



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE

SELECT BOARD DRAFT MINUTES  
MONDAY, DECEMBER 11, 2017  
NOTICE OF PUBLIC MEETING  
NORTH HAMPTON TOWN HALL  
231 ATLANTIC AVENUE  
5:30 O'CLOCK PM

NON-MEETING WITH COUNSEL: 5:31 O'CLOCK P.M.  
EXECUTIVE CONFERENCE ROOM  
TOWN ADMINISTRATIVE OFFICE  
233 ATLANTIC AVENUE

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

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

1. 5:30 p.m. Call to Order
2. 5:31 p.m. Non-Meeting with Counsel Pursuant to RSA 91-A:2, I (b)
3. 6:00 p.m. Non-Public Session I Pursuant to RSA 91-A:3,II (l)
4. 6:30 p.m. Non-Public Session II Pursuant to RSA 91-A:3, II (a )
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 opened the public session at 7:14 PM, and led the Pledge of Allegiance.

Those in attendance were Selectman Miller, Selectwoman Kilgore and Interim Town Administrator Tully.

Chair Maggiore stated he wished to move item 13.1 to the beginning of the meeting and there were no objections from Selectman Miller or Selectwoman Kilgore.

44 Chief Tully stated the Town of North Hampton had been awarded the “Heart Safe Community Award,” and  
45 asked Bill Wood, the Preparedness and Special Projects Coordinator for New Hampshire Bureau of EMS to  
46 speak.

47  
48 Mr. Wood stated the Heart Safe community initiative is to recognize local community efforts in the chain  
49 of survival in helping to prevent and treat cardiac arrest incidents pre-hospital arrival.

50  
51 Mr. Wood stated North Hampton is the 34<sup>th</sup> municipality in New Hampshire to receive this designation. He  
52 further stated the average cardiac arrests per month in the State of New Hampshire number 250.

53  
54 Nancy Vaughn, American Heart Association presented Deputy Jason Lajoie and Firefighter/Paramedic  
55 Colin Chevalier with the certificate of award.

56  
57 Vice Chair Miller stated in Session I of the Non-Public meeting, a motion was made and passed  
58 unanimously and it will be acted on.

59  
60 Vice Chair Miller stated in Session II of the Non-Public meeting, a motion was made and passed  
61 unanimously and it will be acted on.

62  
63 **Motion by Selectman Miller to seal the minutes of Sessions I and II. Seconded by Selectwoman**  
64 **Kilgore. Chair Maggiore noted that there was also a motion to allow him to speak via telephone to**  
65 **participate in the discussion. Motion carries 3-0.**

66  
67 **7. First Public Comment Session**

68  
69 Public Comment is an opportunity for residents to ask questions, request information and make comments  
70 on issues facing the Town. Individuals will be given not more than three (3) minutes to speak, and people  
71 who have already spoken will be asked to wait until everyone has had the chance to speak once. The total  
72 time devoted to this agenda item is fifteen (15) minutes. Individuals who are not able to speak during the  
73 First Public Comment Session will be given first opportunity to speak during the Second Public Comment  
74 Session at the end of the Meetings.

75  
76 Chair Maggiore stated he had received an email from William Gosselin regarding speaking at the meeting,  
77 and asked for longer than three minutes time. Jan Gosselin stated to the Select Board that she would yield  
78 her three minutes of time to Mr. Gosselin.

79  
80 Mr. Gosselin read his letter addressed to the Select Board into the record and asked for a copy of it to be  
81 attached to the minutes.

82  
83 George Chauncey gave an update on the “van project.” Mr. Chauncey stated a 2018 Ford Transit 350, 15  
84 passenger van with an estimated cost of \$45,000 had been decided upon. Mr. Chauncey stated with a Ford  
85 discount of \$4,000, an estimated trade in value of the current van of \$8,000 will bring the total down to  
86 \$33,000. Mr. Chauncey stated there was a foundation matching grant of \$5,000 and there were  
87 currently \$3,000 in donations, leaving \$21,000 to come from the undesignated fund balance.

88  
89 Mr. Chauncey asked the Select Board to consider a magnetic sign for the sign of the van advertising all of  
90 the sponsors that helped purchase it.

92 Frank Ferraro stated he expected someone to attend from Aquarion Water according to the agenda,  
93 however he did not see anyone.

94  
95 Selectwoman Kilgore stated correspondence was on the consent calendar from Aquarion Water.  
96

97 **8. Consent Calendar**

- 98 8.1 Payroll Manifest of 11/30/2017 in the amount of \$65,343.41  
99 8.2 Payroll Manifest of 12/07/2017 in the amount of \$228,130.32  
100 8.3 Accounts Payable Manifest of 11/30/2017 in the amount of \$1,203,533.12  
101 8.4 Veteran Tax Credit  
102 8.5 Cemetery Deeds  
103

104 **Motion by Selectman Miller to approve the Consent Calendar as presented. Seconded by**  
105 **Selectwoman Kilgore. Motion carries 3-0.**  
106

107 **9. Correspondence**

- 108 9.1 Correspondence from John P. Walsh, P.E., V.P. of Operations, Aquarion Water Company  
109 9.2 Correspondence from Tim Roache, Rockingham Planning Commission  
110 9.3 Correspondence from Laurel Pohl  
111

112 Chair Maggiore read three items of correspondence into the record. All copies are available for inspection  
113 in the Town Offices.  
114

115 **10. Committee Updates**

116 10.1 Budget Committee

117 Selectman Miller stated the Budget Committee voted 4-5 on the North Hampton School budget, and it was  
118 not approved. He stated the next Budget Committee meeting to vote on the Proposed Town Operating  
119 Budget would be on December 18.  
120

121 10.2 Economic Development Committee

122 Selectwoman Kilgore stated a meeting was held on December 6 where the town survey was the topic. She  
123 further stated it was determined a subcommittee needed to be formed in order to refine the survey questions.  
124 Members include Phil Wilson, Kristen Larsen-Schultz, Rick Stanton and Joseph Bernardo. A workshop is  
125 planned for the subcommittee on December 15.  
126

127 10.3 Heritage Commission

128 Chair Maggiore stated there hadn't been a meeting, and therefore there was nothing new to report.  
129

130 10.4 Water Commission

131 Chair Maggiore stated there hadn't been a meeting, and therefore there was nothing to report.  
132

133 10.5 Capital Improvement Committee

134 Selectwoman Kilgore stated there had been no new activity. It was suggested this item be removed from  
135 Committee Updates until the committee is back in session.  
136

137 10.6 Bandstand Committee

138 Selectwoman Kilgore stated a flyer had been mailed by the committee in reference to the brick project.  
139 Orders will be closed between mid to late January.  
140

141 **11. Report of the Interim Town Administrator**

142 11.1 General Report

143 (Secretary's Note: This item will be attached to the minutes.)

144 Chief Tully stated he had received a quote from Mr. Schnitzler on an assessment and the needs of the condition  
145 of the Town Hall. Chief Tully stated the quote received was for \$1,200 and an assessment is needed before a  
146 Request for Proposals can be drafted.

147 **Motion by Selectman Miller to approve \$1,200 to assess the general conditions of the Town Hall by Mr.**  
148 **Schnitzler. Seconded by Selectwoman Kilgore. Motion carries 3-0.**

149 Chief Tully stated SRS Masonry Construction, Inc. from Lebanon Maine made a temporary repair to the front  
150 steps of the Town Clerk/Tax Collector's office and that a price of \$11,750 would be needed to finish the work  
151 on the building.

152 **Motion by Selectwoman Kilgore to move forward with SRS Masonry Construction Inc. proposal of**  
153 **December 7, 2017 with a price of \$11,750. Seconded by Selectman Miller. Motion carries 3-0.**

154 **12. Items Left on the Table**

155 12.1 Discussion of Undesignated Fund Balance and Funding of Warrant Articles

156 Chief Tully stated warrant articles needed to be prepared by January 8, 2018. He reminded the Select Board  
157 that the Department of Revenue Administration will need to review as well.

158 Chief Tully stated he would like to have a workshop with the Select Board during the first week of January.

159 The Select Board reviewed the Recreation Revolving Fund, Coakley Landfill, Road Reclamation, Accured  
160 Benefit Liability, Document Management, Earned Time Settlement Fund, Town Revaluation Fund, Ambulance  
161 Revolving fund.

162 Chair Maggiore stated he would speak to Cynthia Swank about the amount needed to implement the Document  
163 Management System.

164 Selectman Miller asked if there were enough funds in the Earned Time Settlement Fund.

165 Selectman Miller asked if the current van is useful to the town, instead of trading it in.

166 Selectman Miller asked to consider having the Septic System for the Town Hall as a warrant article.

167 Discussion was held regarding the \$5,000 increase in the Cemetery line, and the board decided it would be wise  
168 to have Cemetery Superintendent Brian Chevalier attend the next Select Board meeting.

169 The board discussed having two separate warrant article lists for their next meeting; the first list would be  
170 warrant articles by taxation, and the second list would be warrant articles out of the undesignated fund balance.  
171 The board asked to have and up to date accounting of all of the Capital Reserve Funds and Chief Tully stated he  
172 would ask Ryan Cornwell to put together that information.

173 **13. New Business**

174 13.1 HeartSafe Communities Award – William Wood, NH Bureau of Emergency Medical Services  
175 (This item was taken up at the beginning of the meeting.)  
176

177 13.2 Appointment to Seacoast Commission on Drinking Water  
178 **Motion by Selectman Miller to appoint Brendon Fennell to the Seacoast Commission on Drinking**  
179 **Water. Seconded by Selectwoman Kilgore. Motion carries 3-0.**  
180

181 13.3 Update of Community Newsletter Informal Meeting

182 (Secretary's Note: Chair Maggiore's letter of explanation is attached to these minutes.)

183  
184 13.4 Discussion of North Hampton Tax Rate and Informational Notice Inserted into Tax Bills

185  
186 Chief Tully stated the tax rate had been set on Wednesday, December 6, 2017 at \$18.50 and an additional  
187 .15 for Little Boar's Head. He further stated the bills would be mailed this week and would like the Select  
188 Board's approval to insert and information sheet on how and where the tax rate changed.

189  
190 Selectman Miller stated the "( )" should be removed on the sheet and replaced with "+" or "-" to make it  
191 easier to understand. He also suggested increasing the font size.

192  
193 **Motion by Selectman Miller to include the tax rate information with the "( )" being changed to "+"**  
194 **or "-". Seconded by Selectwoman Kilgore. Motion carries 3-0.**

195  
196  
197 **14. Minutes of Prior Meetings**

198 14.1 Approval of November 13, 2017 Meeting Minutes

199 Chair Maggiore stated he did not have a chance to read either set of minutes, and would be abstaining from  
200 the vote.

201  
202 Selectwoman Kilgore stated the attachment of the budget is useless because it cannot be read.

203  
204 **Motion by Selectman Miller to approve the November 13, 2017 minutes as provided. Seconded by**  
205 **Selectwoman Kilgore. Motion carries 2-0-1.**

206  
207 14.2 Approval of November 27, 2017 Meeting Minutes

208 **Motion by Selectwoman Kilgore to accepted the November 27, 2017 minutes as presented in the**  
209 **packet. Seconded by Selectman Miller. Motion carries 2-0-1.**

210  
211 **15. Any Other Item that may legally come before the Board**

212  
213 The Board reserves the right to take action on any item relative to the prudential administration of the  
214 Town's affairs, which circumstances may require.

215 **16. Second Public Comment Session**

216 See Item 7, above.

217  
218 Rick Stanton, Walnut Avenue stated he supports the idea of Dump Truck being a warrant article because of  
219 the cost savings in future years. He stated an amount of \$29,000 would be saved over a period of seven  
220 years which would result as a 2.9 cents savings on the tax rate each year.

221  
222 Laurel Pohl, North Road stated a backup server should be investigated that also has cloud storage/backup.

223 **17. Adjournment**

224 Meeting adjourned at 9:10 PM.

225  
226  
227 Respectfully,  
228 Janet L. Facella  
229

December 11, 2017

Dear North Hampton Select Board,

I would like to respond to comments and questions about the Lamprey Conservation Property made by members of the select board.

→ Article 34

1) Mr. Maggiore stated that the judge ruled article 34, the Lamprey, was unenforceable. In fact, the judge rules that article 33 and 35 were unenforceable. He did not hear or rule on article 34. Mr. Maggiore's statement is incorrect.

2) During a select board meeting, a question was asked why these three articles were placed on the warrant. The select board's refusal to enforce violations and to stop the destruction of this gift to the town, concerned residents placed these articles on the warrant. I sponsored the Lamprey Article.

3) A select board member stated only five people were concerned about the Lamprey Conservation Property which is not true. In March, three hundred and eighty five residents voted on the warrant article to restore the property to its original state.

4) Mr. Miller said there is no proof that there are violations to these easements. There is 24 acres of proof on Atlantic Ave. The discharge of thousands of cubic yards of contaminated soil, sand, dirt, rocks, cement, septic system and nonagricultural trees is enough evidence. Civil law requires that a person show that the evidence is "more likely than not" that these allegations are true.

Selectman Miller's insistence that these easements can be violated is because of Attorney General Foster's opinion. The opinion also mentions that when an issue is presented before a board, it is the duty of the board to look into the issue. Selectman Miller responded that he did not investigate. The attorney general's opinion is not law, the New Hampshire RSA's are.

Town officers dismissed New Hampshire law by violating the following RSA's.

1) RSA 91A:3 Nonpublic sessions. Section I(a) states "public bodies shall not meet in nonpublic session, except for one of the purposes set out in paragraph II ( 12 exceptions which do not apply).

2) RSA 91A:2 "subject to the provisions of RSA 91:3, "All meetings whether held in person, by means of telephone or electronic communications, or in any other manner, shall be open to the public". A violation of civil law requires a lower threshold of proof than criminal law. There were no notices, videos, recordings or minutes to any of these meetings, yet the owner did not take this upon himself and the damage can easily be visible.

3) RSA 91A:2II (d) States "Any meeting held in pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91A:1".

In an email dated Nov. 7, 2014, the town administrator, being an attorney, counseled the conservation commission not to answer any questions. "Given the possibility of litigation here, it seems we might want to involve Matt at some point". Matt is the town's attorney.

The two town officers who were instrumental in the forfeiture of this gift resigned within month's after it was publicly announced at a select board meeting that they violated state law so that the owner could violate the Lamprey Deed. Any agreement made in a nonpublic meeting is invalid and all easement violations are subject to restoration.

The violations of the New Hampshire RSA's by town officers, the approval and support of the select board for these offences, the owners bringing suit in Superior Court to prevent the exposure of their intent on the town warrant, the numerous false statements by select board members concerning this issue, and the resignation of the two town officers show cause and effect to this property.

Sheep, livestock and agriculture are allowed by the conservation deed and welcomed. The destruction of this property was not necessary to graze sheep, livestock or crops.

The owner and town officers involved were aware that if these actions were exposed, it would be the responsibility of the owner to rectify the easement violations. This is clear in Section 6(c) of the Lamprey Deed. Which states: "If Grantor (owner) fails to take curative action, the Grantee, its successors, agent or assigns, may undertake any actions to cure such breach, and cost thereof, including Grantees expenses, court costs and legal fees shall be paid by said Grantor".

This generous conservation easement gift from Morris Lamprey belongs to its rightful owners, the citizens of North Hampton, and not for the benefit of one or two people.

Sincerely,

  
William J. Gosselin

## Janet Facella

---

**From:** Michael Tully  
**Sent:** Thursday, December 07, 2017 3:07 PM  
**To:** Janet Facella  
**Subject:** FW: Community newsletter ad

Jan,

Can you include this letter from Mr. Maggiore in the packet?

Thank you,

Michael J. Tully  
Interim Town Administrator  
Town of North Hampton, NH  
[mtully@northhampton-nh.gov](mailto:mtully@northhampton-nh.gov)  
(603) 964-8087

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**From:** Michael J. Tully [mailto:mjtsafety@aol.com]  
**Sent:** Thursday, November 30, 2017 2:49 PM  
**To:** Michael Tully  
**Subject:** Fwd: Community newsletter ad

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**From:** Jim Maggiore <[mjmaggiore@comcast.net](mailto:mjmaggiore@comcast.net)>  
**Sent:** November 29, 2017 5:42:10 PM EST  
**To:** Chief Tully <[mjtsafety@aol.com](mailto:mjtsafety@aol.com)>  
**Subject:** Community newsletter ad

Hello Chief,

Would you please forward this email to Kathy and Larry?

Thanks.

*Chief Tully and members of the Select Board.*

*As you will recall from our October budget workshop meeting I offered to speak to a representative from the North Hampton Business Association about any interest in adding advertising to the community newsletter. NHBA board member Kirsten Larsen Schultz and I were finally able to meet for approximately 45 minutes this past Monday, November 27th at 9:00 AM at Philbrick's Fresh Market.*

*Kirsten and I agreed that in this initial meeting neither of us would be speaking unilaterally for our Boards and neither of us would be making decisions for our Boards.*

*The salient points of our discussion include the following:*



- *There is interest in the idea from both parties,*
- *There is enough potential benefit for both the Town, the business community, and the NHBA for a larger, more representative group to meet,*
- *There are many questions that need to be asked and answered, including but not limited to:*
  - *who will “own” the responsibility of billing?*
  - *where would revenues be deposited or held?*
  - *who would be responsible for soliciting ads?*
  - *who will “own” the responsibility of layout and design?*
  - *do we want ads only or content with ads?*
  - *what will the additional costs be if additional pages are needed to cover additional content and/or ads?*
  - *would ads be placed throughout the newsletter or on one page only?*
  - *could inserts be used rather than additional pages?*
  - *do ads affect non-profit status?*
  - *does the Town envision a cost neutral product?*
  - *how do we measure success?*

*In order for the Select Board to gauge any level of interest in this project we need to have a discussion in either a workshop or regular meeting. Therefore I ask Chief Tully if he can add “Discussion of Advertising in the Community Newsletter” to a future meeting. I assume both sides will have many questions and ideas, therefore I do not see a rush to squeeze a meeting into our already busy December schedule. I suggest January or February for a meeting.*

*If you have any comments or questions, please forward them directly to the Chief.*

*Thanks!*

*Jim Maggiore*

--  
Sent from my Android device with K-9 Mail. Please excuse my brevity.

**Janet Facella**

---

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*Thanks!*

*Jim Maggiore*

--

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Michael J. Tully  
Interim Town Administrator

Municipal Offices  
233 Atlantic Avenue  
North Hampton, NH 03862  
mtully@northhampton-nh.gov  
Tel: (603) 964-8087  
Fax: (603) 964-1514



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE  
OFFICE of the TOWN ADMINISTRATOR

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**TOWN ADMINISTRATOR'S REPORT  
DECEMBER 11, 2017 SELECT BOARD MEETING**

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**REPORTING PERIOD**

The reporting period is from November 27, 2017 through December 11, 2017

**FINANCE**

The expenditure report is posted on the website. <https://www.northhampton-nh.gov/sites/northhamptonnh/files/pages/expense12042017.pdf>

FY 18 expenditures are within normal parameters, there are no alarming trends at this point. We are currently running approximately 1% to the positive.

**PRIORITIES**

**Personnel**

*Town Administration.* The process for the Town Administrator has continued. The field has been narrowed down to two candidates and final interviews with the Board have been scheduled.

*The Police Department.* The Police Department is currently working on a background for a candidate for the last Patrol position. Chief French has begun the process to fill the Deputy Chief position and will bring forward a candidate when the process has concluded.

*The Fire Department.* We received an update on parts for the Ladder Truck. The parts will be delivered in Mid-January and the truck will be repaired as soon as possible following their arrival.

*Building Department.* The process for the position of Building Inspector/Code Enforcement Officer has begun and interviews have been scheduled for mid-December. I will keep you updated on any developments.

### **Facilities**

*Town Hall.* I have met with one person and have received a quote for the scope of work. The quote is attached to the end of this report. I had an email communication with one other business and have been unable to contact the owner of the business through phone or email. I would suggest that the Board review and approve the quote attached if they would like the information in order to write the RFP.

*The Library.* The library newsletter has a deadline of January 20, 2018 for submissions in the next issue. If there is any information the Board would like to see included, please let me know.

*Stone Building.* The building inspector met with the contractor that will be repairing the steps as well as repointing of the building. It was decided that he will do a quick repair to the steps this week for safety reasons. I received a quote for the remainder of the work for \$11,750 which is attached.

### **Projects**

*Telephone System/Communications.* Chief French has finished his research on the Cell booster for the complex. He has contacted Verizon to order the equipment, which is currently out of stock. Verizon will contact us when a unit is available for install.

*Cell Tower.* Nothing new to report.

*Banners.* I have received the executed pole agreement from Fairpoint and the banners have been ordered. When they arrive we will install them, weather permitting.

*Regionalization.* Nothing new to report

*Perambulation.* Nothing new to report

*Aquarion.* Nothing new to report

*Coakley Landfill Group.* Nothing new to report

*Finance Policies:* Nothing new to report.

*FY 2019 Budget Preparation.* FY 19 budget preparation is ongoing. The Board voted out an operating and default budget on November 13, 2017. The Select Board presented the budget of a

1.99% increase to the Budget Committee on November 20<sup>th</sup> at 7:00 pm here in the Town Hall and currently Town Office personnel are working to gather further information requested by the Budget Committee. The Town will return to the Budget Committee on December 18, 2017 for the second review of the town budget.

*Junkyard Closures and/or New Problems:* We were able to secure an agreement with the owners of a property in which the Town has been taking legal action against. The agreement sets forth a timeline for work to be completed on the property in exchange for the Town holding back on legal action in the Courts. I will keep you updated.

*Trolley Bridge/Philbrick Pond Grant.* An informational meeting for affected residents was held in the Town Hall on November 30, 2017 at 7:00 pm. Mr. Musselman presented information and answered questions for the public on findings and the future direction of the project. Suggestions received from the public are currently being investigated.

*Hampton Rod and Gun Club:* Nothing new to report

*Storm-Water Regulations.* I have nothing new to report.

*Hazard Mitigation Plan.* The plan has been forwarded to the State for approval. We do not have an expected date for it to be returned with comments. I will keep the Board up to date with any information received.

*Recreation Activities.* December 16<sup>th</sup> will be the annual Santa's breakfast. There will be 3 seating's 8:30, 9:30, and 10:30. Interested families can register online through the Rec Department. The advertisement for the position of Recreation Director has closed, a resume sort will occur and interviews with qualified candidates will be scheduled as soon as practicable.

*Conservation Easement Deeds.* I have nothing new to report

*Mutual Aid.* I have nothing new to report.

*Economic Development.* The Economic Development Committee met on December 6, 2017. They have established a subcommittee to assist UNH with the survey. I will keep you updated when I know a definitive date the survey will occur.

*Facilities.* See, above.

*Document Management System.* Nothing new to report

*IT Issues:* We have had multiple issues with the back-up server over the last few weeks. PCG is aware and is working on the problem. The unit is near the end of its lifespan and was set to be replaced in August of 2018. I have instructed PCG to keep me updated so that we have the option of replacing the unit early as opposed to investing money into the current equipment. I will keep you updated.

*Deed Waiver/Modular Home Tax Abatement Policy.* We are currently working on a taxpayer agreement for one property and I will keep you aware as we move forward.

*Rails to Trails.* Nothing new to report

*Meeting Schedule:* This will be the only regularly scheduled meeting of the Select Board for the month of December. The next regularly scheduled meeting will be on January 8, 2017 at 7:00 pm.