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

4 **JULY 13, 2020 7:00 PM**

5 **NORTH HAMPTON TOWN HALL**

6 ***DRAFT MINUTES***  
7

8 SELECT BOARD MEMBERS PRESENT: Chairman Jim Maggiore, Vice Chairman James Sununu, Selectman  
9 Larry Miller

10  
11 ALSO PRESENT: Interim Town Administrator Michael Tully, Public Works Director John Hubbard, Police  
12 Chief Kathryn Mone, Building Inspector Travis Murray, Frank Arcidiacono of Conservation Commission,  
13 Joseph Lessard of MRI,  
14

15 **AGENDA**

16  
17 Chairman Jim Maggiore welcomed everyone to the July 13, 2020 North Hampton Regular Select Board  
18 Meeting and called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance.  
19

20 Chairman Maggiore said they were coming from 1 hour of Non-Public with no motions made.  
21

22 **First Public Comment Session**

23 *Call 603-758-1447 for Public Comments or access via Zoom; email: [jmaggiore@northhampton-nh.gov](mailto:jmaggiore@northhampton-nh.gov)*  
24

25 No Public Comments.  
26

27 **Consent Calendar**

- 28 5.1 Payroll Manifest of June 25, 2020 in the amount of \$87,858.86  
29 5.2 Payroll Manifest of July 2, 2020 in the amount of \$89,060.43  
30 5.3 Payroll Manifest of July 9, 2020 in the amount of \$244,233.00  
31 5.4 Accounts Payable Manifest of June 25, 2020 in the amount of \$99,169.36  
32 5.5 Accounts Payable Manifest of July 1, 2020 in the amount of \$1,409,815.41  
33  
34

35 ***Disclaimer –These minutes are prepared by the Recording Secretary within five (5) business days as required by***  
36 ***NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.***  
37

38 **A recording of the meeting can be found at: [http://www.townhallstreams.com/towns/north\\_hampton\\_nh](http://www.townhallstreams.com/towns/north_hampton_nh), and a**  
39 **DVD recording is available at the North Hampton Town Administrative Offices, 233 Atlantic Avenue, North**  
40 **Hampton, New Hampshire 03862.**

- 41
- 42 5.6 Accounts Payable Manifest of July 9, 2020 in the amount of \$333,151.28
  - 43 5.7 Approval of Land Use Change Tax
  - 44 5.8 Signature of Cemetery Deed
  - 45 5.9 Approval of Abatement Application
  - 46 5.10 Approval of Abatement Application
  - 47 5.11 Approval of Abatement Application
  - 48 5.12 Approval of Abatement Application
  - 49 5.13 Approval of Notice of Intent to Cut Wood & Timber
  - 50 5.14 Approval of Notice of Intent to Cut Wood & Timber

51

52 **Motion:** To accept the Consent Calendar as emended (Item 5.14 added).

53 **Motioned:** Selectman Miller

54 **Seconded:** Vice-Chair Sununu

55 **Vote:** Motion approved by a vote of 3-0

56

57 **Correspondence**

58 *Copies of all Correspondence will be attached to these minutes.*

59

60 *Correspondence from Nancy Monaghan, dated July 3, 2020*

61 Chairman Maggiore read the letter, addressed to Library Trustees and the Select Board, in full, which  
62 expressed concern about using the existing Library/Town Clerk parking lot as an access road to the new  
63 Library; referenced the Town Master Plan Vision Statement ensuring coordination of all Town  
64 departments for use of facilities to strengthen the municipal complex; and asking that Trustees support  
65 the Etela Plan which addresses access and safety issues and provides more parking.

66

67 *Correspondence from North Hampton Professional Firefighters Local 3211, dated June 22, 2020*

68 Regarding the contract between the Town of North Hampton and Professional Firefighters of North  
69 Hampton Local 3211 set to expire June 30, 2021, and their plans to begin negotiations for a Warrant on  
70 the March 2021 Ballot.

71

72 Chairman Maggiore said the Town usually responds to the letter in acknowledgement and the Attorneys  
73 contact each other; the Board will set up a team at the next meeting. Interim Town Administrator Tully  
74 said the attorney was already looking to plan this for fall.

75

76 *Correspondence from Virginia Peletsky, dated June 22, 2020*

77 Chairman Maggiore read the letter in full, praising the Department of Public Works for their work on  
78 Stevens Road, especially the "HUB crew".

79

80 *Correspondence from Jane Boesch, dated July 8, 2020*

81 Chairman Maggiore read the letter in full re: Clearing the Record. The letter stated that comments made  
82 by George Chauncey at the June 25, 2020 Library Public Hearing that the "majority" of people who spoke  
83 or sent comments were members of Step Up North Hampton were erroneous and said 73% were NOT  
84 Step Up members; he was also wrong to chastise citizens who express their beliefs.

85

86 **Committee Updates**

87  
88 Selectman Miller said the first *Economic Development Committee* meeting will be held Thursday June 16<sup>th</sup>  
89 at 5:00 pm as a Zoom meeting.

90  
91 Chairman Maggiore said the *Heritage Commission* will meet in the Mary Herbert Room Thursday at 9:30  
92 am by Zoom, and the *Water Commission* has not met.

93  
94 Selectman Miller said the *Budget Committee* has not met and the next meeting will be in August, probably  
95 with Little Boar's Head.

96  
97 **Report of the Interim Town Administrator**

98 *A copy of the Report of the Interim Town Administrator will be attached to these minutes.*  
99

100 **Report Period:** June 23, 2020 to July 10, 2020

101 Interim Town Administrator Tully said the Town ended FY2020 with approximately \$240,000 remaining  
102 and he will keep the Board updated as Finance Director Cornwell will be paying outstanding invoices up  
103 until September. **Police Department:** Administrative Assistant has resigned and they have posted the  
104 Deputy Chef position; **Fire Department:** Fire Chief position posted, closes July 31, 2020, hope to have filled  
105 by August.

106  
107 **Town Hall:** Therrien and Mr. Schnitzler working out schedule with a mid-August start date; truck damaged  
108 soffit of building and Mr. Schnitzler is assessing cost to repair; looking to assess the Bell for any repairs or  
109 needed cleaning and have Phil Davanza check the clock; coordinating project to ensure nothing forgotten.

110  
111 **Library:** Ron Lamarre met with Fire Department; job supervisor met with Town Administrator re  
112 construction trailer. Vice-Chair Sununu asked if the Library or their contractors spoke with the Department  
113 of Public Works about traffic safety and maintenance; Interim Town Administrator Tully said they had not.  
114 **Town Offices & Town Clerk's Office** have reopened with social distancing guidelines in place. **Philbrick**  
115 **Pond** Public Hearing at end of summer.

116  
117 **NEW BUSINESS**

118  
119 **10.1 Discussion of Public Hearing on Utility Poles** – Joseph Lessard, Municipal Resources Inc, (MRI)

120  
121 Mr. Lessard explained statute RSA-72:23 which provides that any agreement for use of Town property  
122 shall contain the language for the payment of taxes for the use of said property and the Town would need  
123 to hold a Public Hearing if they change the language in pole licenses to determine if it is in the Town's best  
124 interest to tax them. He said the other statutes cover telegraph and other companies in highway and their  
125 ability to use Government rights-of-way and be licensed to do so.

126  
127 Mr. Lessard said some issues have been sent to Superior Court and have been in litigation at least 10  
128 years, but it is clear towns have the right to tax and must have specific wording in the license. North  
129 Hampton licenses do not have that wording and a Public Hearing will need to be held to consider and  
130 discuss whether or not it is in the public interest.

131  
132 **Questions:** Selectman Miller asked if he was talking about the utility poles, and Mr. Lessard said not the  
133 poles themselves, but the fact they are on your property, taxing the value of their ability to use your  
134 property, which includes any service or underground conduits. He said some of the individual agreements

135 are included in franchise agreements, but every company will need to be notified of the Public Hearing.  
136 Interim Town Administrator Tully said he asked MRI to come in and discuss this so the Board could decide  
137 whether they want a public hearing scheduled.

138  
139 Selectman Miller asked how to establish a value of that in order to tax it, and Mr. Lessard said they have  
140 to look at the market, and said pole companies have leases to other companies to use their poles and the  
141 income data can be used to asses a value to be divided up amongst all users.

142  
143 **10.2 Discussion of Philbrick Pond** – Public Works Director John Hubbard and Frank Arcidiacono,  
144 Conservation Commission

145  
146 Interim Town Administrator Tully said Mr. Arcidiacono had taken the lead with others to push the Philbrick  
147 Pond Project forward; a letter for signatures to support a Coastal Resiliency Grant Application by the  
148 Nature Conservancy for help with funding is enclosed. He said they will provide an update on where we  
149 are and note a few areas that may pose a problem moving forward; a Public Hearing should be held.

150  
151 Frank Arcidiacono of the Conservation Commission said a few years ago a Philbrick Pond Saltmarsh  
152 Drainage Evaluation Study was completed recommending two items for the Town to move forward with  
153 to improve the health of the marsh. He said the Select Board agreed last year to support this project  
154 without committing to funding.

155  
156 Mr. Arcidiacono said the first part of the project is the culvert area on the westerly side of Ocean Boulevard  
157 at the pond entrance with a design plan to improve tidal range by changing the entrance to the culvert,  
158 removing the current cobble weir which is higher than the invert of the main culvert under Ocean  
159 Boulevard, and replace with a pre-cast concrete slab at the same elevation as the invert and pitching down  
160 to the trolley berm culvert. He said Nature Conservancy provided a grant to fund the design work done  
161 by CMA Engineers.

162  
163 Mr. Arcidiacono said owners on either side of Philbrick Pond have been notified and found the change  
164 acceptable asking only that construction be started after the summer season; if both are in agreement  
165 the only access will be through their properties. Also, DOT has indicated they want the Town to take  
166 responsibility in perpetuity for the maintenance, but implications are not known on whether DOT will hold  
167 the Town responsible for any future issues that may arise. He said the Nature Conservancy has applied to  
168 a private foundation for a grant to fund the construction phase, then go out to bid for costs and address  
169 the possibility of additional funding being needed.

170  
171 Mr. Arcidiacono said the second part of the project is the restoration of the marsh itself. He said after  
172 completion of the first part of the project the marsh will have more tidal range, so hydrology of the marsh  
173 should be improved with better flow of water. He said as yet there is no definite plan and recommended  
174 a plan be in place before the Public Meeting on the marsh restoration. He said there is a third Coastal  
175 Resiliency Grant the Nature Conservancy will apply for which needs to be in before the end of this month,  
176 which is the letter for the Board to sign tonight. A team has been assembled to come up with a plan, then  
177 have the Public Meeting, then discuss funding.

178  
179 Questions: Selectman Miller said the idea is to increase the flushing and asked if the Board would be  
180 looking to put in some kind of runnelling to allow standing water to leave. Mr. Arcidiacono said yes and  
181 explained that runnelling is narrow ditching about 6 inches deep to replace current ditches, which have

182 caused marsh degradation, with little channels to reach more areas of the marsh and move water more  
183 within the marsh.

184

185 Interim Town Administrator Tully said he drafted a letter to support the grant application and asked DPW  
186 Director John Hubbard to help address possible long-term effects of the State requirement that the Town  
187 take ownership on maintenance. Chairman Maggiore asked if DOT would be willing to explain what the  
188 maintenance would be and what it means.

189

190 Director Hubbard said he believes this is a title issue and will affect everyone involved with the water that  
191 comes into that marsh, abutters and anyone with property affected by it. He said water also flows into  
192 the marsh from Rye and other areas that would be affected by tidal flow, and said he was apprehensive  
193 to take the liability of future maintenance on that section, especially Route 1A. He said at some point NH  
194 DES will look to the Town to take that entire marsh over and maintain it. Mr. Arcidiacono said the entire  
195 marsh is privately owned.

196

197 Interim Town Administrator Tully said he has not seen any wording yet from the State, and was just giving  
198 the Board a heads up so they are aware, and would continue moving forward with the grant. Chairman  
199 Maggiore asked if the Town should have some type of cooperative agreement with Rye about liability,  
200 and Director Hubbard said possibly. Procedural issues will need to be addressed by Mr. Bennett at some  
201 point before they go ahead with the Department Project.

202

203 **Motion:** To approve the letter of support for the Grant Application as drafted.

204 **Motioned:** Vice-Chair Sununu

205 **Seconded:** Selectman Miller

206 **Vote:** Motion approved by a vote of 3-0.

207

### 208 **10.3 Code Enforcement Policies & Procedures** – Building Inspector Travis Murray

209

210 Chairman Maggiore said several meetings ago the Board discussed how complaints coming into the Town  
211 will be handled. Interim Town Administrator Tully said Mr. Murray put together this policy but it was late  
212 getting out because of computer problems. Vice-Chair Sununu said he did not have time to read it today  
213 and suggested it be postponed until the next meeting and provide any feedback in the interim.

214

215 Building Inspector Travis Murray said this was put together because their policy is not written down  
216 anywhere and said most complaints are written complaints. He provided a basic outline of what Code  
217 Enforcement is for and why it is done based on their current procedures. Chairman Maggiore said to  
218 summarize, written complaints are requested so there is a basis on which to act, then a file created with  
219 transparency for both parties. Building Inspector Murray added that it also does not limit him to act on  
220 his own behalf. He asked the Board to email changes to him, and let him know if they want more detail in  
221 the policy.

222

### 223 **10.4 Acceptance of Police Department Grant Pursuant to RSA 21-P:43**

224

225 Police Chief Kathryn Mone said the Police Department submitted a grant application on May 5, 2020 to  
226 the Department of Justice for funding through Coronavirus Emergency Supplemental Funding Program  
227 and did receive the requested \$15,305 in funds for 2 items: \$305 for a thermometer, and \$15,000 for the  
228 mobile messaging board.

229

230 Selectman Miller asked if they needed a Public Hearing to accept more than \$10,000, and Chairman  
231 Maggiore said they do but under RSA 21-P:43 this is considered an emergency situation. Interim Town  
232 Administer Tully said also the statute allows Emergency Management to accept funds not covered in other  
233 statutes.

234

235 **Motion:** That the Town of North Hampton, NH, under the authority of NH RSA 21-P:43, accept funds and  
236 enter into a grant agreement with the New Hampshire Department of Justice in the amount of \$15,305.  
237 Further, the Select Board empowers Michael Tully, Town Administrator, and Kathryn Mone, Chief of  
238 Police, as designated signing authorities for the Town of North Hampton in pursuit of these funds.

239 **Motioned:** Chairman Maggiore

240 **Seconded:** Vice-Chair Sununu

241 **Vote:** Motion approved by a vote of 3-0

242

#### 243 **10.6 Appointments to the Economic Development Committee**

244

245 Letter dated July 8, 2020 from Richard Luff, Chair of the Economic Development Committee, asking that  
246 7 current members of the Committee be reappointed for one more year expiring March 2021: David  
247 Ciccalone, Richard Luff, Glenn Martin, Jonathan Pinette, Les Stachow, Gary Stevens, and Jeff Hillier.

248

249 Interim Town Administrator Tully said several others have shown interest in being on the Committee: Bill  
250 Kibbe, Maryann von Jess, and Tom Muldowney as well as Frank Ferraro and Laurel Pohl. He said some are  
251 representatives of a board and some are community members; other standing members are Renee Locke,  
252 Business Association Rep, Phil Wilson, Planning Board Rep, and Select Board Rep Larry Miller.

253

254 **Motion:** To approve the Economic Development Committee members as presented by Mr. Luff.

255 **Motioned:** Vice-Chair Sununu

256 **Seconded:** Selectman Miller

257 **Vote:** Motion approved by a vote of 3-0

258

#### 259 **10.5 Appointments to the Agriculture Commission**

260

261 Letter dated June 24, 2020 requesting the appointment of Cindy Jenkins as Alternate Member of the  
262 Agriculture Commission, term to expire March 2021.

263

264 **Motion:** To appoint Cindy Jenkins as Alternate to the Agriculture Commission, term to expire March 2021.

265 **Motioned:** Selectman Miller

266 **Seconded:** Vice-Chair Sununu

267 **Vote:** Motion approved by a vote of 3-0

268

#### 269 **10.7 Discussion of Future Assessing Needs**

270

271 Interim Town Administrator Tully said the Town currently uses Municipal Resources, Inc (MRI) to meet  
272 assessing needs and has a long working relationship with the company and are currently at the end of  
273 their contract. He said MRI agreed to take the Town's contract for 2 more months at no increase while  
274 they decide the Board's direction. He said there are other options out there, which may involve changing  
275 and paying for new software. He said MRI presented 2 proposals: a 1-year contract with 2%, or a 3-year  
276 contract with no increase the first year which would take them to the next Town revaluation.

277

Select Board Regular Meeting

July 13, 2020

278 Vice-Chair Sununu said he appreciates the 2-month extension, but feels reluctant to approve without  
279 going out to RFP for a signed contract. Selectman Miller asked if the 2-month MRI extension would be  
280 long enough, and Interim Town Administrator Tully said MRI would probably extend that if they were  
281 interested in a longer process.

282  
283 **Motion:** Move to instruct the Town Administrator to put together an RFP for Assessing Services to be put  
284 out to bid.

285 **Motioned:** Vice-Chair Sununu

286 **Seconded:** Selectman Miller

287 **Vote:** Motion approved by a vote of 3-0

288  
289 Interim Town Administrator Tully said he had already signed the MRI 2-month extension.

290  
291 **MINUTES OF PRIOR MEETINGS**

292  
293 **Approval of the Regular Meeting Minutes of June 22, 2020**

294 **Motion:** To approve the Minutes of the Regular Meeting of June 22, 2020 as presented.

295 **Motioned:** Vice-Chair Sununu

296 **Seconded:** Selectman Miller

297 **Vote:** Motion approved by a vote of 3-0

298  
299 **Approval of the Meeting Minutes of June 25, 2020**

300 **Motion:** To approve the Meeting Minutes of June 25, 2020.

301 **Motioned:** Vice-Chair Sununu

302 **Seconded:** Selectman Miller

303 **Vote:** Motion approved by a vote of 3-0

304  
305 **Approval of the Meeting Minutes of June 30, 2020**

306 **Motion:** To approve the Meeting Minutes of June 30, 2020 as presented.

307 **Motioned:** Vice-Chair Sununu

308 **Seconded:** Selectman Miller

309 **Vote:** Motion approved by a vote of 3-0

310  
311 **Approval of Non-Public Meeting Minutes of June 8, 2020**

312 **Approval of Non-Public Meeting Minutes of June 16, 2020**

313 **Approval of Non-Public Meeting Minutes of June 23, 2020**

314 **Approval of Non-Public Meeting Minutes of June 24, 2020**

315 **Approval of Non-Public Meeting Minutes of June 23, 2020**

316 **Approval of Non-Public Meeting Minutes of June 24, 2020**

317 **Approval of Non-Public Meeting Minutes of June 29, 2020**

318 **Approval of Non-Public Meeting Minutes of June 30, 2020**

319  
320 **Motion:** To approve the Non-Public Meeting Minutes of June 8, June 15, June 23, June 24, June 23, June

321 24, June 29, and June 30, 2020.

322 **Motioned:** Vice-Chair Sununu

Select Board Regular Meeting  
July 13, 2020

323 **Seconded:** Selectman Miller  
324 **Vote:** Motion approved by a vote of 3-0

325  
326 Interim town Administrator Tully said the Non-Public Meeting Minutes of June 8 and June 30, 2020 need  
327 to remain sealed.

328  
329 **Motion:** Motion to unseal the Non-Public Meeting Minutes from June 15, June 23, June 24, June 23, June  
330 24, and June 29, 2020.

331 **Motioned:** Vice-Chair Sununu  
332 **Seconded:** Selectman Miller  
333 **Vote:** Motion approved by a vote of 3-0

334  
335 **Any other Item that may legally come before the Board**

336  
337 **Second Public Comment Session**  
338 *Call 603-758-1447 for Public Comments or access via Zoom; email: [jmaggiore@northhampton-nh.gov](mailto:jmaggiore@northhampton-nh.gov)*

339  
340 No Public Comments.

341  
342 **Next Regular Meeting:** July 27, 2020 at 7:00 pm in Town Hall.

343  
344 **Adjournment**

345  
346 Chairman Maggioro adjourned the meeting at 8:39 pm.

347  
348 Respectfully submitted,  
349  
350 Patricia Denmark, Recording Secretary

351  
352