



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE

**SELECT BOARD MINUTES
MONDAY, OCTOBER 23, 2017
NOTICE OF PUBLIC MEETING
NORTH HAMPTON TOWN HALL
231 ATLANTIC AVENUE
5:30 O'CLOCK 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**

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

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1. 5:30 p.m. **Call to Order**
 2. 5:31 p.m. **Non-public Session I Pursuant to RSA 91-A:3, II (a)**
 3. 6:00 p.m. **Non-Public Session II Pursuant to RSA 91-A:3, II (a)**
 4. 6:30 p.m. **Non-Public Session III Pursuant to RSA 91-A:3, II (d)**
 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 7:05 PM. Those in attendance were Selectman Miller, Selectwoman Kilgore and Interim Town Administrator Tully.

Chair Maggiore led the Pledge of Allegiance.

7. 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.

Casey O’Kane, 45 Atlantic Avenue stated Mrs. Kilgore was appropriate in addressing her comments from the podium at the last meeting and was surprised there was any dissent. Mr. O’Kane stated that Mr. Maggiore was correct in sending a follow up letter stating his letter was as private citizen, and that he was also appropriate for stopping the gentlemen at the last meeting from further personal attacks on Laurel Pohl.

Mr. O’Kane commented that Warrant Article 35 from last year’s election had “no campaign” as Mr. Miller had stated the “town was being sold a bill of goods.”

Mr. O’Kane stated he is still confused as to what the role of the Conservation Commission is and what their authority is vis-a-vis the Select Board.

Selectman Miller stated that question is already laid out by the legislature and there is no need to answer that question.

Mr. O’Kane reviewed what had led up to him getting the citizens petition together and subsequent meetings with the Select Board and Conservation Commission and he is still unable to get an answer as to the relationship between the Select Board and the Conservation Commission.

Selectman Maggiore asked Mr. O’Kane what answers he would like to have from the Select Board in a public meeting.

Mr. O’Kane stated he would like an answer as to what the relationship is between the Select Board and the Conservation Commission, specifically when does the Select Board give precise

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directions to the Conservation Commission on how to conduct its meetings, what legal conclusions to reach and what procedures to follow.

Chair Maggiore stated Mr. O’Kane who have an answer in the next public meeting and it will be an agenda item.

Laurel Pohl, 100 North Road questioned the content of the Select Board draft minutes of October 11, 2017 regarding a “do over” meeting for the Budget Committee. Interim Town Administrator Tully stated it was a typographical error. She further questioned where the attachments were for the October 11, 2017 minutes.

8. Consent Calendar

- 8.1 Payroll Manifest of 10/12/2017 in the amount of \$78,155.47
- 8.2 Payroll Manifest of 10/19/2017 in the amount of \$69,913.77
- 8.3 Accounts Payable Manifest of 10/19/2017 in the amount of \$105,710.78
- 8.4 Approval of Timber Cut – Yield Tax

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

Chair Maggiore stated he would like to move discussion of agenda item 14.7 up first on the agenda.

9. Correspondence

9.1 Correspondence from McGovern Subaru

Chair Maggiore stated the letter received from McGovern Subaru of 205 Lafayette Road is asking permission to park a company car on the homestead property on Trick-or-Treat day and allow employees to hand out candy.

The board discussed the Town Policy on the Use of Land and Bulding.

Selectwoman Kilgore stated they need to go through the application process and unfortunately there isn’t enough time for the board to follow through on their processes. All members agreed and asked Interim Town Administrator to follow through and let McGovern Subaru know they would not be able to fulfill their request.

9.2 Correspondence from State of New Hampshire Public Utilities Commission

Chair Maggiore summarized the contents of the correspondence and stated a hard copy would be available at the town office.

9.3 Correspondence from Attorney Matthew Serge

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Chair Maggiore read the correspondence into the record stating the letter is in regard to the Fairpoint tax abatement appeal slated for November 29 through December 5, 2017. The appeal deals with the valuation of poles and conduits.

9.4 Correspondence from North Hampton Business Association

Chair Maggiore read the correspondence into the record regarding an upcoming forum held by the North Hampton Business Association on October 26, 2017 from 5:30PM to 7:30 PM. Chair Maggiore asked Interim Town Administrator Tully to post a Notice of Quorum for the Select Board and to remind all other boards and commission to do the same.

9.5 Correspondence from The Salvation Army

Chair Maggiore stated the letter from the Salvation Army seeks donors throughout the seacoast area to “ring the bell” during the holiday season.

Chair Maggiore stated two additional pieces of correspondence had been received after the Select Board packets were distributed and the first was an update from the New Hampshire Municipal Association noting an error that was found in the Budget book produced by them on page 120, Appendix H and the second was from John Herlihy with an update on the PFC’s monitoring done on September 19, 2017. Both pieces of correspondence are available at the town offices.

10. Committee Updates

10.1 Budget Committee

Selectman Miller stated the Budget Committee had met on October 16, 2017 whereby discussion took place regarding correspondence from the New Hampshire Municipal Association on proper procedures for minutes, and also a discussion ensued regarding encumbrances.

Interim Town Administrator Tully stated he had been in contact with another Town Administrator, Town Counsel and Town Finance Director and it was confirmed the town has been following proper procedures and that a contract can be from a quote from a vendor by way of a vote of the Select Board.

Selectwoman Kilgore suggested Interim Town Administrator Tully send this information to Budget Committee chair Jonathan Pinette, and that he also explain this at a budget committee meeting as some members may have questions.

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Laurel Pohl asked to have the Select Board also ask the New Hampshire Municipal Association who gave the training and wrote the book for which she, Mr. Ferraro and others were quoting from.

10.2 Economic Development Committee

Selectwoman Kilgore stated the committee has not met since 10 days ago, and the next meeting will be held on November 1, 2017 at 5PM. She further stated meetings will be held on the first Wednesday of each month at 5PM in the town hall.

Chair Maggiore stated the Select Board had agreed to fund the survey that the Economic Development Committee would like to do as it will be used in conjunction with the visioning of the Master Plan. He further clarified the money for the survey would not be coming from the Planning Board budget as Jim Better had stated in an email.

10.3 Heritage Commission

No updates

10.4 Water Commission

Chair Maggiore stated they had not met since the last Select Board meeting, but had recently received correspondence from the town attorney regarding Wiggins Way stating the case has been moved to December 5, 2017.

10.5 Capital Improvement Committee

Selectwoman Kilgore stated there would be another meeting to approve the minutes from the last CIP meeting.

10.6 Bandstand Committee

Selectwoman Kilgore stated bricks for the Bandstand will be on sale until January 15, 2017.

10.7 275th Anniversary Committee

Chair Maggiore stated the final installment of the 275th Anniversary of the town will be held on November 9, 2017 at the Throwback Brewery, and there are only four tickets available for purchase before the dinner is sold out.

11. Public Hearing

11.1 To Consider the Acceptance of Unanticipated Revenue in the Amount of \$37,911.00 awarded to the Town, to support the Radiological Emergency Preparedness Program (REP) in North Hampton for the State of New Hampshire Fiscal Year 2018 (July 1, 2017 – June 30, 2018)

Interim Town Administrator Tully explained these funds were applied for the Emergency Management budget in North Hampton. The funds will be used for Seabrook Station drills as well as Emergency Management training.

Chair Maggiore opened the Public Hearing at 8:00PM and stated he would leave it open.

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12. Report of the Interim Town Administrator

12.1 General Report

(The Town Administrator's report will be attached to the DRAFT minutes of this meeting and posted on the Select Board page under Minutes.)

Chair Maggiore stated during the August 28, 2017 Select Board meeting, Mrs. Kilgore asked that the Chair step down from obtaining quotes for repairs and or assessments for the Town Hall building and asked that the Town Administrator handle that duty instead. He further stated that he has told the two companies he was in contact with to reach out to Interim Town Administrator Tully. Chair Maggiore stated they are only looking for quotes for the assessment of the building only; not for repair work.

Frank Ferraro, Post Road stated there appears to be a scheduling conflict with a meeting of the Select Board and the Budget Committee on November 13, 2017.

Interim Town Administrator Tully stated there is a Select Board meeting that night to finalize the budget and budget books would be distributed on November 14, not November 13 as stated on the budget committee schedule.

13. Items Left on the Table

13.1 Discussion of Dog Park in North Hampton

Pat McLean, Atlantic Avenue stated she proposed the idea of a dog park before the Select Board several weeks ago and has been met with a lot of positive response. She further stated she was before the board to look at forming a committee to look at the feasibility and needs assessment of developing a dog park.

Ms. McLean asked the Select Board to appoint people in town that could give advice and give information about town regulations so that there wasn't any time wasted in terms of what would meet town regulations.

Ms. McLean stated she looked forward to spearheading this committee.

Interim Town Administrator Tully suggested putting a notice of the website and in the Friday Folder asking for volunteers to the Dog Park Committee.

Selectwoman Kilgore asked to be sure the notice for committee volunteers is posted for two weeks on the website, and that all of their meetings be held in the town hall.

Motion by Selectman Miller to appoint Pat McLean as the first member of the Dog Park Committee. Seconded by Selectwoman Kilgore. Motion carries 3-0.

14. New Business

14.1 Approval of Appointment for Allyson Ryder to the Conservation Commission

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Chair Maggiore read a letter of recommendation from Chair of the Conservation Commission, Lisa Wilson in which Mrs. Wilson asks for the Select Board's approval to appoint Allyson Rider as an alternate to the Conservation Commission with a term to expire in 2020.

Motion by Selectman Miller to approve the appointment of Allyson Ryder as an alternate to the Conservation Commission. Seconded by Selectwoman Kilgore for conversation.

Interim Town Administrator Tully stated the position was not advertised on the web site and he understands that there are more openings. He stated he believed Ms. Ryder saw the "Volunteer Page." He stated he would like to have all openings advertised and done the way the Select Board would like.

Selectman Miller moved to amend his motion with the caveat there are more positions than one available.

Selectwoman Kilgore stated she would like the board to table this item, determine how many are open and advertise it. She further stated she is not comfortable with the caveat piece of Selectman Miller's amended motion.

Selectman Miller called the question.

Chair Maggiore clarified the only motion on the table was to appoint Allyson Ryder as an alternate to the Conservation Commission.

Motion carries 2-1.

14.2 Acceptance and Approval of the Conservation Easement Current Conditions Report
Chair Maggiore stated at the October 10, 2017 Conservation Commission meeting, the Commission reviewed the *Conservation Easement Current Conditions Report* from the Society for the Protection of New Hampshire Forests for the Boise Wildlife Preserve.

Chair Maggiore stated the commission recommends that the Select Board sign the report that is intended to aid in the enforcement of the easement. He further stated the Conservation Commission found no reason to believe the report is not accurate.

Motion by Selectman Miller that the Select Board sign and approve the Conservation Easement Current Conditions Report for the Boise Wildlife Preserve on Woodland Road. Seconded by Selectwoman Kilgore. Motion carries 3-0.

14.3 Discussion Regarding RSA 91-A:3 Right to Know Law

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14.3.1 Policy on Recording Meetings

14.3.2 Policy on Posting Meetings

14.3.3 Policy on Minutes of Meetings

Chair Maggiore gave the background information to the agenda item noting that Laurel Pohl had brought it to the board's attention that a budget committee meeting had not been properly posted and what happened during said meeting and the minutes.

Chair Maggiore stated Interim Town Administrator Tully has scheduled educational training on the Right to Know Law, as well as drafted three policies.

Interim Town Administrator Tully stated the Policy on Recording Meetings was a policy that he picked up where former Town Administrator Paul Apple had left off, and was for the recording of meetings on Channel 22 and should not be mixed in with the other two proposed 91-A policies.

Interim Town Administrator Tully stated he set up an educational training on RSA 91-A and the New Hampshire Municipal Association will be presented to all boards and committees on December 7. He further stated it was important to have a set of rules and procedures for any new board or committee chairs.

Selectwoman Kilgore stated there should be a "train the trainer" on staff to help new chairs.

Laurel Pohl asked to have the educational session could be recorded. She further explained the reason for having a policy on recording meeting started because of a North Hampton Public Library Trustees meeting that started to be recorded automatically and the trustees were unaware the recording had started.

Ms. Pohl stated the equipment works whereby every meeting is scheduled for the cameras and start recording all the time. If the board is asking John [Savastano] to stop that process, it will change the way in which he works.

Ms. Pohl requested a line in the policy noting that anyone could record a meeting.

Discussion ensued amongst the board whether they wanted to have automatic start times for the recording of meetings or not.

John Savastano expressed his displeasure and stated he had 40 years of experience in broadcasting and this is a very simple procedure. He stated he has a "little book" with a checklist

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of his procedures and it was based on the remedy to alleviate the proposed “crisis” that happened over the summer.

Selectwoman Kilgore asked if NHMA should review the policy once they have finished the final draft, and Chair Maggiore and Selectman Miller agreed.

Chair Maggiore suggested a copy of the recording of meeting policy draft be given to John Savastano for his comments, and to take this up at a future meeting with the final step sending to NHMA.

Motion by Chair Maggiore to authorize Chief Tully to schedule the Right to Know meeting with the NHMA on December 7, 2017. Seconded by Selectwoman Kilgore. Motion carries 3-0.

Chair Maggiore asked Interim Town Administrator Tully to clarify with NHMA whether the Right to Know workshop is a public meeting or a meeting open to the public. He further asked Mr. Tully to make sure all boards and commission chairs are aware of the meeting.

Selectwoman Kilgore suggested that all chairs be informed that if they cannot make the workshop they should send a designee in their place so that at least one member from each board or committee is in attendance.

Selectman Miller suggested that NHMA review the draft policies for posting meetings and for minutes of meetings.

Chair Maggiore stated the board will follow the same procedure as the recording of meetings policy whereby the board members will review, mark up with their changes, discuss at a future Select Board meeting and then submit to NHMA.

Laurel Pohl asked for clarification on where the meeting agendas are posted and asked to have that information added to the policy.

Chair Maggiore explained legally notices only need to be posted in two locations, however the town posts in seven.

Interim Town Administrator Tully suggested he sit down with Ms. Pohl to review the policies and put them into a new draft to bring before the board.

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Laurel Pohl asked for clarity on draft minutes from a final meeting of a board or committee. She stated former Town Administrator Steve Fournier always stated the final meeting of a committee, for example the Capital Improvements Committee, always stay in draft form because no further meetings will be held.

Frank Ferraro stated that he believed that town should continue to post in all of the locations it currently does even if it means trudging through the snow to do it, because not everyone will have access to view notices that are posted inside the offices before the close of business.

Frank Ferraro noted a “typo” under the Recording Meetings draft policy under Scope and Application it states the “recording of minutes policy” instead.

(Secretary’s Note: From 2:08:41 of the DVD, audio is unintelligible until 2:08:45 therefore Mr. Ferraro’s comments on the posting of draft minutes could not be heard.)

Interim Town Administrator Tully said it is the town’s policy to post draft minutes and once approved post the final minutes.

Laurel Pohl stated she would like to have her original email sent to the Select Board, with the NHMA’s responses made part of the record.

14.4 Discussion of Winnicunnet High School ELO Program – John Savastano
This item was not discussed.

14.5 Discussion of Filling Police Department Openings
Chief French spoke to the Select Board about filling two internal police positions in the police department using existing personnel.

Chief French stated he was unable to find any process that has been started and would like to begin the process to fill the Deputy Chief position.

Chief French stated the minutes from a May Select Board meeting state the Town Administrator was empowered to start the process at that time, and Chief Maddocks stated at the time he had planned to fill the positions from within the department.

Selectwoman Kilgore stated after Chief Maddocks left, the board discussed putting the Deputy position on hold until a new Police Chief was chosen.

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Chief French pointed out the positions became vacant in May and it is now the end of October. He further stated it would be well past the first of the year before there would be a second in command. Chief French stated that is not good for the agency, or the personnel inside the agency who are looking for some movement. He further stated he would like to move forward with filling the deputy position now and hold off on the detective position.

Chief French implored the Select Board to recognize those facts of timing and recognize a process should be started.

Selectman Miller asked Chief French if he felt he had acceptable candidate to fill the position and he stated he did.

Motion by Selectman Miller to empower Chief French to move forward with filling the permanent Deputy position. Seconded by Selectwoman Kilgore.

Selectman Miller stated if someone in the ranks moves up to the deputy position it would create another open position and asked Chief French how they are doing filling the voids at this time.

Chief French stated they currently have an applicant in the hiring process and will be taking the final testing phases and will be enrolling him in the Police Academy in January.

Selectman Miller asked if the process doesn't start soon to fill the deputy position from within, would there be a risk of discouraging someone to stay employed.

Chief French stated the thought had crossed his mind.

Chair Maggiore asked Chief French if there is any possibility of having the deputy position an interim position.

Chief French stated there is already one interim position in the department, and does not think it is of any value to the existing personnel.

Motion carries 3-0.

14.6 Update on Town Administrator Position Process

Interim Chief Tully stated several resumes were received for the position and will be sorted and stacked by the Select Board and then move forward with initial interviews by department head's and a representative from the Planning Board and from there the board had discussed doing some

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type of presentation from the candidates with the Select Board and possibly a member of the public.

Selectwoman Kilgore asked if it would be more appropriate to have the Planning and Zoning Administrator rather than a member of the Planning Board as one of the members of the interview board. Chair Maggiore and Selectman Miller agreed that it was a good suggestion and asked Interim Town Administrator Tully to ask Rick Milner.

Laurel Pohl stated given the current climate of taxes and spending issues, it would be a good idea to have a member of the Budget Committee on the interview committee as well.

14.7 Discussion of Forming a Dog Park Committee
This item was taken up earlier on the agenda.

15. Minutes of Prior Meetings

15.1 Approval of October 11, 2017 Meeting Minutes

Motion by Selectwoman Kilgore to accept the minutes of the October 11, 2017 with the notation of changing the date on line 123 to “16” and to be sure Selectwoman Kilgore’s statement regarding the CIP was attached to the minutes. Seconded by Selectman Miller. Motion carries 3-0.

15.2 Approval of October 17, 2017 Workshop Meeting Minutes

Selectwoman Kilgore stated there needed to be a space on line 9 after “e” in Kilgore and before “a” in and. Selectman Miller stated on lines 37 and 42 there were spaces that needed to be added as well. Selectwoman Kilgore also asked to spell out the stipend for the Deputy TA from where it was originally classified in the budget and to move into the Town Administrator line where it is more transparent. Selectwoman Kilgore also asked to put “Finance” in front of the word Director Cornwell as well as adding “DPW” to John Hubbard’s title of Director.

Motion by Selectman Miller to approve the October 17, 2017 workshop minutes as amended. Seconded by Selectwoman Kilgore. Motion carries 3-0.

16. 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.

Chair Maggiore stated an email was received on October 16, 2017 from Attorney Bennett with an attachment of Aquarion’s petition plus attachments for a WICA surcharge increase for 2018. The surcharge increase request was granted by the PUC for this year and will push the WICA rate to 7.08% which is within the cap, however the surcharge for 2019 will exceed the cap and will go to

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8.71%. Chair Maggiore stated a letter was put out to the Water Commission to see if they wish to meet for intervener status.

Chair Maggiore closed the Public Hearing at 9:20PM.

Motion by Chair Maggiore to accept the funds of \$37,911.00. Seconded by Selectwoman Kilgore. Motion carries 3-0.

17. Second Public Comment Session

See Item 8, above.

18. Adjournment

Meeting adjourned at 9:25PM.

Respectfully,

Janet L. Facella

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