by Selectman Miller to accept the three year Workers’ Compensation program offered by Primex with a date of December 1, 2017. Seconded by Selectwoman Kilgore. Motion carries 3-0

Motion by Selectman Miller to accept the three year Property and Liability program offered by Primex with a date of December 1, 2017. Seconded by Selectwoman Kilgore. Motion carries 3-0.

14.4 Discussion of Coakley Landfill Bedrock Study

Selectwoman Kilgore expressed her concern that the Environmental Protection Agency (EPA) has set no timeline to move forward with the clean up at the Coakley Landfill. She further stated she felt they were going backwards and that is unacceptable.

Chair Maggiore suggested the Select Board draft a letter to the EPA and refer back to the verbal commitments they made during a meeting held in North Hampton.

The board decided to each draft letters and blend the contents into one letter. They also agreed of a deadline of January 30, 2018 in which to have it to Interim Town Administrator Tully.

14.5 Discussion of Schedule at the Town Deliberative Session

306 Chair Maggiore stated the Deliberative Session for the town will be held on Saturday, February 3, 2018 at
307 8:30 AM at the North Hampton School.

308
309 The Select Board agreed to move and second the following Warrant Articles:

310
311 The Operating Budget will moved and discussed by Interim Town Administrator Tully.

312
313 Article 8, Property Tax and Exemptions: Selectman Miller to move, Chair Maggiore to second with
314 Selectman Miller speaking to the article.

315
316 Article 9, Modify Disabled Exemption: Selectman Miller to move, Chair Maggiore to second.

317
318 Article 10, Veteran's Tax Credit: Selectman Miller to move, Selectwoman Kilgore to second.

319
320 Article 11, Collective Bargaining Agreement: Selectwoman Kilgore to move and Selectman Miller to
321 second.

322
323 Article 12, Replace 6-Wheel DPW Dump Truck with Plow and Wing: Chair Maggiore to move,
324 Selectwoman Kilgore to second.

325
326 Article 13, Road Resurfacing, Selectwoman Kilgore to move, Chair Maggiore to second.

327
328 Article 14, Replace Fire & Rescue Department Command Vehicle: Selectman Miller to move, Chair
329 Maggiore to second.

330
331 Article 15, Purchase of a Police Cruiser: Selectwoman Kilgore to move, Selectman Miller to second.

332
333 Article 16 Resurfacing of Dearborn Park Parking Lot: Chair Maggiore to move, Selectwoman Kilgore to
334 second.

335
336 Article 17, Replace Septic System at Town Hall: Selectman Miller to move, Selectwoman Kilgore to
337 second.

338
339 Article 18, Contributions to Health Agencies: Chair Maggiore to move, Selectwoman Kilgore to second.

340
341 Article 19, Contribution to Earned Time Settlement Capital Reserve Fund: Selectwoman Kilgore to move,
342 Chair Maggiore to second.

343
344 Article 20, Contribution to Town Building Maintenance Capital Reserve Fund: Selectman Miller to move,
345 Selectwoman Kilgore to second.

346
347 Article 21, Modify the Purpose of the Town Building Capital Reserve Fund: Selectwoman Kilgore to
348 move, Chair Maggiore to second.

349
350 Article 22, Contribution to the Town Building Capital Reserve Fund: Selectwoman Kilgore to move,
351 Selectman Miller to second.

352
353 Article 23, Modify the Purpose of the Town Revaluation Capital Reserve Fund: Selectwoman Kilgore to
354 move, Selectman Miller to second.

355
356 Article 24, Close the Fire Department Equipment Fund: Chair Maggiore to move, Seconded by
357 Selectwoman Kilgore.

358
359 The board discussed election day and the fact Selectman Miller could not work at the elections due to the
360 fact that he was on the ballot. All agreed asked to have at least two former Select Board members
361 contacted to see if they would be willing to perform the duties.

362 14.6 Discussion of North Hampton Business Association Community Newsletter Advertising
363
364 All board members agreed this was a great idea and asked to set a date with the North Hampton Business
365 Association to meet on this. Chair Maggiore stated he would get in touch with Kristen Larsen-Schultz to
366 set something up.

367
368 14.7 Discussion of Select Board Letter for Town Report

369 All board members agreed on the last draft, and asked to be sure it is checked for spelling and grammar.

370
371
372 14.8 Discussion of Request from John Walsh, Aquarion Water Company for Meeting re: Presentation
373 Regarding Ongoing PFC Testing and Treatment Evaluation Efforts
374 Carl McMorran, Aquarion Water Company, stated he would like to meet with the Select Board with Mr.
375 Walsh and discuss updates with them.

376
377 The board discussed meeting on February 26 or March 12. Mr. McMorran will check with Mr. Walsh and
378 get back to Interim Town Administrator Tully.

379
380 14.10 Discussion of Items Aquarion Agreed to Going Forward Regarding Maintenance, Reports & Meeting

381
382 Carl McMorran stated it is the goal of Aquarion to meet with the Select Board on a quarterly basis as stated
383 in the settlement agreement.

384
385 The board discussed when the first meeting would be held and agreed to settle on a date in the first week of
386 April.

387
388

389 **15. Minutes of Prior Meetings**

390 15.1 Approval of January 4, 2018 Workshop Meeting Minutes

391
392 **Motion by Selectman Miller to approve the January 4, 2018 workshop minutes as presented.**
393 **Seconded by Selectwoman Kilgore. Motion carries 3-0.**

394
395 15.2 Approval of January 8, 2018 Regular Meeting Minutes

396 **Motion by Selectman Miller to approve the January 8, 2018 minutes as presented. Seconded by**
397 **Selectwoman Kilgore. Motion carries 3-0.**

398
399 The Select Board discussed how to properly approve sealed and unsealed non-public minutes.

400
401 Chair Maggiore stated he had contacted the New Hampshire Municipal Association and they told him if
402 sealed minutes need to be revised, they must go into a non-public session to discuss and amend, and then
403 return to a public session to take a vote.

404
405 Chair Maggiore stated he is uncomfortable with going into a non-public session that had not been properly
406 posted.

407
408 The board discussed approving both sealed and unsealed minutes in public and making them part of their
409 Select Board packet. They further discussed having a work session to decide which minutes should remain
410 sealed.

411
412 It was noted the December 21, 2017 minutes were not sealed and need to be approved and posted.

413
414 Selectman Miller suggested calling other towns to see what their procedures are.

415

416
417 **16. Any Other Item that may legally come before the Board**

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

420

421 **17. Second Public Comment Session**

422 See Item 7, above.

423 Casey O'Kane, Atlantic Avenue stated he had been looking for the Non-Public minutes of December 22,
424 2017 [sic] and could not find them anywhere. He also stated the November 13, 2017 minutes did not
425 include an attachment to the minutes as was stated.

426

427 Interim Town Administrator Tully told Mr. O'Kane he would send him the December 21, 2017 minutes
428 and take care of the attachment posting.

429

430 **18. Adjournment**

431

432 Meeting adjourned at 9:45 PM.

433

434 Respectfully,
435 Janet L. Facella

436